LEGAL NOTICE NO. 205

THE STATISTICS ACT
(No. 4 of 2006)

IN EXERCISE of the powers conferred by section 17 of the Statistics Act, 2006, the Cabinet Secretary for the National Treasury and Planning makes the following Order—

THE STATISTICS (CENSUS OF POPULATION) ORDER, 2018

1. This Order may be cited as the Statistics (Census of Population) Order, 2018.

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

“authorized officer” means an enumerator or supervisor or other census personnel appointed and designated as such on the advice of the Director General;

“Board” means the Board of Directors of the Kenya National Bureau of Statistics established under section 5 of the Statistics Act, 2006;

“Bureau” means the Kenya National Bureau of Statistics established under section 3 of the Statistics Act, 2006;

“Census” means the National Population and Housing Census conducted by the Bureau;

“census reference night” means midnight of 24th/25th August, 2019;

“Committee” means the National Census Steering Committee established under paragraph 6;

“enumeration Area” means the smallest geographic unit created during cartographic mapping for the purpose of census enumeration;

“National Census Executive Officer” means the Principal Secretary for the time being responsible for matters relating to Planning;

“National Census Coordinator” means the Director General of the Bureau;

“pilot census reference night” means the midnight of 24th/25th August, 2018;

“premises” means any place where a person is residing at the time of taking of the main Population Census;
“project” means the National Population and Housing Census;
and

“return” means the census data transmitted to a central location at
the Bureau headquarters.

3. There shall be a National Population and Housing Census
    which shall be undertaken starting on the midnight of the 24th/25th
    August, 2019, and the enumeration in respect of which shall be
    completed on the 31st August, 2019.

4. The Census follows the pilot Population and Housing Census
    undertaken on the midnight of the 24th/25th August, 2018 in the
    selected enumeration areas within the counties specified in the First
    Schedule and the enumeration in respect of which was completed on
    the 31st August, 2018.

5. The Census shall be conducted by the National Census
    Coordinator under the guidance of the Board.

6. There shall be a Committee to be known as the National
    Census Steering Committee, consisting of the following members—

   (a) the Principal Secretary, in the Ministry, for the time being
       responsible for matters relating to Planning who shall be the
       Chairperson of the Committee and the National Census
       Executive Officer;

   (b) Principal Secretary for the time being responsible for matters
       relating to Interior and Coordination of National Government
       who shall be the alternate Chairperson;

   (c) the Principal Secretary for the time being responsible for
       matters relating to the National Treasury;

   (d) the Principal Secretary for the time being responsible for
       matters relating to devolution;

   (e) the Principal Secretary for the time being responsible for
       matters relating to Information, Communication and
       Technology;

   (f) the Chairperson of the Board;

   (g) the Attorney-General;

   (h) the Inspector-General of Police;

   (i) the Director-General of the National Intelligence Service;

   (j) the Director-General of the Kenya National Bureau of
       Statistics who shall be the Secretary;

   (k) the Director-General of the National Council for Population
       and Development;

   (l) the Director of Population Studies and Research Institute at
       the University of Nairobi;

   (m) the Director of Survey of Kenya;
(n) the Chief Executive Officer of the Independent Electoral and Boundaries Commission;
(o) the Secretary to the Council of Governors;
(p) the Secretary-General of the Central Organization of Trade Unions;
(q) the Secretary-General, of the Kenya National Union of Teachers;
(r) representatives from the following development partners —
   (i) the United Nations Population Fund;
   (ii) the United Nations Children’s Fund;
   (iii) the Department for International Development;
   (iv) the United States Agency for International Development;
   (v) the Embassy of Sweden; and
   (vi) the World Bank.
(s) the Executive Director for the Kenya National Council for Persons with Disabilities;
(t) a representative from each of the following religious organizations —
   (i) the Supreme Council of Kenya Muslims;
   (ii) the National Council of Churches of Kenya;
   (iii) the Kenya Conference of Catholic Bishops;
   (iv) the Hindu Council of Kenya; and
(u) a representative from the Kenya Private Sector Alliance.

7. The functions of the Committee shall be to—
(a) approve all the relevant census guidelines and strategies;
(b) liaise with all stakeholders to provide the required technical and financial support to the census project;
(c) approve the census governance structure;
(d) approve the census work-plan and budget for implementation by the National Census Coordinator;
(e) advise the Cabinet Secretary for the National Treasury and Planning on the 2019 Population and Housing Census matters;
(f) approve the census instruments;
(g) provide leadership in advocacy for cooperation during all phases of the census and on the use of census information; and
(h) provide an avenue for dispute resolution on matters pertaining to the 2019 Census.

8. The Board shall —

(a) provide leadership to ensure successful implementation of the 2019 Census activities; and

(b) ensure establishment and operationalization of various census committees.

9. There shall be a Technical Working Committee which shall consist of —

(a) the staff of Kenya National Bureau of Statistics;

(b) representatives from National Council for Population and Development;

(c) representatives from the following line ministries—

(i) the Ministry of Interior and Coordination of National Government, Education,

(ii) the Ministry of Labour and Social Protection;

(iii) the Ministry of Lands, Housing and Urban Development;

(iv) the Ministry of Agriculture and Irrigation; and

(v) the Ministry of Information, Communication and Technology;

(d) representatives from the Information, Communication and Technology Authority;

(e) representatives from the National Intelligence Service;

(f) representative from the Survey of Kenya;

(g) representatives from the Department of Resource Surveys and Remote Sensing;

(h) representatives from development partners specified in paragraph 6(r); and

(i) representatives from the Population Studies and Research Institute.

10. (1) There shall be a County Census Committee established in every County, which shall consist of not less than twelve and not more than fifteen persons who shall include —

(a) the County Commissioner who shall be the Chairperson;

(b) the County Statistical Officer who shall be the Secretary;

(c) the County Social and Gender Development Officer;

(d) the County Supply Chain Management Officer;
(e) the County Police Commander;
(f) the County Intelligence Coordinator;
(g) the County Information Officer;
(h) the County Director of Education;
(i) the County Population Coordinator;
(j) the County Accountant;
(k) the Deputy County Commissioner;
(l) the County Human Resource Officer;
(m) the County Secretary;
(n) the County Chief Officer, for the time being responsible for Finance and Economic Planning;
(o) a representative of dominant religious organization in the county;
(2). The functions of the County Census Committee shall include—
(a) general administration, coordination and execution of census activities at the county level in consultation with the National Census Coordinator;
(b) undertaking Census publicity and advocacy activities within the county;
(c) making security arrangements in the county;
(d) ensuring the safety of all census personnel, materials and instruments under their control; and
(e) ensuring that all the Census materials and equipment are returned to the office of the County Statistical Officer.

11. A return for the purpose of the Census shall be completed by an authorized officer and shall be made in respect of—
(a) all persons in Kenya on the census reference night;
(b) all persons on transit, travelers and those residing in open and temporary shelters on the census reference night; and
(c) all persons accommodated or residing in private and public institutions on the census reference night.

12. Where a dwelling or part thereof is occupied by a household consisting of one or more persons, a return shall be made with respect to that person or persons resident or accommodated therein on the census reference night.

13. In the absence of the head of the household, any responsible person in such household shall provide information to the authorized officer for the completion of the return with respect to every member resident or accommodated in the premises on the census reference night to the best of their knowledge.
14. The information to be obtained by the authorized officer shall be of any or all the particulars specified in the Second Schedule.

15. The information to be obtained during the Census shall be confidential and no report, abstract or document shall be published or shown to any unauthorized person.

16. Any person who—
   
   (a) discloses census information to another person without lawful authority; or
   
   (b) fails to provide the required information,

   commits an offence and shall be liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand shillings, or to both such fine and imprisonment.

17. The National Census Coordinator may, on the advice of the Board, cancel, vary or adjust any Census data collected, if it is found to be inaccurate.
FIRST SCHEDULE

AREAS COVERED IN THE PILOT CENSUS

The pilot census was conducted in selected enumeration areas in the following counties: Busia, Kericho, Kilifi, Kisii, Kisumu, Kwale, Makueni, Mandera, Nairobi, Nyeri, Tharaka-Nithi, and West Pokot. The pilot tested the various factors that may affect the implementation of the 2019 Census.

SECOND SCHEDULE

PARTICULARS TO BE ASKED OF ALL PERSONS

1. Name.
2. Relationship to reference person in the household.
3. Sex.
4. Age.
5. Ethnicity or Nationality.
6. Religion.
7. Marital status.
8. Place of birth.
9. Place of residence in August 2019 for the main census.
10. Duration of residence in the county of enumeration.
11. Reasons for moving to the current county of residence.
12. Orphan hood Status
13. Albinism

PARTICULARS TO BE ASKED OF FEMALES AGED 12 YEARS AND ABOVE

14. Particulars of all live births
15. Particulars of the last live birth

INFORMATION REGARDING DISABILITY PARTICULARS TO BE ASKED OF ALL PERSONS 5 YEARS AND ABOVE

16. Difficulty with seeing.
17. Difficulty with hearing.
18. Difficulty with walking or climbing steps.
19. Difficulty with remembering or concentrating.
21. Difficulty with communicating.
PARTICULARS TO BE ASKED OF ALL PERSONS AGED 3 YEARS AND ABOVE

22. School attendance status.
23. Education attainment
24. Information regarding training for persons 15 years and above.

PARTICULARS TO BE ASKED OF ALL PERSONS AGED 5 YEARS AND ABOVE

25. Economic activity
26. Employment

PARTICULARS TO BE ASKED OF ALL PERSONS AGED 3 YEARS AND ABOVE

27. Ownership of mobile phones
28. Access to mobile phones
29. Use of internet
30. Use of computers/Laptops/Tablets
31. E-commerce (to be asked for persons 15 years and above)

PARTICULARS OF THE HOUSEHOLD AND HOUSING

32. Information about annual live births and deaths
33. Information regarding livestock and crop farming
34. Information regarding housing conditions and amenities
35. Information regarding ownership of household assets
36. Information regarding emigrants in the last 15 years

Dated the 31st October, 2018.

HENRY ROTICH,
Cabinet Secretary for the National Treasury and Planning.