



**THE REPUBLIC OF KENYA**

LAWS OF KENYA

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**THE RECORDS DISPOSAL ACT**

CAP. 14

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Kenya

## Records Disposal Act

Cap. 14

Legislation as at 31 December 2022

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Records Disposal Act (Cap. 14)  
Contents

1. Short title ..... 1

2. Power to make rules for the disposal of records ..... 1

3. Saving ..... 1

4. No suit to lie on account of destruction ..... 1

5. Spent ..... 1

SCHEDULE [s. 2(3)] ..... 2

# RECORDS DISPOSAL ACT

## CAP. 14

Assented to on 28 May 1962

Commenced on 12 June 1962

[Amended by [Kenya \(Amendment of Laws\) \(Written Laws\) Order, 1963 \(Legal Notice 2 of 1963\)](#) on 24 January 1963]

[Amended by [Public Archives and Documentation Service Act \(Cap. 19\)](#) on 25 January 1966]

[Amended by [Access to Information Act \(Cap. 7M\)](#) on 21 September 2016]

[Amended by [Companies and Insolvency Legislation \(Consequential Amendments\) Act, 2015 \(Act No. 19 of 2015\)](#) on 3 July 2017]

[Amended by [Statute Law \(Miscellaneous Amendments\) Act, 2020 \(Act No. 20 of 2020\)](#) on 11 December 2020]

[Revised by [24th Annual Supplement \(Legal Notice 221 of 2023\)](#) on 31 December 2022]

**An Act of Parliament to provide for the disposal of records in the custody of the High Court or of the Registrar-General**

### 1. Short title

This Act may be cited as the Records Disposal Act.

### 2. Power to make rules for the disposal of records

- (1) The Chief Justice after consultation with the Kenya National Archives and Documentation Service and the Commission on Administrative Justice and subject to the provisions of the Public Archives and Documentation Service Act (Cap. 19), may from time to time make rules to provide for the disposal by destruction or otherwise of such records, books and papers, belonging to or being in the custody of the High Court, Employment and Labour Relations Court, Environment and Land Court or of courts of civil or criminal jurisdiction subordinate thereto, as he may consider to be of no further use or unworthy of being permanently preserved.
- (2) The Attorney-General may, after consultation with the Kenya National Archives and Documentation Service and the Commission on Administrative Justice and subject to the provisions of the Public Archives and Documentation Service Act (Cap. 19), from time to time make rules to provide for the disposal by destruction or otherwise of such records, books and papers, belonging to or being in the custody of the Registrar-General as he may consider to be of no further use or unworthy of being permanently preserved.
- (3) For the purposes of this section, "Registrar-General" includes the officers specified in the Schedule to this Act.

[L.N. 2/1963, Act [No. 32 of 1965](#), s. 16, Act [No. 31 of 2016](#), Sch., Act [No. 20 of 2020](#), Sch.]

### 3. Saving

Nothing herein contained shall be deemed to authorize the destruction of any document which under the provisions of any law for the time being in force is required to be kept or maintained.

### 4. No suit to lie on account of destruction

No suit or other proceeding shall be instituted against any person in respect of the disposal by destruction or otherwise of any records, books or papers in accordance with any rules made under this Act.

### 5. Spent

**SCHEDULE [s. 2(3)]****OFFICERS INCLUDED IN THE DEFINITION OF "REGISTRAR-GENERAL"**[Act [No. 19 of 2015](#), s. 2.]

<i>Officer</i>	<i>Act under which appointed.</i>
Official Receiver.	Insolvency Act (Cap. 53) - section 701(1)(a).
Registrar of Societies.	Societies Act ( <a href="#">Cap. 108</a> ) - section 8.
Registrar of Books and Newspapers.	Books and Newspapers Act (Cap. 111) - section 3.
Principal Registrar of Births and Deaths.	Births and Deaths Registration Act ( <a href="#">Cap. 149</a> ) -section 3.
Registrar of Marriages.	Marriage Act (Cap. 150)- section 50.
Public Trustee.	Public Trustee Act (Cap. 168) - section 5.
Registrar of Trade Unions.	Labour Institutions Act (Cap. 234) - section 31.
Registrar of Companies.	Companies Act (Cap. 486) - section 831.
Registrar of Insurance.	Insurance Act (Cap. 487) - section 3
Registrar of Building Societies.	Building Societies Act ( <a href="#">Cap. 489</a> ) - section 3.
Registrar of Business Names.	Registration of Business Names Act (Cap. 499) - section 3.
Registrar of Trade Marks.	Trade Marks Act ( <a href="#">Cap. 506</a> ) - section 3(1)
Registrar of Patents.	Patents Registration Act (Repealed) - section 2.
Assistant Estate Duty Commissioner.	Estate Duty Act ( <a href="#">Cap. 483</a> ) - section 3.