

SPECIAL ISSUE

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THE SOCIAL PROTECTION ACT, 2025

(No. 12 of 2025)

THE SOCIAL PROTECTION (GENERAL) REGULATIONS, 2026

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SCHEDULE

THE SOCIAL PROTECTION ACT, 2025

(No. 12 of 2025)

IN EXERCISE of the powers conferred by section 48 of the Social Protection Act, the Cabinet Secretary for Labour and Social Protection makes the following Regulations—

THE SOCIAL PROTECTION (GENERAL) REGULATIONS, 2026

1. These Regulations may be cited as the Social Protection (General) Regulations, 2026. Citation.

2. In these Regulations, unless the context otherwise requires— Interpretation.

“chronic progressive condition” means a disease or health condition diagnosed by a licensed medical practitioner as getting worse over time, resulting from a genetic, physiological, environmental or behavioural factor;

“community-based validation” means a process where members of the public review and confirm the accuracy of the information provided by a person in need;

“disability” has the meaning assigned under section 2 of the Persons With Disability Act; No. 4 of 2025.

“person in need” means any of the individuals who may be described as belonging to the categories specified in section 28(3) of the Act;

“poor household” means a person or group of persons whose combined income does not exceed the income threshold; and

“representative” means a person appointed by a person in need, a beneficiary or the Board, for the purpose of applying for or accessing a social protection benefit.

3. These Regulations shall apply to the administration of social protection. Application.

PART II—ELIGIBILITY CRITERIA FOR PERSONS IN NEED

4. Subject to section 30 of the Act, the Board shall be guided by the additional eligibility criteria set out in this Part when assessing an application for social protection of a person in need. Eligibility criteria.

5. An orphan qualifies for a social protection benefit, if the orphan— Orphans.

(a) is living in a poor household;

(b) has a chronic progressive condition;

(c) has a disability;

(d) has a caregiver who is undergoing a chronic progressive condition or has a disability; or

- (e) is living child-headed poor household.
6. A vulnerable child qualifies for social protection benefit, if the vulnerable child— Vulnerable children.
- (a) is living below the income threshold provided under regulation 14;
 - (b) has a chronic progressive condition;
 - (c) has a disability;
 - (d) has a parent or caregiver who is undergoing a chronic progressive condition or has a disability; or
 - (e) is in a child-headed poor household.
7. A poor older member of society qualifies for a social protection benefit, if the poor older member of society— Poor older members of society.
- (a) is living below the income threshold provided under regulation 14;
 - (b) has a chronic progressive condition; or
 - (c) has a disability.
8. A person with disability shall be eligible for social protection, if the person— Persons with disabilities.
- (a) is registered by the National Council for Persons with Disabilities;
 - (b) is living below the income threshold provided under regulation 14; and
 - (c) is dependent on the caregiver or requires support to carry out daily living activities.
9. A person in extreme poverty qualifies for social protection, if the person is living— Persons in extreme poverty.
- (a) below the income threshold provided under regulation 14; or
 - (b) in a poor household that is unable to meet one or more of the following basic needs—
 - (i) minimum dietary requirements;
 - (ii) habitable and adequate housing;
 - (iii) clean and safe drinking water and basic sanitation; or
 - (iv) basic education for school-age children.
10. A person affected by shock qualifies for social protection, if the person ordinarily resides within the geographical area of a shock or an anticipated shock, and has— Persons affected by shocks.
- (a) undergone disruption or loss of livelihood from the shock; or
 - (b) been displaced.

11. An unpaid, deficient and unsupported caregiver qualifies for social protection benefits, if the caregiver—

Unpaid, deficient and unsupported caregivers.

- (a) is living below the income threshold provided under regulation 14;
- (b) is an unpaid primary caregiver;
- (c) does not have alternative support from another caregiver; or
- (d) does not have reliable income.

PART III—ADMINISTRATION OF SOCIAL PROTECTION BENEFITS

12. (1) A person in need who intends to access a social protection benefit or a representative who intends to access a social protection benefit on behalf of a person in need, may make an application to the Board in Form 1 set out in the Schedule.

Application for social protection benefits.

(2) Where an application under sub-regulation (1) is made by or on behalf of an orphan, the applicant shall attach a copy of the following documents—

- (a) the identity card of the representative or valid passport issued to the representative under the Kenya Citizenship and Immigration Act; Cap. 170.
- (b) the birth certificate or a notice of the birth issued to the orphan under the Births and Deaths Registration Act; Cap. 149.
- (c) where the document specified in paragraph (b) is not available, the adoption order, guardianship order or custody order of the orphan issued under the Children Act; Cap. 141.
- (d) where the orphan is a person with a disability, the disability identification card issued to the orphan under the Persons with Disabilities Act; No. 4 of 2025.
- (e) where the orphan has a chronic progressive condition, a report certifying the condition suffered by the orphan is a chronic progressive condition issued by a licensed medical practitioner; and
- (f) the certificate of death or the burial permit of a parent of the orphan issued under the Births and Deaths Registration Act. Cap. 149.

(3) Where an application under sub-regulation (1) is made by or on behalf of a vulnerable child, the applicant shall attach a copy of the following documents—

- (a) the identity card or valid passport of the representative issued under the Kenya Citizenship and Immigration Act; Cap. 170.
- (b) the birth certificate or a notice of the birth issued to the child under the Births and Deaths Registration Act; Cap. 149.
- (c) where the document specified in paragraph (b) is not available, the adoption order, guardianship order or custody Cap. 141.

order of the orphan issued under the Children Act;

- (d) where the vulnerable child is a person with a disability, a disability identification card issued to the child under the Persons With Disabilities Act; and No. 4 of 2025.
- (e) where the child has a chronic progressive condition, a report certifying the condition suffered by the child is a chronic progressive condition issued by a licensed medical practitioner.

(4) Where an application under sub-regulation (1) is made by or on behalf of a poor older member of the society, the applicant shall attach a copy of the following documents—

- (a) the identity card of the older member of the society;
- (b) where the identity card of the older member of the society is not available under paragraph (a), a valid passport issued to the older member of the society under the Kenya Citizenship and Immigration Act; Cap. 170.
- (c) where the person applying on behalf of a person in need is a representative, the identity card of the representative or valid passport issued to the representative under the Kenya Citizenship and Immigration Act; Cap. 170.
- (d) where the older member of the society is a person with a disability, a disability identification card issued to the older member of the society under the Persons With Disabilities Act; and No. 4 of 2025.
- (e) where the older member of the society has a chronic progressive condition, a report certifying the condition suffered by the older member of the society is a chronic progressive condition issued by a licensed medical practitioner.

(5) Where an application under sub-regulation (1) is made by or on behalf of a person in extreme poverty, the applicant shall attach a copy of the following documents—

- (a) the identity card of the person;
- (b) where the identity card of the person is not available under paragraph (a), a valid passport issued to the person under the Kenya Citizenship and Immigration Act; Cap. 170.
- (c) where the person applying on behalf of a person in need is a representative, the identity card of the representative or valid passport issued to the representative under the Kenya Citizenship and Immigration Act; Cap. 170.
- (d) where the person is a person with a disability, a disability identification card issued to the person under the Persons With Disabilities Act; and No. 4 of 2025.
- (e) where the person has a chronic progressive condition, a report certifying the condition suffered by the person is a

chronic progressive condition issued by a licensed medical practitioner.

(6) Where an application under sub-regulation (1) is made by or on behalf of an unpaid, deficient or unsupported caregiver, the applicant shall attach a copy of the following documents—

- (a) the identity card of the caregiver;
- (b) where the identity card of the caregiver is not available, a valid passport issued to the caregiver under the Kenya Citizenship and Immigration Act; Cap. 170.
- (c) where the person applying on behalf of a person in need is a representative, the identity card of the representative or valid passport issued to the representative under the Kenya Citizenship and Immigration Act; and Cap. 170.
- (d) where the caregiver is a person with a disability, a disability identification card issued to the caregiver under the Persons With Disabilities Act. No. 4 of 2025.

(7) Within fourteen days from the date of receipt of the application made under sub-regulation (1), the Board may request for such additional information as it considers necessary to consider the application.

(8) Within sixty days of an application under sub-regulation (1) being made, the Board shall conduct—

- (a) means testing in accordance with regulation 13;
- (b) analysis of the income threshold in accordance with regulation 14;
- (c) where the person in need appoints a representative, the verification of the qualifications of the representative in accordance with sub-regulation (9); and
- (d) community based validation.

(9) A person qualifies to be appointed as a representative if that person—

- (a) is a citizen of Kenya;
- (b) is over the age of eighteen years;
- (c) is not adjudged bankrupt or has not entered into a composition scheme or arrangement with the person's creditors;
- (d) is not incapacitated from ordinary daily activities by physical or mental illness;
- (e) has not been convicted of an offence which is punishable by imprisonment for a period exceed six months; and
- (f) ordinarily resides in the same location as the person in need.

(10) Upon determination that a person named in an application made under sub-regulation (1) as a representative does not qualify for

appointment, the Board shall notify the applicant in writing of the disqualification and the reasons for the disqualification and request the applicant to appoint another representative.

(11) Upon determination that a person in need qualifies for the social protection benefit applied for in sub-regulation (1), the Board shall register the person in need and notify the applicant in writing of when and how the social protection benefit shall be rendered.

(12) Upon determination that a person in need does not qualify for the social protection benefit applied for in sub-regulation (1), the Board shall notify the applicant in writing of the disqualification and the reasons for the disqualification.

13. (1) The Board shall administer a means testing tool to a person in need who intends to access a social protection benefit. Means testing.

(2) The means testing tool administered under sub-regulation (1) shall collect information on the following parameters —

- (a) the demographic characteristics of the person in need;
- (b) the academic qualifications of the person in need;
- (c) the occupation of the members of the person in need;
- (d) the housing conditions of the person in need;
- (e) the assets of the person in need;
- (f) the consumption patterns of the person in need;
- (g) the geographical location and environment of the person in need; and
- (h) the medical condition of the members of the person in need.

(3) The Board shall assign a score to each of the parameters in sub-regulation (2) and compute the composite welfare score of a person in need.

(4) The composite welfare score computed under sub-regulation (3) shall be used to determine the economic status of a person in need.

(5) In this regulation “composite welfare score” means a summary measure that estimates the wellbeing and economic status of a person in need by combining parameters under sub-regulation (2) which are assigned a specific weight.

14. In determining the level of poverty, the Board shall consider income threshold for a person in need as follows — Income threshold.

- (a) in a rural area, the income threshold for a person in need is less than four thousand three hundred and sixty shillings per month; and
- (b) in an urban area, the income threshold for a person in need is less than eight thousand shillings per month.

15. (1) Where the Board receives a complaint, or reasonably suspects, that a beneficiary or a representative has used a social Misuse of social protection benefit.

protection benefit in a way that negates its intended purpose, the Board shall issue a notice in writing to the beneficiary or representative.

(2) The notice issued under sub-regulation (1) shall—

- (a) specify the way in which the social protection benefit is not being used for its intended purpose;
- (b) specify the intention of the Board—
 - (i) to suspend the rendering of the social protection benefit; or
 - (ii) to appoint a representative to access the social protection benefit;
- (c) require the beneficiary or representative to show cause why the Board should not suspend the rendering of the social protection benefit or appoint a representative to access the social protection benefit, within fifteen days of receiving the notice.

(3) Upon receipt of a response to the requirement under sub-regulation (2)(c), the Board shall, within thirty days of the response, notify the beneficiary or representative in writing of the decision and the reasons for the decision to—

- (a) continue rendering the social protection benefit;
- (b) suspend the rendering of the social protection benefit for a period that does not exceed thirty days;
- (c) require the beneficiary to appoint a representative; or
- (d) appoint a representative on behalf of the beneficiary.

(4) Where the Board does not receive a response to the requirement under sub-regulation (2)(c), it shall, within seven days after the lapse of the notice period —

- (a) suspend the rendering of the social protection benefit for a period that does not exceed thirty days; and
- (b) notify the beneficiary or representative in writing, of the suspension of the rendering of the benefit and the reasons for the suspension; and
- (c) require the beneficiary or representative to show cause why the rendering of the social protection benefit should not be terminated within fifteen days of receipt of the notice.

(5) Where the Board makes the decision under sub-regulation (3)(b), it shall notify the beneficiary or representative in writing, of the suspension of the rendering of the benefit and the requirement to show cause why the rendering of the social protection benefit should not be terminated within fifteen days of receipt of the notice.

(6) Where the Board makes the decision under sub-regulation (3)(c), (d), it shall—

- (a) require the beneficiary to submit the name of a representative; or
- (b) notify the beneficiary of the name of the representative appointed by the Board.

(7) A representative appointed under this regulation shall meet the qualifications in regulation 12(9).

16. (1) Where the Board receives a complaint, or reasonably suspects, that the beneficiary —

Termination of rendering of social protection benefits.

- (a) is absent from Kenya, for a continuous period of at least twelve months;
- (b) is no longer eligible for the social protection benefit being rendered;
- (c) has provided false information to the Board;
- (d) has been convicted of an offence involving deceit or fraud;
- (e) has not complied with the conditions of suspension under regulation 15(5);
- (f) has ceased being a citizen of Kenya; or
- (g) has died,

the Board shall issue a notice in writing of the intention to terminate the rendering of social protection benefits to the beneficiary or representative.

(2) Where a beneficiary or a representative has not complied with the requirement in the notice issued under sub-regulation (1), the Board shall issue a notice in writing of the intention to terminate the rendering of social protection benefit to the beneficiary or representative.

(3) The notice issued under sub-regulation (1) shall—

- (a) specify the ground on which the rendering of the social protection benefit may be terminated;
- (b) specify the intention of the Board to terminate the rendering of the social protection benefit;
- (c) require the beneficiary or representative to show cause why the Board should not terminate the rendering of the social protection benefit.

(4) Upon receipt of a response to the requirement under sub-regulation (3)(c), the Board shall, within thirty days of the response, notify the beneficiary or representative in writing of the decision and the reasons for the decision to—

- (a) continue rendering the social protection benefit; or
- (b) terminate the rendering of the social protection benefit.

(5) Where the Board does not receive a response to the requirement under requirement under sub-regulation (3)(c), it shall,

within fourteen days after the lapse of the notice period—

- (a) terminate the rendering of the social protection benefit; and
- (b) notify the beneficiary or representative in writing, of the termination of the rendering of the social protection benefit and the reasons for the decision.

17. (1) A beneficiary who intends to appoint a new representative or change their representative shall submit a notice to the Board in Form 2 set out in the Schedule.

Change or appointment of a representative.

(2) Within thirty days of the receipt of the notice in sub-regulation (1), the Board shall verify whether the person named in the notice meets the qualifications in regulation 12(9) and, notify the beneficiary in writing of—

- (a) the amended particulars of the representative; or
- (b) the decline to amend the particulars of the beneficiary and the appointment of an alternative representative of the beneficiary, by the Board, specifying the reasons for the decision.

18. (1) A beneficiary who intends to voluntary opt out of accessing a social protection benefit shall submit a notice to the Board in Form 3 set out in the Schedule.

Voluntary opting out of access to social protection benefits.

(2) Within thirty days of the receipt of the notice in sub-regulation (1), the Board shall deregister the beneficiary from registry and notify the beneficiary of the termination of the social protection benefit.

PART IV—GENERAL PROVISIONS

19. (1) The Board shall maintain and continuously update the Registry.

Social Protection Registry.

(2) Upon successful application of a person in need the Board shall enter the information in the register.

(3) The Registry shall contain the list of beneficiaries and it shall include the following information—

- (a) names of the beneficiaries;
- (b) identification documents of the beneficiaries;
- (c) name of a representative, where applicable;
- (d) geographical area of the beneficiaries;
- (e) employment;
- (f) income, if any; and
- (g) the housing condition of the beneficiary.

20. Notwithstanding section 29 of the Act, the Board may refer an application for a social protection benefit to the appropriate government agency.

Referral.

21. The processing of personal data under these Regulations

Personal data.

shall be in accordance with the Data Protection Act.

Cap. 411C.

22. A person who misuses a social protection benefit, commits an offence and shall be liable, on conviction to a penalty not exceeding one million or such term of imprisonment not exceeding six months, or both.

Offences and penalties.

SCHEDULE

Forms

FORM 1

(r. 12(1))

APPLICATION FOR A SOCIAL PROTECTION BENEFIT

Part I—Category of person in need

1. Indicate which person in need requires the social protection benefit:

(tick where applicable)

- (a) orphan
- (b) vulnerable child
- (c) poor older member of society
- (d) person with a disability
- (e) person in extreme poverty
- (f) unpaid caregiver
- (g) deficient caregiver
- (h) unsupported caregiver

Part II—Particulars of person in need

- 2. Full name:
- 3. Identity document (Indicate where applicable):.....
 - (a) Identity card number.....
 - (b) Passport number:
- 4. Birth certificate number *(where applicable)*:
- 5. Notice of birth number*(where applicable)*:
- 6. Date of Birth:
- 7. Residence of person in need:
 - (a) County:
 - (b) Sub-County:
 - (c) Location.....
 - (d) Sub-location:
 - (e) Village:.....
 - (f) description of the location:.....
- 8. Postal Address:
- 9. Phone number:
- 10. Email address:

Part III—Particulars of household

11. Total number of household members:
12. Number of children:
13. Number of orphans:
14. Number of persons with a disability:.....
15. Number of persons suffering from a chronic progressive condition:
.....
16. Number of older members of the society:
17. Source of income:
(tick where applicable)
 - (a) agriculture
 - (b) employment
 - (c) business
 - (d) none
 - (e) other (specify):
18. Housing type:
(tick where applicable)
 - (a) permanent
 - (b) semi-permanent
 - (c) temporary
 - (d) none
 - (e) other (specify):
19. Housing tenure:
(tick where applicable)
 - (a) freehold ownership
 - (b) leasehold or rental
 - (c) none
 - (d) other (specify):

Part V—Particulars of the representative

20. Full name:
21. Identity document (Indicate where applicable):...
 - (a) Identity card number:.....
 - (b) Passport number:
22. Location:.....

23. Postal Address:

24. Phone number:

25. Email address:

Part VI—Consent by person in need

26. I.....(*insert full name of person in need*, holder of identity card number or valid passport number.....):

(a) hereby give my consent to the National Board for Social Protection to collect, verify, and use my personal data for the purpose of assessing my eligibility for social protection benefits; and

(b) understand that the information provided will be used strictly for official purposes, and may be shared only with authorized agencies for verification and service delivery.

Part VII—Declaration

27. I(*insert full name of person in need*, holder of identity card number or valid passport number.....)

(a) declare that the information provided in this form is true and correct to the best of my knowledge;

(b) understand that providing false information or withholding material facts may lead to the rejection of my application and possible legal action.

Name:.....

Signature:.....

Date:.....

Part VIII—Consideration of application by the Board (*for official use only*)

1. Date the application was received:

2. Reference number of the application:

3. Consideration of the application by an officer of the Board:

(a) Name of the officer:

(b) Designation:

(c) Remarks

.....

.....

.....

(d) Signature.....

(e) Date.....

FORM 2

(r.17(1))

NOTICE OF APPOINTMENT OR CHANGE OF APPOINTMENT OF
REPRESENTATIVE

Name of the beneficiary:.....

TAKE NOTICE that the beneficiary intends to change or appoint a representative as follows —

Appointment or change of new representative

1. Full name:
2. Identity document
 - (a) Identity card number:.....
 - (b) Passport number:
3. Postal Address:
4. Phone number:
5. Email address:

Consent by the beneficiary

I.....(*insert full name of person in need*, holder of identity card number or valid passport number.....):

- (a) hereby give my consent to the National Social Protection Board to collect, verify, and use my personal data for the purpose of assessing my eligibility for social protection benefits; and
- (b) understand that the information provided will be used strictly for official purposes, and may be shared only with authorized agencies for verification and service delivery.

Declaration

I.....(*insert full name of person in need*, holder of identity card number or valid passport number.....):

- (a) declare that the information provided in this form is true and correct to the best of my knowledge;
- (b) understand that providing false information or withholding material facts may lead to the rejection of my application and possible legal action.

Name:.....

Signature:.....

Date:.....

Consideration of notice by the Board

(for official use only)

1. Date the notice was received:
2. Reference number of the notice:

3. Consideration of the notice by an officer of the Board:

(a) Name of the officer:

(b) Designation:

(c) Remarks

.....

.....

(d) Signature.....

(e) Date.....

FORM 3

(r. 18(1))

NOTICE OF VOLUNTARY OPTING OUT

Name of the beneficiary

TAKE NOTICE that the beneficiary intends to opt out of accessing social protection benefits as follows—

Particulars of social protection benefits

1. Indicate which social protection benefit the beneficiary intends to opt out of:

(tick where applicable)

- (a) cash transfer
- (b) transfer in kind
- (c) rehabilitation services
- (d) psychosocial support
- (e) respite care services
- (f) feeding program
- (g) home-based care
- (h) programs aimed at promoting skills, knowledge and qualification
- (i) essential drugs
- (j) personal care goods
- (k) assistive devices

2. Reason for opting out:

.....

Consent by beneficiary

3. I.....(*Insert full name of beneficiary,*
holder of identity card number or valid passport number.....):
- (a) hereby give my consent to the National Board for Social Protection to collect, verify, and use my personal data for the purpose of assessing my eligibility for social protection benefits; and
 - (b) understand that the information provided will be used strictly for official purposes, and may be shared only with authorized agencies for verification and service delivery.

Declaration

4. I.....(*Insert full name of beneficiary,*
holder of identity card number or valid passport number.....):
- (a) declare that the information provided in this form is true and correct to the best of my knowledge;

- (b) understand that providing false information or withholding material facts may lead to the rejection of my application and possible legal action.

Name.....

Signature.....

Date.....

Consideration of notice by the Board

(for official use only)

1. Date the notice was received:
2. Reference number of the notice:
3. Consideration of the notice by an officer of the Board:
 - (a) Name of the officer:
 - (b) Designation:
 - (c) Remarks

.....
.....
.....

(d) Signature.....

(e) Date.....

Made on the 9th March, 2026.

ALFRED MUTUA,
*Cabinet Secretary for
Labour and Social Protection.*