

THE RELIGIOUS ORGANIZATIONS BILL, 2024

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THE RELIGIOUS ORGANIZATIONS BILL, 2024

A Bill for

AN ACT of Parliament to provide a framework for the registration, regulation and oversight of religious organizations; to provide a mechanism for combating abuse of the freedom of religion; to provide for the resolution of disputes relating to religious organizations and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

Short title.

1. This Act may be cited as the Religious Organizations Bill, 2024.

Interpretation.

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

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to religious affairs;

“Commission” means the Religious Affairs Commission established under section 6;

“Registrar” means the Registrar of Religious Organizations appointed under section 11;

“religious association” means a community of people from the same or different religions, religious organizations or umbrella religious organizations who come together for a common purpose and is registered under this Act;

“religious institution” means the collective reference to a religious organization, umbrella religious organization or religious association registered under this Act;

“religious leader” means a person who is ordained or formally recognized by a religious organization to perform religious duties, provide spiritual leadership, conduct religious services, deliver religious teachings, and perform religious rituals and ceremonies associated with the beliefs and practices of the religious organization;

“religious organization” means a voluntary and independent association of fifty or more persons that is founded on a belief in a supernatural power and is established for joint worship;

“statement of faith” means a written summary of the doctrines, beliefs and creed of a religious organization;

“umbrella religious organization” means a central coordinating body which represents a group of independent registered religious organizations that have a common creed and purpose and facilitates self-regulation of those religious organizations; and

“Tribunal” means the Religious Organizations Disputes Tribunal established under section 51;

Objects of the Act.

3. The objects of this Act are to—

- (a) protect and promote the freedom religion and belief and the freedom of association;
- (b) provide a legal and institutional framework to facilitate the operations of religious institutions in Kenya;
- (c) establish mechanisms for combating religious extremism and the abuse of the freedom of religion and belief;
- (d) promote corporate governance, transparency and accountability within religious institutions; and
- (e) enhance religious tolerance.

Application of the Act.

4. This Act shall apply to religious organizations, umbrella religious organizations and religious associations.

Guiding principles.

5. The implementation of this Act shall be guided by the following fundamental principles—

- (a) the State shall respect and ensure to everyone in Kenya the right to freedom of religion or belief without distinction on the basis of race, colour, sex, language, political or other opinion, nationality or other origin, property, birth or other status;
- (b) the State shall be impartial in exercising its regulatory power and in its relations with the various religions, denominations, sects or beliefs;
- (c) a person shall not be subject to coercion that would impair his or her freedom of religion or belief and shall not be coerced to change religion or belief or be unlawfully prevented from changing religion or belief;
- (d) religious institutions shall foster a climate of mutual tolerance and respect between believers of different faith communities as well as non-believers;
- (e) an individual or religious institution shall have access to courts that provide them with an effective remedy for a decision not to

register or to cancel the registration of a religious institution that has an arguable claim to such registration.

PART II—THE RELIGIOUS AFFAIRS COMMISSION

Establishment of
the Religious
Affairs
Commission.

6. (1) There is established a commission to be known as the Religious Affairs Commission.

(2) The Commission shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of—

- (a) suing and being sued;
- (b) entering into contracts;
- (c) acquiring, holding, charging and disposing of movable and immovable property; and
- (d) doing or performing all such other things or acts as may lawfully be done or performed by a body corporate.

Functions of the
Commission.

7. The functions of the Religious Affairs Commission shall be to—

- (a) register religious organizations, umbrella religious organizations and religious associations;
- (b) provide and promote oversight of religious affairs;
- (c) receive and review the annual returns of religious organizations umbrella religious organizations and religious associations;
- (d) monitor the compliance of religious institutions with this Act;
- (e) develop and implement a policy on religious organizations;
- (f) advise the Government on religious affairs;
- (g) develop and publish a code of conduct for religious organizations;
- (h) undertake research on matters affecting religious institutions and disseminate the research findings;
- (i) sensitize the public on religious liberty, religious tolerance, religious extremism and abuse of the freedom of religion and belief; and

- (j) perform any other function conferred on it by any written law.

Powers of the Commission.

8. The Commission shall have all the powers necessary for the performance of its functions under this Act and in particular, but without prejudice to the generality of the foregoing, the Commission shall have power to—

- (a) cooperate and collaborate with other public or private entities and regional and international organizations in the enforcement of this Act; and
- (b) obtain professional assistance or advice from any person or organization as it considers appropriate.

Composition of the Commission.

9. (1) The Commission shall consist of—

- (a) a Chairperson appointed by the President;
- (b) the Attorney-General or his representative, appointed in writing;
- (c) the Principal Secretary National Treasury or his representative, appointed in writing;
- (d) the Principal Secretary responsible for matters relating to internal security or his representative, appointed in writing;
- (e) one person nominated by the Evangelical Alliance of Kenya;
- (f) one person nominated by the National Council of Churches of Kenya;
- (g) one person nominated by the Kenya Conference of Catholic Bishops;
- (h) one person nominated by a joint forum of muslim umbrella religious organizations comprising the Supreme Council of Kenya Muslims, the Council of Imams and Preachers of Kenya and the Shia Ithnashari Jamaats;
- (i) one person nominated by the Hindu Council of Kenya; and
- (j) the Registrar of Religious Organizations.

(2) The Chairperson and every member appointed under paragraphs (e) to (i) of subsection (3) shall hold office for a period of three years and shall be eligible for re-appointment for a further and final term of three years.

Qualifications for

10. (1) A person shall be qualified for appointment as the

appointment to the Commission.

Chairperson of the Commission, if the person—

- (a) is a Kenyan citizen;
- (b) holds a degree in theology or possesses an equivalent qualification from a university or academic institution recognized in Kenya;
- (c) has at least fifteen years' experience in religious matters; and
- (d) meets the requirements of Chapter Six of the Constitution.

(2) A person shall be qualified for appointment as a member of the Commission, if the person—

- (a) is a Kenyan citizen;
- (b) holds a bachelors degree from a university or academic institution recognized in Kenya;
- (c) meets the requirements of Chapter Six of the Constitution.

(3) A person shall not be appointed as a Chairperson or member of the Commission if the person—

- (a) is an undischarged bankrupt;
- (b) has been convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months;
- (c) holds a political office at the time of appointment;
- (d) has previously been removed from any office for violation of the Constitution or any other written law .

The Registrar of Religious Organizations.

11. (1) There shall be a Registrar of Religious Organizations who shall be appointed by the Commission through an open, transparent and competitive process on such terms and conditions as the Commission shall determine, in consultation with the relevant Government agencies.

(2) The Registrar shall be—

- (a) an ex officio member of the Commission but shall have no right to vote at any meeting of the Commission; and
- (b) the chief executive officer of the Commission.

(3) The Registrar shall—

- (a) be responsible for executing decisions of the Commission;

- (b) be responsible for the day-to-day administration and management of the affairs of the Commission;
- (c) be the custodian of all the records of the Commission;
- (d) be responsible for the organization, control and management of the members of staff of the Commission;
- (e) perform such other duties as may be assigned by the Commission.

(4) A person shall be qualified for appointment as the Registrar if the person—

- (a) is a citizen of Kenya;
- (b) holds a bachelors degree from a university or academic institution recognized in Kenya;
- (c) has at least ten years' experience in senior management in a public or a private institution; and
- (d) satisfies the requirements of Chapter Six of the Constitution .

(5) The Registrar shall be appointed for a term of three years and shall be eligible for re-appointment for one further and final term of three years.

Corporation
Secretary.

12. (1) There shall be a secretary to the Commission who shall be appointed by the Commission through an open, transparent and competitive process on such terms and conditions as the Commission shall determine, in consultation with the relevant Government agencies.

(2) The Corporation Secretary shall be responsible to the Registrar in the performance of his duties.

(3) The Corporation Secretary shall—

- (a) provide guidance to the Commission on the duties, responsibilities and powers of the Commission;
- (b) ensure that the Commission follows its procedures and complies with the respective laws and regulations;
- (c) prepare the Commission's work plans and assist the Chairperson to organise the Commission's activities including meetings, agendas of meetings, issuing notices to other members of the Commission, circulating Board papers before meetings and keeping a record of attendance at meetings;

(d) take and keep the minutes of the meetings of the Commission and circulate the minutes to the members of the Commission;

(e) keep a record of the usage of the seal of the Commission;

(f) keep a record of the appointment letters, notices of appointment and the written acceptance of appointment by members of the Commission;

(g) keep a record of conflicts of interest declared by each member of the Commission; and

(h) perform such other duties as the Commission direct.

Committees of the Commission.

13. (1) The Commission may establish such committees as it may consider necessary to assist it in the performance of its functions and the exercise of any of its powers.

(2) Any decision that is made by a committee established under subsection (1) shall be ratified by the Commission.

Remuneration of the members of the Commission.

14. The Chairperson and members of the Commission shall be paid such allowances and disbursements for such expenses as may be approved by the Cabinet Secretary, in consultation with the relevant Government Agencies and on the advice of the Salaries and Remuneration Commission.

Conduct of business and affairs of the Commission.

15. (1) The conduct and regulation of the business and affairs of the Commission shall be as provided in the First Schedule.

(2) Except as provided in the First Schedule, the Commission may regulate its own procedure.

Staff of the Commission.

16. The Commission may appoint such number of staff of the Commission as it may consider necessary for the discharge of the functions of the Commission, on such terms and conditions as the Commission may determine, in consultation with the relevant Government agencies.

Delegation of powers of the Commission.

17. The Commission may by resolution, either generally or in any particular case, delegate to any committee of the Commission or to any member, officer, employee or agent of the Commission, the exercise of any of the powers or the performance of any of the functions of the Commission under this Act.

Seal of the Commission.

18. (1) The common seal of the Commission shall be kept in the custody of the Registrar or such other person as the Commission may direct and shall not be used except upon the order of the Commission.

(2) The common seal of the Commission shall be authenticated by the signature of the Chairperson of the Commission or the Registrar.

(3) Despite sub section (2), the Commission shall, in the absence of either the Chairperson or the Registrar, in any particular matter nominate one member of the Commission to authenticate the seal of the Commission on behalf of either the Chairperson or the Registrar.

(4) The common seal of the Commission shall, when affixed to a document and duly authenticated, be judicially and officially noticed and unless the contrary is proven, any order or authorization by the Commission under this section shall be presumed to have been duly given.

Protection from personal liability.

19. (1) Nothing done by a member of the Commission or by any officer, employee or agent of the Commission shall, if done in good faith for the purpose of executing the powers or functions of the Commission under this Act, render such member, officer, employee or agent personally liable for any action, claim or demand.

(2) The provisions of subsection (1) shall not relieve the Commission of the liability to pay compensation or damages to any person for any injury to him, his property or any of his interests caused by the exercise of any power conferred by this Act or any other written law or by the failure, whether wholly or partially, of any works.

Funds of the Commission.

20. The funds of the Commission shall comprise of —

(a) such monies as may be appropriated by Parliament for purposes of the Commission;

(b) such monies as may accrue to or vest in the Commission in the course of the exercise of its powers or the performance of its functions under this Act; and

(c) any grants, gifts or donations that are lawfully given to the Commission.

Financial year

21. The financial year of the Commission shall be the period of twelve months ending on the thirtieth of June in every year.

Annual estimates.

22. The annual estimates of the Commission shall be prepared and approved in accordance with the Public Finance Management Act, 2012.

No. 18 of 2012

Books of account.

23. (1) The Commission shall cause to be kept all proper books and records of account relating to the income, expenditure, assets and liabilities of the Commission.

(2) The accounts of the Commission shall be prepared and audited in accordance with the Public Finance Management Act, 2012 and the Public

No. 18 of 2012. Audit Act, 2015.
No. 34 of 2015.

PART III—REGISTRATION OF RELIGIOUS INSTITUTIONS

Obligation to
register a religious
institution.

24. (1) Any association of persons shall not operate as a religious institution unless it has been registered in accordance with the provisions of this Act.

(2) A person who contravenes sub section (1) commits an offence.

Reservation of
name.

25. (1) The Commission may reserve a name pending registration of a religious institution or a change of name by a religious institution.

(2) A religious institution that seeks to reserve a name or change its name shall apply to the Commission for the reservation of the proposed name.

(3) An application for reservation of a name shall—

(a) be in the prescribed form;

(b) specify the name to be reserved;

(c) be signed by three office bearers, if the religious institution seeks to change its name;

(d) be accompanied by the prescribed fee.

(4) The Commission shall, within fourteen days of the application under subsection (2).—

(a) if satisfied that the application meets the requirements of this Act as to reservation names, issue a certificate of reservation of name to the applicant; or

(b) if satisfied that the application does not meet the requirements of this Act as to reservation names, notify the applicant in writing of the rejection of the application, giving reasons for the rejection.

(5) The Commission shall not reserve a particular name if—

(a) the use of the name would constitute an offence;

(b) the Commission is of the opinion that—

(i) it is identical to, or closely resembles some other name that is registered, that is reserved or that is the subject of an earlier application for reservation that has been refused under this section; and

(ii) the public are likely to be misled if religious institutions operated under both names.

(c) the Commission is of the opinion that the name suggests a connection with a State organ, county government or public authority;

(d) the Commission is of the opinion that the name is offensive or undesirable;

(e) it is prescribed by regulations to be unacceptable.

(6) The reservation of a name under subsection (4) shall remain in force for a period of thirty days, or such extended period, not exceeding sixty days, as the Commission may, for a special reason, allow, and during that period of thirty days or that period as extended, no other religious institution is entitled to be registered under that name.

Registration of
religious
organizations.

26. (1) An application for registration of a religious organization shall be made to the Commission in the prescribed form.

(2) An application made under subsection (1) shall contain or be accompanied by—

(a) the certificate of reservation of the name of the proposed religious organization;

(b) the postal, e-mail and physical address and telephone number of the proposed religious organization;

(c) the names, telephone numbers, postal, e-mail and physical addresses of the founders, religious leaders and proposed office bearers;

(d) a copy of the constitution of the proposed religious organization;

(e) a letter of recommendation from an umbrella religious organization;

(f) a certified copy of a certificate, diploma or degree in theology or its equivalent from a recognized theological institution from all office bearers of the religious organization;

(g) in the case of an application made on behalf of two or more religious organizations proposing to amalgamate, the special resolutions passed by the members of each religious organization;

(h) a list of at least fifty members, including the proposed office

bearers, duly signed by them;

- (i) the prescribed fee; and
- (j) any other document or requirement prescribed in regulations.

(3) A religious organization shall not be registered unless—

- (a) at least one third of the members are Kenyan citizens; and
- (b) the proposed religious organization has at least three office bearers who shall include the Chairperson, the Secretary and the Treasurer.

(4) The Commission shall consider and verify the authenticity of every application for registration of a religious organization and shall, if satisfied that the application for registration complies with the requirements of this Act relating to registration, register the religious organization by entering in the Register of Religious Organizations the prescribed particulars.

(5) Upon the registration of a religious organization under this section, the Commission shall issue to the religious organization a certificate of registration in the prescribed form and such certificate shall be deemed to be proof of the registration of the religious organization.

Registration of a foreign religious organization.

27. (1) A foreign religious organization that seeks to be registered as a religious organization shall make an application to the Commission in the prescribed form.

(2) An application under subsection (1) shall be accompanied by—

- (a) a certified copy of a current certificate of the foreign organization's incorporation or registration in its country of origin, or a document of similar effect;
- (b) particulars of the name under which it seeks to operate in Kenya;
- (c) a certified copy of its constitution;
- (d) a list containing the names of its office bearers in the foreign country and their telephone numbers, postal, e-mail and physical addresses;
- (e) a list of all proposed local founders, religious leaders and office bearers of the religious organization in Kenya and their telephone numbers, email, postal and physical addresses;
- (f) audited financial statements of the foreign religious organization for the past five years to demonstrate the organization's financial

stability;

- (g) information on the sources of funding and how funds will be utilized within the country;
- (h) appointment of a local representative or agent who shall act as a liaison between the foreign religious organization and Government agencies.
- (i) the prescribed fee; and
- (j) any other documents or information that may be prescribed in the regulations.

(3) The Commission shall consider and verify the authenticity of every application for registration of a foreign religious organization and shall, if satisfied that the application for registration complies with the requirements of this Act relating to registration, register the foreign religious organization by entering in the Register of Religious Organizations the prescribed particulars.

(4) Upon the registration of a religious organization under this section, the Commission shall issue to the foreign religious organization a certificate of registration in the prescribed form and such certificate shall be deemed to be proof of the registration of the foreign religious organization.

Registration of
umbrella religious
organizations.

28. (1) An umbrella religious organization shall consist of at least twenty registered religious organizations that are present in at least twenty four counties.

(2) An application for registration of an umbrella religious organization shall be made to the Commission in the prescribed form.

(3) An application made under subsection (2) shall contain or be accompanied by—

- (a) the reserved name of the proposed umbrella religious organization;
- (b) the postal, e-mail and physical address and telephone number of the proposed umbrella religious organization;
- (c) the names, telephone numbers, postal, e-mail and physical addresses of the proposed office bearers;
- (d) a copy of the constitution of the proposed umbrella religious organization;
- (e) written resolutions passed by the governance body of each

member religious organization authorizing its membership in the umbrella religious organization;

- (f) a list of member religious organizations duly signed by a representative of each of the member religious organizations;
- (g) the prescribed fee; and
- (h) any other document or requirement prescribed in regulations.

(4) The Commission shall consider and verify the authenticity of every application for registration of an umbrella religious organization and shall, if satisfied that the application for registration complies with the requirements of this Act relating to registration, register the umbrella religious organization by entering in the Register of Umbrella Religious Organizations the prescribed particulars.

(5) Upon the registration of an umbrella religious organization under this section, the Commission shall issue to the umbrella religious organization a certificate of registration in the prescribed form and such certificate shall be deemed to be proof of the registration of the umbrella religious organization.

Registration of religious associations.

29.(1) A religious association shall consist of at least ten persons, whether natural or juristic persons.

(2) An application for registration of a religious association shall be made to the Commission in the prescribed form.

(3) An application made under subsection (2) shall contain or be accompanied by—

- (a) the reserved name of the proposed religious association;
- (b) the postal, e-mail and physical address and telephone number of the proposed religious association;
- (c) the names, telephone numbers, postal, e-mail and physical addresses of the proposed office bearers;
- (d) a copy of the constitution of the proposed religious association;
- (e) a list of members of the religious association duly signed by at least ten members;
- (f) the prescribed fee; and
- (g) any other document or requirement prescribed in regulations.

(4) The Commission shall consider and verify the authenticity of

every application for registration of religious association and shall, if satisfied that the application for registration complies with the requirements of this Act relating to registration, register the religious association by entering in the Register of Umbrella Religious Associations the prescribed particulars.

(5) Upon the registration of a religious association under this section, the Commission shall issue to the religious association a certificate of registration in the prescribed form and such certificate shall be deemed to be proof of the registration of the religious association.

Vetting
applications
for
registration.

30. The Commission may, while assessing any application made under this Part—

- (a) conduct any necessary investigations with regard to the application for registration; and
- (b) collaborate with relevant Government agencies in vetting the application for registration.

Refusal
of
registration.

31. (1) The Commission may refuse to register a body as a religious institution if—

- (a) the Commission is satisfied that the proposed religious institution is a branch of, or is affiliated to or connected with any organization or association of a political nature;
- (b) any of the proposed office bearers has been at any time, an office bearer of a religious institution which has been refused registration or which has had its registration cancelled;
- (c) the Commission has reasonable cause to believe that the proposed religious institution has among its objects, or is likely to pursue or to be used for, any unlawful purpose;
- (d) the Commission has reasonable cause to believe it to be a threat to national security or public order;
- (e) the terms of the constitution of the proposed religious institution are in any respect repugnant to or inconsistent with any written law;
- (f) the Commission is satisfied that the application does not comply with this Act or any regulations made thereunder; or
- (g) the applicant has given false information to secure registration.

(2) The Commission shall, within twenty-eight days of the refusal to register a religious institution under this Part, inform the applicant of such refusal giving reasons thereof, in writing.

(3) Any applicant who is aggrieved by the refusal of the Commission to register a religious institution may appeal to the Tribunal within sixty days of the refusal.

Effect of registration of a religious institution.

32. (1) A registered religious organization or umbrella religious organization shall by virtue of such registration be a body corporate with perpetual succession capable in its name of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) entering into contracts; and
- (d) doing or performing all such other things or acts which may lawfully be done or performed by a body corporate.

(2) A religious association shall be an unincorporated body.

Registers of religious institutions.

33. (1) The Registrar shall keep and update in the prescribed manner

- (a) a register of religious organizations;
- (b) a register of umbrella religious organizations; and
- (c) a register of religious associations.

(2) The Registers shall be open for inspection by the public upon payment of the prescribed fee.

Cancellation of registration.

34. (1) The Commission may cancel the registration of a religious institution under this Act if the Commission is satisfied that—

- (a) the registration was obtained through misrepresentation or non-disclosure of material facts;
- (b) the religious institution has failed to file annual returns after its registration is suspended;
- (c) the religious institution has breached the provisions of this Act or any other written law;
- (d) the religious institution has failed to comply with any order issued by the Commission under this Act; and
- (e) the institution has been liquidated.

(2) The Commission shall before cancelling the registration of

a religious institution, notify it of the intended cancellation giving reasons for the intended cancellation and calling upon the religious institution to show cause, within twenty one days from the date of the notice, why its registration should not be cancelled.

(3) The Commission shall, within fourteen days from the date of such cancellation, notify a religious institution in writing of the cancellation of its registration and publish the cancellation of the registration in the *Gazette*.

PART IV— CONDUCT AND ADMINISTRATION OF RELIGIOUS INSTITUTIONS

Constitution of a religious institution.

35. (1) Every religious institution shall develop a constitution and submit it to the Commission together with its application for registration unless the application is accompanied by a statement that the model constitution under section 36 has been adopted as the constitution of the proposed institution.

(2) The constitution of a religious institution shall specify the matters set out in the Second Schedule.

(3) The constitution of a religious institution is the constitution referred to in subsection (1), as amended from time to time, in accordance with this Part.

(4) A member of a religious institution may request the Commission for an order requiring the religious institution to enforce its constitution.

(5) Any provision of the constitution of a religious institution that is inconsistent with this Act or any written law is invalid.

Model constitution.

36. (1) The model constitution for religious institutions shall be as prescribed in the Regulations.

(2) The model constitution prescribed under subsection (1) shall make provision for—

- (a) the name of the religious institution;
- (b) the objects of the religious institution;
- (c) the financial year of the religious institution;
- (d) the election of office bearers;
- (e) meetings of the religious institution;
- (f) dispute resolution mechanisms: and

(g) any other matter that may be prescribed.

(3) A religious institution which approves the adoption of the model constitution shall adopt any subsequent amendment to the model constitution as an amendment of its constitution.

(4) An amendment to the constitution of a religious institution referred to in subsection (3)—

(a) takes effect on the day the relevant amendment to the model constitution comes into operation;

(b) takes effect without the requirement of a special resolution of the religious institution; and

(c) does not require the approval of the Commission.

(5) If a religious institution that has approved the adoption of the model constitution as its own constitution amends the constitution under section 37 other than an amendment to its name, purposes or financial year, the religious body shall be deemed to have adopted its own constitution and subsections (3) and (4) shall not apply to that constitution.

(6) A registered religious institution may, by special resolution or other means specified in its constitution, approve the adoption of the model constitution as the constitution of the religious body at any time after its registration under this Act.

(7) A religious institution that approves the adoption of the model constitution as its own constitution under subsection (6) shall within fourteen days of the approval notify the Commission, in the prescribed form.

Amendment of
constitution.

37. (1) Subject to this Act, a religious institution may amend its constitution through a resolution passed at a meeting of the religious institution in the manner provided for by the constitution of the religious institution.

(2) An amendment to the constitution of any religious institution shall not take effect unless the amendment is registered by the Commission.

(3) An application for the registration of an amendment to the constitution of any religious institution shall be made by the secretary of the religious institution in the prescribed form—

(a) within twenty-eight days after the resolution containing the amendment is passed by the religious institution in accordance with its constitution; or

(b) if a longer time has been allowed by the Commission, within

the time specified.

(4) An application made under subsection (3) shall be accompanied by—

- (a) a declaration signed by at least three office bearers of the religious institution to the effect that the resolution was passed in accordance with this Act and the constitution of the religious institution;
- (b) a copy of the resolution passed by the religious institution, setting out the particulars of the amendment; and
- (c) a list of members, delegates or office bearers duly signed by them at the meeting at which the resolution was passed;
- (d) a copy of the minutes of the meeting at which the amendment of the constitution of the religious institution was agreed to;
- (e) a consolidated copy of the constitution that clearly shows the amendment; and
- (f) the prescribed fee.

(5) Subject to subsection (6), if an application for the approval of an amendment to the constitution of a religious institution is made in accordance with subsections (3) and (4), the Commission shall, within thirty days of receipt of the application, register the amendment.

(6) The Commission shall refuse an amendment to the constitution of a religious institution if satisfied that the amendment is contrary to this Act or its constitution.

(7) If the Commission registers the amendment of the constitution of a religious institution, it shall give written notice of such registration to the religious institution.

(8) If a religious institution applies for the registration of more than one amendment to its constitution, nothing in this section shall prevent the Commission from approving one or more and not all of those amendments.

Change of name of
a religious
institution.

38. (1) A religious institution may change its name through a resolution passed at a meeting of the religious institution in the manner provided for by the constitution of the religious institution.

(2) A religious institution shall, within fourteen days after a change of name has been agreed to by the religious institution, lodge with the Registrar for registration—

- (a) a notice of change of name in the prescribed form, signed by the

chairperson, the secretary and the treasurer;

- (b) a copy of the resolution passed by the religious institution for change of name; and
- (c) a statement that the change has been made in accordance with the constitution of the institution.

(3) The Registrar shall on receiving a notice of a change of name of a religious institution enter the new name on the register in place of the former name if satisfied that—

- (a) the new name complies with the requirements of this Act; and
- (b) the requirements of this Act and any relevant requirements of the constitution of the religious institution, with respect to a change of name are complied with.

(4) The Registrar shall, after registering the new name, issue a certificate of change of name to the religious institution.

(5) A change of the name of a religious institution shall—

- (a) take effect from the date on which the certificate of change of name is issued;
- (b) not affect any rights or obligations of the religious institution; or
- (c) not invalidate any legal proceedings commenced by or against it and any legal proceedings that may have been commenced by or against it under its former name may be continued by or against it under its new name.

Office bearers of religious institution.

39. (1) A religious institution shall ensure that office bearers of the religious institution are elected or appointed in accordance with the provisions of this Act and its constitution.

(2) Every religious institution shall have at least three office bearers who shall include the chairperson, the secretary and the treasurer.

Restriction of appointment of certain office bearers.

40. A person who has been convicted of a crime involving fraud or dishonesty shall not, for a period of five years from the time of the conviction, be eligible to be appointed or elected—

- (a) to any office the holder of which is responsible for the collection, disbursement, custody or control of the funds of the religious institution or for its accounts; or
- (b) as a trustee or auditor of a religious institution.

Change of office bearers or title of office.

41. (1) A religious institution shall, within fourteen days of any change of its office bearers or the title of any office, give notice to the Commission in the prescribed form.

(2) The notice under subsection (1) shall be signed by the incoming office bearers of the religious institution and shall be accompanied by—

(a) the resolution signed by three outgoing office bearers of the religious institution;

(b) an attendance list duly signed by all the members present at the meeting at which such change was adopted; and

(c) a copy of the minutes of the meeting at which the change was adopted, signed by three outgoing office bearers of the religious institution.

(3) A religious institution which fails to give notice as required by subsection (1) of any change of office bearers or title of any office of the religious institution shall remit to the Commission the prescribed late filing fee for every month it defaults after the period specified under subsection (1).

Obligation to keep financial records.

42. (1) Every religious institution shall maintain financial records and books of account that—

(a) correctly record and explain its transactions, its financial position and performance; and

(b) would enable true and fair financial statements to be prepared in accordance with this Part.

(2) Every religious institution shall retain its financial records for seven years after the end of the financial year covered by the records are completed.

(3) A religious institution which contravenes subsection (1) or (2) commits an offence.

Rendering of accounts.

43. (1) Every office bearer of a religious institution who is responsible for the accounts of the religious institution or for the collection, disbursement, custody or control of its funds shall, subject to the constitution of the religious institution—

(a) at least once in every year at such time as may be specified in the constitution of the religious institution;

(b) at any other time at which such office bearer may be required to do so by a resolution of the members of the religious institution or

by the constitution thereof; or

(c) upon resigning or otherwise vacating office;

render to the religious institution a full and true account of all monies received and paid by the office bearer during the period which has elapsed since the date of assuming office or, if such person has previously rendered an account, since the last date upon which that person rendered such account, and of the monies remaining in the treasurer's possession at the time of rendering such account, and of all assets of the religious institution under the custody or control of that office bearer.

(2) After accounts have been rendered, the office bearer referred to in subsection (1) shall, if that office bearer is resigning or vacating office or if required to do so, forthwith hand over to the succeeding treasurer or office bearer as the case may be, such monies as appear to be due from him, and all bonds, securities, effects, books, papers and property of the a religious institution in such office bearer's possession or otherwise under his control.

(3) A person who contravenes any provision of this section commits an offence and shall on conviction be liable to a fine not exceeding three hundred thousand shillings or to imprisonment for a term not exceeding three years, or to both.

Annual returns.

44. (1) Every religious institution shall furnish annually to the Commission, on or before the prescribed date, such returns, accounts, register of members and other documents as may be prescribed.

(2) The returns, accounts, register of members and other documents must have been adopted by the religious institution in accordance with its constitution before being submitted under subsection (1).

(3) If any return, register of members, account or other document furnished under subsection (1) is incomplete in any material particular, it shall be taken not to have been furnished for the purposes of subsection (1).

(4) Any religious institution which files its returns out of time shall pay such penalty for late filing as may be prescribed.

(5) Any person who wilfully makes or orders, causes or procures to be made any false entry in or omission from any return, register of members, account or other document furnished under this section commits an offence and shall on conviction be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year, or to both.

(6) A religious institution which fails to file its annual returns shall

be suspended for a period not exceeding six months.

Inspection
accounts
records.

of
and

45. (1) The accounts of a religious institution and the register of its members shall be open to inspection by—

- (a) an office bearer or member of the religious institution at such times as may be specified in its constitution; and
- (b) the Commission or any person authorized in writing by the Commission at any reasonable time.

(2) A religious institution which fails to make available to the Commission, at the specified time, any books of account, documents or lists of members when required under subsection (1) to make so available, commits an offence.

(3) Any person who obstructs the Registrar or any such person authorized by the Commission in the carrying out of an inspection under subsection (1) commits an offence and shall on conviction be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year, or to both.

Meetings.

46. (1) Every religious institution shall, at least once in every year, hold a meeting, to which its members, delegates or office bearers, as prescribed in its constitution shall be invited, and shall at such meeting—

- (a) render a full and true account of the monies received and paid by the religious institution,; and
- (b) cause to be elected or appointed such office bearers, trustees or auditors and, where applicable, such committees as are required in accordance with the constitution of the religious institution.

(2) A religious institution may hold a meeting under sub section (1) or permit members, delegates or office bearers to take part in such a meeting, by using any technology that allows members to positively identify themselves clearly and simultaneously communicate with each participating member.

(3) A member of religious institution who participates in the meeting in a manner permitted under subsection (4) is deemed to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

(4) Any religious institution which contravenes subsection (1) commits an offence.

Dissolution of a
solvent religious
institution.

47. (1) A religious institution shall not be dissolved except in the manner provided for by the constitution of the religious institution.

(2) A religious institution shall not be dissolved without prior approval in writing of the Commission, obtained upon application to the Commission made in writing and signed by three office bearers.

(3) Where the dissolution of the religious institution is approved by the Commission, no further action shall be taken by any office bearer of the religious institution other than to get in and liquidate for cash all the assets of the religious institution, in such manner as may be stipulated in its constitution or resolved by the meeting at which the resolution for dissolution is passed.

(4) If, after all the debts and liabilities of the religious institution of which the liquidator has notice and the costs of the liquidation have been satisfied or provided for, there are any surplus assets, the surplus shall be used for an undertaking that conforms to the purpose of the religious institution.

(5) Despite sub section (4), if the constitution of a religious institution provides for the manner in which surplus assets shall be dealt with upon dissolution, the surplus assets shall be distributed in the manner prescribed in the constitution.

(6) Upon distribution of the surplus assets of a religious institution, the liquidator or the office bearers of the institution shall file a report on the distribution of assets with the Commission.

(7) The Commission shall, within fourteen days of receipt of the report under sub section (6), issue a certificate of dissolution and publish the dissolution of the religious institution in the Gazette.

Functions of
umbrella religious
organizations.

48. The functions of an umbrella religious organization shall be to—

- (a) facilitate intra-faith and interfaith dialogue;
- (b) coordinate resource sharing;
- (c) undertake collaboration and representation of member religious organizations;
- (d) promote ethical and moral standards;
- (e) undertake education and training;
- (f) undertake crisis management and conflict resolution;
- (g) develop a code of conduct for its members;

- (h) promote peer review and accountability of its members
- (i) recommend minimum qualifications of the religious leaders of its members;
- (j) recommend new applications for registration of religious organizations; and
- (k) provide a platform for consultation, engagement and dialogue between the Government and religious organizations.

PART V— ENFORCEMENT

Power to require detailed accounts and records.

49. (1) The Commission may, at any time, call upon the governance body or any office bearer of a religious institution to—

- (a) render detailed accounts of its funds for any period, in the manner and containing such information as the Commission may require; or
- (b) produce and make available to the Commission the books, accounts, records, document, correspondence, statements, returns or other information as the Commission may require.

(2) A person who fails to comply with a request made by the Commission under subsection (1) commits an offence.

Orders of the Commission.

50. The Commission may issue to a religious institution such orders as it may deem necessary for the purpose of making the religious institution to comply with the provisions of this Act or regulations made thereunder.

PART VI— THE RELIGIOUS AFFAIRS DISPUTES TRIBUNAL

Establishment of the Religious Organizations Disputes Tribunal.

51. (1) There is established a tribunal to be known as the Religious Affairs Disputes Tribunal.

(2) The Tribunal in subsection (1) shall be a subordinate court pursuant to Article 169(1) (d) of the Constitution.

(3) The Tribunal shall consist of the following members appointed by the Judicial Service Commission—

- (a) a Chairperson who shall be an advocate of the High Court of Kenya;
- (b) two people who are advocates of the High Court of Kenya; and
- (c) six people with knowledge and experience in religious

matters.

Tenure.

52. (1) The Chairperson and members of the Tribunal shall hold office for a term of five years and may be re-appointed for one further term of five years.

(2) The Chairperson or a member of the Tribunal shall serve on full time or part time basis as determined by the Judicial Service Commission.

(3) The Chairperson or member of the Tribunal serving on a fulltime basis shall not hold any other public office.

(4) The Tribunal may establish various panels consisting of at least one advocate and two other members.

Qualifications for appointment of Chairperson and members of the Tribunal.

53. (1) A person shall be qualified for appointment as the Chairperson of the Tribunal if that person —

(a) is a Kenyan citizen;

(b) holds a degree in law from a university or academic institution recognized in Kenya and is an advocate of the High Court of Kenya;

(d) has at least ten years' post-qualification experience;

(e) has been recommended by a religious organization; and

(d) meets the requirements of Chapter Six of the Constitution .

(2) A person shall be qualified for appointment as a member of the Tribunal under section 51(3)(b) if that person —

(a) is a Kenyan citizen;

(b) holds a degree in law from a university or academic institution recognized in Kenya and is an advocate of the High Court of Kenya;

(c) has at least five years post qualification experience;

(d) has been recommended by a religious organization; and

(d) meets the requirements of Chapter Six of the Constitution .

(3) A person shall be qualified for appointment as a member of the Tribunal under section 51(3)(c) if that person —

(a) is a Kenyan citizen;

- (b) holds a degree in theology or its equivalent from a university or academic institution recognized in Kenya;
- (c) has been recommended by religious organization
- (d) has at least five years' experience in religious matters; and
- (e) meets the requirements of Chapter Six of the Constitution .

(4) A person shall not be qualified for appointment as a Chairperson or a member of a Tribunal if the person —

- (a) is of unsound mind;
- (b) is an undischarged bankrupt;
- (c) is convicted of an offence and is sentenced to a term of imprisonment for a period of six months or more ;
- (d) is an employee of the Commission; or
- (e) has been removed from any office for violation of the Constitution or any other written law .

Jurisdiction of the Tribunal.

54. The Tribunal shall determine—

- (a) appeals from decisions of the Commission under this Act;
- (b) disputes between the members of a religious institution;
- (c) disputes between a member of a religious institution and the religious institution;
- (d) disputes between religious institutions;
- (e) other disputes related to religious institutions that all parties to the dispute agree to refer to the Tribunal and that the Tribunal agrees to hear.

Staff of the Tribunal.

55. The Judicial Service Commission shall appoint the Secretary and such other staff of the Tribunal as are necessary for the proper functioning of the Tribunal.

Rules of the Tribunal.

56. The Chief Justice may in consultation with the chairperson of the Tribunal, and by notice in the *Gazette*, make rules governing the practice and procedure of the Tribunal having regard to the objectives of this Act.

Determination of disputes.

57. (1) The Tribunal shall determine any dispute before it expeditiously, but in any case shall determine a dispute within a period of six months from the date the dispute is lodged.

(2) The Tribunal shall—

- (a) conduct its proceedings with minimum formality;
- (b) not be bound by the rules of evidence and procedure;
- (c) encourage mediation, arbitration and other forms of alternative dispute resolution;
- (d) ensure the investigation of fact if the Tribunal is of the opinion that such investigation is necessary for the ends of justice; and
- (e) act according to equity, good conscience and the substantial merits of the case without undue regard to legal technicalities.

Tribunal may seek technical advice.

58. (1) The Tribunal may seek technical advice from any person whose specialized knowledge or experience may assist the Tribunal in its proceedings.

(2) A person whose advice is sought under subsection (1) shall disclose any interest they may have in the matter before the Tribunal or any subsequent interest acquired relating to the matter in question.

(3) Any person who gives technical advice to the Tribunal in accordance with this section shall be paid such allowance as may be determined by the Judicial Service Commission.

Power to review own decisions.

59. A person who is aggrieved by a decision of the Tribunal from which no appeal has been preferred may apply for a review of the decision to the Tribunal and the Tribunal may make such order thereon as it thinks fit.

Enforcement of decisions.
Cap. 21

60. Tribunal may, on application by a decree holder, order execution of the decree in the manner provided for in the Civil Procedure Act.

Appeals against the decisions of the Tribunal.

61. (1) A person aggrieved by a decision of the Tribunal may appeal to the High Court or Court of equal status, as the case may be, within thirty days from the date of such decision.

(2) The Court in subsection (1) shall within one year of the filing of the appeal, dispense with any appeal filed under this section and the decision of the Court shall be final.

PART VII—OFFENCES

Engagement in political activities prohibited.

62. (1) A religious institution shall not engage in any political activity in order to gain political power or organise debate to support any political party or political candidate.

(2) A religious institution that contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding six months or to both.

Harmful religious practices.

63. (1) A person shall not coerce or intimidate another person to engage in any religious practice that is harmful to the health or detrimental to safety or endangers the life of the other person.

(2) A person who contravenes sub section (1) commits an offence and is liable on conviction to a fine not exceeding five million shillings or to imprisonment for a term not exceeding twenty years or to both.

Coercion into religion or belief.

64. (1) A person shall not use force, threats, intimidation, fraud or violence to—

(a) coerce another person into believing or not believing in a religion or belief;

(b) recruit a member of a religious organization; or

(c) prevent a member from exiting a religious organization.

(2) A person who contravenes sub section (1) commits an offence and is liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding three years or to both.

(3) Despite sub sections (1) and (2), it shall not be an offence for a parent or legal guardian of a child to determine the religious upbringing of a child and provide religious direction to the child in a manner that is consistent with the evolving capacities and best interest of the child.

Religious extortion.

65. A religious leader who by means of any false and fraudulent representations, tricks or schemes as to healing, miracles, blessings or prayers, extorts or fraudulently obtains any financial gain or material benefit from any person or induces the person to deliver money or property to the religious leader commits an offence and is liable on conviction to a fine not exceeding five million shillings or to imprisonment for a term not exceeding ten years or to both.

Religious extremism.

66. Any person who, under the guise of religion, disparages any divergent religious belief of another person and does anything that causes harm to or threatens the safety, health or life of that other person commits an offence and is liable on conviction to a fine not exceeding five million shillings or to imprisonment for a term not exceeding twenty years or to both.

PART VIII—MISCELLANEOUS PROVISIONS

Limitation to freedom of conscience, religion, thought, belief and opinion.

67. (1) The right to freedom of conscience, religion, thought, belief and opinion set out in Article 32 of the Constitution shall be subject to limitations in respect of a person to whom this Act applies only under the conditions set out in subsection (2).

(2) Nothing contained in or done under the authority of this Act shall be held to be inconsistent with or in contravention of freedom of conscience, religion, thought, belief and opinion set out in Article 32 of the Constitution if that act is reasonably done—

(a) in the interests of national security, public safety, public order or public health; and

(b) for the purpose of protecting the rights and freedoms of other persons including the right to observe and practice religion, belief, opinion without the unsolicited intervention of members of another religion

General Penalty.

68. (1) A person who commits an offence under this Act for which no specific penalty is provided shall, upon conviction, be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years, or to both.

(2) In addition to any penalty referred to in subsection (1), the Court may—

(a) order the cancellation of registration as religious institution; or

(b) prohibit the doing of any act to stop the continued contravention of this Act.

Regulations.

69. (1) The Cabinet Secretary may make regulations prescribing anything which under this Act may be prescribed, and generally for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of the powers conferred by subsection (1) the regulations may prescribe—

(a) forms to be used under this Act;

(b) the information to be provided in an application for registration and the manner of registration of religious institutions;

(c) the particulars to be included in applications or notifications to the Commission;

(d) the fees payable under this Act;

(e) the model constitution;

- (f) the filing of returns by a religious institution;
- (g) the records to be kept in respect of a religious institution;
- (h) the manner in which registers are established or maintained under this Act, including the details or particulars required to be entered in the registers;
- (i) any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.

Appeals.

70. A person who is aggrieved by any administrative decision made by the Commission under this Act, may appeal to the Tribunal within sixty days of the decision.

Transitional provisions.
Cap. 108

71. (1) A religious institution which was registered or exempted from registration under the Societies Act or any other written law and existing immediately before the commencement of this Act shall update particulars under this Act within one year after the commencement of this Act.

(2) A religious institution which was duly registered under the Societies Act or any other written law and existing immediately before the commencement of this Act shall not be deemed to be an unlawful religious institution before the period prescribed under subsection (1) has expired.

(3) An existing religious institution that does not update its registration within the time prescribed in subsection (1), shall not be recognized as a religious institution for the purposes of this Act.

(4) Despite sub section (4) a religious institution existing immediately before the commencement of this Act shall be recognized as a religious institution for the purposes of this Act if the religious institution—

- (a) has applied for registration under subsection (1) and the application has not been rejected; or
- (b) has filed an appeal under this Act and the appeal remains undetermined.

(5) All contracts and other legal obligations that a religious institution had contracted before the commencement of this Act shall continue to be in force as if they had been contracted under this Act.

(6) A person holding office in a religious institution at the time this Act comes into effect shall be deemed to be the bonafide office holder and shall continue in office until the religious institution is registration in accordance with subsection (1).

(7) Nothing in this Act shall affect the validity of ownership of any property, including copyrights and patents, held in trust for religious institutions.

(8) All assets and liabilities of a religious institution shall be deemed to be the assets and liabilities of that religious institution until registered under this Act.

FIRST SCHEDULE

CONDUCT OF BUSINESS AND AFFAIRS OF THE COMMISSION

1. Meetings

- (1) The Commission shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.
- (2) Notwithstanding the provisions of subparagraph (1), the Chairperson may, and upon requisition in writing by at least five members shall, convene a special meeting of the Commission at any time for the transaction of the business of the Commission.
- (3) Unless three quarters of the total members of the Commission otherwise agree, at least fourteen days' written notice of every meeting of the Commission shall be given to every member of the Commission.
- (4) The quorum for the conduct of the business, of the Commission shall be seven and no meeting shall be held or continued, notwithstanding that there is a quorum, unless the Registrar or a person deputed by him is present.
- (5) The Chairperson shall preside at every meeting of the Commission at which he is present but, in the absence of the Chairperson, the members present shall elect one of their numbers to preside, who shall, with respect to that meeting and the business transacted, have all the powers of the chairperson.
- (6) Unless a unanimous decision is reached, a decision on any matter before the Commission shall be by a majority of votes of the members present and voting and, in the case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.
- (7) Subject to subparagraph (4), no proceedings of the Commission shall be invalid by reason only of a vacancy among the members thereof.

2. Disclosure of Interest by Members of the Commission.

- (1) If a member of the Commission is directly or indirectly interested in any contract, proposed contract or other matter before the Commission and is present at a meeting of the Commission at which the contract, proposed contract or other matter is the subject of consideration, that member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter:
- (2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.
- (3) A member of the Commission who contravenes subparagraph (1) commits an offence and is liable to imprisonment for a term not exceeding six months, or to a fine not exceeding one hundred thousand shillings, or both.

3. Minutes.

The Commission shall cause minutes of all resolutions and proceedings of meetings of the Commission to be entered in books kept for that purpose.

SECOND SCHEDULE

MATTERS TO BE PROVIDED FOR IN THE CONSTITUTION OF EVERY RELIGIOUS INSTITUTION

1. The name of the religious institution.
2. The objects for which the religious institution is to be established.
3. The statement of faith, in the case of a religious organization.
4. The persons to whom membership is open.
5. The rates of entrance and subscription fees (if any) for membership.
6. The method of suspension or expulsion of members.
7. The governance structure of the religious institution.
8. The titles of office bearers and auditors and their terms of office, and the method of their election, appointment, dismissal and suspension.
9. The composition of committees (if any) of the religious institution, the terms of office of members of such committees and the method of their election, appointment, dismissal and suspension.

10. The authority for and the method of filling vacancies in committees.
11. The frequency of, quorums for and dates of the various types of meetings
12. The custody and investment of the funds and property of the religious institution, and the designation of the persons responsible therefor.
13. The purposes for which the funds may be used, and in particular the prohibition of the distribution of funds among members.
14. The inspection of the books and list of members of a religious institution, by any member or office bearer, under section 45 of this Act.
15. The annual or periodical audit of accounts.
16. The formation of branches, if branches may be formed.
17. The manner of amending the name and constitution of the religious institution.
18. The manner of the dissolution of the religious institution and the disposal of its property on dissolution.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of the Bill is to protect and promote the freedom religion and belief and the freedom of association. The Bill seeks to provide a legal and institutional framework to facilitate the operations of religious institutions in Kenya and establish mechanisms for dispute resolution and for combating the abuse of the freedom of religion and belief. It also seeks to enhance corporate governance, transparency and accountability within religious institutions and foster religious tolerance.

Part I of the Bill provides for preliminary matters such as the interpretation of terms used in the Bill, objects of the Act, the application of the Act and its guiding principles.

Part II of the Bill provides for the establishment of the Religious Affairs Commission and defines its composition, functions and specifies the powers necessary for the performance of

those functions. This Part also establishes the office of the Registrar of Religious Organizations and outlines the functions of that office.

Part III of the Bill provides for the registration of religious organizations, umbrella religious organizations and religious associations. It provides for the vetting of applications for registration by the Commission in collaboration with other Government agencies. It stipulates the grounds for refusal of registration and cancellation of registration of a religious institution. Upon registration a religious organization and an umbrella religious organization attain the body corporate status while a religious association remains an unincorporated body.

Part IV of the Bill provides for conduct and administration of religious institutions. This Part contains provisions relating to the constitution of a religious institution including its contents and amendment and provides for a model constitution. It outlines the procedure for changing the name and the office bearers or title of office of a religious institution. It obligates religious institutions to keep financial records and render accounts to its members. It requires religious institutions to file annual returns and stipulates the procedure for dissolution of a solvent religious institution. The Part also outlines the functions of umbrella religious organizations.

Part V of the Bill provides for enforcement of the Act. It provides for the power of the Commission to require detailed accounts and records of religious institutions and the its power to issue to a religious institution orders necessary for making the religious institution to comply with the provisions of the Act.

Part VI of the Bill provides for the establishment of the Religious Affairs Disputes Tribunal. The jurisdiction of the Tribunal shall be to hear appeals from decisions of the Commission under the Act, disputes between the members of a religious institution, disputes between a member of a religious institution and the religious institution, disputes between religious institutions and other disputes related to religious institutions that all parties to the dispute agree to refer to the Tribunal and that the Tribunal agrees to hear. The Part defines the composition of the Tribunal and the tenure of its members. It gives the Chief Justice the power to make rules of the Tribunal and provides for Appeals against the decisions of the Tribunal to be filed in the High Court or Court of equal status.

Part VII of the Bill provides for Offences. The offences created under this part include the prohibition of engagement of religious institutions in political activities, prohibition of coercion into religion or belief, prohibition of harmful religious practices and prohibition of religious extortion and religious extremism.

Part VIII provides for miscellaneous matters such as the general penalty, appeals the power of the Cabinet Secretary to make regulations and transitional provisions.

Dated the, 2024.

J.B.N. MUTURI,
Attorney-General.