

SPECIAL ISSUE

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2026

NAIROBI, 16th April, 2026

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NATIONAL ASSEMBLY BILL NO. 2023

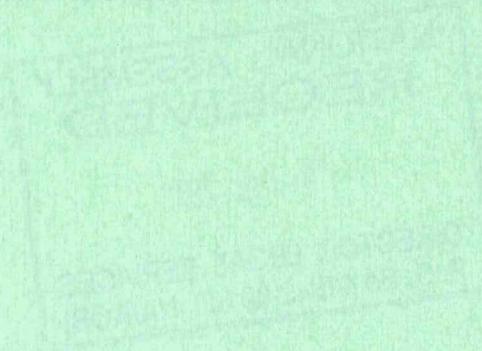
ENACTED IN APRIL 2023

CHAPTER 1

THE NATIONAL ASSEMBLY BILL NO. 2023

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THE NATIONAL ASSEMBLY BILL NO. 2023

**THE NATIONAL CORONERS SERVICE
(AMENDMENT) BILL, 2026**

A Bill for

AN ACT of Parliament to amend the National Coroners Service Act and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the National Coroners Service (Amendment) Act, 2026.

Short title.

2. The National Coroners Service Act is amended by deleting section 10 and substituting therefor the following new section—

Amendment of section 10 of Cap 89.

“Qualifications for appointment as Coroner-General.

10. A person qualifies for appointment as the Coroner-General if that person—

- (a) is a citizen of Kenya;
- (b) holds a degree in law from a university recognized in Kenya;
- (c) is admitted to the roll of advocates under the Advocates Act;
- (d) has at least ten years of experience of practicing as a lawyer in Kenya;
- (e) has had at least five years of experience in management; and
- (f) has a valid practicing certificate issued under the Advocates Act.”

Cap. 16.

Cap. 16.

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons

The principal object of the Bill is to amend the National Coroners Service Act to provide that a person who qualifies to be the Coroner General must be of an Advocate of the High Court of Kenya who has at least ten years of experience practicing as an advocate in Kenya. The proposal will address the need to clarify the functional mandate of the Office and to enhance procedural efficiency. The office of the Coroner General, as established under the principal Act, is *sui generis*. While the National Coroners Service oversees forensic pathology services, the function of the Coroner General is inherently judicial in character. The office holder is mandated to receive evidence, determine the identity of the deceased, ascertain the cause and manner of death and make findings that may result in criminal prosecution or civil liability. These functions mirror the exercise of judicial power, requiring a sophisticated understanding of the Evidence Act (Cap. 80), the rules of natural justice and the doctrine of precedent. The mischief this Bill seeks to remedy is the potential for *de novo* hearings and appeals arising from procedurally flawed inquests.

The proposed amendment will address the need to align with commonwealth jurisprudence and international best practice. The Bill will align the coronial framework in Kenya with the standards observed in cognate Commonwealth jurisdictions. While the specific structures differ, the principle is uniform: the ultimate adjudicator of a death inquest must possess legal qualifications. In England and Wales (Coroners and Justice Act 2009), coroners are required to be legally qualified practitioners, reflecting the need for expertise in law and procedure in the conduct of inquests. Similarly, New Zealand mandates that a coroner must have held a practising certificate as a barrister and solicitor for at least five years under section 103 of the Coroners Act 2006. In Australia, a coroner must be an Australian lawyer with appropriate legal qualifications and experience. This amendment ensures that the legal framework in Kenya is not merely compliant but exemplary within the East African Community and beyond.

The proposed amendment will address the need to distinguish from forensic medical expertise and adherence to International Quality Standards. The Bill acknowledges and preserves the critical role of forensic pathologists within the Service. The amendment does not require the Coroner General to perform autopsies or diagnose medical conditions; rather, it requires the office holder to evaluate the medical evidence provided by pathologists and apply it within a rigorous legal framework. This ensures a clear separation of powers within the Service, that is, the

scientific investigator reports on the body and the legally trained adjudicator interprets the totality of the evidence to render a just determination.

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

The Bill does not contain any provisions limiting any fundamental rights or freedom.

Statement as to whether the Bill concerns County Governments

The Bill does not affect the functions of county governments as set out in the Fourth Schedule to the Constitution and is therefore not a Bill concerning county governments.

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

The enactment of this Bill may not occasion additional expenditure of public funds.

Dated the 14th April, 2026.

JULIUS LEKAKENY SUNKULI,
Member of Parliament.

Section 10 of the principal Act in which it is proposed to amend—

Qualifications for appointment as Coroner-General

10. A person is qualified for appointment as Coroner- General if that person—

- (a) is a citizen of Kenya;
- (b) has had at least five years' experience at management level;
- (c) holds a degree in medicine from a university recognized in Kenya;
- (d) has specialized in human pathology for at least five years;
- (e) has a valid practising certificate issued under the Medical Practitioners and Dentists Act (Cap. 253) and
- (f) has training in forensic pathology.

