

SPECIAL ISSUE

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REPUBLIC OF KENYA

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ACTS, 2016

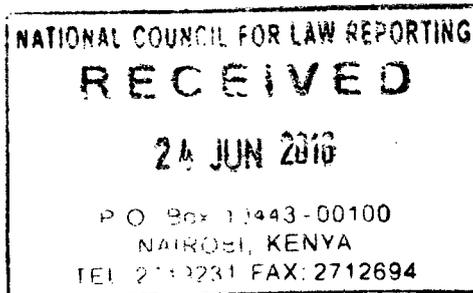
NAIROBI, 29th May, 2016

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THE JUDICIARY FUND ACT

No. 16 of 2016

Date of Assent: 23rd May, 2016

Date of Commencement: 12th June, 2016

ARRANGEMENT OF SECTIONS

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THE JUDICIARY FUND ACT, 2016

AN ACT of Parliament to provide for the regulation of the Judiciary Fund and for connected purposes

ENACTED by the Parliament of Kenya as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Judiciary Fund Act, 2016.

Short title.

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

Interpretation.

“Chief Registrar” means the Chief Registrar of the Judiciary appointed under Article 161 (2) (c) of the Constitution; and

“Fund” means the Judiciary Fund established by Article 173 of the Constitution.

3. The objectives of the Fund are to—

Objectives of the Fund.

- (a) safeguard the financial and operational independence of the Judiciary;
- (b) ensure accountability for funds allocated to the Judiciary; and
- (c) ensure that the Judiciary has adequate resources for its functions.

4. There shall be paid into the Fund—

Sources of the Fund.

- (a) such monies as may be appropriated by the National Assembly out of the Consolidated Fund;
- (b) any grants, gifts, donations or bequests;
- (c) such monies as may be allocated for that purposes from investments, fees or levies administered by the Judiciary; and
- (d) moneys accruing to or received by the Judiciary from any other source.

PART II—ADMINISTRATION OF THE FUND

5. The Chief Registrar shall—

Administration of the Fund.

- (a) in the management of the Fund, ensure compliance with the Public Finance Management Act, 2012; and
- (b) be responsible for the effective, efficient and economic use of the Fund.

No. 18 of 2012.

6. The Fund shall be used—

Utilization of the Fund.

- (a) to defray the administrative expenses of the Judiciary;
- (b) for the acquisition and proper maintenance of buildings, grounds and other assets of the Judiciary; and
- (c) for any other purpose provided for in the Constitution and any other written law.

7. All receipts, savings and accruals to the Fund and the balance of the Fund at the end of each financial year shall be retained in the Fund and applied in accordance with the Constitution and this Act.

Monies to be retained in the Fund.

8. The financial year of the Fund shall be the period of twelve months ending on the thirtieth June each year.

Financial year.

9. The Chief Registrar shall open and maintain such bank accounts as are necessary for the effective management of the Fund.

Bank accounts.

10. (1) The Chief Registrar shall—

Accounts and audit.

- (a) keep or cause to be kept proper books of accounts and other books and records related to the Fund; and
- (b) prepare, sign and transmit to the Auditor-General accounts of the Fund in accordance with Public Audit Act, 2015.

No. 12 of 2015.

(2) Within a period of three months from the end of each financial year, the Chief Registrar shall submit to the Auditor General the accounts of the Fund.

(3) The accounts of the Fund shall be audited and reported upon in accordance with the Public Audit Act, 2015.

No. 12 of 2015.

11. (1) The Chief Registrar shall, within three months after the end of each financial year, prepare and submit to the National Assembly a report of the operations of the Fund for the immediately preceding year.

Annual report.

(2) The Chief Registrar shall forward a copy of the report to the Chief Justice.

12. The Chief Registrar, may, for purposes of the Fund, delegate to a judicial officer or judiciary staff, in

Delegation by Chief Registrar.

No. 16

writing, the powers or functions of an Accounting Officer in accordance with the Public Finance Management Act, 2012.

No. 18 of 2012.

13. (1) The Chief Registrar may, in writing, authorize a judicial officer or a member of staff for the efficient management of the Judiciary.

Authority to incur expenditure.

(2) The authority to incur expenditure shall be accompanied by guidelines on its usage.

PART III—PROVISIONS ON DELEGATED LEGISLATION

14. (1) The Chief Justice may, in consultation with the Chief Registrar, make regulations for the proper management of the Fund.

Regulations.

(2) For the purposes of Article 94 (6) of the Constitution—

- (a) the purpose and objective of delegation under this section is to enable the Chief Justice to make regulations to provide for the proper management of the Fund;
- (b) the principles and standards applicable to the regulations made under this section are those set out in the Interpretation and General Provisions Act, and the Statutory Instruments Act, 2013.

Cap. 2.
No. 23 of 2013.

PART IV—CONSEQUENTIAL AMENDMENTS

15. The Judicial Service Act, 2011 is amended by repealing section 27 and revoking the regulations made thereunder.

Repeal of section 27 of No. 1 of 2011.

16. The Judicial Service Act is amended by deleting section 28 and substituting therefor the following—

Amendment of No. 1 of 2011.

Bank accounts.

28. The Commission shall open and maintain such bank accounts as are necessary for the exercise of its functions.