



**THE REPUBLIC OF KENYA**

LAWS OF KENYA

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**VEXATIOUS PROCEEDINGS ACT**

CHAPTER 41

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**CHAPTER 41**

**VEXATIOUS PROCEEDINGS ACT**

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**CHAPTER 41**

**VEXATIOUS PROCEEDINGS ACT**

[Date of assent: 14th March, 1958.]

[Date of commencement: 20th March, 1958.]

**An Act of Parliament to prevent abuse of the process of the High Court and other courts by the institution of vexatious legal proceedings**

[Act No. 4 of 1958, L.N. 210/1966, Act No. 18 of 1979.]

**1. Short title**

This Act may be cited as the Vexatious Proceedings Act.

**2. Power to make orders**

(1) If, on an application made by the Attorney-General under this section, the High Court is satisfied that any person has habitually and persistently and without any reasonable ground instituted vexatious proceedings, whether civil or criminal, and whether in the High Court or in any subordinate court, and whether against the same person or against different persons, the Court may, after hearing that person or giving him an opportunity of being heard, make an order declaring such person to be a vexatious litigant.

(2) If the person against whom an order is sought under this section is unable on account of poverty to retain an advocate, the High Court shall assign an advocate to him in respect of such application.

(3) A copy of any order made under this section shall be published in the *Gazette*.

**3. Restraint of civil proceedings**

No suit shall, except with leave of the High Court or of a judge thereof, be instituted by or on behalf of a vexatious litigant in any court, and any suit instituted by him in any court before the making of an order under section 2(1) of this Act shall not be continued by him without such leave; and such leave shall not be given unless the Court or the judge is satisfied that the suit is not an abuse of the process of the court and that there is a *prima facie* ground for the suit.

[Act No. 18 of 1979, Sch.]

**4. Restraint of criminal proceedings**

No criminal proceedings shall, except with the written consent of the Attorney-General, be instituted by a vexatious litigant in any court.

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