

**THE NATIONAL ADDRESSING BILL, 2021**

**ARRANGEMENT OF CLAUSES**

*Section*

**PART I—PRELIMINARY**

- 1—Short title.
- 2—Interpretation.
- 3—Objects of the Act.
- 4—Scope of the Act.
- 5—Guiding principles.

**PART II— ESTABLISHMENT OF THE INSTITUTIONAL FRAMEWORK  
ON NATIONAL ADDRESSING**

- 6—Establishment of the Council.
- 7—Functions of the Council.
- 8—Meetings of the Council.
- 9—Reports by the Council.
- 10—Establishment of the Office of the Registrar.
- 11—Headquarters.
- 12—Qualification of the Registrar.
- 13—Vacation of office.
- 14—Removal from Office.
- 15—Functions of the Office of the Registrar.

**PART III— THE NATIONAL ADDRESSING FRAMEWORK**

- 16—Establishment of National Addressing Framework.
- 17—Input into the National Addressing System.
- 18—Addresses to be allocated.

**PART IV— ESTABLISHMENT OF COUNTY ADDRESSING CO-ORDINATION COMMITTEE**

19—Establishment of County Addressing Co-ordination Committee.

**PART V—OFFENCES AND PENALTIES**

20—Offences.

21—General offences.

22—Offences by bodies corporate or their employees.

23—General penalties.

**PART VI—PROVISIONS ON DELEGATED POWERS**

24—Regulations.

**PART VII—MISCELLANEOUS PROVISIONS**

25—Dispute resolution.

26—Financial arrangements.

27—Confidentiality.

28— Consequential amendments.

**SCHEDULE**

DRAFT FOR PUBLIC PARTICIPATION

## THE NATIONAL ADDRESSING BILL, 2021

### A Bill for

**AN ACT** of Parliament to give effect to Part 1, paragraphs 18(a) and (i) and 21 and Part 2 paragraphs 5(a) and (d) and 8(b) and (c) to the Fourth Schedule to the Constitution; to establish the National Addressing Council, the National Addressing Framework, the Office of the Registrar of Addresses and the County Addressing Co-ordination Committee; to provide a legal framework for the co-ordination of addressing activities; 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, 2021.

Interpretation.

2. In this Act, unless the context otherwise requires—

“address” means structured information that provides a clear and simple determination of an object for purposes of identification and location;

“addressing” means the naming and numbering of addressable objects for purposes of allocating addresses in accordance with this Act;

“address data” means any data required by the national addressing system including land parcels boundary, parcel numbers, registration sections, registration dates, retirement dates, road centre-lines, road classes, road identification, road names, county boundaries, national boundary, ward boundaries, constituency boundaries, buildings, building units, building complexes, street names, geographical names and aerial imagery;

“addressable object” means a street, property or any object that can be assigned an address;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters related to addressing;

“County Committee” means the County Addressing Co-ordination Committee established in section 19;

“Council” means the National Addressing Council established in section 6;

“custodians of address data” means any public or private body designated by the Cabinet Secretary by notice in the Gazette for the purposes of Part III of this Act;

No. 24 of 2019

“data” has the meaning assigned to it under section 2 of the Data Protection Act, 2019;

“information” has the meaning assigned to it under section 2 of the Access to Information Act;

“National Addressing Framework” means the National Addressing Framework established under section 16 of the Act;

“National Addressing System” means the system created and maintained by the Office under this Act;

“Office” means the Office of the Registrar of Addresses established under section 10;

“Registrar” means the Registrar of Addresses appointed under section 10;

Objects of the Act.

**3.** (1) The objects of this Act is to provide a legal framework for establishment and implementation of a cohesive and integrated National Addressing Framework in Kenya.

(2) Without prejudice to the generality of subsection (1), the objects of the Act shall include to—

(a) establish and maintain a comprehensive and reliable National Addressing Framework;

- (b) create and manage a National Addressing System;
- (c) help individuals secure a legal identity through addressing;
- (d) develop uniform standards for addressing for both levels of governments;
- (e) establishing a framework for standardizing the acquisition, processing, analysis, storage and dissemination of address data required to sustain and enhance national development;
- (f) facilitate the creation and location of addresses for easy identification of places;
- (g) facilitate e-commerce;
- (h) promote—
  - (i) for better planning and provision of essential services like water or electricity;
  - (ii) to offer a variety of other services such as financial, commercial, telecommunications, postal, direct marketing
  - (iii) to create accurate mapping systems and associated tools;
- (i) promote provision of public services including—
  - (i) postal and courier delivery;
  - (ii) physical addressing including roads, streets, property and buildings;
  - (iii) improve tax and revenue collection by Revenue agencies including promoting business generally and property taxation;
  - (iv) emergency service delivery through easy identification and navigation;
  - (v) demarcation of electoral wards for registration of voters;
  - (vi) security operations;
  - (vii) civil registration exercise;
  - (viii) population and housing census for collecting census demographic;
  - (ix) facilitate planning and implementation of public policies;
  - (x) facilitate disaster risk management and diseases through public campaigns; and

- (xi) business registration; and
- (xii) any other matter necessary to give effect to this Act.

Scope of the Act. **4.** (1) This Act shall apply to the addressing of addressable objects at the national and county governments.

(2) This Act shall apply to any person dealing with matters relating to addressing or custodians of address data in Kenya.

(3) For the avoidance of doubt, this Act shall apply to public and private addressable objects.

(4) Upon the commencement of this Act, no addressing may be carried out in Kenya otherwise than under this Act.

Guiding principles. **5.** (1) The discharge of functions under this Act, shall be guided by, the principles and values set out in Articles 10, 31, 43, 60 and 232 of the Constitution.

(2) Without prejudice of the generality of subsection (1), the guiding principles under this Act shall be to—

- (a) inclusive and participatory governance of the addressing regulatory framework;
- (b) respect for the functional and institutional integrity of the two levels of government;
- (c) promotion of national values and principles of governance provided under Article 10 of the Constitution;
- (d) promotion of equality and equity in service delivery;
- (e) objectivity and impartiality in decision making; and
- (f) the requirement for consultation and co-operation as provided under Article 6(2) of the Constitution.

**PART II— ESTABLISHMENT OF THE INSTITUTIONAL FRAMEWORK ON NATIONAL ADDRESSING**

***Establishment of the National Addressing Council***

Establishment of the Council. **6.** (1) There is established a National Addressing Council consisting of—

- (a) the Cabinet Secretary in the Ministry for the time being responsible for addressing who shall be the chairperson of the Council;
- (b) the Chairperson of the Council of Governors who shall be the Co- Chairperson;
- (c) the Cabinet Secretary in the Ministry for the time being responsible for Lands;
- (d) the Cabinet Secretary in the Ministry for the time being responsible for the National Treasury;
- (e) the Cabinet Secretary in the Ministry for the time being responsible for Transport;
- (f) the Cabinet Secretary in the Ministry for the time being responsible for Security;
- (g) the chairperson the National Land Commission;
- (h) the Attorney General; and
- (i) the Registrar who shall be the secretary to the Council and an *ex-officio* member of the Council.

Functions of the Council.

**7.** The functions of the Council shall be to—

- (a) advice and make recommendations to both levels of government on matters relating to addressing;
- (b) provide strategic direction on all matters relating to addressing;
- (c) facilitate alternative dispute resolution mechanisms for matters referred to it by the Office of the Registrar;
- (d) receive, consider and make decisions based on the reports and recommendations of the Registrar and the County Committee; and
- (e) perform any other function relevant to the execution of their mandate.

Meetings of the Council.

**8.** The Council shall—

- (a) meet at least four times in a year; and
- (b) conduct its meetings in the manner provided under the Schedule to this Act.

Reports by the

**9.** (1) The Council shall submit an annual report to the Cabinet

Council.

and County Assemblies within three months after the end of every financial year.

(2) The annual report referred to under subsection (1), shall contain compiled reports from the Office of the Registrar and the County Committee.

(3) The report under subsection (2) shall contain—

- (a) the activities undertaken by the Council, the Office of the Registrar and the County Committee during the year;
- (b) information on the addressing activities;
- (c) the utilization of any funds allocated for its functions; and
- (d) the status of implementation of plans and strategies for both levels of government.

(4) Upon receiving the annual report under subsection (1), the Cabinet and the County Assemblies, may make such recommendations to the Council as they may consider necessary.

(5) Despite subsection (1), the Cabinet or the county assemblies may, at any time, request information from the Council on any matter.

***Office of the Registrar of Addresses.***

Establishment of the Office of the Registrar.

**10.** (1) There is established an Office of the Registrar of Addresses which shall be an office within the Public Service.

(2) The Registrar shall be appointed by the Cabinet Secretary and shall be the head of the Office.

(3) The Registrar may be deputised by such number of Deputy Registrars as may be necessary for the proper and effective discharge of its functions under this Act and any other written law.

(4) The Public service shall appoint such number of staff to the Office as may be necessary.



Headquarters. **11.** (1) The Headquarters of the Office of the Registrar shall be in Nairobi.

(2) The Office may establish other offices it considers necessary for the discharge of its functions so far as it is appropriate to do so.

Qualification of  
the Registrar.

**12.** (1) A person shall be qualified for appointment as a Registrar under the Act, if that person—

- (a) holds at least a degree from a university recognized in Kenya;
- (b) has a distinguished career in a senior management position in either the private or public sector;
- (c) holds at least ten years' post-qualification professional experience; and
- (d) satisfies the requirements of Chapter Six of the Constitution.

(2) A person is not qualified for appointment as a Registrar, if that person—

- (a) is a member of Parliament or County Assembly;
- (b) is a member of a governing body of a political party;
- (c) is a member of a Commission established under the Constitution;
- (d) is an undischarged bankrupt;
- (e) has been removed from office for contravening the Constitution or any other law; or
- (f) has, in the conduct of his affairs, not met any statutory obligations.

Vacation of **13.** The Office of the Registrar, shall become vacant if the

office.

Registrar—

- (a) is unable to perform the functions of the office by reason of mental or physical infirmity;
- (b) is adjudged bankrupt;
- (c) is convicted of a criminal offence for a term of imprisonment for a period exceeding six months;
- (d) resigns, in writing, addressed, to the Cabinet Secretary;
- (e) violates Chapter Six of the Constitution; or
- (f) dies.

Removal from Office.

**14.** The Registrar may be removed from Office for—

- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
- (b) gross misconduct or misbehavior;
- (c) incompetence or neglect of duty;
- (d) non-compliance with the requirements of Chapter Six of the Constitution; or
- (e) any other ground that would lawfully justify removal from office under the terms and conditions of service.

Functions of the Office of the Registrar.

**15.** The Office of the Registrar shall—

- (a) oversee the implementation of and be responsible for the enforcement of this Act;
- (b) establish, manage, maintain and act as custodian of the National Addressing System;
- (c) coordinate use of shared infrastructure at both national and county levels for the purposes of proper implementation of this Act and implementation of a robust and secure National Addressing System;

- (d) facilitate alternative dispute resolution mechanisms on disputes arising under this Act;
- (e) coordinate with national and county governments to ensure that all addressable objects in Kenya can be identified by an address allocated under the Act;
- (f) provide advisory services on matters related to the addressing to the national and county governments;
- (g) develop and implement guidelines and standards for Addressing in Kenya;
- (h) monitor the implementation of standards for Addressing at national and county government levels;
- (i) coordinate with county governments to input address data into the National Addressing System;
- (j) collect and store address data from national and county governments for the purpose of maintaining an accurate and complete National Addressing System;
- (k) manage access to National Addressing System;
- (l) enforce compliance with addressing under this Act;
- (m) recommend to the Cabinet Secretary to Gazette any reasonable fees as may be deemed necessary for the proper administration of this Act; and
- (n) perform such other functions as may be prescribed by any other law or as necessary for the promotion of the objects of this Act.

### **PART III— THE NATIONAL ADDRESSING FRAMEWORK**

Establishment of  
National  
Addressing  
Framework.

**16.** (1) There is established the National Addressing Framework which shall consist of the –

- (a) National Addressing System;
- (b) any other information, technology, specifications, policies, standards, methodology, procedures, guidelines developed or controlled by the Office of the Registrar for purposes of addressing under the Act.

(2) The National Addressing Framework shall operate as the

single authoritative source of information on addresses and addressing in Kenya.

(3) If the Office of the Registrar shares information, including address data with any other agency or person, that agency or person is subject to the provisions of this Act relating to protection of address data information.

Input into the National Addressing System.

**17.** (1) Every holder of address data shall input into the National Addressing System all address data held by it in the prescribed form under the Act.

(2) A holder of address data who fails to comply with this section of the Act commits an offence.

Addresses to be allocated.

**18.** All addresses shall be allocated in the manner prescribed by the Office of the Registrar pursuant to this Act.

**PART IV— ESTABLISHMENT OF COUNTY ADDRESSING CO-ORDINATION COMMITTEE**

Establishment of County Addressing Co-ordination Committee.

**19.** (1) Each county government shall, establish a County Addressing Co-ordination Committee comprising—

- (a) a representative of the county executive committee member responsible for planning, who shall be the chairperson;
- (b) a representative of the Cabinet Secretary responsible for information technology, who shall be the co-chairperson;
- (c) a representative of the county executive committee member responsible for finance;
- (d) a representative of the Cabinet Secretary responsible for survey;
- (e) a representative of the Cabinet Secretary responsible for

interior;

- (f) a representative of the Cabinet Secretary responsible for lands;
- (g) a representative of the county executive committee member responsible for transport;
- (h) the county Attorney.

(2) County Committees may, by a resolution, co-opt such persons from the relevant County Government whose knowledge and skills are necessary for the performance of its functions, on such terms and conditions as the County Government considers necessary.

(3) A County Committee may establish such number of subcommittees as may be necessary to assist in the performance of its functions.

(4) The sub-committees constituted under subparagraph (3) shall—

- (a) consist of technical officers from within the county with skills and competencies;
- (b) necessary to undertake the functions of the committee; and
- (c) be answerable to the County Co-ordination Committee.

(5) A county government shall, for purposes of ensuring uniformity in addressing, implement the provisions of this Act.

(6) The County Committee established under subsection (1) shall have the following functions —

- (a) implement addressing in collaboration with relevant stakeholders, in accordance with this Act;
- (b) coordinate with the Office of the Registrar on the implementation of the provisions of this Act by the County;
- (c) prepare and submit progress and implementation reports to

- the Office of the Registrar;
- (d) facilitate periodic or *ad-hoc* audits of the addressing activities by the Office of the Registrar;
  - (e) ensure that the public awareness on the requirements of the Act;
  - (f) facilitate alternative dispute resolution mechanisms on disputes arising in the implementation of this Act;
  - (g) supervise the erection of signage containing addresses allocated under this Act for addressable objects within the county;
  - (h) collaborate with the Office of the Registrar; and
  - (i) perform any other function necessary for the effective discharge of their mandate.
- (7) The County Committee shall have all the powers necessary for the proper performance of its functions under this Act.
- (8) Without prejudice to the generality of subsection (4), the County Committee shall have the power to—
- (a) ensure conformity with this Act in addressing of addressable objects in the county;
  - (b) require institutions and persons to adopt addresses within the county in accordance with this Act; and
  - (c) require any non-compliance to be remedied within a specified timeframe as specified by the Office of the Registrar
- (9) The County Committee may engage such technical officers as may be required for the efficient operationalization of the National Addressing System and execution of their mandate, on such terms and conditions as the County Government considers necessary.

#### **PART V—OFFENCES AND PENALTIES**

Offences under  
No. 5 of 2018.

- 20.** (1) The National Addressing System is designated as a critical information infrastructure and protected computer system within the meaning of section 20 (2) of the Computer Misuse and Cybercrimes Act.

(2) A penalty for an offence relating to a protected computer system provided for under section 20, read together with sections 14, 15, 16, 17 of No.5 of 2018, shall, with necessary modifications apply under this Act.

General offences.

**21.** Any person who—

- (a) fails to deposit data on addressable objects under the Act;
- (b) without justification or lawful authority, accesses or disseminates any data from the repository;
- (c) holds himself out as having authority to perform any function or exercise any authority under the Act when he or she does not hold that authority;
- (d) abets or introduces any data into the repository without approval from the Registrar;
- (e) fails to comply with any direction given by the Office of the Registrar or any other entity under this Act;
- (f) furnishes the Office of the Registrar any information or produces or any document which is false or misleading in any material particular;
- (g) without authorization undertakes any addressing activity; or
- (h) knowingly and willingly obstructs an Officer of the Office of the Registrar in the performance of any functions under this Act;

commits an offence.

Offences by  
bodies corporate  
or their  
employees.

**22.** (1) When an offence is committed by a body corporate, the body corporate and every Secretary or officer of the body corporate who had knowledge or ought to have known of the commission of the offence and who did not exercise due diligence and efficiency to ensure compliance with this Act, commits an offence.

(2) Subject to subsection (1), a person shall be personally liable for an offence, whether committed by them on their own account or as an agent of the body corporate.

- General penalties. **23.** Any person who is guilty of an offence under this Act shall be liable to, —
- (a) in the case of a body corporate, a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding ten years or to both such fine and imprisonment; or
  - (b) in the case of an individual, a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

**PART VI—PROVISIONS ON DELEGATED POWERS**

- Regulations. **24.** (1) The Cabinet Secretary may, make Regulations generally for giving effect to this Act, and for prescribing anything required or necessary to be prescribed by or under this Act.
- (2) Without prejudice to the generality of subsection (1), Regulations made under that subsection may provide for—
- (a) procedure for addressing pursuant to the Act;
  - (a) guidelines for addressing;
  - (b) criteria for addressing of addressable objects;
  - (c) guidelines for renaming addressable objects;
  - (d) fees applicable under the Act;
  - (e) criteria for change of names and address;
  - (f) the levying of fees and taking of charges;
  - (g) the measures to manage and safeguard the National Addressing System; and
  - (h) any other matter that the Cabinet Secretary may deem fit.
- (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; and
  - (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 (No. 23 of 2013);



- (b) the Interpretation and General Provisions Act (Cap. 2);
- (c) the general rules of international law as specified under Article 2 (5) of the Constitution; and
- (d) any treaty and convention ratified by Kenya under Article 2 (6) of the Constitution.

**PART VII—MISCELLANEOUS PROVISIONS**

Dispute  
resolution.

**25.** (1) Where a dispute arises in relation to the addressing under this Act, the parties shall take all reasonable measures to resolve the disputes amicably in accordance with provisions of the Intergovernmental Relations Act, 2012.

(2) Despite subparagraph (1), any unresolved dispute relating to addressing at the County level may be referred to the Office of the Registrar by the aggrieved party.

(3) Where the Office of the Registrar is unable to resolve the dispute, it shall be referred to the Council for determination.

(4) Any party aggrieved by the decision of the Council may appeal to the High Court.

Financial  
arrangements.

**26.** (1) The expenses of the Council, the Office of the Registrar and the National Government officers involved in the implementation of this Act shall be paid out of the voted funds of the Ministry responsible for addressing.

(2) Every County Government shall meet the expenses of the respective County Co-ordination Committee and any county officers involved in the implementation of this Act.

Confidentiality.

**27.** The Council, the Registrar or any staff of the Office of the Registrar, the County Committee or any other staff shall not, unless with lawful authority, disclose any information obtained for the purposes of this Act.

Consequential  
amendments.

**28.** The laws specified under the Schedule are amended in the manner specified.

**DRAFT FOR PUBLIC PARTICIPATION**

**Dated the ....., 2021.**

**Joe Mucheru,**  
*Cabinet Secretary responsible for the Ministry of Information, Communication,  
Technology, Innovation and Youth Affairs.*

---