



*Approved
SNA
11/4/26*

PARLIAMENT
OF KENYA
LIBRARY

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026

PUBLIC PETITIONS COMMITTEE

REPORT ON-

CONSIDERATION OF PUBLIC PETITION NO. 14 OF 2025 BY HON. DANSON
MWASHAKO, MP ON BEHALF OF THE LICENSED MINISTERS OF FAITH FROM
TAITA TAVETA COUNTY REGARDING DELIVERY OF ORIGINAL MARRIAGE
CERTIFICATES TO THE REGISTRAR OF MARRIAGES IN NAIROBI



Directorate of Audit Appropriations &
General-Purpose Committees
Clerk's Chambers
Main Parliament Buildings
NAIROBI

THE NATIONAL ASSEMBLY
PAPERS LAID

DATE: 01 APR 2026

DAY.

wednesday

MARCH, 2026

TABLED
BY:

*Hon. Mwachigi Njeriga
Chair, Public Petitions*

CLERK-AT
TABLE:

Mado Miriam

Table of Contents

CHAIRPERSON'S FOREWORD.....	3
PART ONE	4
1. PREFACE	4
1.1 Establishment and Mandate of the Committee	4
1.2 Committee Membership	5
1.3 Committee Secretariat	6
PART TWO	7
2. BACKGROUND OF THE PETITION	7
2.1 Introduction	7
2.2 Prayers	8
3. STAKEHOLDERS' SUBMISSIONS	9
3.1 The Petitioner	9
3.2 Kenya Law Reform Commission	10
3.3 Office of the Attorney General	12
PART FOUR.....	14
4. COMMITTEE OBSERVATIONS.....	14
PART FIVE	15
5. COMMITTEE RECOMMENDATIONS.....	15

CHAIRPERSON'S FOREWORD

On behalf of the Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honour to present to this House the Report of the Committee on the Public Petition No. 14 of 2025 regarding the delivery of original marriage certificates to the registrar of marriages in Nairobi. The petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by the Member for Wundanyi Constituency on behalf of the licensed Ministers of faith from Taita Taveta County.

The petitioners prayed that the National Assembly, through the Public Petitions Committee, that the policy requiring licensed ministers of faith from all counties to physically deliver original marriage certificates to the Registrar of Marriages in Nairobi be revoked and that the the licensed ministers of faith be allowed to submit original marriage certificates to the Registrar of Marriages within their respective counties, with county offices bearing the responsibility of forwarding the documents to Nairobi.

The Committee observed that, the contested Notice was a reproduction of the already codified provisions under the Marriage Act, Cap 150, namely sections 2, 50 and 53 and did not introduce new laws, guidelines, or provisions.

The Committee also noted that the office of the Attorney General had decentralised its service in 23 of the 47 counties, with plans to expand to the remaining 24 counties. In this regard there is no justification to require officiating ministers in the 23 Counties with decentralized Attorney General Offices to submit original marriage certificates to Nairobi.

Further, the notice issued by the Registrar of Marriages, does not require the Ministers of Faith to physically travel to Nairobi as indicated in the petition. Other viable options for submission include courier or postal services, or church representatives.

The Committee recommends that the Attorney General issues a notice, within ninety days of tabling of this report, to clarify that officiating ministers can submit original marriage certificates to the respective county offices. The Committee recommends that; the Attorney General fast tracks the decentralization of offices in all Counties.

The Committee also recommends that the Attorney General develop and implements a secure online platform to facilitate the electronic submission of original marriage certificates.

The Committee appreciates the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support. The Chairperson expresses gratitude to the Committee Members for their devotion and commitment to duty during the consideration of the Petition.

On behalf of the Committee and pursuant to the provisions of Standing Order 199, I now wish to lay the Report on the Table of the House.

HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

PART ONE

1. PREFACE

1.1 Establishment and Mandate of the Committee

1. The Public Petitions Committee is established under the provisions of Standing Order 208A with the following terms of reference:
 - a) considering all public petitions tabled in the House;
 - b) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
 - c) recommending whether the findings arising from consideration of a petition should be debated; and
 - d) advising the House and reporting on all public petitions committed to it.

1.2 Committee Membership

2. The Public Petitions Committee was constituted in October 2022 and comprises the following Members:

Chairperson

Hon. Muchangi Karemba, CBS, M.P.
Runyenjes Constituency

United Democratic Alliance (UDA)

Vice Chairperson

Hon. Janet Jepkemboi Sitienei, M.P.
Turbo Constituency

United Democratic Alliance (UDA)

Hon. Patrick Makau King'ola, M.P.
Mavoko Constituency

**Wiper Democratic Movement-Kenya
(WDM-K)**

Hon. Edith Vethi Nyenze, M.P.
Kitui West Constituency

**Wiper Democratic Movement-Kenya (WDM-
K)**

Hon. Ntwiga Patrick Munene, M.P.
Chuka Igambang'ombe Constituency

United Democratic Alliance (UDA)

Hon. Maisori Marwa Kitayama, M.P.
Kuria East Constituency

United Democratic Alliance (UDA)

Hon. Joshua Chepyegon Kandie, M.P.
Baringo Central Constituency

United Democratic Alliance (UDA)

Hon. Beatrice Kadeveresia Elachi, M.P.
Dagoretti North Constituency

Orange Democratic Movement (ODM)

Hon. Bernard Muriuki Nebart, M.P.
Mbeere South Constituency

Independent

Hon. Biego Paul Kibichy, M.P.
Chesumei

United Democratic Alliance (UDA)

Hon. Peter Irungu Kihungi, M.P.
Kangema Constituency

Maendeleo Chap Chap Party (MCCP)

Hon. John Bwire Okano, M.P.
Taveta Constituency

**Wiper Democratic Movement-Kenya (WDM-
K)**

Hon. Peter Mbogho Shake, M.P.
Mwatate Constituency

Jubilee Party (JP)

Hon. Sloya Clement Logova, M.P.
Sabatia Constituency

United Democratic Alliance (UDA)

Hon. Suzanne Ndunge Kiamba, M.P.
Makueni Constituency

**Wiper Democratic Movement-Kenya
(WDM-K)**

1.3 Committee Secretariat

3. The Public Petitions Committee is facilitated by the following members of the secretariat:

Lead Clerk

Mr. Victor Weke

Principal Clerk Assistant II

Ms. Miriam Modo
First Clerk Assistant

Mr. Benard Toroitich
Third Clerk Assistant

Ms. Kafuyai Wamae
Third Clerk Assistant

Mr. Clinton Sindiga
Legal Counsel II

Ms. Nancy Akinyi
Research Officer III

Mr. Arkan Mumin
Research Officer III

Ms. Roselyne Njuki
Principal Serjeant-at-Arms

Mr. Paul Shana
Serjeant-at-Arms

Mr. Pascal Valerian
Hansard Officer III

Mr. Collins Mahamba
Audio Officer III

Ms. Felistus Muiya
Public Communication Officer

Mr. Calvin Karungo
Media Relations Officer III

PART TWO

2. BACKGROUND OF THE PETITION

2.1 Introduction

4. Article 119 of the Constitution of Kenya gives every person the right to petition Parliament to consider any matter within its authority, including enacting, amending, or repealing legislation.
5. Public Petition No. 14 of 2025 regarding the delivery of original marriage certificates to the Registrar of Marriages in Nairobi was presented to the House on 30th September 2025 by the Member for Wundanyi Constituency on behalf of the licensed Ministers of faith from Taita Taveta County.
6. The petitioners averred that Article 45 of the Constitution of Kenya recognises the family as the natural and fundamental unit of society, and requires the State to recognise and protect it. In giving effect to this provision, Parliament enacted the Marriage Act, 2014.
7. They stated that the Marriage Act, 2014, recognises five (5) systems of marriage, namely: civil, Christian, Hindu, customary, and Islamic marriages. Section 50 of the Act establishes the office of the Registrar of Marriages and empowers the Registrar to appoint marriage officers at national and county levels.
8. The petitioners further submitted that on 3rd September 2024, the Registrar of Marriages published a notice in the national daily newspapers directing licensed ministers of faith and gazetted marriage officers to comply with new procedures for the submission of original marriage certificates as provided under sections 53 to 57 of the Marriage Act, Cap. 150.
9. The notice, in part, required that—
 - i. All licensed ministers of faith submit to the Registrar of Marriages in Nairobi all marriage certificates already conducted and in their custody within thirty (30) days from the date of the notice;
 - ii. For marriages conducted from 1st September 2024 onwards, the marriage certificate and other relevant documentation be scanned, uploaded, and the original documents delivered physically to Nairobi within fourteen (14) days of the celebration; and
 - iii. Original marriage certificates be delivered to the Registrar of Marriages in Nairobi within fourteen (14) days of the celebration of marriage.
10. Despite the constitutional requirement under Article 10(2) of the Constitution, which lists public participation as a national value and a principle of governance binding on all State organs, State officers, and public officers when making or implementing policy, the licensed ministers of faith were never consulted on the new policy directive.
11. The implementation of this policy has placed an unnecessary administrative and financial burden on licensed ministers of faith, who are now compelled to travel to Nairobi to submit original marriage certificates, thereby making the officiation of marriages in religious settings unnecessarily costly and cumbersome.
12. Requiring the physical delivery of original marriage certificates from all counties to Nairobi undermines the constitutional principle of devolution and decentralisation of services, and may deter prospective couples from exercising their civic right to marry.
13. Further, the policy shift has led to congestion at the Registrar of Marriages' Nairobi office, creating opportunities for unethical practices, including attempted bribery by individuals seeking to expedite service.

14. Attempts by licensed ministers of faith to engage the relevant authorities for a review or reversal of this policy have not yielded any positive outcome to date.
15. The issues raised in this Petition are not pending before any court of law, constitutional body, or other legal institution.

2.2 Prayers

16. Petitioners pray that the National Assembly through the Public Petitions Committee;
 - i) Recommends that the policy requiring licensed ministers of faith from all counties to physically deliver original marriage certificates to the Registrar of Marriages in Nairobi be revoked;
 - ii) Recommends that the licensed ministers of faith be allowed to submit original marriage certificates to the Registrar of Marriages within their respective counties, with county offices bearing the responsibility of forwarding the documents to Nairobi; and
 - iii) Make any other recommendations it may deem appropriate to address the plight of the Petitioners.

PART THREE

3. STAKEHOLDERS' SUBMISSIONS

3.1 The Petitioner

The Member for Wundanyi Constituency, Hon Danson Mwashako, MP accompanied by representatives of the licensed Ministers of faith from Taita Taveta County, appeared before the Committee on Thursday, 20th November 2025, and submitted as follows—

17. Article 45 of the Constitution of Kenya recognises the family as the natural and fundamental unit of society, and requires the State to recognise and protect it. In giving effect to this provision, Parliament enacted the Marriage Act, 2014.
18. The Marriage Act, 2014, recognises five (5) systems of marriage, namely: civil, Christian, Hindu, customary, and Islamic marriages. Section 50 of the Act establishes the office of the Registrar of Marriages and empowers the Registrar to appoint marriage officers at national and county levels.
19. On 3rd September 2024, the Registrar of Marriages published a notice in the national daily newspapers directing licensed ministers of faith and gazetted marriage officers to comply with new procedures for the submission of marriage certificates as provided under sections 53 to 57 of the Marriage Act, Cap. 150.
20. The notice, in part, required that—
 - i. All licensed ministers of faith submit to the Registrar of Marriages in Nairobi all marriage certificates already conducted and in their custody within thirty (30) days from the date of the notice;
 - ii. For marriages conducted from 1st September 2024 onwards, the marriage certificate and other relevant documentation be scanned, uploaded, and the original documents delivered physically to Nairobi within fourteen (14) days of the celebration; and
 - iii. Original marriage certificates be delivered to the Registrar of Marriages in Nairobi within fourteen (14) days of the celebration of marriage.
21. Despite the constitutional requirement under Article 10(2) of the Constitution, which lists public participation as a national value and a principle of governance binding on all State organs, State officers, and public officers when making or implementing policy, the licensed ministers of faith were never consulted on the new policy directive.
22. The implementation of the policy has placed an unnecessary administrative and financial burden on licensed ministers of faith, who are now compelled to travel to Nairobi to submit original marriage certificates, thereby making the officiation of marriages in religious settings unnecessarily costly and cumbersome.
23. Requiring the physical delivery of original marriage certificates from all counties to Nairobi undermines the constitutional principle of devolution and decentralization of services, and may deter prospective couples from exercising their civic right to marry.
24. Further, the policy shift has led to congestion at the Registrar of Marriages' Nairobi office, creating opportunities for unethical practices, including attempted bribery by individuals seeking to expedite service.

3.2 Kenya Law Reform Commission

The Chief Executive Officer, Kenya Law Reform Commission vide a letter reference KLRC/8/64/VOL.V/ (55) dated 25th November 2025 submitted as follows;

25. All State organs must observe public participation, equity, non-discrimination, transparency, and accountability when making or implementing policy decisions. A directive of nationwide application affecting thousands of licensed ministers of faith and the general public falls squarely within these obligations.
26. Although marriage registration is a national government function (Fourth Schedule), Articles 6, 174 and 232 of the Constitution obligate the national government to deliver services in a decentralised, accessible, and efficient manner.
27. Requiring all officers across the country to physically deliver marriage certificates only to Sheria House contradicts these constitutional principles and creates unequal access to a national service.
28. Any administrative direction that significantly changes service delivery must comply with;
 - i. Article 10 (public participation)
 - ii. Article 47 (fair administrative action)
 - iii. The Fair Administrative Action Act.
 - iv. The Kenya Policy on Public Participation, 2023
29. The Petition demonstrates that the directive was issued without adequate notice or consultation with:
 - i. Licensed ministers of faith.
 - ii. Faith-based organizations
 - iii. County registrars
 - iv. County governments
 - v. The Public
30. The absence of consultation renders the directive procedurally unfair and constitutionally defective.
31. Section 42 of the Marriage Act requires the officiating minister to "deliver to the Registrar" the duly completed certificate after a marriage ceremony. The term "Registrar" is defined broadly and includes:
 - i. The Registrar of Marriages (national).
 - ii. Registrars designated at the county and sub-county levels under section 50(3)
32. There is nothing in the Act that requires delivery to Sheria House to be exclusive.
33. Sections 50—53 of the Act and Forms MA2 and MA3 under the Rules clearly contemplate multiple registrars across the country, not a single central office. The decentralized system ensures:
 - i. Reduced administrative burden.
 - ii. Efficiency of registration.

- iii. Compliance with constitutional obligations.
34. The directive of 3rd September 2024, requiring all ministers nationwide to deliver certificates physically to Nairobi, introduces new mandatory obligations not contained in the Act or Rules.
35. Such an administrative direction cannot:
 - i. Override express statutory provisions.
 - ii. Repeal decentralised functions without amending the Rules through the Statutory Instruments Act process.
36. Therefore, the directive is ultra vires, inconsistent with the Act, and unenforceable in its current form.
37. The Kenya Policy on Public Participation sets mandatory standards for:
 - i. Advance notice.
 - ii. Stakeholder mapping
 - iii. Civic education.
 - iv. Collection and documentation of feedback.
 - v. Inclusion of affected communities.
38. A nationwide directive altering how marriage registration is undertaken is a policy decision under the Policy and must comply with these requirements. There is no evidence that these mandatory steps were followed.
39. Based on the foregoing analysis, KLRC is of the considered view that:
 - i. The Marriage Act and the Marriage (General) Rules do not require exclusive delivery of certificates to Sheria House.
 - ii. Delivery may be made to any registrar appointed under section 50.
 - iii. Centralising the submission of all certificates in Nairobi violates Articles 6, 174, and 232 on devolved and accessible service delivery.
 - iv. The directive was issued without adequate public participation and is therefore inconsistent with Articles 10 and 47 and the Kenya Policy on Public Participation.
 - v. The directive is ultra vires, introduces requirements not found in the Marriage Act or Rules, and should be withdrawn or revised.
40. KLRC recommends that:
 - i. The directive be immediately reviewed and suspended pending proper consultation.
 - ii. The Office of the Attorney-General and the Registrar of Marriages re-issue a revised circular allowing: Submission to county registrars, electronic transmission of scanned certificates, coupled with a Periodic consolidated dispatch of originals to Nairobi.
 - iii. The Ministry conducts nationwide consultations with stakeholders before revising procedures.
 - iv. Parliament, through the Public Petitions Committee, directs the implementing agency to adhere to constitutional and statutory requirements for accessible and participatory service delivery.

3.3 Office of the Attorney General

The Registrar of Marriages, on behalf of the Attorney - General, appeared before the committee on Tuesday, 24th February 2026 and submitted as follows:

41. On 3rd September, 2024, the Office issued a notice that required all Registrars and marriage officers (Licensed Minister of Faith) to submit marriage certificates to the Registrar of Marriages, Nairobi, within 14 days. The notice resulted in the filing of the current petition
42. Section 53 of the Marriage Act, Cap 150 provides for the process of registering a Christian marriage. It states thus:

“Where a marriage is celebrated under Part III of this Act, the person officiating at the marriage shall forward a copy of the certificate of marriage to the Registrar within fourteen days of the celebration of the marriage for the registration of that marriage.

Before the Registrar registers a marriage under subsection (1), the Registrar shall confirm that the marriage complies with the provisions of this Act.

43. Based on section 53 of the Act above, the requirement to submit marriage certificates is statutory. Consequently, the contested Notice dated 3rd September, 2024 was merely a reproduction of the already codified provisions under the Marriage Act, Cap 150, namely sections 2, 50 and 53. Lifting established provisions of the Marriage Act, Cap 150, into a Notice to be published in a daily newspaper does not require public participation, as the notice does not introduce new laws, guidelines, or provisions.
44. The prayer that the notice be quashed should be reconsidered by this committee and not be granted since it may amount to amending sections 2, 50 and 53 of the Marriage Act, Cap 150. Further, any attempt to amend these provisions can only be done through review of the Marriage Act, Cap 150. The Office of the Attorney General shall, however, endeavour to support the Ministers of Faith to comply with the Act.
45. Paragraph 7 of the Petition alleges that the Notice undermined the constitutional principle of devolution and decentralization. However, this is denied as the Notice only relates to submission of marriage certificates. All other marriage services are available at the county level.
46. In practice, the Ministers of Faith may submit in person, by courier or postal service, or through their representatives, thereby saving time and cost. These proposed submission options are better than the proposal to submit via county offices. The Registrar of Marriages is yet to establish marriage offices in all sub-counties.
47. The Office of the Attorney General had assisted the public in complying with the law. Moreover, clarified that:
 - i. The Notice was a reproduction of sections. 2, 50 and 53 of the Marriage Act, Cap 150 and was issued as a reminder to all the gazetted Registrars and Licensed Ministers of Faith.
 - ii. It is imperative that the records be submitted to Nairobi to enable the Registrar of Marriages to register the marriages and establish a centralized marriage register.
 - iii. The notice and section 53 of the Marriage Act, Cap 150, do not require the Ministers of Faith to physically travel to Nairobi. Other viable options of

submitting include the use of courier/postage services or church representatives,
and

- iv. Prompt submission of marriage certificates to Nairobi is essential to enable the Registrar of Marriages to register marriages in time and maintain accurate, up-to-date records.

PART FOUR

4. COMMITTEE OBSERVATIONS

Upon hearing from the Petitioner, the office of the Attorney General and the Kenya Law Reform Commission, the Committee observed that—

48. The contested Notice dated 3rd September, 2024 was a reproduction of the already codified provisions under the Marriage Act, Cap 150, namely sections 2, 50 and 53. Lifting established provisions of the Marriage Act, Cap 150, into a Notice to be published in a daily newspaper does not require public participation, as the notice did not introduce new laws, guidelines, or provisions.
49. The notice issued by the Registrar of Marriages, does not require the Ministers of Faith to physically travel to Nairobi as indicated in the petition. Other viable options for submission include courier or postal services, or church representatives.
50. Although marriage registration is a national government function (Fourth Schedule), Articles 6, 174 and 232 of the Constitution obligate the national government to deliver services in a decentralised, accessible, and efficient manner.
51. Although Section 53 of the Marriage Act, Cap 150 provides that “Where a marriage is celebrated under Part III of this Act, the person officiating at the marriage shall forward a copy of the certificate of marriage to the Registrar within fourteen days of the celebration of the marriage for the registration of that marriage. Sections 50 to 53 of the Act and Forms MA2 and MA3 under the Rules clearly contemplate multiple registrars across the country, not a single central office in Nairobi.
52. Further Section 42 of the Marriage Act requires the officiating minister to "deliver to the Registrar" the duly completed certificate after a marriage ceremony. The term "Registrar" is defined broadly and includes:
 - i. The Registrar of Marriages (national).
 - ii. Registrars designated at the county and sub-county levels under section 50(3)
53. The office of the Attorney General had decentralised its service in 23 of the 47 counties, with plans to expand to the remaining 24 counties. In this regard there is no justification to require officiating ministers in the 23 Counties with decentralized Attorney General Offices to submit original marriage certificates to Nairobi.

PART FIVE

5. COMMITTEE RECOMMENDATIONS

54. Pursuant to the provisions of Standing Order 227, the Committee responds to the Petition as follows—

- i. On the prayer that the Committee recommends that the policy requiring licensed ministers of faith from all counties to physically deliver original marriage certificates to the Registrar of Marriages in Nairobi be revoked, **the Committee recommends that-**

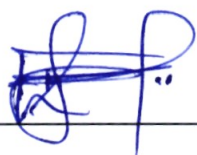
- Within ninety (90) days upon tabling of this report, the Attorney General should issue a notice, clarifying that officiating ministers in the 23 Counties with decentralized Offices can submit original marriage certificates to the respective county offices.

- ii. On the prayer that the Committee Recommends that the licensed ministers of faith be allowed to submit original marriage certificates to the Registrar of Marriages within their respective counties, with county offices bearing the responsibility of forwarding the documents to Nairobi; the Committee recommends that:

a) **- Within six (6) months upon tabling of this report, Licensed Ministers of Faith in the 23 Counties in conjunction with the Attorney General Offices should submit Marriage certificates to the respective County Marriage Offices, which will thereafter transmit the documents to the Nairobi Office for processing.**

b) **- Within (6) months upon tabling of this report, the Attorney General should develop and implement a secure online platform or digital system in the 2026/27 financial year to facilitate upload certified copies of marriage certificates directly to the Registrar of marriages for processing.**

c) **- Within twenty-four (24) months upon tabling of this report, the Attorney General should fast track the decentralization of offices in the remaining 24 Counties.**

Signed:  Date: 01/04/2026

HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

ANNEXURES

- Annex 1: The Adoption List
- Annex 2: Public Petition No. 14 of 2025 regarding delivery of original marriage certificates to the registrar of marriages in Nairobi.
- Annex 3: Minutes of proceedings



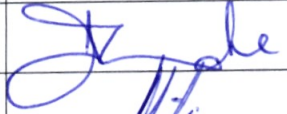
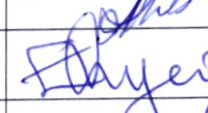
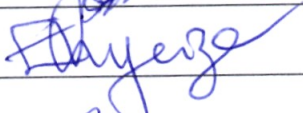
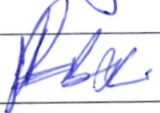
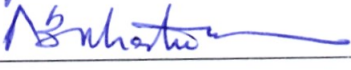
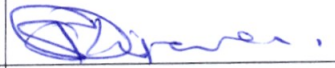

PUBLIC PETITIONS COMMITTEE

ADOPTION LIST

(i) **Consideration and adoption of the Report on Public Petition No. 17 of 2025 by Hon. Danson Mwashako, MP, regarding the delivery of original Marriage Certificates to the Registrar of Marriages**

We, the undersigned, hereby affix our signatures to this Report to affirm our approval:

DATE: 18/03/2026

	HON. MEMBER	SIGNATURE
1.	Hon. Muchangi Karemba, CBS, M.P. (Chairperson)	
2.	Hon. Janet Jepkemboi Sitienei, CBS, M.P. (Vice Chairperson)	
3.	Hon. Patrick Makau King'ola, M.P.	
4.	Hon. Beatrice Kadeveresia Elachi, CBS, M.P.	
5.	Hon. Joshua Chepyegon Kandie, M.P.	
6.	Hon. Maisori Marwa Kitayama, M.P.	
7.	Hon. Edith Vethi Nyenze, M.P.	
8.	Hon. Patrick Ntwiga Munene, M.P.	
9.	Hon. Paul Biego Kibichy, M.P.	
10.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	
11.	Hon. Peter Mbogho Shake, M.P.	
12.	Hon. Suzanne Ndunge Kiamba, M.P.	
13.	Hon. John Bwire Okano, M.P.	
14.	Hon. Sloya Clement Logova, M.P.	
15.	Hon. Peter Irungu Kihungi, M.P.	



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT (FOURTH SESSION)

ANNEX (1)

Approved.
SNA
30/9/25

PUBLIC PETITION

(No. 17 of 2025)

**REGARDING DELIVERY OF ORIGINAL MARRIAGE CERTIFICATES
TO THE REGISTRAR OF MARRIAGES IN NAIROBI**

I, the **UNDERSIGNED**, on behalf of the licensed ministers of faith from Taita Taveta County;

DRAW the attention of the House to the following:

1. **THAT**, Article 45 of the Constitution of Kenya recognises the family as the natural and fundamental unit of society, which must be recognised and protected by the State. In giving effect to this provision, Parliament enacted the Marriage Act, 2014.
2. **THAT**, the Marriage Act, 2014 recognises five (5) systems of marriage, namely: civil, Christian, Hindu, customary, and Islamic marriages. Section 50 of the Act establishes the office of the Registrar of Marriages and empowers the Registrar to appoint marriage officers at national and county levels.
3. **THAT**, on 3rd September 2024, the Registrar of Marriages published a notice in the national daily newspapers directing licensed ministers of faith and gazetted marriage officers to comply with new procedures for the submission of marriage certificates as provided under sections 53 to 57 of the Marriage Act, Cap. 150.
4. **THAT**, the notice, in part, required that—
 - (i) All licensed ministers of faith submit to the Registrar of Marriages in Nairobi all marriage certificates already conducted and in their custody within thirty (30) days from the date of the notice;
 - (ii) For marriages conducted from 1st September 2024 onwards, the marriage certificate and other relevant documentation be scanned, uploaded, and the original documents delivered physically to Nairobi within fourteen (14) days of the celebration; and
 - (iii) Original marriage certificates be delivered to Registrar of Marriages in Nairobi within fourteen (14) days of the celebration of marriage.



**REGARDING DELIVERY OF ORIGINAL MARRIAGE CERTIFICATES
TO THE REGISTRAR OF MARRIAGES IN NAIROBI**

5. **THAT**, despite the constitutional requirement under Article 10(2) of the Constitution— which lists public participation as a national value and principle of governance binding all State organs, State officers, and public officers when making or implementing policy— the licensed ministers of faith were never consulted on the new policy directive.
6. **THAT**, the implementation of this policy has placed an unnecessary administrative and financial burden on licensed ministers of faith, who are now compelled to travel to Nairobi to submit original marriage certificates, thereby making the officiation of marriages in religious settings unnecessarily costly and cumbersome.
7. **THAT**, requiring the physical delivery of original marriage certificates from all counties to Nairobi undermines the constitutional principle of devolution and decentralisation of services, and may deter prospective couples from exercising their civic right to marry.
8. **THAT**, further, the policy shift has led to congestion at the Registrar of Marriages' Nairobi office, creating opportunities for unethical practices, including attempted bribery by individuals seeking to expedite service
9. **THAT**, attempts by licensed ministers of faith to engage the relevant authorities for a review or reversal of this policy have not yielded any positive outcome to date.
10. **AND THAT**, the issues raised in this Petition are not pending before any court of law, constitutional body, or other legal institution.

THEREFORE, your humble petitioners pray that the National Assembly, through the Public Petitions Committee—

- (i) Recommends that the policy requiring licensed ministers of faith from all counties to physically deliver original marriage certificates to the Registrar of Marriages in Nairobi be revoked;
- (ii) Recommends that the licensed ministers of faith be allowed to submit original marriage certificates to the Registrar of Marriages within their respective counties, with county offices bearing the responsibility of forwarding the documents to Nairobi; and
- (iii) Makes any other recommendations it may deem appropriate to address the plight of the Petitioners.

And your **PETITIONER** will ever pray.

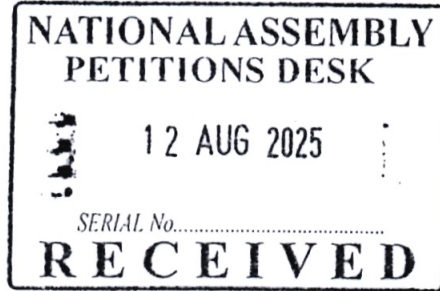
PRESENTED BY:


THE HON. DANSON MWASHAKO, MP
MEMBER FOR WUNDANYI CONSTITUENCY

DATE:3.6.2012.....

NR-708
→

The Clerk of the National Assembly,
Parliament Buildings,
P. O Box 41842- 00100
Nairobi.



Through,
Hon. Danson Mwashako,
The Member of National Assembly,
Wundanyi Constituency.

RE: PETITION TO NATIONAL ASSEMBLY ON THE REQUIREMENT FOR LICENSED MINISTERS OF FAITH TO DELIVER THE ORIGINAL MARRIAGE CERTIFICATES TO THE REGISTRAR OF MARRIAGES IN NAIROBI

We, the undersigned,

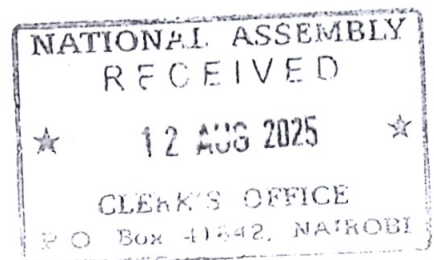
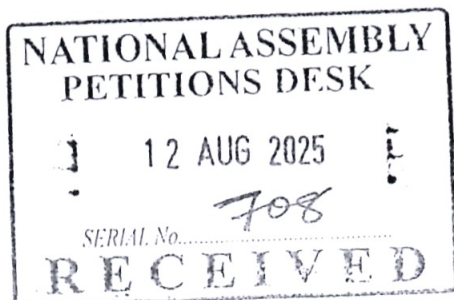
Licensed ministers of faith and/ or citizens of Kenya, from Taita Taveta County,

Draw the attention of the National Assembly to the following:

That, the office of the Attorney General and Department of Justice, placed a notice on the Kenyan Dailies on 3rd September 2024 pertaining submission of marriage certificates and other Marriage ACT, Cap 150 procedures thereof,

That, unlike before, one of the procedures require licensed ministers of faith after officiating a marriage, to deliver the original marriage certificates to the registrar of Marriages, Nairobi,

That, before this notice, the original marriage certificates were delivered to the County Registrar of Marriage office for onward submission,



That, this new requirement is cumbersome, tiresome, and making officiating marriages in churches more expensive than necessary,

That, we find requiring licensed ministers of faith from all over the country to deliver the original marriage certificates to the registrar of Marriages in Nairobi against the tenets and spirit of the Constitution of Kenya 2010 which is premised on taking services closer to the people,

We also submit that based on the governments' agenda on lifting the lives of those at the bottom, making it unnecessarily expensive to marry due to this expensive and cumbersome requirement betrays that commitment.

We therefore pray;

That, the requirement in the said notice requiring licensed ministers of faith from all over the country, after officiating marriages, to deliver the original marriage certificates to the registrar of Marriages in Nairobi be quashed immediately.

That, the licensed ministers of faith from all over the country be required to deliver the original marriage certificates to the registrar of Marriages within their Counties or Sub- Counties for onward submission.

	NAME	ID. NUMBER	SIGNATURE
1	REV. MARK M. VITHORILO	23654466	
2			
3	REV. JUMANNE TUMANI	29619165	
4	THE REV. ERICK O. MWATA	24522474	
5	REV. RAPHAEL MWAKLUGU	5456149	
6	REV. CRISWEL MWACHIA	23023172	
7	REV. SAMSON MWATIBU	21848369	
8			
9	REV. RICHARD WUGHOMA	20530517	
10	REV. ANDREW NDIGITHI	4662561	
11	REV. BENSON MWAZO	29458655	
12	REV. REGINALD MWAPEA	23712373	

**MINUTES OF THE 21ST SITTING OF THE PUBLIC PETITIONS COMMITTEE
HELD ON FRIDAY, 20TH MARCH, 2026 IN FRANGAPINI CONFERENCE ROOM,
SERENA HOTEL, MOMBASA COUNTY AT 10.00 A.M.**

PRESENT

- | | | |
|---|---|-------------------------|
| 1. Hon. Eric Muchangi Karemba, CBS M.P. | - | Chairperson |
| 2. Hon. Janet Jepkemboi Sitienei, CBS, M.P. | - | Vice-Chairperson |
| 3. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 4. Hon. Maisori Marwa Kitayama, M.P. | | |
| 5. Hon. (Eng.) Bernard Nebart Muriuki, M.P. | | |
| 6. Hon. Edith Vethi Nyenze, M.P. | | |
| 7. Hon. Suzanne Ndunge Kiamba, M.P. | | |
| 8. Hon. Peter Irungu Kihungi, M.P. | | |
| 9. Hon. Peter Mbogho Shake, M.P. | | |
| 10. Hon. Paul Biego Kibichiy, M.P. | | |
| 11. Hon. Sloya Clement Logova, M.P. | | |

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Beatrice Kadeveresia Elachi, CBS, M.P.
3. Hon. Patrick Ntwiga Munene, CBS, M.P.
4. Hon. John Bwire Okano, M.P.

IN-ATTENDANCE

SECRETARIAT

- | | | |
|--------------------------|---|-------------------------------|
| 1. Mr. Victor Weke | - | Principal Clerk Assistant II |
| 2. Ms. Miriam Modo | - | Clerk Assistant I |
| 3. Mr. Bernard Toroitich | - | Clerk Assistant III |
| 4. Ms. Kafuyai Wamae | - | Clerk Assistant III |
| 5. Mr. Clinton Sindiga | - | Legal Counsel II |
| 6. Ms. Nancy Akinyi | - | Research Officer III |
| 7. Mr. Arkan Mumin | - | Research Officer III |
| 8. Mr. Collins Mahamba | - | Audio Officer |
| 9. Mr. Calvin Karungo | - | Media Relations Officer III |
| 10. Ms. Felistas Muiya | - | Public Communications Officer |
| 11. Mr. Paul Shana | - | Serjeant at Arm |

MIN./PPC/2026/109:

PRELIMINARIES

The Chairperson called the meeting to order at 10:30 am and said a word of prayer.

MIN./PPC/2026/110:

ADOPTION OF AGENDA

The proposed agenda was adopted having been proposed by Hon. Eng Nerbart Muriuki, M.P and seconded by, Hon. Peter Irungu Kihungi, M.P

AGENDA

1. Prayer and Preliminaries
2. Adoption of the Agenda

3. Confirmation of previous Minutes
4. Matters Arising
5. **Consideration and adoption of the following public petition reports:**
 - i. **Public Petition No. 14 of 2025 by Hon. Danson Mwashako, MP on behalf of the licensed Ministers of Faith from Taita Taveta County regarding delivery of Original Marriage Certificates to the Registrar of Marriages in Nairobi;**
 - ii. **P/No. 09/2025 regarding recognition of the Chuka Community as a tribe in the Republic of Kenya –P/No. 09/2025 by Hon. Patrick Munene, CBS, MP;**
 - iii. **P/No. 1 of 2024 regarding enactment of Legislation on the development of irrigation infrastructure by Hon. Boniface Gatobu (SHOFCO)**
6. Any Other Business
7. Adjournment.

MIN./PPC/2026/111: CONFIRMATION OF MINUTES

This agenda item was deferred to the next sitting.

MIN./PPC/2026/112: CONSIDERATION AND ADOPTION OF PUBLIC PETITIONS

1. **Public Petition No. 14 of 2025 by Hon. Danson Mwashako, MP on behalf of the licensed Ministers of Faith from Taita Taveta County regarding delivery of Original Marriage Certificates to the Registrar of Marriages in Nairobi.**

Pursuant to the provisions of Standing Order 227, the Committee responds to the Petition as follows—

- a) **On the prayer that the Committee recommends that the policy requiring licensed ministers of faith from all counties to physically deliver original marriage certificates to the Registrar of Marriages in Nairobi be revoked, the Committee recommends that -**

- (i) The Attorney General issues a notice, with three months of the adoption of this report, to clarifying that officiating ministers in the 23 Counties with decentralized Offices can submit original marriage certificates to the respective county offices; and
- (ii) Develop and implement a secure online platform or digital system in the 2026/27 financial year to facilitate the electronic submission of original marriage certificates to enable officiating ministries to upload certified copies of marriage certificates directly to the Registrar of marriages for processing.

- b) **On the prayer that the Committee Recommends that the licensed ministers of faith be allowed to submit original marriage certificates to the Registrar of Marriages within their respective counties, with county offices bearing the responsibility of forwarding the documents to Nairobi; the Committee recommends that:**

- (i) Licensed ministers of faith in the 23 Counties with Attorney General Offices submits Marriage certificates to the respective County Marriage Offices, which will thereafter transmit the documents to the Nairobi Office for processing; and
- (ii) The Attorney General fast tracks the decentralization of offices in the remaining 24 Counties within 24 months of tabling of this report are identified by the Ministry of Interior.

2. **P/No. 09/2025 regarding recognition of the Chuka Community as a tribe in the Republic of Kenya – P/No. 09/2025 by Hon. Patrick Munene, CBS, MP;**
Pursuant to the provisions of Standing Order 227, the Committee responds to the Petition as follows—

a) **On the prayer that the Committee inquire into the matter with a view to securing urgent recognition of the Chuka Community of Kenya as a tribe of the Republic of Kenya,** the Committee notes the desire of the Chuka people to be distinctively recognized as a tribe in Kenya and recommends that the Ministry of Interior and National Administrations through its internally developed framework to evaluate petitions for ethnic community recognition initiates, finalizes and gazettes the recognition of the Chuka as a tribe in Kenya. This will enable KNBS to issue statistical code for the Chuka for purposes of the 2029 Kenya Population and Housing Census.

3. **P/No. 1 of 2024 regarding enactment of Legislation on the development of irrigation infrastructure by Hon. Boniface Gatobu (SHOFCO)**
Pursuant to the provisions of Standing Order 227, the Committee responds to the Petition as follows—

On the prayer that the National Assembly intervenes to amend the Irrigation Act, the Kenya Roads Board Act and the Road Maintenance Levy Act with a view to changing the “Road Maintenance Levy Fund” to “Infrastructure Development and Maintenance Levy Fund” and provide that part of the fund shall be employed to develop irrigation infrastructure in all parts of Kenya; and providing that the National Irrigation Authority shall be allocated funds from the “Infrastructure Development and Maintenance Levy Fund” which shall be allocated equally to all the 290 constituencies to fund and develop various irrigation projects in the country; the Committee recommends that;

- a) The proposal to amend to the Road Maintenance Levy Fund Act as a legislative mechanism for financing irrigation projects be rejected; and
- b) The Ministry of Water, Sanitation and Irrigation, within ninety (90) days of adoption of this report, reviews the National Irrigation policy to establish a dedicated and transparent irrigation infrastructure financing mechanism.

Adoption

The Committee unanimously adopted the three reports having been proposed by Hon. Suzanne Ndunge Kiamba, M.P. and Seconded by Hon. Peter Irungu Kihungi, M.P.

MIN./PPC/2026/113:

ADJOURNMENT

There being no other business, the meeting was adjourned at 1:30 p.m.

Sign: 

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

Date 01/04/2026

MINUTES OF THE 5TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON THURSDAY, 24TH FEBRUARY, 2026 IN COMMITTEE ROOM ON THE 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 11:40 AM.

PRESENT

- | | | |
|--|---|-------------------------|
| 1. Hon. Eric Muchangi Karemba, CBS M.P. | - | Chairperson |
| 2. Hon. Janet Jepkemboi Sitienei, CBS, M.P. | - | Vice-Chairperson |
| 3. Hon. John Bwire Okano, M.P. | | |
| 4. Hon. Edith Vethi Nyenze, M.P. | | |
| 5. Hon. Beatrice Kadeveresia Elachi, CBS, M.P. | | |
| 6. Hon. Peter Irungu Kihungi, M.P. | | |
| 7. Hon. Maisori Marwa Kitayama, M.P. | | |

APOLOGIES

1. Hon. Patrick Ntwiga Munene, CBS, M.P.
2. Hon. Patrick Makau King'ola, M.P.
3. Hon. (Eng.) Bernard Nebart Muriuki, M.P.
4. Hon. Joshua Chepyegon Kandie, M.P.
5. Hon. Suzanne Ndunge Kiamba, M.P.
6. Hon. Peter Mbogho Shake, M.P.
7. Hon. Sloya Clement Logova, M.P.

IN-ATTENDANCE

SECRETARIAT

- | | | |
|--------------------------|---|------------------------------|
| 1. Ms. Victor Weke | - | Principal Clerk Assistant II |
| 2. Mr. Bernard Toroitich | - | Clerk Assistant III |
| 3. Ms. Kafuyai Wamae | - | Clerk Assistant III |
| 4. Mr. Clinton Sindiga | - | Legal Counsel II |
| 5. Mr. Arkan Mumin | - | Research Officer III |
| 6. Mr. Collins Mahamba | - | Audio Officer III |
| 7. Mr. Paul Shana | - | Serjeant-at-Arms |
| 8. Ms. Felistus Muiya | - | Public Communication Officer |

OFFICE OF THE ATTORNEY GENERAL AND DEPARTMENT OF JUSTICE

- | | | |
|------------------------|---|-------------------------------|
| 1. Mr. James Nduna | - | Registrar of Marriages |
| 2. Mr. Victor Wabutube | - | Deputy Registrar of Marriages |
| 3. Ms. Susan Chelagat | - | Deputy Registrar of Marriages |
| 4. Ms. Mary Kitegi | - | Deputy Chief State Counsel |

MIN./PPC/2026/024: PRELIMINARIES

The Chairperson called the meeting to order at 11:40 am, followed by a word of Prayer.

MIN./PPC/2026/025: ADOPTION OF AGENDA

The proposed agenda was adopted having been proposed by Hon. Beatrice Kadeveresia Elachi, M.P and seconded by Hon. Edith Vethi Nyenze, M.P.

AGENDA

1. Prayer and Preliminaries
2. Adoption of the Agenda
3. Confirmation of minutes
4. **Meeting with the Attorney General on -**
 - i. **Public Petition No. 17 of 2025 by Hon Danson Mwashako, MP, regarding delivery of original marriage certificates to the Registrar of Marriages in Nairobi; and**
 - ii. **Public Petition No. 14 of 2025 by Mr. Allen Waiyaki Gichuhi regarding a proposal to amend the Consumer Protection Act to provide for the *In Duplum Rule*.**
5. Any Other Business
6. Adjournment

MIN./PPC/2026/026: CONFIRMATION OF MINUTES

This agenda item was deferred to the next sitting.

MIN./PPC/2026/027: MEETING WITH THE ATTORNEY GENERAL PUBLIC PETITION NO. 17 OF 2025 BY HON DANSON MWASHAKO, MP, REGARDING DELIVERY OF ORIGINAL MARRIAGE CERTIFICATES TO THE REGISTRAR OF MARRIAGES IN NAIROBI

Mr. James Nduna, the Registrar of Marriages, appeared before the Committee on behalf of the Attorney General alongside other officials from the office of the Attorney General and submitted as follows, that -

On 3rd September, 2024, the Office of the Attorney General issued a Notice that required all Registrars and Marriages Officers (Licensed Minister of Faith) to be submitting marriage certificates to the Registrar of Marriages, Nairobi within 14 days which resulted in the filing of the current Petition.

He averred that Section. 53 of the Marriage Act, Cap 150 provides for the process of registering a Christian marriage and it states that -

“(1) Where a marriage is celebrated under Part III of this Act, the person officiating at the marriage shall forward a copy of the certificate of marriage to the Registrar within fourteen days of the celebration of the marriage for the registration of that marriage.

(2) Before the Registrar registers a marriage under subsection (1) the Registrar shall confirm that the marriage complies with the provisions of this Act.”

Based on section 53 of the Act above, the requirement to submit marriage certificates is statutory. Consequently, the contested Notice dated 3rd September, 2024 was just a reproduction of already codified provisions under the Marriage Act, Cap 150, namely: section 2, 50 and 53 of the Act. Lifting established provisions of the Marriage Act, Cap 150 into a Notice to be published in a daily newspaper does not require public participation as the Notice was not introducing new laws, guidelines or provisions

The averment by the Petitioner that the Notice undermined the constitutional principle of devolution and decentralization which the AG's Office strongly disagrees with as the Notice only relates to submission of marriage certificates while the rest of services related to marriage are still available and offered at county levels.

Further and in practice, the Ministers of Faith are allowed to either submit in person, through courier/postage services or through their representatives hence saving on time and cost. These proposed options of submissions are better than the proposal to make submissions via county offices. The Registrar of Marriages is yet to establish marriage offices in all sub-counties.

He also clarified that the Attorney General's Office had assisted the public to comply with the law. He reiterated that -

- a) The Notice was a reproduction of Sections 2, 50 and 53 of the Marriage Act, Cap 150 and was issued as a reminder to all the gazetted Registrars and Licensed Ministers of Faith.
- b) It was imperative that the records be submitted to Nairobi to enable the Registrar of Marriages register the marriages and establish a centralized marriage register.
- c) The Notice and Section 53 of the Marriage Act, Cap 150 do not require the Ministers of Faith to physically travel to Nairobi. Other viable options of submitting include use of courier/postage services or church representatives.
- d) Prompt submission of marriage certificates to Nairobi was essential in enabling the Registrar of Marriages register marriages on time and maintain accurate up to-date records.

The prayer that the Notice be quashed should be reconsidered by this Committee and not be granted since it may amount to amending Sections 2, 50 and 53 of the Marriage Act, Cap 150. Further, any attempt to amend these provisions could only be done through review of the Marriage Act, Cap 150. The Office of the Attorney General will endeavour to support the Ministers of Faith comply with the Act.

Committee Concerns

- i. **Limited County Presence:** The Committee questioned why marriage certificates must be submitted to Nairobi rather than county-level AG offices. The Registrar explained that AG offices are only present in **23 of Kenya's 47 counties**, with plans to expand to the remaining 24 counties
- ii. **Manual Systems and Delays:** The Committee expressed concern about delays in marriage certificate transmission despite government digitization efforts. The Registrar admitted that the Registry was still manual, though automation was underway to improve on the said service delivery.
- iii. **Non-utilization of Huduma Centres:** The Committee inquired about non-utilization of Huduma Centres to offer services and the Registrar cited cost implications as Huduma Centres charge higher fees that could disadvantage citizens.

Committee Resolutions

The Committee resolved that -

1. The Office of the Attorney General issues another Clarification Notice to the public on the Notice that it had issued on 3rd September, 2024 that required all Registrars and Marriages officers (Licensed Minister of Faith) to be submitting marriage certificates to the Registrar of Marriages in Nairobi within 14 days;
2. The clarification Notice to list the names and locations of the remaining 23 counties where services are not yet available; and
3. The AG fastracks digitization of marriage registration systems to allow remote submission by Ministers of Faith in the FY 2026/2027.

MIN./PPC/2026/028:

MEETING WITH THE ATTORNEY GENERAL ON PUBLIC PETITION NO. 17 OF 2025 BY MR. ALLEN WAIYAKI GICHUI REGARDING A PROPOSAL TO AMEND THE CONSUMER PROTECTION ACT TO PROVIDE FOR THE *IN DUPLUM* RULE

Upon invitation, Ms. Mary Kitegi, the Deputy Chief State Counsel, Office of the Attorney General, submitted as follows-

The In Duplum Rule is a legal principle that limits the amount of interest that can be recovered by a creditor. The core principle of the rule is that , interest stops running when the unpaid interest equals the outstanding principal amount. This prevents the accumulation of interest to an amount that is more than double the original or outstanding principle sum protection borrowers from excessive debt accumulation.

She stated that in Kenya, the In-Duplum Rule is codified under Section 44 of the Banking Act (Cap 488) which states that -

"No institution shall increase its rate of banking or other charges except with the prior approval of of the Cabient Secretary".

It therefore follows that, this provision applies to all licensed banks and financial institutions in Kenya and is designed to ensure regulatory oversight and over challenges in fees, charges or interest rates that affect customers.

The uncertainty concerning the In-Duplum Rule's application beyond financial institutions licensed under the Banking Act demonstrated a clear need for legislative clarification. There was need to balance contractual freedom against the necessity of the consumer protection.

She further explained that Legislation should explicitly extend in duplum protections beyond banks, creating uniformity and certainty. The in duplum rule should offer protection to all borrowers and grant equal relief from oppressive interest rates regardless of the lender's identity. This would enhance consumer protection across the board and potentially encourage more borrowing from informal sources with less fear of excessive interest accumulation. Providing for the in duplum rule in the Consumer Protection Act will ensure that the roles applies to all lenders irrespective of the legislative framework that governs them.

She further submitted that there was need to exhaustively define the word “Creditor” in the Banking Act to include banks, sacco and other micro and macro lending institutions. Expanding the definition of who a creditor is will result to the in duplum rule being applied effectively. The Office of the Attorney General was in support of the petition and was of the opinion that the in duplum rule ought to be anchored both in the Banking Act and the Consumer Protection Act.

Committee Concerns

- i. The Committee inquired whether it was possible to introduce an amendment to the Consumer Protection Act with reference to the In-Duplum Rule to protect small scale borrowers especially Boda Boda Sector from exploitation by the lending institutions who charge high interest rates. The Chief State Counsel responded that, currently, the In-Duplum Rule is only limited to the Banking Sector and does not apply to the small scale lending institutions. She agreed that the Consumer Protection Act can be amended by expanding the word “Creditor” to include micro-financial institutions or shy-locks.

Committee Observations

The Committee observed that -

- i. The In Duplum Rule currently protects only formal banking sector borrowers. Small-scale borrowers (Boda Boda operators, micro-finance clients, informal sector) fall outside this protection.; and
- ii. Review/revision of relevant Acts to incorporate small lending institutions specifically, the Banking Act and the Consumer Protection Act.

Committee Resolutions

The Committee resolved to engage -


- a) The Ministry of Trade, Investments and Industry; and
- b) The Central Bank of Kenya.

MIN./PPC/2026/029: ANY OTHER BUSINESS

It was reported that the Clerk had approved the proposed Report Writing Retreat to be held after the short recess in Mombasa from 15th to 22nd March, 2022.

MIN./PPC/2026/030: ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at 12.20 p.m. The Next Meeting Next meeting will be held on Wednesday, 25th February, 2026 at the same venue.

Sign: 

Date 01/04/2026

HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

AMHEK(4)

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

MINUTES OF THE 50TH SITTING OF THE PUBLIC PETITIONS COMMITTEE
HELD ON THURSDAY, 20TH NOVEMBER, 2025 IN COMMITTEE ROOM 20, 3RD
FLOOR BUNGE TOWERS, PARLIAMENT BUILDINGS AT 11:30 AM

PRESENT

- | | |
|---|-------------------------|
| 1. Hon. Eric Muchangi Karemba, CBS M.P. | Chairperson |
| 2. Hon. Janet Jepkemboi Sitienei, CBS, M.P. | Vice-Chairperson |
| 3. Hon. Maisori Marwa Kitayama, M.P. | |
| 4. Hon. Edith Vethi Nyenze, M.P. | |
| 5. Hon. Joshua Chepyegon Kandie, M.P. | |
| 6. Hon. Patrick Ntwiga Munene, M.P. | |
| 7. Hon. Peter Irungu Kihungi, M.P. | |

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Beatrice Kadeveresia Elachi, CBS, M.P.
3. Hon. (Eng.) Bernard Nebart Muriuki, M.P.
4. Hon. Suzanne Ndunge Kiamba, M.P.
5. Hon. Peter Mbogho Shake, M.P.
6. Hon. Sloya Clement Logova, M.P.
7. Hon. John Bwire Okano, M.P.

IN ATTENDANCE

SECRETARIAT

- | | |
|--------------------------|------------------------------|
| 1. Mr. Leonard Machira | Principal Clerk Assistant II |
| 2. Mr. Bernard Toroitich | Clerk Assistant III |
| 3. Mr. Clinton Sindiga | Legal Counsel II |

- | | |
|-----------------------|---------------------------|
| 4. Ms. Nancy Akinyi | Research Officer III |
| 5. Mr. Arkan Mumin | Research Officer III |
| 6. Ms. Roselyn Ndengi | Senior Serjeant at Arms I |
| 7. Mr. Peter Mutethia | Audio Officer |

MIN./PPC/2025/253:

PRELIMINARIES

The Chairperson called the meeting to order at 11:50 am, followed by a word of Prayer.

MIN./PPC/2025/254:

ADOPTION OF AGENDA

The Committee then adopted the agenda as listed hereunder on the proposal of Hon. Maisori Marwa Kitayama, M.P, and seconded by Hon. Joshua Chepyegon Kandie, M.P.

AGENDA

1. Prayer & Preliminaries;
2. Adoption of the Agenda;
3. Confirmation of the previous minutes (45th - 49th sittings);
4. Matters Arising;
 1. **Meeting with the petitioners regarding a petition no.17 of 2025 on the delivery of original marriage certificates to the Registrar of Marriages in Nairobi**
5. Any Other Business; and
6. Adjournment

MIN./PPC/2025/255:

PRELIMINARIES

The Chairperson called the meeting to order at 11:50 am, followed by a word of Prayer.

MIN./PPC/2025/256:

ADOPTION OF AGENDA

The Committee then adopted the agenda as listed hereunder on the proposal of Hon. Maisori Marwa Kitayama, M.P, and seconded by Hon. Joshua Chepyegon Kandie, M.P.

MIN./PPC/2025/257:

CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The agenda was deferred.

MIN./PPC/2025/258: MEETING WITH THE PETITIONERS REGARDING A PETITION NO.17 OF 2025 ON THE DELIVERY OF ORIGINAL MARRIAGE CERTIFICATES TO THE REGISTRAR OF MARRIAGES IN NAIROBI

The petitioners, led by Rev. Mark Kithokilo, submitted as follows;

1. The petitioners averred that Article 45 of the Constitution of Kenya recognises the family as the natural and fundamental unit of society, which the State must recognise and protect. In giving effect to this provision, Parliament enacted the Marriage Act, 2014.
2. They further said that the Marriage Act, 2014 recognises five (5) systems of marriage, namely: civil, Christian, Hindu, customary, and Islamic marriages. Section 50 of the Act establishes the office of the Registrar of Marriages and empowers the Registrar to appoint marriage officers at national and county levels.
3. The Petitioners further stated that in September 2024, the Attorney General (AG) issued a directive requiring all gazetted Registrars of Marriages and licensed ministers to submit all marriage certificates in their custody to the Registrar of Marriages in Nairobi. The notice, in part, required that—
 - (i) All licensed ministers of faith submit to the Registrar of Marriages in Nairobi all marriage certificates already conducted and in their custody within thirty (30) days from the date of the notice;
 - (ii) For marriages conducted from 1st September 2024 onwards, the marriage certificate and other relevant documentation will be scanned, uploaded, and the original documents will be delivered physically to Nairobi within fourteen (14) days of the celebration; and
 - (iii) Original marriage certificates should be delivered to the Registrar of Marriages in Nairobi within fourteen (14) days of the celebration of marriage.

4. Despite the constitutional requirement under Article 10(2) of the Constitution— which lists public participation as a national value and principle of governance binding all State organs, State officers, and public officers when making or implementing policy— the licensed ministers of faith were never consulted on the new policy directive.
5. They submitted that the implementation of the policy had placed an unnecessary administrative and financial burden on licensed ministers of faith, who were compelled to travel to Nairobi to submit original marriage certificates, thereby making the officiation of marriages in religious settings unnecessarily costly and cumbersome.
6. The petitioners argued that requiring the physical delivery of original marriage certificates from all counties to Nairobi undermines the constitutional principle of devolution and decentralisation of services. It may deter prospective couples from exercising their civic right to marry.
7. Further, the policy shift had led to congestion at the Registrar of Marriages' Nairobi office, creating opportunities for unethical practices, including attempted bribery by individuals seeking to expedite the service.
8. The petitioners informed the Committee that attempts by licensed ministers of faith to engage the relevant authorities for a review or reversal of this policy have not yielded any positive outcome to date.
9. The petitioners requested the Committee to recommend that:
 - a. The policy requiring licensed ministers of faith from all counties to physically deliver original marriage certificates to the Registrar of Marriages in Nairobi be revoked.
 - b. The licensed ministers of faith be allowed to submit original marriage certificates to the Registrar of Marriages within their respective counties, with county offices bearing the responsibility of forwarding the documents to Nairobi.
 - c. Make any other recommendations it may deem appropriate to address the plight of the Petitioners.

Committee Resolution

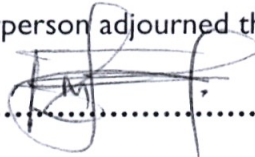
The committee resolved to invite the Attorney General to provide further clarification on the matter and to address the prayers made by the petitioners.

MIN./PPC/2025/259:

ADJOURNMENT AND DATE OF NEXT MEETING

The Chairperson adjourned the meeting at 11:25 a.m. The next meeting will be held on notice.

Sign:



Date

03/12/2025

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

Amica (5)

KENYA LAW REFORM COMMISSION



"A Vibrant Agency for Responsive Law Reform"
Telegrams: "LAWREFORM" NAIROBI
Telephone: Nairobi, +254-20-2241186/2241201
Fax: +254-20-2225786
www.info@klrc.go.ke

When replying please quote

Ref. No. **KLRC/8/64/VOL.V/(55)**
and Date

(ii) MACHIA
Please
deal
MA
27/11/25

DLPS
26/11/25



KENYA LAW REFORM COMMISSION
REINSURANCE PLAZA
3RD FLOOR
TAIFA ROAD
P.O. Box 34999-00100
NAIROBI, KENYA

25th November, 2025

Mr. Samwel Njoroge, CBS
The Clerk
National Assembly
Parliament Buildings
NAIROBI

RE: WRITTEN SUBMISSIONS ON THE PUBLIC PETITION REGARDING THE REQUIREMENT TO DELIVER ORIGINAL MARRIAGE CERTIFICATES TO THE REGISTRAR OF MARRIAGES IN NAIROBI

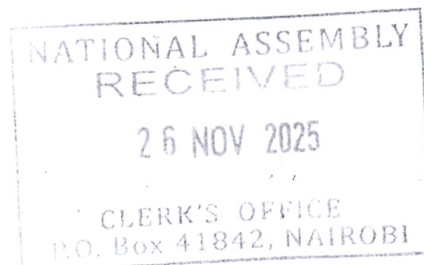
We acknowledge receipt of your letter dated 10th November 2025 requesting submissions on the above Petition. We have carefully reviewed the issues raised in the Petition together with the statutory and constitutional framework governing marriage registration. Our considered submissions are as follows:

ISSUES FOR DETERMINATION

The Petition raises the following key legal questions:

- 1.1 Whether the Marriage Act, 2014 or the Marriage (General) Rules, 2014 require that all original marriage certificates be physically delivered to Sheria House in Nairobi.
- 1.2 Whether the directive issued on 3rd September 2024 is consistent with the Constitution, particularly regarding devolved service delivery, public participation, and fair administrative action.
- 1.3 Whether the directive meets the minimum procedural requirements for stakeholder consultation under the Constitution and the Kenya Policy on Public Participation (Sessional Paper No. 3 of 2023).

These issues are addressed in turn below:



LEGAL AND CONSTITUTIONAL ANALYSIS

2.1 Constitutional Framework

(a) National Values and Principles (Article 10)

All State organs must observe public participation, equity, non-discrimination, transparency, and accountability when making or implementing policy decisions. A directive of nationwide application affecting thousands of licensed ministers of faith and the general public falls squarely within these obligations.

(b) Devolution of Services (Articles 6, 174 & 232)

Although marriage registration is a national government function (Fourth Schedule), the Constitution obliges the national government to deliver services in a decentralised, accessible, and efficient manner.

- (i) Article 6(3) requires that State organs “ensure reasonable access to their services in all parts of the Republic.”
- (ii) Article 174 promotes decentralisation and accessibility of services.
- (iii) Article 232(1)(c) requires “responsive, prompt, effective, impartial and equitable provision of services.”

Requiring all officers across the country to physically deliver marriage certificates only to Sheria House contradicts these constitutional principles and creates unequal access to a national service.

(c) Public Participation & Fair Administrative Action (Articles 10, 47 & 232)

Any administrative direction that significantly changes service delivery must comply with:

- (i) Article 10 (public participation)
- (ii) Article 47 (fair administrative action)
- (iii) The Fair Administrative Action Act
- (iv) The Kenya Policy on Public Participation, 2023

The Petition demonstrates that the directive was issued without adequate notice or consultation with:

- (i) Licensed ministers of faith
- (ii) Faith-based organizations
- (iii) County registrars
- (iv) County governments
- (v) The public

The absence of consultation renders the directive procedurally unfair and constitutionally defective.

2.2 The Marriage Act, 2014 and the Marriage (General) Rules, 2014)

(a) Delivery of Certificates to "the Registrar"

Section 42 of the Marriage Act requires the officiating minister to "deliver to the Registrar" the duly completed certificate after a marriage ceremony. The term "Registrar" is defined broadly and includes:

- (i) The Registrar of Marriages (national); and
- (ii) Registrars designated at county and sub-county levels under section 50(3)

There is nothing in the Act requires exclusive delivery to Sheria House.

(b) Decentralized Marriage Registration Framework

Sections 50–53 of the Act and Forms MA2 and MA3 under the Rules clearly contemplate multiple registrars across the country, not a single central office. This decentralized system ensures:

(i) Proximity of services;

- (i) Reduced administrative burden;
- (ii) Efficiency of registration; and
- (iii) Compliance with constitutional obligations.

(c) Legal Status of the Directive

The directive of 3rd September 2024, requiring all ministers nationwide to deliver certificates physically to Nairobi, introduces new mandatory obligations not contained in the Act or Rules.

Such an administrative direction cannot:

- (i) Override express statutory provisions, or
- (ii) Repeal decentralised functions without amending the Rules through the Statutory Instruments Act process.

Therefore, the directive is ultra vires, inconsistent with the Act, and unenforceable in its current form.

2.3 Public Participation: Sessional Paper No. 3 of 2023

The Kenya Policy on Public Participation sets mandatory standards for:

- (i) Advance notice;
- (ii) Stakeholder mapping;

- (iii) Civic education;
- (iv) Collection and documentation of feedback; and
- (v) Inclusion of affected communities.

A nationwide directive altering how marriage registration is undertaken is a policy decision under the Policy and must comply with these requirements. There is no evidence that these mandatory steps were followed.

3. CONCLUSION AND RECOMMENDATIONS

Based on the foregoing analysis, KLRC is of the considered view that:

(a) Statutory Basis

The Marriage Act and the Marriage (General) Rules do not require exclusive delivery of certificates to Sheria House. Delivery may be made to any registrar appointed under section 50.

(b) Constitutional Compliance

Centralising the submission of all certificates in Nairobi violates Articles 6, 174, and 232 on devolved and accessible service delivery.

(c) Procedural Fairness

The directive was issued without adequate public participation and is therefore inconsistent with Articles 10, 47, and the Kenya Policy on Public Participation.

(d) Legality of the Directive

The directive is ultra vires, introduces requirements not found in the Marriage Act or Rules, and should be withdrawn or revised.

(e) Recommended Administrative Action

KLRC recommends that:

The directive be immediately reviewed and suspended pending proper consultation.

1. The Office of the Attorney-General and the Registrar of Marriages re-issue a revised circular allowing:
 - (a) Submission to county registrars,
 - (b) Electronic transmission of scanned certificates, coupled with
 - (c) Periodic consolidated dispatch of originals to Nairobi.
2. The Ministry conducts nationwide stakeholder consultations before revising procedures.
3. Parliament, through the Public Petitions Committee, directs the implementing agency to adhere to constitutional and statutory requirements for accessible and participatory service delivery.

4. FINAL REMARKS

The Constitution demands that public service delivery be accessible, decentralised, transparent and responsive. Any practice that unduly centralises services or imposes unnecessary burdens on citizens must be aligned with constitutional values and statutory provisions.

KLRC remains available to assist Parliament and the Office of the Attorney-General in:

- (i) Reviewing the directive,
- (ii) Amending relevant legislation or rules if needed, and
- (iii) Supporting a lawful, participatory, and efficient framework for marriage registration.



Peter Musyimi, HSC
Ag. SECRETARY/CEO

Copy to:

Ms. Christine Agimba
Chairperson, KLRC



REPUBLIC OF KENYA

OFFICE OF THE ATTORNEY GENERAL
(STATE LAW OFFICE & STATE DEPARTMENT FOR JUSTICE)

STATE LAW OFFICE

AHHEX (6)

Our Ref: AG/PL/RM/682/VOL I
Your Ref: NA/DAA&GPC/PPC/2026/006

24th February, 2026

Samuel Njoroge, CBS
Clerk of the National Assembly,
Main Parliament Building
NAIROBI

**RE: SUBMISSIONS ON PUBLIC PETITION NO. 17 OF 2025 REGARDING
DELIVERY OF ORIGINAL MARRIAGE CERTIFICATES TO THE REGISTRAR OF
MARRIAGES IN NAIROBI**

Reference is made to your letter under Reference No. **NA/DAA&GPC/PPC/2026/006** dated 11th February, 2026, requesting this Office to make submissions on the above petition.

Having considered the same, we submit as follows:

1. On 3rd September, 2024, the Office issued a notice that required all Registrars and marriages officers (Licensed Minister of Faith) to be submitting marriage certificates to the Registrar of Marriages, Nairobi within 14 days. The notice resulted in the filing of the current Petition
2. Section. 53 of the Marriage Act, Cap 150 provides for the process of registering a Christian marriage. It states thus:

"(1) Where a marriage is celebrated under Part III of this Act, the person officiating at the marriage shall forward a copy of the certificate of marriage to the Registrar within fourteen days of the celebration of the marriage for the registration of that marriage.

(2) Before the Registrar registers a marriage under subsection (1) the Registrar shall confirm that the marriage complies with the provisions of this Act.

3. Based on section 53 of the Act above, the requirement to submit marriage certificates is statutory. Consequently, the contested Notice dated 3rd September, 2024 was just a reproduction of already codified provisions under the Marriage Act, Cap 150, namely: section 2, 50 and 53 of the Act. Lifting

SHERIA HOUSE, HARAMBEE AVENUE
P.O. Box 40112-00100, NAIROBI, KENYA. TEL: +254 20 2227461/2251355/0711944555/0732529995
E-MAIL: info_statelawoffice@kenya.go.ke WEBSITE: www.attorney-general.go.ke

DEPARTMENT OF JUSTICE
CO-OPERATIVE BANK HOUSE, HAILLE SELLASIE AVENUE P.O. Box 56057-00200, Nairobi-Kenya TEL: Nairobi 2224029/ 2240337
E-MAIL: legal@justice.go.ke WEBSITE: www.justice.go.ke

ISO 9001:2008 Certified



established provisions of the Marriage Act, Cap 150 into a Notice to be published in a daily newspaper does not require public participation as the notice was not introducing new laws, guidelines or provisions

4. The prayer that the notice be quashed should be reconsidered by this committee and not be granted since it may amount to amending sections 2, 50 and 53 of the Marriage Act, Cap 150. Further, any attempt to amend these provisions can only be done through review of the Marriage Act, Cap 150. The Office of the Attorney General shall however endeavour to support the Ministers of Faith comply with the Act.
5. Paragraph 7 of the Petition alleges that the Notice undermined the constitutional principle of devolution and decentralization. However, this is denied as the Notice only relates to submission of marriage certificates only. All other marriage services are available at county levels.
6. In practice, the Ministers of Faith are allowed to either submit in person, through courier/postage services or through their representatives hence saving on time and cost. These proposed options of submissions are better than the proposal to make submissions via county offices. The Registrar of Marriages is yet to establish marriage offices in all sub-counties.

THEREFORE, we submit that the Attorney General's office has assisted the public to comply with the law. Moreover we clarify that:

- a) The Notice was a reproduction of sections 2, 50 and 53 of the Marriage Act, Cap 150 and was issued as a reminder to all the gazetted Registrars and Licensed Ministers of Faith.
- b) It is imperative that the records be submitted to Nairobi to enable the Registrar of Marriages register the marriages and establish a centralized marriage register.
- c) The notice and section 53 of the Marriage Act, Cap 150 do not require the Ministers of Faith to physically travel to Nairobi. Other viable options of submitting include use of courier/postage services or church representatives, and
- d) Prompt submission of marriage certificates to Nairobi is essential in enabling the Registrar of Marriages register marriages in time and maintain accurate up to date records.

Hon. Shadrack J. Mose, CBS
SOLICITOR GENERAL