

CHAPTER 127

THE IDENTIFICATION OF OFFENDERS

ACT Arrangement of Sections

Section

1. Interpretation
2. Taking of fingerprints, *etc.*
3. Fingerprint Bureau
4. Fingerprint forms to be evidence
5. Rules
6. Power to amend Schedule

SCHEDULE

Schedule

Currency Point

CHAPTER 127

THE IDENTIFICATION OF OFFENDERS ACT

Commencement: 1 September, 1960

An Act to provide for the identification of offenders by means of fingerprints, footprints, palmprints, photographs and measurements.

1. Interpretation

In this Act, unless the context otherwise requires—

“authorised officer” means—

- (a) any police officer as defined in the Police Act;
- (b) any prison officer as defined in the Prisons Act; and
- (c) any person appointed by the Minister by notice in the *Gazette* to be an authorised officer for the purpose of this Act;

“currency point” has the value assigned to it in the Schedule to this Act; “Fingerprint Bureau” means the office established under section 3.

2. Taking of fingerprints, etc.

(1) Any authorised officer may take, or cause to be taken in his or her presence, for the purpose of record and identification, the fingerprints, footprints, casts of the fingerprints, casts of the footprints, palmprints, photographs and measurements of any person in lawful custody.

(2) The Minister may prescribe the form upon which fingerprints, palmprints or footprints shall be taken; and the authorised officer who took the prints or caused them to be taken shall certify on the form that he or she took the prints or caused them to be taken in his or her presence and that the particulars on the form are correct to the best of his or her information, knowledge and belief.

(3) If a person whose fingerprints, footprints or palmprints have been taken is convicted of any offence, the conviction and the sentence imposed in respect of it shall be recorded by an authorised officer on a form prescribed by the Minister which the authorised officer shall then send to the Fingerprint

Bureau in order that the conviction may be entered on the form referred to in subsection (2) relating to the convicted person.

(4) If a person whose fingerprints, footprints, casts of the fingerprints, casts of the footprints, palmprints, photographs or measurements have been taken is acquitted of any offence with which he or she is charged or is discharged from custody and if he or she has not previously been convicted, the fingerprints, footprints, casts, palmprints, photographs and measurements and any record of them shall be destroyed.

(5) Any person who, being required under subsection (1) to have any print, cast, photograph or measurement taken, refuses to comply with the requirement commits an offence and is liable, on conviction, to a fine not exceeding two hundred fifty currency points.

(6) Where any person is convicted of an offence under subsection (5), the court may make an order authorising the taking of any print, cast, photograph or measurement from the convicted person; and an authorised officer shall be entitled thereupon to take such print, cast, photograph or measurement using the force as may be necessary so to do.

3. Fingerprint Bureau

There is established an office to be known as the Fingerprint Bureau, for the comparison of fingerprints, footprints or casts of fingerprints and footprints, and palmprints and for the preservation and indexing of the forms upon which any prints are taken.

4. Fingerprint forms to be evidence

Any form prescribed under section 2(2) and certified in the manner described in there shall be admissible in evidence without proof and shall be *prima facie* evidence—

- (a) that any fingerprint, footprint or palmprint recorded on the form was taken from the person who it is stated in the form to have been taken; and
- (b) that the person has been convicted of the offence recorded on the form.

5. Rules

The Minister may make rules—

- (a) prescribing the manner in which fingerprints, footprints, casts of the fingerprints, casts of the footprints, palmprints, photographs and measurements shall be taken under this Act;
- (b) prescribing anything required to be prescribed under this Act;
- (c) regulating the work of the Fingerprint Bureau; and
- (d) for better carrying out the purposes of this Act.

6. Power to amend Schedule

The Minister responsible for finance may, by statutory instrument, with the approval of Cabinet, amend the Schedule to this Act.

SCHEDULE

Sections 1, 6

Currency Point

A currency point is equivalent to twenty thousand shillings.

History: Cap. 113 (Revised Edition, 1964); Cap. 119 (Revised Edition, 2000); Act 17/2023

Cross References

Police Act, Cap. 324
Prisons Act, Cap. 325
