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THE KENYA JUDICIARY ACADEMY BILL, 2025

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THE KENYA JUDICIARY ACADEMY BILL, 2025

A Bill for

AN ACT of Parliament to establish the Kenya Judiciary Academy to give effect to Article 172(1)(d) of the Constitution; to provide for the management, functions and powers of the Kenya Judiciary Academy and for connected purposes

ENACTED by the Parliament of Kenya as follows—

PART I—PRELIMINARY

Short title.

1. This Act may be cited as the Kenya Judiciary Academy Act, 2025.

Interpretation.

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

"Academy" means the Kenya Judiciary Academy established under section 4;

"Commission" means the Judicial Service Commission established under Article 171 of the Constitution;

"Director General" means the Director General appointed under section 10;

"Judge" means a judge of a superior court referred to in Article 162 (1) of the Constitution;

"judicial officer" has the meaning assigned to it under Article 260 of the Constitution;

"judicial staff" means persons employed in the Judiciary but without power to make judicial decisions, and includes the staff of the Commission; and

"secondment" means the temporary deployment to the Academy of an officer from another institution in the public service while preserving the pension or gratuity rights of the employee accruing from the other institution in the public service.

Objects of the Act.

3. The object of this Act is to—

(a) establish the Academy as a regional center of excellence in matters relating to judicial training;

(b) provide for procedures for operationalization of the Academy;

(c) provide a framework for the continuing education and training of judges, judicial officers, judicial staff, and other actors in the justice sector; and

(d) provide for mechanisms for collaboration and cooperation with other institutions for purposes of training judges, judicial officers and judicial staff.

PART II—ESTABLISHMENT AND FUNCTIONS OF THE KENYA JUDICIARY ACADEMY

Establishment of the Academy

4. (1) There is established an Academy to be known as the Kenya Judiciary Academy.

(2) The Academy shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

(a) entering into contracts;

(b) purchasing or otherwise acquiring, holding, charging or disposing of moveable and immovable property;

(c) borrowing and lending money; and

(d) doing of performing all other things or acts for the furtherance of the provisions of this Act as may be lawfully done or performed by a corporate body.

(3) The headquarters of the Academy shall be in Nairobi.

(4) Notwithstanding the provisions of subsection (3), the Academy may establish campuses in any other County.

Functions of the Academy.

5. The Academy shall—

(a) be the principal institution for implementing and coordinating training and capacity building of judges, judicial officers and judicial staff;

(b) prepare and implement programmes for the induction, orientation and continuing education and training of judges, judicial officers and judicial staff to support an impartial, competent, efficient and effective judiciary;

(c) develop guidelines, curricula and calendars for its training and capacity building programmes;

(d) develop linkages, partnerships and collaborations with the Centre of Parliamentary Studies and Training, the Kenya School of Government, the Foreign Service Academy and other national, regional and international institutions and agencies;

(e) develop and maintain a repository of relevant data for the Judiciary and the administration of justice;

(f) conduct research to support the functions of the Academy and the administration of justice;

(g) produce publications and reports relevant to the functions of the Academy and the administration of justice;

(h) organize and manage relevant national, regional and international conferences, meetings, symposia, and workshops;

(i) develop and implement training programmes for other actors in the justice system;

(j) in collaboration with other institutions, award relevant certification for the courses offered by the Academy;

(k) advice the Judiciary on the standardization of continuing education and training for judges, judicial officers, and judicial staff; and

(l) perform and exercise any other functions conferred on it by this Act.

Board of Directors.

6. (1) The administration of the Academy shall vest on a Board of Directors which shall consist of—

(a) Chairperson appointed by the Commission from among the members of the Commission;

(b) the Chief Registrar of the Judiciary;

(c) a member of the association of judges and magistrates elected by the members of the association;

(d) a member of the association of judicial staff nominated by the association;

(e) one person who teaches law in a public university, nominated by public universities;

(f) one person who teaches law in a private university, nominated by private universities;

(g) an advocate of not less than ten years' experience nominated by the Law Society of Kenya;

(h) the Secretary to the Council of Legal Education; and

(i) the Director General of the Academy, who shall be the Secretary to the Board and shall not have the right to vote.

(2) The nominating bodies in subsection (1)(d), (e), (f) and (g) shall nominate persons who have knowledge and expertise required for the achievement of the objects of the Academy.

(3) A member of the Board nominated under subsection (2) (d), (e), (f) and (g) shall hold office for a term of three years and shall be eligible for renewal for one further term of three years.

(4) The office of a member of the Board shall become vacant if the member—

(a) resigns from office by notice, in writing, addressed to the Chairperson, and in the case of the Chairperson, to the Chief Justice;

(b) has been found in accordance with any law, to have misused or abused state or public office or to have contravened Chapter six of the Constitution;

(c) is convicted of an offence and is sentenced to imprisonment for a period exceeding six months without the option of a fine;

(d) as a nominee, ceases to be a member of the nominating body;

(e) is unable, by reason of mental or physical infirmity, to discharge functions as a member of the Board;

(f) is adjudged bankrupt; or

(g) dies.

Functions and powers of the Board.

7. (1) The management of the affairs of the Academy shall vest in the Board of Directors of the Academy.

(2) The Board shall have all the powers necessary for the proper performance of its functions under this Act.

(3) Without prejudice to the generality of the subsection (2), the Board shall have powers to—

(a) provide strategic leadership and oversight over the Academy;

(b) recommend to the Commission an organizational structure for the Academy to give effect to the objectives of this Act;

(c) enter into contracts on behalf of the Academy;

(d) control and supervise the administration of the assets of the Academy in a manner that best promotes the object and purpose for which the Academy is established;

(e) receive any grants, gifts, donations, or endowments, make legitimate disbursements therefrom and maintain an inventory;

(f) open bank accounts for the funds of the Academy;

(g) invest the funds of the Academy as the Board may approve from time to time;

(h) enter into association with other persons, bodies, or organizations within or outside Kenya as it may consider desirable or appropriate in furtherance of the object and purpose of this Act;

(i) invite any public officer or person who in its opinion, has expert knowledge in matters relating to the Academy's functions to attend any board meeting and participate in the proceedings, provided such expert shall not have the right to vote; and

(j) by resolution, delegate to any of its committees, member, officer, employee, or agents the exercise of any of the powers or the performance of any of the functions of the Academy under this Act.

Quorum, committees and procedure of the Board.

8. (1) The quorum for the conduct of business at a meeting of the Board shall be five members.

(2) The Board may constitute such committees for the effective discharge of powers and functions—

(a) audit;

(b) governance;

(c) risk;

(d) compliance;

(e) finance;

(f) human resource;

(g) strategy; and

(h) any other committee relevant to the functions of the Academy.

(3) The conduct and regulation of the business and affairs of the Board shall be as provided for in the Schedule.

(4) Subject to the provisions of this Act, the Board shall regulate its own procedure.

Remuneration of the members of the Board.

9. The Chairperson and members of the Board shall be paid such allowances as may be determined by the Commission in consultation with the Salaries and Remuneration Commission.

The Director-General.

10. (1) There shall be a Director General of the Academy who shall be a Judge of a Superior Court and shall be appointed by Board.

(2) The Director General shall be responsible for strategic direction and leadership of the Academy.

(3) The Director General shall be answerable to the Board.

(4) The Director General may perform such other duties as may be assigned by the Board.

(5) The Director General shall serve for a non-renewable term of five years.

Registrar of the Academy.

11. (1) There shall be a Registrar of the Academy who shall be appointed by the Commission on the recommendation of the Chief Justice.

(2) A person is qualified for appointment as the Registrar if the person—

(a) is an advocate of the High Court of Kenya, and has, since qualification—

(i) become eligible for appointment as a Judge of the High Court;

(ii) served for at least ten years as a professionally qualified magistrate;

(iii) attained at least ten years' experience as a distinguished academic or legal practitioner or such experience in other relevant legal field; or

(iv) held the qualifications specified in sub-paragraphs (i) to (iii) for a period amounting, in the aggregate, to ten years; and

(b) has demonstrated competence in the performance of administrative duties for not less than three years.

(3) The Registrar shall serve for a term of five years and shall be eligible for reappointment for one further term of five years.

(4) The Registrar shall be—

(a) the accounting officer and head of the Secretariat of the Academy;

(b) responsible for management and operations of the Academy; and

(c) answerable to the Director General.

Staff of the Academy.

12. (1) The Board shall from time to time recommend an organizational structure and staff establishment for the Academy for approval by the Commission.

(2) The Board shall recommend for appointment by the Commission such other officers and staff as are necessary for the proper discharge of the functions of the Academy upon such terms and conditions of service as the Commission may determine.

(3) The Board shall recommend for secondment to the Academy, such other public officers as are necessary for

the proper discharge of the functions of the Academy upon such terms and conditions of service as the Commission may determine.

PART III-FINANCIAL PROVISIONS

Funds of the Academy.

13. (1) The funds of the Academy shall comprise of—

(a) monies allocated to the Judicial Service Commission for purposes of the Academy and approved by the National Assembly;

(b) monies allocated to the Judiciary for purposes of the Academy and approved by the National Assembly;

(c) such monies as may be allocated from the Judiciary Fund;

(d) monies accruing from investments, fees, charges or levies administered by the Academy; and

(e) grants, donations, endowments or scholarships from any other sources approved by the Board.

(2) The Academy shall open and maintain such bank accounts as are necessary for the exercise of its functions.

Financial year.

14. The financial year of the Academy shall be a period of twelve months ending on the thirtieth day of June in each year.

Annual estimates.

15. (1) The Registrar shall, at least three months before the commencement of each financial year, cause to be prepared the estimates of the revenue and expenditure of the Academy for that financial year.

(2) The annual estimates shall make provisions for all the estimated expenditure of the Academy for the financial year concerned and, in particular, shall provide for—

(a) the payment of salaries, allowances, and other charges in respect of the staff of the Academy;

(b) the payment of pensions, gratuities, and other charges in respect of retirement benefits of former staff of the Academy;

(c) payment of allowances of the members of the Board;

(d) the development, acquisition and proper maintenance of buildings and grounds for the Academy;

(e) the acquisition, maintenance, repair, and replacement of the equipment and other movable property of the Academy;

(f) funding of training, research, and other activities of the Academy; and

(g) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance, or replacement of buildings or equipment, or in respect of such other matter as the Board may deem appropriate.

(3) The annual estimates shall be approved by the Board before commencement of the financial year to which they relate and shall be submitted to the Commission for approval, and thereafter, the Board shall not increase or decrease the annual estimates except with the authority of the Commission.

PART IV—GENERAL PROVISIONS

Common seal.

16. (1) All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the Academy—

(a) where they are required to be under seal, if sealed with the common seal of the Academy and authenticated by the Director General;

(b) where they are not required to be under seal, if executed in that behalf of the Academy by a member authorized by the Board for that purpose.

(2) A deed, instrument, contract or other document executed in accordance with sub-section (1)(b) shall be effective in law to bind the Academy and its successors and may be varied or discharged in the same manner as that in which it was executed.

(3) The Common seal of the Academy shall be kept in the custody of the Director General and shall not be used except by the order of the Board.

Protection from personal liability.

17. No matter or thing done by a member of the Board or by any officer, member of staff, or agent of the Academy

shall, if the matter or thing is done *bona fide* for executing the functions, powers or duties of the Board under this Act, render the member, officer, employee or agent or any person acting on their directions personally liable to any action, claim or demand whatsoever.

Liability for damages.

18. The provisions of section 17 shall not relieve the Academy of the liability to pay compensation or damages to any person for any injury to him or her or his or her property or any of their interests caused by the exercise of any power conferred by this Act or any other written law or by the failure, wholly or partially, of any works.

PART V—PROVISIONS ON DELEGATED POWERS

Regulations.

19. (1) The Board may, in consultation with the Commission, make Regulations generally for carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of subsection (1) the Regulations made by the Board may provide for—

(a) the development and implementation of programmes for continuing education, training, and professional development of judges, judicial officers, judicial staff, and other actors in the justice sector; and

(b) the development of continuous monitoring and evaluation of training and other functions of the Academy.

PART VI—SAVINGS AND TRANSITIONAL PROVISIONS

Savings and transitions.

20. (1) Upon coming into force of this Act—

(a) all the rights, duties, obligations, assets, and liabilities of the former Academy existing at the commencement of this Act shall be automatically and fully transferred to the Academy;

(b) every agreement, whether in writing or not, and every deed, bond, or other instruments to which the former Academy was a party, and whether or not such rights, liabilities, and obligations thereunder could be assigned, shall have effect as if the Academy were party thereto or affected thereby; and

(c) any proceedings pending immediately before such date of coming into operation to which the former Academy was a party shall be continued as if the Academy was a party thereto.

(2) Except as may be provided under any written law, all persons who were members of staff to the former Academy shall be members of staff of the Academy established under this Act and shall be deemed to have been appointed under this Act on the terms and conditions of service applicable to them immediately before the commencement of this Act.

(3) For purposes of this section, "former Academy" means the Kenya Judiciary Academy established by the Judiciary to offer continuing education and training to judges, judicial officers and judicial staff.

SCHEDULE [s. 8(3)]

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

Committees and co-opted advisors.

1. (1) The Board may establish such committees as it may consider appropriate to perform such functions and responsibilities as it shall determine.

(2) All findings of such committees shall be presented to the Board for its consideration and determination.

(3) The Board may, at any time and for any length of time, invite any person to attend any of its deliberations but such person shall not be entitled to vote on any matter at any meeting of the Board.

Meetings of the Board.

2. (1) The Board shall meet at least four times in every financial year.

(2) The Chairperson shall preside at every meeting of the Board at which the Chairperson is present, but in his absence, the members shall elect one of their number who shall, with respect to that meeting and the business transacted thereat, have all the powers of a Chairperson.

Decisions of the Board.

3. Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of votes of the members present and in the case of an equality of votes, the Chairperson shall have a casting as well as a deliberative vote.

4. If a member of the Board has any interest direct or indirect in any application or other matter which is the subject of consideration at a meeting of the Board, the member shall, at the meeting, disclose the fact to the Board and shall take no part in the consideration or discussion of or vote on any question with respect to the application or the other matter.

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons for the Bill

The Bill is a legislative proposal received by the Departmental Committee on Justice and Legal Affairs from the Judiciary.

The principal object of this Bill is to give effect to Article 172(1)(d) of the Constitution by establishing the Kenya Judiciary Academy which shall be the principal institution responsible for implementing and coordinating the continuing education and training of judges, judicial officers and judicial staff.

Part I of the Bill (Clauses 1-3) provides for the preliminary provisions including the short title, the interpretation and object of the Act.

Part II of the Bill (Clauses 4-12) provides for the establishment of the Kenya Judiciary Academy which shall be the principal institution for the implementing and coordinating training and capacity building for judges, judicial officers and judicial staff. A Board of Directors shall be responsible for the administration of the Academy.

Part III of the Bill (Clauses 13-15) provides for the financial provisions including the sources of funds for the Academy, the financial year of the Academy and the preparation of annual estimates of the Academy.

Part IV of the Bill (Clauses 16-18) provides for the general provisions including the common seal of the Academy, protection of members of the Board and staff of the Academy from personal liability and liability of the Academy for damages.

Part V of the Bill (Clause 19) provides for the making of the regulations for the carrying into effect the provisions of the Act.

Part VI of the Bill (Clause 20) provides for the savings and transition provisions.

The Schedule to the Bill provides for conduct of business and affairs of the Board of Directors of the Academy.

Statement on the delegation of legislative powers and limitations of fundamental rights and freedoms

The Bill delegates legislative powers to the Board of Directors of the Kenya Judiciary Academy to make regulations for carrying into effect the provisions of the Act. The Bill does it limit any fundamental rights and freedoms.

Statement on whether the Bill concerns county governments

The Bill does not concern county governments in terms of Article 110(1) of the Constitution. The Kenya Judiciary Academy is an institution of higher learning for the Judiciary which is a function assigned to the national government.

Statement on whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The Bill is a money Bill as it contains provisions dealing with receipt, custody, investment or issue of public money.

Dated the 18th July, 2025.

GEORGE GITONGA MURUGARA,
Chairperson, Departmental Committee on Justice and Legal Affairs.