



THE REPUBLIC OF KENYA

LAWS OF KENYA

NATIONAL COUNCIL FOR LAW REPORTING ACT

NO. 11 OF 1994

Revised Edition 2007 [1994]

Published by the National Council for Law Reporting
with the Authority of the Attorney-General

www.kenyalaw.org

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NATIONAL COUNCIL FOR LAW REPORTING ACT

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NO. 11 OF 1994

NATIONAL COUNCIL FOR LAW REPORTING ACT

[Date of assent: 5th January, 1995.]

[Date of commencement: 27th January, 1995.]

An Act of Parliament to provide for the establishment of a National Council for Law Reporting to publish Kenya Law Reports and provide for connected purposes

[Act No. 11 of 1994, Act No. 10 of 1997, Act No. 7 of 2007.]

1. Short title

This Act may be cited as the National Council for Law Reporting Act, 1994.

2. Establishment of National Council for Law Reporting

(1) There is established a body to be known as the National Council for Law Reporting referred to in this Act as the "Council".

(2) The Council shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name.

(3) The Council may for the carrying out of its purposes under this Act—

- (a) acquire, hold and dispose of movable and immovable property;
- (b) enter into any contract; or
- (c) borrow money.

3. Functions of the Council

The Council shall—

- (a) be responsible for the preparation and publication of the reports to be known as the Kenya Law Reports, which shall contain judgments, rulings and opinions of the superior courts of record;
- (b) undertake such other publications as in the opinion of the Council are reasonably related to or connected with the preparation and publication of the Kenya Law Reports; and
- (c) perform any other functions conferred on the Council by or under the provisions of any other written law.

[Act No. 7 of 2007, Sch.]

4. Composition

(1) The Council shall consist of—

- (a) the Chief Justice;
- (b) the Attorney-General or his representative;
- (c) a judge of the Court of Appeal nominated by the Chief Justice;
- (d) a judge of the High Court nominated by the Chief Justice;
- (e) a public officer being an advocate nominated by the Attorney-General;
- (f) two advocates of not less than seven years' standing nominated by the Law Society of Kenya;

- (g) the Dean of the Faculty of Law, University of Nairobi or his representative;
- (h) the Government Printer or his representative not below the rank of Deputy Government Printer; and
- (i) the Editor appointed under section 7.

(2) The Chairman of the Council shall be the Chief Justice.

(3) Members of the Council shall hold office as such—

- (a) in the case of *ex officio* members, as long as they hold the office by virtue of which they are members of the Council;
- (b) in the case of a member who is the Editor, as long as he holds the appointment of Editor;
- (c) in the case of any other member, for a period of three years from the date of his appointment:

Provided that any member referred in paragraph (c) may by writing addressed to the Council resign his office as such at any time.

(4) A member vacating his office as a member of the Council shall be eligible for re-appointment.

5. Meetings of the Council

(1) The Council shall meet for the discharge of its functions at such times and places as the Chairman may appoint but it shall meet at intervals of not more than three months.

(2) The Chairman shall preside at all meetings of the Council, and in his absence, a member of the Council appointed by the members present from among their number shall preside.

(3) Decisions at meetings of the Council shall be taken by a simple majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote in addition to his deliberative vote.

(4) Any five members of the Council including the Chairman or the Editor shall constitute a quorum at any meeting of the Council.

(5) The Council may at any time co-opt any person to be an adviser at any meeting of the Council but no person so co-opted shall be entitled to vote at any such meeting on any matter for decision by the Council.

(6) The validity of any proceedings of the Council shall not be affected by any vacancy among its members or by any defect in the appointment of any member.

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

6. Remuneration of Council members

The Council shall pay to members such remuneration fees or allowances for as it expenses may determine.

[Act No. 10 of 1997, Sch.]

7. Appointment of the Editor

(1) There shall be an Editor of the Kenya Law Reports who shall be appointed by the Attorney-General on the recommendation of the Council and upon such terms conditions as may be determined by the Council.

(2) No person shall be qualified to be appointed as an Editor unless the person is qualified to be appointed a judge of the High Court under the Constitution.

8. Functions of the Editor

(1) The Editor shall, subject to the general control of the Council on matters of policy, be responsible for the preparation and publication of the Kenya Law Reports and for such other publications as may be approved by the Council under section 3.

(2) Where the Editor by reason of illness or absence from Kenya or for any reasonable cause is incapable of performing his functions under this Act, the Council may authorize the most senior of the Assistant Editors of the Council to perform the functions of the Editor for the duration of the incapacity.

9. Assistant Editors and Reporters

(1) The Council shall have such Assistant Editors and Reporters as it deems necessary to assist the Editor in the discharge of the functions of the Council.

(2) A person shall not be qualified for appointment as an Assistant Editor unless he is qualified to be appointed as a principal magistrate under any written law for the time being in force relating to the appointment of magistrates.

(3) A person shall not be qualified for appointment as a Reporter unless he is qualified to be appointed as a resident magistrate under any written law for the time being in force relating to the appointment of magistrates.

(4) The Assistant Editor and Reporters shall be appointed by the Council and upon such terms and conditions as the Council may determine.

10. Secretary and other employees

(1) There shall be a Secretary to the Council who shall be appointed by the Council; and upon such terms and conditions as the Council may determine.

(2) The Council shall engage such other employees as may be necessary for the efficient discharge of its functions, and such employees shall be appointed by the Council upon such terms and conditions as the Council may determine.

11. Functions of the Secretary

(1) The Secretary shall, under the direction and supervision of the Editor, be responsible for the day-to-day management and administration of the affairs of the Council.

(2) The Secretary shall also act as secretary to the Council and shall, subject to the directions of the Council, arrange the business for, and be responsible for the recording and keeping of minutes of proceedings of all meetings of the Council.

12. Pensionable officers

(1) The office of Editor, Assistant Editor, Reporters and Secretary shall each be pensionable office in terms of the Pensions Act (Cap. 189).

(2) The Council may, in accordance with the Pensions Act, grant pensions, gratuities or other allowances to the officers referred to in subsection (1) or to such other employees of the Council appointed under section 10 who are entitled to pensions in terms of the Pensions Act.

13. Transfers or secondment of public officers

Public officers may be transferred or seconded to the Council or may otherwise be required to assist the Council in the efficient discharge of its functions subject to the prior approval of the Council.

14. Funds of the Council

The Council shall be provided with such moneys as are appropriated for the purposes of the Council by the National Assembly.

15. Annual estimates

(1) The Council shall cause to be prepared in accordance with section 11 of the State Corporations Act (Cap. 446) estimates of the Council's revenue and expenditure for each financial year.

(2) The Council shall not, without the written authorization of the Treasury, incur any expenditure for which no provision has been made in the annual estimates approved under section 11 of the State Corporations Act.

16. Bank accounts and investments

(1) All sums of money received on account of the Council shall be paid into such bank or banks as may be approved by the Council for the credit of the Council's general current and deposit account.

(2) The Council may invest as it deems fit any sums of money not required for immediate use for the purposes of the Council.

17. Accounts and audit

(1) The Council shall cause proper books of account and proper records thereof to be kept in relation to the financial affairs and transactions of the Council and in such form as may be prescribed by the Minister responsible for finance under section 14 of the State Corporations Act (Cap. 446).

(2) The accounts of the Council shall be audited annually by the Auditor-General (Corporations) in accordance with Part VII of the Exchequer and Audit Act (Cap. 412).

18. Annual reports

The Council shall not later than three months after the end of each year submit to the Attorney-General a report on the activities of the Council during that year, and the Attorney-General shall as soon as practicable after receiving the report cause it to be laid before the National Assembly.

19. Judges to supply judgments, etc. to the Editor

Every judge of the superior court of record shall as soon as practicable after delivering a judgment, ruling or an opinion cause to be furnished to the Editor a certified copy of the judgment, ruling or opinion delivered by him.

20. Returns to be made by registrars of superior court

The registrar of the High Court or the registrar of the Court of Appeal shall at the end of each month furnish the Editor with a list of all judgments, rulings or opinions delivered by the High Court or the Court of Appeal as the case may be.

21. Kenya Law Reports to be official reports

The Kenya Law Reports shall be the official law reports of Kenya which may be cited in proceedings in all the courts of Kenya.

22. Rules

The Council may with the approval of the Attorney-General make rules generally for the effective carrying out of the purposes of this Act.
