



LAWS OF KENYA

LAW REFORM COMMISSION ACT

CHAPTER 3

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CHAPTER 3

LAW REFORM COMMISSION ACT

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CHAPTER 3

LAW REFORM COMMISSION ACT

[Date of assent: 13th May, 1982.]

[Date of commencement: 21st May, 1982.]

An Act of Parliament to provide for the establishment of a commission for the reform of the law

[Act No. 2 of 1982, Act No. 13 of 1988.]

1. Short title

This Act may be cited as the Law Reform Commission Act, 1982.

2. The Law Reform Commission

(1) For the purpose of promoting the reform of the law there is hereby constituted the Law Reform Commission, consisting of a chairman and six other commissioners appointed by the President.

(2) A person appointed to be commissioner shall be a person appearing to the President to be suitably qualified by holding or having held the office of judge of the High Court or Court of Appeal in accordance with the provisions of Part I of Chapter IV of the Constitution or by experience as an advocate or as a teacher of law in a university.

(3) A person may be appointed to be a commissioner for a term not exceeding three years and subject to any conditions imposed on his appointment by the President; but a commissioner may resign his office at any time and a person who ceases to be a commissioner shall be eligible for reappointment.

(4) A person holding the judicial office described in subsection (2) may be appointed as a commissioner without relinquishing that office, but unless otherwise provided by the terms of his appointment, shall be required to perform his duties as the holder of that office while he remains a commissioner.

(5) The President may, on the recommendation of the chairman, appoint a person qualified in accordance with subsection (2) to be an additional commissioner for the purposes of a specific aspect of law reform being undertaken by the Commission, but the number of additional commissioners appointed hereunder shall not exceed two at any one time.

(6) The secretary to the Law Reform Commission shall be appointed by the Attorney-General.

(7) The appointment of, or service by, a person who holds the office of a judge of the High Court or Court of Appeal in accordance with the provisions of Part I of Chapter IV of the Constitution as the chairman or commissioner shall not affect the tenure of his judicial office or his rank, status, salary or allowance and such service shall be regarded as judicial service.

[Act No. 13 of 1988, Sch.]

3. Functions of the Law Reform Commission

(1) It shall be the function of the Law Reform Commission to keep under review all the law of Kenya to ensure its systematic development and reform, including in particular the integration, unification and codification of the law, the elimination of anomalies, the repeal of obsolete and unnecessary enactments and generally its simplification and modernisation, and for that purpose—

- (a) to receive and consider any proposals for the reform of the law that may be made or referred to them;
- (b) to prepare and submit to the Attorney-General programmes for the examination of different branches of the law with a view to reform, including recommendations as to the agency by which that examination should be carried out;
- (c) to undertake, pursuant to any programme approved by the Attorney-General, the examination of particular branches of the law and the formulation, by means of draft Bills or otherwise, of proposals for reform therein;
- (d) to prepare, at the request of the Attorney-General, comprehensive programmes of consolidation to facilitate the exercise by him of his powers under the Revision of the Laws Act (Cap. 1), and to undertake the drafting of Bills pursuant to any programme of consolidation approved by him;
- (e) to provide advice and information to ministries and departments in the Government with regard to the reform or amendment of a branch of the law appropriate to that ministry or department.

(2) The Attorney-General shall lay before the National Assembly any programme prepared by the Law Reform Commission and approved by him and any proposal for reform formulated by the Law Reform Commission pursuant to that programme.

(3) The Law Reform Commission shall make an annual report to the Attorney-General on its proceedings and he shall lay that report before the National Assembly with any comment thereon that he considers appropriate.

4. Remuneration of a commissioner

(1) There shall be paid to a commissioner the remuneration by way of salary, allowances, pension or gratuity that is determined by the President.

(2) The remuneration referred to in subsection (1) shall be paid out of moneys provided by Parliament.

5. Staff

The Attorney-General shall make available to the Law Reform Commission the services of such public officers as are necessary for the proper and efficient exercise of the functions of the Commission.
