

THE NATIONAL ADDRESSING BILL, 2023

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SCHEDULE

THE NATIONAL ADDRESSING BILL, 2023

A Bill for

AN ACT of Parliament to establish the National Addressing Regulatory Framework; to establish the County Addressing Units; to make provision for the regulation of addressing and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

	PART I—PRELIMINARY
Short title.	1. This Act may be cited as the National Addressing Act, 2023.
Interpretation.	2. In this Act, unless the context otherwise requires—
	“address” means a unique combination of information that identifies and locates a particular physical location or property; ;
	“addressing” means the process of naming and numbering of addressable objects for purposes of allocating addresses;;
	“address data” means any information that relates to the identification and location of physical locations and properties and includes land parcels boundary, parcel numbers, registration sections, registration dates, retirement dates, road centre-lines, road classes, road identification, road names, county boundaries, water bodies, national boundary, ward boundaries, constituency boundaries, buildings, building units, building complexes, street names, geographical names, geo-codes and aerial imagery;
	“addressable object” means a physical location or property that can be assigned an address and include properties, street, and other physical features; ;

	“Authority” means the Communications Authority of Kenya;
	“Cabinet Secretary” means the Cabinet Secretary responsible for matters related to information, communication and technology;
	“County Unit” means the County Addressing Unit established under section 15;
	“County Executive Committee member” means the county executive committee member responsible for addressing in the respective county;
	“holder of address data” means any person that possesses address data;
No .31 of 2016.	“information” has the meaning assigned to it under section 2 of the Access to Information Act, 2016;
	“National Addressing Framework” means the National Addressing Framework established under section 12;
	“National Addressing System” means the National Addressing System of Kenya;
No. 17 of 1973	“National Addressing Standards” means the standards relating to matters of addressing declared in accordance with the Standards Act, 1973;
No. 2 of 1998	“Tribunal” means the Communications and Multimedia Appeals Tribunal established under section 102 of the Kenya Information and Communications Act, 1998.
Objects of the Act.	3. The objects of this Act are to—

	(a) provide a framework for the establishment of the National Addressing Framework; (b) establish and maintain a comprehensive and reliable National Addressing System; (c) develop national standards for addressing for both levels of government including acquisition, processing, analysis, storage and dissemination of address data; (d) develop or facilitate the development and allocation of addresses; (e) facilitate e-commerce through efficient delivery of goods and services; (f) promote better planning of essential services; and (g) promote provision of government services by both national and county governments;
Scope of the Act.	4. (1) This Act shall apply to— (a) the addressing of addressable objects; and (b) any person dealing with matters relating to addressing or holders of address data. (2) Every addressing by national or a county government shall be carried out in accordance with this Act.
Guiding principles.	5. (1) The discharge of functions under this Act shall be guided by the principles set out in Articles 10, 31, 43, 60 and 232 of the Constitution. (2) Despite the generality of subsection (1), the guiding principles under this Act shall be to— (a) enhance inclusivity and participatory governance; (b) respect for the functional and institutional integrity of the two levels of government; and (c) enhance consultation and co-operation of the two levels of government as envisaged under Article 6(2) of the Constitution.

	PART II—ESTABLISHMENT OF THE INSTITUTIONAL FRAMEWORK ON NATIONAL ADDRESSING
Responsibilities of the Authority..	6. (1) The Authority shall— (a) establish, maintain and administer the addressing system for all properties, buildings, and other physical features in the country; (b) manage the use of shared infrastructure for the proper implementation of this Act; (c) facilitate the development and monitor the implementation of standards for Addressing; (d) undertake periodic verification of addresses assigned and registered with the National Address System to ensure their accuracy and currency; (e) establish procedures for verifying and validating addresses within the country; (f) ensure that all addressable objects in the country are identified by an address assigned under the Act; (g) provide technical assistance on matters relating to the addressing, including the implementation of addressing standards; (h) coordinate with relevant stakeholders, including county governments, postal services, emergency services, and telecommunications companies, to ensure the seamless integration of the addressing system with their respective operations interface with holders of address data to ensure compliance with this Act; (i) receive and store address data from holders of address data; (j) conduct public awareness and education campaigns to promote the benefits of the addressing system; (k) facilitate alternative dispute resolution mechanisms on disputes arising under this Act;

	(l) enforce compliance with addressing under this Act; and (m) perform such other related functions as may be directed by the Cabinet Secretary. (2) The Authority shall have all the powers necessary for the performance of its functions under this Act and, in particular, shall have the power to— (a) recommend to any level of government on any matter under the Act and the attendant Regulations; (b) requisition reports, records, documents or any information from any person or entity for the furtherance of its functions; (c) summon any person to attend a meeting or provide information for the purposes of the Act; and (d) give administrative direction on any matter under the Act.
	PART III— THE NATIONAL ADDRESSING FRAMEWORK
Establishment of National Addressing Framework.	7. (1) There is established the National Addressing Framework which consists of the— (a) National Addressing Standards; (b) procedures, policies, guidelines formulated by the Authority for purposes of addressing; and (c) National Addressing System.
No. 5 of 2018.	(2) The National Addressing System shall operate as the primary source of information on addresses and addressing in Kenya. (3) The National Addressing System shall be designated as a critical information infrastructure and protected computer system in accordance with section 20 (2) of the Computer Misuse and Cybercrimes Act, 2018.

Address registration.	8. (1) Every person who owns or occupies a property, building or other physical feature in the country shall be required to register with the Authority to be assigned an address. (2) The Authority may require any person to provide such information as it considers necessary for the proper registration and administration of an address. (3) The information required under subsection (2) may include— (a) the name of the owner or occupant of the property, building, or other feature; (b) the physical address, including street name or number, locality, town, city, county, and region; (c) postal code or other identifier for the delivery of mail or other products and services.
Input into the National Addressing System.	9. (1) Every holder of address data shall input into the National Addressing System all address data held by it in a manner directed by the Authority.
	(2) An address shall be allocated in the manner set out by the Authority.
	(3) A holder of address data who fails to comply with this section commits an offence.
	(4) Details under this section shall be prescribed by Regulations made under this Act.

Assignment of addresses.	10. (1) Every property and location in Kenya shall be assigned a unique address under this Act. (2) The assignment of addresses may be based on the physical location and characteristics of the property, building, or other feature. (3) The criteria for assigning addresses shall take into account the type and use of the property or building, the location, and any other relevant factors. (4) The Authority shall ensure that all assigned addresses are unique, consistent and accurate, and shall take measures to prevent the assignment of duplicate or conflicting addresses. (5) Every property owner shall display the assigned address on the property in a visible and legible manner. (6) Where a property owner changes the address of the property, the owner shall notify the Authority within thirty days of the change. (7) The Authority shall upon verification, update the addresses database. (8) The Authority shall maintain a system for updating the National Address System to reflect changes in the physical characteristics or ownership of properties or buildings.
Principles of national addressing	11. (1) The National Addressing System shall be guided by the principles that — (a) each property, building or other physical feature in Kenya shall be assigned a unique address that distinguishes it from all other addresses in the country; and (b) a format and structure of addresses shall be consistent throughout the country, to ensure ease of use and accuracy in addressing.

	(2) The national addressing system shall cover all areas in the country, including urban and rural areas, and shall assign unique addresses to all properties, buildings and other physical features. (3) The National Addressing System shall— (a) aim to assign addresses that are accurate and precise, and that reflect the actual location and characteristics of the property, building or other feature; (b) ensure that addresses are easily accessible and usable by all stakeholders, including residents, businesses, government agencies and emergency responders; (c) be maintained and updated on an ongoing basis, to ensure that addresses remain valid and accurate over time; (d) be interoperable to allow for the seamless exchange of address information between different users and systems; (e) respect the privacy of individuals and organizations, and shall ensure that personal data related to addresses is protected; (f) be innovative, and shall embrace new technologies and approaches to improve its efficiency, accuracy and accessibility; (g) encourage collaboration among stakeholders; ; and (h) serve the public interest and shall be designed and operated in a manner that benefits all the people and contributes to the development of the country.
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	(4) The Authority shall be guided by the principles under this section, in carrying out its functions under this Act. (5) The Authority shall ensure that the principles under this section are communicated effectively to all stakeholders.
Format of an address.	12. (1) Every address assigned under this Act shall be in a standard format set out by the Authority, which may include – (a) name of the recipient or addressee; (b) name of the property, building or other feature; (c) street name or number, or other identifier for the location of the property, building or other feature; (d) name of the locality, town or city; (e) name of the county or region; (f) postal code or other identifier for the delivery of mail or other products and services. (2) The Authority may by notice in a <i>Gazette</i> specify variations or adaptations to the standard format of an address for particular types of properties, buildings or other features or for particular regions or localities.
Verification of addresses	13. The Authority may undertake periodic verification of addresses assigned and registered with the National Address System to ensure their accuracy and currency.
	PART IV— THE COUNTY ADDRESSING UNIT
Implementation at the county	14. A County Executive Committee Member responsible for physical planning in each county shall be responsible for efficient implementation of this Act within a county.

Functions of the County Addressing Unit.	15. (1) Each County shall establish an addressing Unit within the county public service, responsible for conducting addressing tasks under this Act under the general supervision of the County Executive Committee Member. (2) The functions of the Unit shall be to— (a) ensure conformity with this Act in addressing of addressable objects in the county; (b) implement addressing in the county; (c) coordinate with the Authority on the implementation of this Act; (d) prepare and submit progress and implementation reports to the Authority; (e) facilitate periodic review of the addressing activities Authority; (f) create public awareness on the requirements of the Act; (g) facilitate alternative dispute resolution mechanisms on disputes arising in the implementation of this Act; (h) supervise the installation of signage containing addresses allocated under this Act for addressable objects within the county; and (i) perform any other function necessary for the effective discharge of their mandate.
Powers of the Unit.	16. The Unit shall have the power to— (a) require any person to adopt addresses within the county in accordance with this Act; and (b) require any non-compliance to be remedied within a specified timeframe.

County Addressing Forum	17. (1) A County Governor may establish a County Addressing Coordination Forum to facilitate and coordinate the efficient rollout and administration of the addressing within the county. (2) The Forum may consist of essential stakeholders needed for the effective implementation of addressing in the county, and shall serve for a period deemed appropriate by the Governor. (3) The functions of the Forum shall be to— (a) provide a forum for consultation on County addressing; (b) promote effective coordination and integration of county addressing; (c) advise on the mobilization of adequate resources for the preparation and implementation of addressing strategies; and (d) facilitate universal assignment of an address in a county. (4) Where established, the Unit shall serve as the secretariat of the Forum.
	PART V—OFFENCES AND PENALTIES
Offences. <i>No. 5 of 2018.</i>	18. A penalty for an offence relating to a critical information infrastructure and protected computer system provided under section 7 (3) of this Act, read together with sections 14, 15, 16 and 17 of the Computer Misuse and Cybercrimes Act, 2018 shall, with necessary modifications apply under this Act.
General Offences.	19. Any person who— (a) fails to provide the Authority with address data under the Act; (b) carries out addressing within the Republic contrary to this Act;

	(c) without justification or lawful authority, accesses or disseminates any data from the national addressing system; (d) holds himself out as having authority to perform any function or exercise any authority under the Act when he does not hold that authority; (e) abets or introduces any data into the national addressing system without approval of the Authority ; (f) vandalises any infrastructure developed under this Act; (g) obstructs, covers, paints over or in any way prevents any signage made under this Act; (h) fails to comply with any direction given by the Authority or any other entity under this Act; (i) furnishes the Authority any information or produces any document which is false or misleading; ; or (j) knowingly and willingly obstructs the Authority in the performance of any functions under this Act, commits an offence.
General penalty.	20. Any person who commits an offence under this Act for which no penalty is provided or who otherwise contravenes this Act shall, on conviction, be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.
	PART VI— PROVISIONS ON DELEGATED POWERS
Regulations.	21. (1) The Cabinet Secretary may make regulations for the better carrying out of the provisions and purposes of this Act.

No. 23 of 2013. (Cap. 2)	(2) In particular, and without prejudice to the generality of subsection (1), the Regulations may provide for— (a) procedure for addressing ; (b) criteria for addressing of addressable objects; (c) standards for addressing; (d) procedure for review, change, or addressing for new developments; (e) fees applicable under the Act; (f) criteria for change of names and address; (g) dispute resolution and complaints handling procedure for matters of addressing; (h) property numbering flow standards; (i) any other matter that the Cabinet Secretary may deem necessary. (3) For the purposes of Article 94(6) of the Constitution— (a) the purpose and objective of the delegation under this section is to enable the Cabinet Secretary to make regulations for better carrying into effect the provisions of this Act; (b) the authority of the Cabinet Secretary to make regulations under this Act will be limited to bringing into effect the provisions of this Act and fulfilment of the objectives specified under this section. (4) The principles and standards applicable to the delegated power referred to under this Act are those found in— (a) the Statutory Instruments Act, 2013; (b) the Interpretation and General Provisions Act; (c) the general rules of international law as specified under Article 2(5) of the Constitution; and
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	(d) any treaty and convention ratified by Kenya under Article 2(6) of the Constitution.				
Dispute Resolution. <i>No. 2 of 2012.</i>	22. (1) Where a dispute arises between the national and county government or amongst county governments in relation to any matter under this Act, the parties shall resolve the dispute in accordance with the mechanisms provided for under the Intergovernmental Relations Act, 2012.				
	(2) Where any person is aggrieved by a decision of the County Committee under this Act, the County Addressing Unit shall hear and determine, at the first instance, disputes including complaints or any other matter arising out of this Act in the manner prescribed.				
	(3) Despite subsection (2), any unresolved dispute relating to addressing at the County level may be referred to the Communications Authority of Kenya by the aggrieved party.				
	(4) Any party aggrieved by the decision of the Authority may appeal to the Tribunal.				
	(5) Any party aggrieved by the decision of the Tribunal may appeal to the High Court.				
Personal Data Protection. <i>No. 24 of 2019.</i>	23. The provisions of the Data Protection Act shall apply on any processing of personal data under this Act.				
Consequential amendments. .	24. The Acts of Parliament set out in the Schedule are amended in the manner specified..				
SCHEDULE CONSEQUENTIAL AMENDMENT (S. 27) The Kenya Information and Communications Act, 1998 is amended as follows—					
	<table> <tr> <th>Provision</th><th>Amendment</th></tr> <tr> <td>s. 2</td><td>Insert the following new definition in the proper alphabetical sequence—</td></tr> </table>	Provision	Amendment	s. 2	Insert the following new definition in the proper alphabetical sequence—
Provision	Amendment				
s. 2	Insert the following new definition in the proper alphabetical sequence—				

		“Addressing” has the meaning assigned to it under the National Addressing Act;
	s. 102(1)(b)	Insert the word “national addressing” immediately after the words “and experience in”.
	s. 102A(1)(c)	Insert the words “or the National Addressing Act” immediately after the words “under this Act”.
	s. 102C (3)	Insert the words “or the National Addressing Act” immediately after the words “Media Council Act”.
	s. 102C (6)	Insert the words “or the National Addressing Act” immediately after the words “Media Council Act”.
	s. 102D(1)(a)	Insert the words “or the National Addressing Act” immediately after the words “Media Council Act”.
	s. 102F (1)	Delete subsection (1) and substitute therefor the following new subsection— (1) Unless otherwise expressly provided in this Act, the Media Council Act, the National Addressing Act or any other law, where this Act, the Media Council Act or the National Addressing Act, empowers the Media Council, the Communications Authority of Kenya to make decisions, such decisions may be subject to an appeal to the Tribunal in accordance with such procedures as may be established by the Tribunal for that purpose.
The Physical and Land Use Planning Act, 2019 is amended as follows—		

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

Article 6(1) of the Constitution establishes two levels of government the national government and the county governments. The National Addressing Bill seeks to provide a Framework to the naming of streets and numbering of property in Kenya.

It is designed to assist the national and county governments to manage the process of establishing a coherent National Address System, by providing a common understanding of the standards and processes involved.

The Bill seeks to assist the county governments, in consultation with the national government, to coordinate, implement and manage the National Addressing System. The Framework also outlines the process of carrying out Addressing within a county, in general. The Framework also gives details on the role and responsibilities of the national government, county governments, local communities and other actors in implementation and management of the National Address System.

The Bill has also provided for a mechanism for resolving disputes arising from the implementation of the Act by establishing a Tribunal.

The specific provisions are as specified herein:

PART I (Clause 1- 5) of the Bill contains the preliminary provisions.

PART II (Clause 6) of the Bill contains provisions on responsibilities and powers of the Communications Authority of Kenya in relation to addressing.

PART III (Clause 7 – 13) of the Bill contains provisions on establishment of the National Addressing Framework, registration of addresses is contained in clause 8 and clause 10 provides for assignment of addresses.

PART IV (Clause 14-16) of the Bill contains provisions on the establishment of County Addressing Units. The part gives the functions of the County Addressing. Powers of the County Unit are also provided for in clause 16.

PART V (Clause 7) provides for offences. Clause 19 provides for general penalty.

PART VI (Clause 20) provides for power to make Regulations to give effect to the provisions of the Act.

PART VII—(Clause 21) provides for general matters such as dispute Resolution and the requirement for protection of personal data.

Statement on delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill delegates legislative power to the Cabinet Secretary to make regulations. The Bill does not limit any fundamental rights or freedoms.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill may occasion additional expenditure of public funds.

Statement as to whether the Bill Concerns County Governments

This Bill is a Bill concerning county governments within the meaning of Article 110 and the Fourth schedule to the Constitution.

Dated the....., 2023.

ELIUD OWALO
Cabinet Secretary for, Information, Communication,
Technology and Digital Economy.