



LAWS OF KENYA

WITCHCRAFT ACT

CHAPTER 67

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CHAPTER 67

WITCHCRAFT ACT

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CHAPTER 67
WITCHCRAFT ACT

[Date of commencement: 12th November, 1925.]

An Act of Parliament to consolidate and amend the Law relating to witchcraft

[Act No. 23 of 1925, Cap. 25 (1948), L.N. 604/1963, L.N. 2/1964, L.N. 124/1964.]

1. Short title

This Act may be cited as the Witchcraft Act.

2. Person pretending to exercise witchcraft, etc.

Any person who holds himself out as a witchdoctor able to cause fear, annoyance or injury to another in mind, person or property, or who pretends to exercise any kind of supernatural power, witchcraft, sorcery or enchantment calculated to cause such fear, annoyance or injury, shall be guilty of an offence and liable to imprisonment for a term not exceeding five years.

3. Witch-doctor supplying advice or article for witchcraft with intent to injure

Any person, professing a knowledge of so-called witchcraft or the use of charms, who advises any person applying to him how to bewitch or injure persons, animals or other property, or who supplies any person with any article purporting to be a means of witchcraft, shall be guilty of an offence and liable to imprisonment for a term not exceeding ten years.

4. Persons using witch medicine with intent to injure

Any person who, of his pretended knowledge of so-called witchcraft, with intent to injure, uses or assists to use may be calculated to cause fear, annoyance or injury in mind person or property to any person shall be guilty of an offence and liable to the same punishment as is provided in section 3.

5. Possession of charms an offence

Any person who is in possession of a charm or other article usually used in the exercise of witchcraft, sorcery or enchantment for the purpose of causing fear, annoyance or injury to another in mind, person or property, and who fails to show reasonable cause why he should retain any such charm or other article in his possession, shall be guilty of an offence and liable to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand shillings, or to both such imprisonment and fine, and the charm or other article shall be forfeited and destroyed or otherwise dealt with in such a way as the magistrate may direct.

6. Charging persons with witchcraft

Any person who accuses or threatens to accuse any person with being a witch or with practising witchcraft shall be guilty of an offence and liable to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding five years:

Provided that this section shall not apply to any person who makes an accusation to a District Commissioner, a police officer, a chief or any other person in authority.

7. Attempt to discover crime by witchcraft

Any person who employs or solicits any other person to name or indicate by the use of any non-natural means any person as the perpetrator of any alleged crime or other act complained of shall be guilty of an offence and liable to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding five years.

8. Chief permitting the practice of witchcraft

Any chief who directly or indirectly permits, promotes, encourages or facilitates the practice of witchcraft or the doing of any act contrary to the provisions of this Act, or who knowing of the practice or pretended practice of witchcraft by any person does not forthwith report it to a District Commissioner, shall be guilty of an offence and liable to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three years.

9. District Commissioner may order person practising witchcraft to reside in specified place

(1) When it is reported to a District Commissioner that a person is suspected of practising witchcraft, the District Commissioner, after due inquiry and having satisfied himself that the person so suspected causes or is likely to cause fear, annoyance or injury in mind, person or property to any other person by means of pretended witchcraft, may for reasons to be recorded order the person so suspected to reside in any locality within his district to be named by the District Commissioner, and alternatively or in addition to report at the office of the District Commissioner every seven days or at longer intervals until further orders.

(2) Any order issued under this section shall with the reasons therefore be forthwith reported by the District Commissioner issuing it to the Provincial Commissioner of his province and shall be accompanied by a record of the inquiry.

(3) The Provincial Commissioner may suspend, reverse or alter an order issued under this section, and shall report the order and the action taken thereon to the Minister who may also suspend, reverse or alter it.

(4) Any person who without lawful excuse refuses or neglects to obey an order issued under this section shall be guilty of an offence and on conviction before a magistrate, not being the District Commissioner who made the order, shall be liable to a fine not exceeding one hundred and fifty shillings or to imprisonment for a term not exceeding two months.

[L.N. 604/1963, L.N. 124/1964.]
