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**THE VETTING OF JUDGES AND MAGISTRATES (AMENDMENT)
ACT**

No. 43 of 2012

Date of Assent: 13th December, 2012

Date of Commencement: 14th December, 2012

**AN ACT of Parliament to amend the Vetting of Judges
and Magistrates Act, 2011**

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Vetting of Judges and Magistrates (Amendment) Act, 2012.

Short title.

2. Section 2 of the Vetting of Judges and Magistrates Act (in this Act referred to as “the principal Act”) is amended by renumbering the existing provision as subsection (1) and inserting a new subsection as follows—

Amendment of section 2 of No. 2 of 2011.

(2) Despite subsection (1), after the first elections under the Constitution, references in this Act to the expression “Minister” shall be construed to mean “Cabinet Secretary”.

3. Section 7 of the principal Act is amended by—

Amendment of section 7 of No. 2 of 2011.

(a) by renumbering the existing provision as subsection (1);

(b) by inserting the following new subsection immediately after the new subsection (1)—

(2) Notwithstanding subsection (1), the Board may, for the purpose of the vetting of magistrates, co-opt such members of the Judicial Service Commission as it considers necessary to its membership provided that such co-opted members are not serving

magistrates.

Amendment of
section 12 of
No. 2 of 2011.

4. Section 12 of the principal Act is amended by inserting the following new subsection immediately after subsection (6)–

(7) No act or proceedings of the Board shall be invalid by reason only of a vacancy in the membership of the Board.

Amendment to
section 17 of
No. 2 of 2011.

5. Section 17 of the principal Act is amended -

(a) by deleting subsection (1) and substituting therefor the following new subsection –

(1) The chairperson may, for the purpose of ensuring the expeditious disposal of matters, constitute three or more panels to work concurrently in the vetting of judges and magistrates;

(b) by inserting the following new subsection immediately after subsection (2) –

(2) Notwithstanding subsection (1), the vetting of judges shall be undertaken solely by the members of the Board appointed under section 7(1).

Amendment of
section 18 of
No.2 of 2011.

6. Section 18(1) of the principal Act is amended in paragraph (c)–

(a) by deleting subparagraph (ii) and substituting therefor the following new subparagraph–

(ii) Ethics and Anti-Corruption Commission;

(b) by deleting subparagraph (iii) and substituting therefor the following new subparagraph-

(iii) Advocates Disciplinary Tribunal;

(c) by deleting subparagraph (vi) and substituting therefor the following new subparagraph-

(vi) Commission on Administrative Justice; and

(d) by deleting subparagraph (ix) and substituting therefor the following new subparagraph-

(ix) National Police Service Commission.

7. Section 22 of the principal Act is amended by inserting the following new subsections immediately after subsection (2)-

Amendment of section 22 of No.2 of 2011.

(3) A judge or a magistrate, who requests for review shall, pending the decision of the Board under this section, be suspended from office.

(4) A removal or a process leading to the removal of a magistrate from office under this Act shall not be subject to question in, or review by, any court.

8. Section 23 of the principal Act is amended by deleting subsections (2) and (3) and substituting therefor the following new subsections-

Amendment of section 23 of No.2 of 2011.

(2) The vetting process, once commenced, shall be concluded not later than the 31st December, 2013 and any review of a decision of the Board shall be heard and concluded within the above specified period.

(3) Despite subsection (2), the Board shall conclude the process of vetting all the judges, chief magistrates and principal magistrates not later than the 28th March, 2013 and any review of a decision of the Board shall be heard and concluded within the above specified period.