Kenya Subsidiary Legislation, 2012

(b) more than the number specified under the Act, the presiding officer shall carry out an election in the manner provided under paragraph 8.

Election process.

8. (1) Each delegate shall have one vote.

(2) The method of election shall be by way of secret ballot.

(3) The presiding officer shall cause a ballot paper to be delivered to every delegate present and the delegate shall write the name of the candidate of their choice from among those nominated under paragraph 7 (2).

(4) No other mark, writing or signature shall be made on the ballot paper, and the delegate shall, on writing the name of the candidate, fold the paper so as to conceal their nomination, and shall deliver it, or cause it to be delivered, to the presiding officer in such manner as the presiding officer shall prescribe.

(5) Upon receiving all the ballot papers the presiding officer shall in the presence of the candidates and delegates count the votes cast.

(6) The presiding officer shall, upon counting all the votes cast, announce the number of votes cast for each candidate, and shall declare the candidates for whom the greatest number of votes has been cast to be duly nominated.

(7) In the event of a tie in the number of votes casted, subsequent elections shall be conducted following the procedure set out in these regulations until the candidate who emerges with the most votes is declared duly nominated.

(8) The returning officer shall forward the names of the persons nominated to the Minister.

9. The Tea (Election) Regulations, 2005 are revoked.

Made on the 4th April, 2012.

SALLY KOSGEI,
Minister for Agriculture.

LEGAL NOTICE NO. 35
THE JUDICIAL SERVICE ACT
(No. 1 of 2011)

IN EXERCISE of the powers conferred by Article 173 of the Constitution, and section 27 (4) of the Judicial Service Act, the Chief Justice makes the following Regulations:

THE JUDICIARY FUND REGULATIONS, 2012

1. These Regulations may be cited as the Judiciary Fund Regulations, 2012.

2. In these Regulations, unless the context otherwise requires—

"accounting officer" means the Chief Registrar of the Judiciary referred to in Article 161 (c) of the Constitution;
“Administrator” means the Chief Registrar of the Judiciary referred to under Article 173 of the Constitution;

“Chief Registrar” means the Chief Registrar of the Judiciary referred to in Article 161 of the Constitution;

“Commission” means the Judicial Service Commission established by Article 171 of the Constitution;

“Consolidated Fund” means the Consolidated Fund established by Article 206 of the Constitution;

“Fund” means the Judiciary Fund established by Article 173 of the Constitution;

“regulations” means regulations of the Judiciary Fund Regulations provided under Article 173 (5) of the Constitution.

3. The objective of the Fund is—

(a) to utilise it for the settlement of the administrative expenses of the Judiciary and such other purposes as may be necessary for the discharge of the mandate of the Judiciary;

(b) for defraying personal emoluments, program activities for the Commission, the Supreme Court, the Court of Appeal, the High Court, Subordinate Courts and other judicial services under the Act.

4. The Fund shall consist of such moneys as may—

(a) be appropriated for the Fund by Parliament;

(b) granted from the Consolidated Fund;

(c) for that purpose be obtained from investments, fees or levies administered by the Judiciary;

(d) be from any grants, gifts, donations or bequests; and

(e) be from all proceeds resulting from net proceeds of disposal of excess or surplus property, or stores, including miscellaneous receipts.

5. The Fund account shall be kept at designated Bank into which the Treasury shall pay directly all the approved or appropriated estimates of expenditure by the National Assembly.

6. The Fund shall be administered by the Chief Registrar of the Judiciary who—

(a) may delegate authority for the administration of the Fund to competent persons;

(b) shall be responsible for all payments incurred from the Fund and general supervision of the Fund, and any other funds that may be lawfully provided for the effective and efficient provision of judicial services; and

(c) shall be responsible for the supervisory, control and maintenance of proper accounting standards, systems,
procedures and records for the accountability, custody, safeguarding and reporting of all monies received into the Fund.

(d) shall develop and prepare estimates of Appropriation-in-Aid and expenditure following year and two successive years for the approval by the Commission before forwarding them to the National Assembly for approval;

(e) ensure that the expenditures are consistent with the plan.

7. Where there is any revision to the budgetary estimates during the financial year in excess of KSh. 50,000,000, the Administrator shall—

(a) lay the proposed alterations before the Commission for approval; and

(b) use the amounts in the Fund to settle administrative expenses and activities in accordance with the plan developed for the betterment of judicial services.

8. There shall be deposited in the Fund all proceeds of judicial activities including net proceeds of disposal of excess or surplus property, all fees collected, and any other miscellaneous receipts.

9. (1) The Administrator shall prepare management reports and submit or cause them to be submitted to the Commission after every three months each calendar year.

(2) The Management report under sub paragraph (1) shall include—

(a) the implementation progress of the Judiciary Strategic Plan.

(b) the specific actions taken and the progress made to improve the execution of the plan;

(c) the actual Fund expenditures and accomplishments, and the reasons for any delays in scheduled programs and activities.

10. (1) The Appropriations Account and the Fund accounts shall be prepared and submitted for audit in accordance with the National Government financial regulations and procedures.

(2) The Fund shall be audited internally by auditors duly appointed by the Commission.

Dated the 10th April, 2012.

WILLY MUTUNGA,
Chief Justice/President of the Supreme Court of Kenya.