



OFFICE OF THE CHAIRMAN

Ref. No: PSC/ADM/13(9)

19<sup>th</sup> November, 2020

All Authorized Officers

**DETERMINATION OF DATE OF BIRTH FOR PUBLIC OFFICERS**

Circular Ref. Nos. DPM 7/7/43A Vol.IV/(125) dated 15<sup>th</sup> November, 1982; DPM PA/5/7 Vol. LII/170 dated 25<sup>th</sup> September, 2008; and MDP/DPSM.2/3 dated 14<sup>th</sup> October, 2013 communicated the policy on determination of and/or amendment/variation of date of birth for public officers for purposes of determining the effective date of retirement from the Service. In the said circulars, it was reiterated that “the date of birth as voluntarily declared on first appointment shall be maintained without variation”.

While the above has been the practice in the public service, your attention is drawn to the judgement by the Employment and Labour Relations Court on 28<sup>th</sup> June, 2019 in Judicial Review Application No. 8 of 2019. The court declared the policies on date of birth contrary to the provisions of the Births and Deaths Registration Act and the Evidence Act, and thus null and void.

In view of the court decision, the Commission directs that the date of birth for a public officer is the date on his/her Certificate of Birth, pursuant to the provisions of the Births and Deaths Registration Act and the Evidence Act. This directive supersedes the provisions of the various circulars that have been hitherto obtaining in the Service. In this regard due care and diligence should, be taken to ensure that when implementing this new provision, any misrepresentation of facts is detected and appropriate action taken in accordance with the law.

Kindly bring the contents of this circular to all officers under your jurisdiction for information and compliance.

**STEPHEN K. KIROGO, CBS, FPRSK  
CHAIRMAN**

**Copy to:**

Head of the Public Service  
Executive Office of the President  
**NAIROBI**

Attorney General  
Office of the Attorney General and  
Department of Justice  
**NAIROBI**