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**THE SMALL CLAIMS COURT (AMENDMENT)
ACT, 2020**

No. 5 of 2020

Date of Assent: 30th April, 2020

AN ACT of Parliament to amend the Small Claims Court Act

ENACTED by the Parliament of Kenya, as follows—

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| <p>1. This Act may be cited as the Small Claims Court (Amendment) Act, 2020.</p> | <p>Short title</p> |
| <p>2. Section 2 of the Small Claims Court Act, 2016, hereinafter referred to as the “Principal Act”, is amended—</p> <p>(a) by inserting the following new definition in proper alphabetical sequence—</p> <p style="padding-left: 40px;">“duly authorized representative” means the next of kin or a close relative of a party to the proceedings appointed in writing and approved by the Adjudicator to represent that party in court proceedings;</p> <p>(b) in the definition of the expression “prescribed limit” by deleting the words “one hundred thousand shillings” and substituting therefor the words “one million shillings”.</p> | <p>Amendment of section 2 of No.2 of 2016.</p> |
| <p>3. Section 12 of the Principal Act is amended in sub-section (3) by deleting the words “two hundred thousand shillings” and substituting therefor the words “one million shillings”.</p> | <p>Amendment of section 12 of No.2 of 2016.</p> |
| <p>4. Section 20 of the Principal Act is amended—</p> <p>(a) by deleting sub-section (2); and</p> <p>(b) in sub-section (3), by inserting the words “where the representative is not a legal practitioner” immediately after the words “under sub-section (1)”.</p> | <p>Amendment of section 20 of No.2 of 2016.</p> |
| <p>5. The Principal Act is amended by inserting the following new section immediately after section 20—</p> | <p>Insertion of a new section into No. 2 of 2016.</p> |
| <p>Remuneration of advocates.
No. 21 of 2014.</p> | <p>20A. The Chief Justice shall, in consultation with the Council of the Law Society of Kenya established under the Law Society of Kenya Act, make orders prescribing and</p> |

regulating the remuneration of advocates who appear before the Court.

6. Section 33 of the Principal Act is amended in sub-section (1) by deleting the words “where it is satisfied that the claim to which such costs relate is vexatious, frivolous or an abuse of the due process of the Court” appearing after the word “proceedings”.

Amendment of section 33 of No.2 of 2016.

7. Section 34 of the principal Act is amended by deleting sub-section (3) and substituting therefor the following new sub-sections—

Amendment of section 34 of No.2 of 2016.

(3) The Court may only adjourn the hearing of any matter under exceptional and unforeseen circumstances which shall be recorded and be limited to a maximum of three adjournments.

(4) When considering whether to allow an adjournment on the grounds of exceptional and unforeseen circumstances referred to in sub-section (3), the court may in particular take into consideration where appropriate any of the following exceptional and unforeseen circumstances —

- (a) the absence of the parties concerned or their advocate or other participants to the proceedings required to appear in court for justified personal reasons which may include sickness, death, accident or other calamities;
- (b) an application by a party for the Adjudicator to withdraw from hearing the matter;
- (c) a request by parties to settle the matter out of court;
- (d) an appeal filed in the matter where orders of stay of proceedings have been granted;
- (e) an application by a party to summon new witnesses to court, collect new evidence, new inspection or evaluation or supplementary investigation on the subject matter of the case; and
- (f) any other exceptional and unforeseen circumstances which in the opinion of the court justifies or warrants an adjournment.