# THE NATIONAL COUNCIL ON THE ADMINISTRATION OF JUSTICE BILL, 2026

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# THE NATIONAL COUNCIL ON THE ADMINISTRATION OF JUSTICE BILL, 2026

**A Bill for**

**AN ACT of Parliament to establish the National Council on the Administration of Justice; to provide for functions and powers of the Council; to provide a framework for co-ordination and co-operation among agencies involved in the administration of justice; and for connected purposes**

**ENACTED** by the Parliament of Kenya as follows—

## PART I—PRELIMINARY PROVISIONS

Short title.

**1.** This Act may be cited as the National Council on the Administration of Justice Act, 2026.

Interpretation.

**2.** In this Act, unless the context otherwise requires—

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"Act" means the Judicial Service Act;

"administration of justice" means the process by which State and non-State institutions co-ordinate, co-operate and collaborate in the efficient and effective provision of access to justice to the public through formal and informal legal systems;

"Chairperson" means the Chairperson of the National Council on the Administration of Justice;

"Chief Executive Officer" means the chief executive officer to the Council appointed under section 13;

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

"Council" means the National Council on the Administration of Justice established under section 5;

"court users' committee" means a committee established under section 22(1); and

"working committee" means a committee established under section 19(1).

Objects of the Act.

**3.** The objects of this Act are to—

(a) ensure a co-ordinated, efficient, effective and consultative approach in the administration of justice;

(b) provide a framework for the co-ordination of reforms in the administration of justice;

(c) provide a framework for consultation and co-operation in the formulation and implementation of policies relating to the administration of justice; and

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(d) ensure a co-ordinated approach in the resolution of challenges in the administration of justice.

Guiding principles.

**4.** The Council and committees established under this Act shall, in the exercise of powers or performance of functions conferred by this Act, be guided by the following principles—

(a) fidelity to the Constitution and the principles espoused therein;

(b) independence and interdependence between and among institutions engaged in the administration of justice;

(c) decision-making by consensus;

(d) effective, efficient and quality service delivery to the public;

(e) commitment to inclusion; and

(f) transparency and mutual accountability.

## PART II—THE NATIONAL COUNCIL ON THE ADMINISTRATION OF JUSTICE

Establishment of the Council.

**5.** (1) There is established the National Council on the Administration of Justice.

(2) The Council is the successor to the National Council on Administration of Justice established by section 34(1) of the Judicial Service Act.

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(3) The Commission shall provide secretariat services to the Council.

Composition of the Council.

**6.** (1) The Council shall consist of—

(a) the Chief Justice, who shall be the chairperson;

(b) the Attorney-General;

(c) the Principal Secretary for the time being responsible for matters relating to internal security;

(d) the Principal Secretary for the time being responsible for matters relating to gender;

(e) the Principal Secretary for the time being responsible for matters relating to children;

(f) the Principal Secretary for the time being responsible for matters relating to labour;

(g) the Principal Secretary for the time being responsible for matters relating to environment;

(h) the Principal Secretary for the time being responsible for matters relating to land;

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(i) the Principal Secretary for the time being responsible for correctional services;

(j) the Principal Administrative Head in the Office of the Chief of Staff and Head of the Public Service;

(k) the Chief Registrar of the Judiciary;

(l) the Director of Public Prosecutions;

(m) the Inspector-General of the National Police Service;

(n) the Commissioner-General of Prisons;

(o) the Chairperson of the Kenya National Commission on Human Rights;

(p) the Chairperson of the Independent Electoral and Boundaries Commission;

(q) the Chairperson of the Commission on Administrative Justice;

(r) the Chairperson of the Independent Policing Oversight Authority;

(s) the Chairperson of the Kenya Law Reform Commission;

(t) the Chairperson of the Council of County Governors;

(u) the Chairperson of the National Legal Aid Service;

(v) the Chairperson of the National Community Service Orders Committee;

(w) the Chairperson of the Ethics and Anti-corruption Commission;

(x) the Secretary of the Probation and Aftercare Service;

(y) the Director of the Witness Protection Agency;

(z) the President of the Law Society of Kenya;

(aa) four persons to represent organisations dealing with human rights issues appointed, in writing, by the Chairperson; and

(bb) two persons to represent private sector organisations appointed, in writing, by the Chairperson.

(2) The Chief Executive Officer shall be the secretary to the Council.

(3) The persons appointed under subsection (1)(aa) and (bb) shall serve for a term of three years and shall be

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eligible for appointment for one further term of three years.

(4) For the purposes of this section—

(a) "private sector" means a sector which is not public and includes a company or an association but does not include a non-governmental organisation or public benefit organisation; and

(b) "public benefits organization" has the meaning assigned to it in section 5(1) of the Public Benefits Organisations Act.

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(5) Subject to the provisions of this Act, the Council shall, whenever it considers it necessary, call for applications from organisations interested in joining the Council under subsection (1)(aa) and (bb).

(6) Upon receipt of the applications under subsection (5), the Council shall make a determination on the six organisations to be included in its membership.

(7) The Commission may make regulations on the procedure for the selection of the organisations to be appointed under subsection (1)(aa) and (bb).

Functions of the Council.

**7.** (1) The Council shall ensure a co-ordinated, efficient, effective and consultative approach in the administration of justice and reform of the justice system.

(2) Despite the generality of subsection (1), the Council shall—

(a) develop and review a national policy on the administration of justice;

(b) co-ordinate the development of policies relating to the administration of justice;

(c) review and make recommendations on policies relating to the administration of justice;

(d) provide a forum for sharing necessary information and data on the administration of justice by institutions involved in administration of justice;

(e) be the repository of policies relating to the administration of justice;

(f) develop and prioritise strategies and programmes to enable public institutions engaged in administration of justice to respond to challenges to the administration of justice;

(g) facilitate the operations of court users' committees;

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(h) facilitate capacity building on cross-cutting issues on the administration of justice;

(i) facilitate resource mobilisation for the Council's activities in the administration of justice;

(j) facilitate the resolution of disputes among institutions involved in the administration of justice;

(k) make recommendations on the reform of the justice system;

(l) monitor, evaluate, review and make recommendations regarding strategies for the administration of justice;

(m) working with the relevant agencies, ensure the safety and security of the court and its users.

(n) standardize, monitor, evaluate, review and make recommendations regarding the implementation of information, communications and technology infrastructure in the administration of justice in accordance with the Data Protection Act; and

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(o) perform such other functions as may be provided for under this Act or any other written law.

Powers of the Council.

**8.** The Council shall have all the powers necessary for the performance of its functions under this Act and any other written law.

Committees of the Council.

**9.** (1) The Council may establish such committees from among its members as may be necessary for the better performance of its functions or exercise of its powers.

(2) The decisions of the committees of the Council shall be considered and ratified by the Council.

(3) The Council may delegate the exercise of any of its powers or performance of any its functions, on such special or general terms, to a committee established under subsection (1).

Conduct of business and affairs of the Council.

**10.** (1) The business and affairs of the Council shall be conducted in accordance with the First Schedule.

(2) Except as provided in this Act, the Council may regulate its own procedure.

(3) The Council may co-opt any person with technical skill or expertise to attend meetings of the Council, but that person shall not vote at such meetings.

Vacancies in the Council.

**11.** (1) A vacancy may occur under section 6(1)(aa) or (bb) if the member—

(a) dies;

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(b) resigns by notice, in writing, addressed to the Chairperson;

(c) ceases to be a member of the nominating institution; or

(d) is absent from three consecutive meetings of the Council without reasonable cause.

(2) Where a vacancy occurs in the Council under subsection (1), the Chairperson shall, within fourteen days after the occurrence of the vacancy, request the nominating institution to nominate a suitable person as a member of the Council.

(3) Each nominating institution shall nominate a suitable member through an open, transparent and competitive manner and submit the name of the nominee to the Chairperson within fourteen days after being requested to do so under subsection (2).

(4) The Chairperson shall appoint the person nominated under subsection (2) by notice in the *Gazette* within three days of receiving the name of the nominee under subsection (3).

(5) The proceedings of the Council shall not be invalidated by reason of a vacancy among the members.

Allowances of members of the Council.

**12.** The members of the Council may be paid such allowances as the Commission may, on the advice of the Salaries and Remuneration Commission, determine.

Chief Executive Officer.

**13.** (1) There shall be a Chief Executive Officer of the Council who shall be competitively recruited and appointed by the Commission on the advice of the Council.

(2) The Chief Executive Officer shall serve on such terms and conditions as the Commission may, on the advice of the Salaries and Remuneration Commission, determine.

Qualifications of the Chief Executive Officer.

**14.** A person shall be eligible to be appointed as the Chief Executive Officer if that person—

(a) is a citizen of Kenya;

(b) holds a degree from a university recognized in Kenya;

(c) has at least ten years' demonstrable experience in the administration of justice sector;

(d) has served in a senior management position for at least five years;

(e) is not an undischarged bankrupt;

(f) is not a member of the governing body of a political party; and

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(g) meets the requirements of Chapter Six of the Constitution.

Duties of the Chief Executive Officer.

**15.** (1) The Chief Executive Officer is responsible to the Commission, through the Council, in the performance of his or her duties.

(2) The Chief Executive Officer is responsible for—

(a) the day-to-day management of the affairs of the Council;

(b) the administration, organisation and direction of the staff of the Commission attached to the Council;

(c) the mobilisation of funds in accordance with the directions of the Council and relevant written law;

(d) the management of the property of the Commission in accordance with the directions of the Commission and relevant written law;

(e) the implementation of policies and programmes of the Council and reporting thereon to the Commission through the Council;

(f) the development of plans for achieving the objectives of the Council; and

(g) the performance of any other function necessary for the implementation of this Act as directed by the Council.

Tenure of the Chief Executive Officer.

**16.** The Chief Executive Officer shall serve for a term of five years and is eligible, subject to satisfactory performance, for appointment for one further term of five years.

Vacancy.

**17.** (1) The office of Chief Executive Officer becomes vacant if—

(a) the holder of the office dies;

(b) the holder of the office resigns by notice, in writing, addressed to the chairperson of the Commission;

(c) the term of office expires; or

(d) the holder of the office is removed from office on the following grounds—

(i) gross misconduct or misbehaviour;

(ii) inability to perform functions of the office arising out of illness;

(iii) violation of the Constitution or any other written law;

(iv) incompetence or negligence;

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(v) bankruptcy; or

(vi) conviction by a court of competent jurisdiction of a criminal offence and is sentenced to a term of imprisonment of at least six months.

(2) Where the question of the removal of the Chief Executive Officer under subsection (1)(d) arises, the Commission shall—

(a) inform the Chief Executive Officer in writing of the reasons for the intended removal; and

(b) give the Chief Executive Officer the opportunity to be heard.

Secretariat of the Council.

**18.** (1) There is a secretariat of the Council which shall comprise of—

(a) the staff recruited and appointed by the Commission; and

(b) such number of officers as may, upon request by the Commission, be seconded from elsewhere in the public service.

(2) The staff shall—

(a) serve on terms of service as the Commission may determine; and

(b) be paid such remuneration and benefits as the Commission may, on the advice of the Salaries and Remuneration Commission, determine.

(3) A public officer seconded to the Council under subsection (1)(b) shall, during the period of secondment, be deemed to be an officer of the Commission and subject to the direction of the Commission.

## PART III—WORKING COMMITTEES

The Council may establish working committees.

**19.** (1) The Council may establish such working committees as may be necessary for the achievement of the objects of this Act.

(2) Despite the generality of subsection (1), the Council may establish working committees to—

(a) propose recommendations in respect of the review and implementation of laws and policies relating to the administration of justice;

(b) identify legal, institutional, administrative and financial barriers that hamper the efficient administration of justice and make recommendations thereon to the Council;

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(c) advise the Council on the progressive attainment of seamless interagency linkages on administration of, and access to, justice;

(d) propose recommendations on the implementation of standards on the quality of infrastructure in the administration of justice sector;

(e) organize and engage stakeholders on emerging issues relating to the administration of justice;

(f) promote best practices in the administration of justice sector;

(g) undertake research on the efficient administration of justice and report thereon to the Council; and

(h) carry out such other functions as may be assigned by the Council.

(3) The Council shall, by notice in the *Gazette*, appoint the members of each working committee and provide for—

(a) the tenure of the members of each working committee;

(b) the terms of reference of each working committee; and

(c) any other matter that the Council may determine to be relevant for the purposes of this Act.

(4) Each working committee shall be assisted in their work by the secretariat and the Chief Executive Officer shall assign such number of members of the secretariat as may be necessary for that purpose.

(5) The Commission shall authorise the allocation of such funds from the funds of the Commission to facilitate the work of each working committee and such allocation shall form part of the annual estimates of the revenue and expenditure of the Commission.

Conduct of business and affairs of working committees.

**20.** The business and affairs of each working committee shall, with necessary modification, be conducted in accordance with the Second Schedule.

Reports by working committees.

**21.** Each working committee shall, at least once in every three months, submit a report of its activities to the Council:

Provided that where a working committee has been appointed by the Council for a period that is shorter than three months, that committee shall submit a report of its activities to the Council on the date of the expiry of its tenure.

## PART IV—COURT USERS' COMMITTEES

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Establishment of court users' committees.

**22.** (1) There is established a court users' committee in respect of each—

(a) Court of Appeal station;

(b) High Court station or division;

(c) Employment and Labour Relations Court station or division;

(d) Environment and Land Court station or division; and

(e) subordinate court station.

(2) The chairperson of each court users' committee is—

(a) in the case of each Court of Appeal station, the presiding judge of the station;

(b) in the case of a High Court station or division, the presiding judge of the station or division;

(c) in the case of an Employment and Labour Relations Court station or division, the presiding judge of the station or division;

(d) in the case of an Environment and Land Court station or division, the presiding judge of the station or division; and

(e) in the case of a subordinate court station, the head of the station.

(3) The chairperson of a court users' committee shall appoint at least ten and not more than twenty-two members of the committee.

(4) A court users' committee may invite to a meeting of the committee not more than five persons with technical skills or expertise as may be necessary to assist the committee during that meeting.

(5) For the purposes of this section, "subordinate court" means a Magistrate's court, Kadhi's court, Court Martial or any other court or local tribunal established by an Act of Parliament other than courts established as required by Article 162(2) of the Constitution.

Functions of court users' committees.

**23.** (1) A court users' committee shall facilitate the efficient administration of justice at the local level.

(2) Despite the generality of subsection (1), each court users' committee shall—

(a) facilitate the resolution of disputes between and among its members including by recommending local solutions to those disputes;

(b) facilitate the establishment of transparent and accountable processes among its members;

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(c) identify the needs of, and challenges faced by, institutions engaged in the administration of justice and propose interventions to the Council;

(d) facilitate the implementation of the policies and strategies of the Council;

(e) establish and promote peer review mechanisms among institutions engaged in the administration of justice;

(f) enhance information sharing and learning among institutions engaged in the administration of justice;

(g) propose to the Council capacity building initiatives on cross-cutting issues for the institutions involved in the administration of justice;

(h) conduct fact-finding missions in correctional institutions, places of custody and similar private facilities that facilitate the administration of justice, and report to the Council thereon;

(i) prepare and submit to the Council reports on the activities of the court users' committees;

(j) promote alternative forms of dispute resolution and alternative justice systems; and

(k) perform any other relevant functions necessary to give effect to the objects of this Act.

Reports by court users' committees.

**24.** Each court users' committee shall, at least once in every three months, submit a report to the Council on its activities.

Council to facilitate activities of court users' committees.

**25.** (1) The Commission shall facilitate the activities of each court users' committee from the funds of the Commission.

(2) Each court users' committee shall account for any funds received in the manner prescribed by the Commission.

Subcommittees of court users' committees.

**26.** (1) A court users' committee may establish such subcommittees as may be necessary for the better performance of its functions.

(2) The decisions of a subcommittee of the court users' committee shall be ratified by the committee.

Conduct of business and affairs of court users' committees.

**27.** The business and affairs of each court users' committee shall, with necessary modification, be conducted in accordance with the Second Schedule.

Meetings of court users' committees.

**28.** Each court users' committee shall meet at least four times in a financial year and not more than three months shall elapse between one meeting of the committee and the next.

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Council to develop guidelines.

**29.** The Council shall develop guidelines on the composition and the operations of court users' committees.

## PART V—MISCELLANEOUS PROVISIONS

State of the administration of justice report.

**30.** (1) The Council shall, at least once in each year, submit to Parliament a report on the state of the administration of justice in Kenya which shall contain—

(a) recommendations on specific actions to be taken in furtherance of the findings of the Council;

(b) recommendations on legal and administrative measures to address specific concerns identified by the Council; and

(c) any other information relating to its functions that the Council considers relevant.

(2) Parliament shall consider the report submitted under subsection (1) and may take appropriate action as it deems fit.

Expenses.

**31.** The expenses of the Council incurred in the execution of its functions under this Act shall be provided for in the annual estimates of the Commission in the preceding financial year.

Bank accounts.

**32.** The Council may, with the prior approval of the Commission, open and operate such bank accounts for the purposes of the Council in banks licensed by the Central Bank of Kenya.

Regulations.

**33.** (1) The Commission may make Regulations for the better carrying out of the provisions of this Act.

(2) Despite the generality of subsection (1), the Regulations may provide for—

(a) the reporting framework applicable to working committees and court users' committees;

(b) the standardization and implementation of information and communications technology in the administration of justice sector; and

(c) any other matter that the Council may determine for the better carrying out the objects of this Act.

Transitional provisions.

**34.** (1) The members of the former Council in office on the date of the commencement of this Act shall continue to hold office until the expiry of three months after the commencement of this Act.

(2) The Chairperson shall, within three months after the commencement of this Act, request the nominating institutions under section 6(1)(y) and (z) to nominate suitable persons as members of the Council.

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(3) The Chairperson shall appoint, by notice in the *Gazette*, the persons nominated under subsection (3).

(4) The members of the court users' committees in office at the commencement of this Act shall continue to hold office until new court users' committees are constituted in accordance with this Act.

(5) The chairperson of each court users' committee shall, within three months after the commencement of this Act, request the nominating institutions under section 20(2) to nominate suitable persons as members of the relevant court users' committee.

(6) For the purposes of this section "former Council" means the National Council on the Administration of Justice established under section 34 of the Judicial Service Act.

Consequential amendments. Cap. 8A,

**35.** The Judicial Service Act is amended—

(a) in the long title, by deleting the words "and the establishment, powers and functions of the National Council on the Administration of Justice";

(b) in section 2, by deleting the word "Council" and its accompanying definition;

(c) deleting section 26 and substituting therefor the following new section—

Expenses of the Commission, the Judiciary and any other agency funded by the Commission.

**26.** (1) The expenses of the Commission, the Judiciary and any other agency funded by the Commission incurred in the execution of their functions under the Constitution, this Act or any other written law shall be charged on and issued out of the Consolidated Fund.

(2) Without prejudice to subsection (1), there may be made to the Commission, the Judiciary and any other agency funded by the Commission grants, gifts, donations or bequests towards the achievement of the objects of the Commission, the Judiciary and any other agency funded by the Commission.

(3) The Commission, the Judiciary and any other agency funded by the Commission shall not accept any grant, gift,

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donation or bequest made on any condition that the Commission, the Judiciary and any other agency performs any function or discharges any duty or obligation other than duties under this Act.

(d) in section 5, by deleting the words "and the administration of justice" appearing in subsection (2)(b);

(e) by deleting section 34;

(f) by deleting section 35;

(g) by deleting section 36; and

(h) by deleting section 37.

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## FIRST SCHEDULE *(s. 10)*

## PROVISIONS RELATING TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNCIL

Meetings.

**1.** (1) The Council shall meet at least once in every three months.

(2) Each meeting shall be convened by the chairperson and held at such time and place as the chairperson may determine.

(3) The chairperson may, at the written request of at least four members, convene a special meeting of the Council, and shall do so within one month after receipt of the request.

(4) The chairperson shall preside at each meeting of the Council and, in the absence of the chairperson, the vice-chairperson shall preside at the meeting and where both the chairperson and the vice-chairperson are absent, the members present shall nominate one among their number to preside at that meeting.

Election of vice-chairperson.

**2.** (1) The members of the Council shall elect a vice-chairperson from among themselves—

(a) at the first sitting of the Council; and

(b) whenever it is necessary to fill a vacancy in the office of the vice-chairperson.

(2) The vice-chairperson shall serve for a term of two years.

Quorum.

**3.** The quorum of a meeting of the Council is one-third of the members.

Decisions of the Council.

**4.** Unless a unanimous decision is reached, a decision on any matter before the Council shall be by a majority of the members present at the meeting and voting.

Minutes.

**5.** Minutes of all meetings shall be kept and entered in records kept for that purpose.

Disclosure of interest.

**6.** (1) If a person is present at a meeting of the Council or any committee at which any matter is the subject of consideration and in which matter that person is directly or indirectly interested in a private capacity, that person shall, as soon as is practicable after the commencement of the meeting, declare such interest.

(2) The person making the disclosure of interest under subparagraph (1) shall not take part in any consideration of, or decision on, any question touching on the matter.

(3) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

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(4) The following persons shall not enter into a contract of service or trade with the Council—

(a) a member of the Council; or

(b) a member of staff of the Council.

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## SECOND SCHEDULE *(ss. 21, 28)*

## PROVISIONS RELATING TO THE CONDUCT OF BUSINESS AND AFFAIRS OF WORKING COMMITTEES AND COURT USERS' COMMITTEES

Meetings.

**1.** (1) Each working committee or court users' committee, as the case may be, shall meet at least once in every three months.

(2) Each meeting shall be convened by the chairperson and held at such time and place as the chairperson may determine.

(3) The chairperson may, at the written request of at least four members, convene a special meeting of a committee, and shall do so within one month after receipt of the request.

(4) The chairperson shall preside at each meeting of the committee and, in the absence of the chairperson, the members present shall nominate one among their number to preside at that meeting.

Quorum.

**2.** The quorum of a meeting of the working committee or court users' committee, as the case may be, is half of the members.

Decisions of the committees.

**3.** Unless a unanimous decision is reached, a decision on any matter before the working committee or court users' committee, as the case may be, shall be by a majority of the members present and voting at the meeting.

Minutes.

**4.** Minutes of all meetings shall be kept and entered in records maintained for that purpose.

Disclosure of interest.

**5.** (1) If a person is present at a meeting of the working committee or court users' committee at which any matter is the subject of consideration and in which matter that person is directly or indirectly interested in a private capacity, that person shall, as soon as is practicable after the commencement of the meeting, declare such interest.

(2) The person making the disclosure of interest under subparagraph (1) shall not take part in any consideration of, or decision on, any question touching on the matter.

(3) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

(4) The following persons shall not enter into a contract of service or trade with the thematic or court users' committee, as the case may be—

(a) a member of the committee; or

(b) a member of staff of the committee.

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