



JUDICIAL SERVICE COMMISSION



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STATEMENTS

**2015 - 2016**

A Commission of Excellence in Promoting a Justice System that is Efficient,  
Effective and Accountable

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### **Our Vision**

A Commission of excellence in promoting a justice system that is efficient, effective and accountable.

### **Our Mission**

To promote an independent and accountable justice system through oversight of the judiciary and stakeholder engagement.

### **Our Core Values**

- a) Independence
- b) Transparency and accountability
- c) Integrity
- d) Professionalism

### **Our Mandate**

The Judicial Service Commission is an independent Commission established under Article 171 of the Constitution. Its mandate as stipulated in Article 172 of the Constitution is to promote and facilitate the independence and accountability of the Judiciary and the efficient, effective and transparent administration of justice.

### **Our Functions**

- a) Recommend to the President persons for appointment as judges
- b) Review and make recommends on condition of service for judges (other than their remuneration), judicial officers and staff of the Judiciary.
- c) Receive complaints against, investigate and remove from office or otherwise disciplining registrars, magistrates, other judicial officers and other staff of the Judiciary.
- d) Prepare and implement programmes for the continuing education and training of judges and judicial officers
- e) Advise the national government on improving the efficiency of the administration of justice



## CHAIRMAN'S FORWARD

all players involved from time to time. In 2015/2016 JSC held consultative forums with the following stakeholders 10 Governors, 40 Court Users Committees (CUCs), Law society of Kenya, Judiciary Staff, Kenya Magistrates and Judges Association (KMJA) and Judiciary Committee on Election Preparedness. These engagements will be sustained as they serve as a source of vital information needed to review service delivery methods, policy areas as well as new areas of training for judicial officers and staff.

### Looking into the Future

In the coming year, the Commission plans to lay emphasis on promoting public confidence in the justice system by ensuring that it is continually renewed and replenished. This will be done by providing an effective and independent complaints management process. The Commission will also focus on monitoring and evaluation of policies and guidelines to assess if intended objectives are being met and also get feedback from the implementation of such policies.

It is my pleasure to provide the Chairpersons forward for this 2015/2016 Judicial Service Commission Annual Report. This is because the report presents an admirable reflection of the Commission's achievements during the year just ended. The report also gives some insight into the vital role the Commission plays in facilitating administration of justice in the most accountable and transparent manner.

### Policy and Regulatory Framework

The Commission Commits itself to ensuring a service delivery focused policy framework for the Judiciary. During the year, the Judiciary disability mainstreaming policy was developed through a highly consultative process. The policy is expected to ensure that justice is dispensed fairly to all including persons living with disability as per the aspirations of Article 10 and 159 of the Constitution.

### Stakeholder Engagement

To ensure efficiency in administration of justice, the Commission engages with

### My Thanks

I wish to express my sincere thanks for the dedicated work of the Commission's secretariat staff that have made this year's successes possible. I salute you and wish to remind you that the Commission values you all.

**Hon. Justice Dr. Willy M. Mutunga D. jur., S.C., E.G.H.**

**Chief Justice of the Republic of Kenya  
President of the Supreme Court  
Chairman, Judicial Service Commission**



## SECRETARY'S MESSAGE

The year 2015/2016 has been the Commission's 5th year of operations since reconstitution in 2011. This report therefore marks yet another milestone for the Commission as we endeavor to fulfill our mandate of promoting and facilitating the independence and accountability of the judiciary and the efficient, effective and transparent administration of justice. I am glad that once again this year, JSC has attained a consistent level of performance in critical functional areas such as recruitment of judicial officers and staff, promotions, disciplinary management and complaints management.

### **Recruitment and Selection**

The commission in 2015/2016 completed the appointment of 31 magistrates comprising of 5 chief Magistrates and 26 Resident Magistrates, 21 Kadhis, and 929 Judicial Staff to provide adequate administrative support to the judicial officers in delivery of justice. The Commission further appointed 7 persons as chairpersons/members of various tribunals to facilitate their operations. To ensure a motivated human capital for the judiciary, the commission promoted 769 staff upon meeting the requirements of the relevant schemes of service. JSC ensured that the promotions were based on merit to promote the performance culture in the judiciary. Staff disciplinary cases continued to be a key area of focus as the Commission sought to ensure they are processed and concluded expeditiously.

### **Continuous Judicial Education (CJE)**

Continuous Judicial Education (CJE) for judges and magistrates was given emphasis to provide requisite skills to judges and magistrates in key thematic areas including emerging issues in administration of justice. 99% of all judges attended at least one CJE course during the year; similarly 90% of all magistrates attended at least one CJE course.

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## **Complaints Management**

The Commission in 2015/2016 focused on enhancing transparency and accountability in service delivery by the judiciary, to this end 82 out of 114 complaints against judges were processed and concluded. In addition one petition for the removal of a Judge was concluded and appropriate recommendation made to the President. To streamline the complaints handling mechanisms by the Commission, a complaints manual was finalized and subjected to stakeholder validation.

## **Staff Disciplinary Management**

Staff disciplinary cases continued to be a key area of focus as the Commission sought to ensure they are processed and concluded expeditiously. 29 out of 47 cases received during the year were processed and concluded. The Commission has also embarked on the process of developing a comprehensive disciplinary management manual that will seek ensure fair and expeditious hearing to conclusion of the cases.

## **My Thanks**

I extend my sincere thanks to the members of the Commission for providing guidance and leadership through out the year. The judges, judicial officers who generously gave their time and expertise to sit in committees that developed policy documents, designed and delivered training sessions are hereby appreciated. I also acknowledge the Commissions staff who performed their roles with dedication and diligence to contribute to the achievements we report this year.

It is my hope that you find this report informative.

**Anne A. Amadi (Mrs)**  
**Secretary/ Chief Registrar of the Judiciary**

## MEMBERS OF THE COMMISSION



### **Hon. Justice Dr. Willy M. Mutunga, D.Jur, S.C. EGH - Chief Justice/Chairman**

Dr. Willy Mutunga is Senior Counsel and an Advocate of the High Court in Kenya. He has a Bachelor of Law Degree from the University of Nairobi, Masters Degree from the University of Dar es Salaam, and a PhD from York University (Osgoode Hall Law School) in Toronto, Canada.

Dr. Mutunga is also the chairperson of the Judicial Service Commission which is established pursuant to Article 171 of the Constitution having been appointed Chief Justice on 16th June 2011. The Commission's mandate is set out under article 172 of the Constitution.



### **Hon. Commissioner Prof. Margaret Kobia, Chairperson Public Service Commission of Kenya**

Prof. Margaret Kobia is the Chairperson Public Service Commission (PSC). She is an Associate Professor of Management. She holds a PhD degree in Human Resource Education from University of Illinois, Med from Kenyatta University and B.Ed. from University of Nairobi. She received her 'O' and 'A' level education at Alliance Girl's High School.

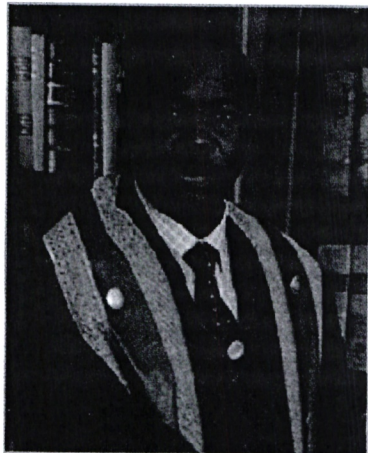
She chairs the Judicial Service Commission Committee on Audit, Governance and Risk Management. She is also the Vice Chairperson of the Commission.



### **Hon. Commissioner Ms. Emily Ominde, Chief Magistrate**

Hon. Emily Ominde is a holder of a Bachelor of Laws (LL.B, Hons.) from the University of Nairobi and a Diploma in Law from the Kenya School of Law. She is the current chairperson of the Judicial Service Commission Finance, Planning and Administration Committee charged with the mandate of overseeing an annual operating and capital budget for the judiciary that is consistent with the long range financial plan and policies set by the Commission.





**Hon. Commissioner Justice Dr. Smokin Wanjala,  
Judge of the Supreme Court**

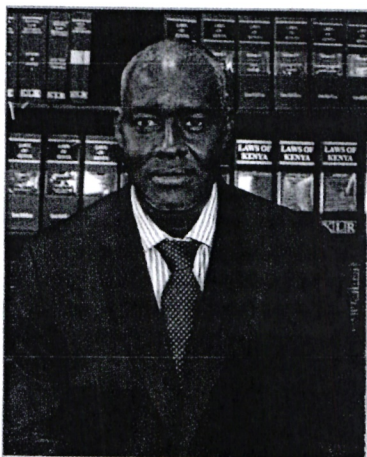
Hon. Commissioner Justice Dr. Wanjala is a holder of a Bachelor of Laws degree (LLB.) from the University of Nairobi, a Diploma in Law from the Kenya School of Law, a Master of Law (LL.M) from Columbia University, New York and a Doctorate in Law (PhD) from the University of Ghent, Belgium. He was elected as a Commissioner to represent the Supreme Court in accordance with Article 171 (2) (b) of the constitution. Justice Wanjala is the chairman of JSC Human Resource Management Committee that oversees the establishment of appropriate Human Resources policies and strategies.



**Hon. Commissioner Prof. Githu Muigai SC,  
Attorney General**

The Hon. Attorney General Githu Muigai holds a Bachelors Degree in Law and was admitted to the bar in 1985. He also holds a Master's Degree in International Law from Columbia University School of Law, New York and a PhD in Constitutional Law from the University of Nairobi. He is a member of the Judicial Service Commission in accordance with Article 171 (2) (e) of the Constitution of Kenya.

He specialized in public law and trans-national legal practice and is a recognized authority on business regulatory matters and in international commercial arbitration practicing in commercial litigation and arbitration, information and communication technology law-where he helped draft the Kenya Communication Regulation 2007, constitutional and administrative law, insurance and banking law, public procurement law, public and private international law, mergers and acquisition law and investment law.



**Hon. Commissioner Mohamed Warsame, Judge  
Court of Appeal**

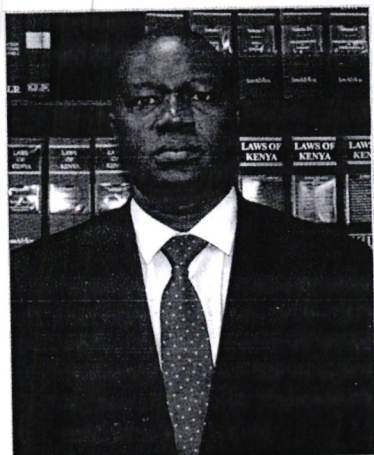
Hon. Commissioner Justice Mohamed Warsame, is a holder of a Bachelor of Laws (LL.B, Hons.) from the University of Nairobi and a Diploma in Law from the Kenya School of Law. In 2013, he was elected as Commissioner to the JSC by the Court of Appeal Judges Pursuant to Article 171 (2) (c) of the Constitution of Kenya. Justice Warsame is a member of both the Finance and Administration and Human Resource Committees of the Judicial service Commission.



**Hon. Commissioner Justice Aggrey O. Muchelule,  
Judge of the High Court of Kenya**

Justice Muchelule, is a holder of a Bachelor of Laws degree (LL.B, Hons.) from the University of Nairobi, a Diploma in Law from the Kenya School of Law and also a Masters degree in law (LLM) from the University of Nairobi.

Currently Justice Muchelule heads the newly established Committee of the Judicial Service Commission on the Administration of Justice that was set up to ensure efficient delivery of service by the judiciary with the aim of developing systems that will employ best practices on case management.



**Hon. Commissioner Prof. Tom Ojienda SC,  
Advocate of the High Court of Kenya.**

Prof. Ojienda holds a Doctorate Degree (LLD) from the University of South Africa, Masters of Law (LLM) from King's College London and a Bachelor of Laws Degree (LLB) from the University of Nairobi. He also holds a diplome de langue Francais (Paris).

Commissioner Ojienda joined the Judicial Service Commission on 6th February, 2014 after a successful election by members of the Law Society of Kenya Pursuant to Article 171 (2) (f) of the Constitution of Kenya. Hon. Ojienda serves as the Chairperson of the Judicial Service Commission Committee on Learning and Development.



**Hon. Commissioner Kipng'etich arap Korir Bett**

Commissioner Bett holds an MBA , a Bachelor of Commerce (Accounting option) and a Post Graduate Diploma in Computer Science all from University of Nairobi. He is a Certified Public Accountant (CPA) and a Certified Public Secretary (CPS).

Bett served as the Managing Director Consolidated Bank Ltd, Executive Director Industrial Commercial Development Corporation (ICDC) and is the CEO of Image Registrars. He initially trained and worked with Central Bank of Kenya for a period of 13 years where he served in various management positions such as Financial Analyst and his last assignment being Deputy Director Human Resources. He represents the public.



### **Hon. Commissioner Winnie Guchu**

Ms. Winnie Guchu is an Education Graduate of the Kenyatta University. She has been working as a Consultant for the last 20 years in the field of election, gender, democracy and governance. She has wide experience and depth in strategic analysis, project development and management, training and extensive skills in project implementation. She has also worked in several African countries.

She has community mobilization skills having worked with different communities in the country while undertaking civic education and development training. She has also supervised and implemented a number of community development projects.

Ms. Guchu is a former Commissioner of the Interim Independent Electoral Commission (IIEC). She represents the public.



### **Hon. Mercy Mwara Deche, Advocate of the High Court Kenya**

Hon. Mercy Mwara Deche is an Advocate of the High Court having practiced for over 23 years. She holds a Bachelor of Law Degree from University of Nairobi, Masters Degree in Law from the University of London and is currently a PhD candidate in University of Nairobi, School of Law.

She is currently practicing in the name and style of Deche Nandwa Advocates and also lectures at the University of Nairobi, school of Law, Mombasa Campus.

She represents the Law Society of Kenya in the Commission.



### **Mrs. Anne A. Amadi, - Chief Registrar of the Judiciary and Secretary to the Judicial Service Commission.**

The Chief Registrar is an advocate of the High Court of Kenya since 1989. She is a holder of a Masters degree in Criminal Justice from Boston University USA. She also graduated with a Bachelor of laws from University of Nairobi in 1988. She has a Post graduate Diploma in Law on International Displacement from the International Institute of Humanitarian Law, San Remo, Italy. Hon. Amadi was appointed Chief Registrar of the Judiciary on 11th January 2014.

She is the Secretary of the Commission.



A Commission of Excellence in Promoting a Justice System that is Efficient, Effective and Accountable

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## ABBREVIATIONS AND ACRONYMS

CAJ	Commission on Administrative Justice
CJE	Continuous Judicial Education
CM	Chief Magistrate
CUC	Court User Committee
ELC	Environment & Land Court
GJLOS	Governance Justice, Law and Order Sector
GOK	Government of Kenya
HR	Human Resource
HRM	Human Resource Management
HRO	Human Resource Officer
ICT	Information, Communication Technology
IFRS	International Financial Reporting Standards
IOJT	International Organization for Judicial Training
JKIA	Jomo Kenyatta International Airport
JPIP	Judicial Performance Improvement Project
JSC	Judicial Service Commission
JTI	Judicial Training Institute
KMJA	Kenya Magistrates and Judges Association
LSK	Law Society of Kenya
NCAJ	National Council on Administration of Justice
PFM	Public Finance Management
PPDT	Political Parties Dispute Tribunal
PM	Principal Magistrate
RM	Resident Magistrate
SPM	Senior Principal Magistrate
SRM	Senior Resident Magistrate
UK	United Kingdom
USA	United States of America

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## EXECUTIVE SUMMARY

**D**uring the year under review, the Commission continued the fact finding visits to court stations to ensure that issues that may impede efficient administration of justice are identified and addressed in good time. To this end 40 court stations were visited and an array of issues identified for action. In addition, JSC facilitated the establishment of two satellite court stations in Ngong and JKIA to improve access to justice.

To enhance the human resource capacity of the Judiciary, the Commission in 2015/2016 completed the appointment of 31 magistrates comprising of 5 chief Magistrates and 26 Resident Magistrates, 21 Kadhis, and 929 Judicial Staff to provide adequate administrative support to the judicial officers in delivery of justice. The Commission further appointed 7 persons as chairpersons/members of various tribunals to facilitate their operations. To ensure a motivated human capital for the judiciary, the Commission promoted 769 staff upon meeting the requirements of the relevant schemes of service. JSC ensured that the promotions were based on merit to promote the performance culture in the judiciary. Staff disciplinary cases continued to be a key area of focus as the Commission sought to ensure they are processed and concluded expeditiously. 29 out of 47 cases received during the year were processed and concluded. Judiciary policy framework was also enhanced by developing the Judiciary disability mainstreaming policy. The policy is expected to ensure that justice is dispensed fairly to all including persons living with disability.

Continuous Judicial Education (CJE) for judges and magistrates was given emphasis to provide requisite skills to judges and magistrates in key thematic areas including emerging issues in administration of justice. 99% of all judges attended at least one CJE course during the year; similarly 90% of all magistrates attended at least one CJE course. 14% of all judiciary staff attended at least one short course during the year to improve their skills. Seven out of the 11 Commissioners attended a short course to provide them with necessary skills for oversight role. 16 out of 25 Secretariat staff also attended training.

The Commission in 2015/2016 focused on enhancing transparency and accountability in service delivery by the judiciary, to this end 82 out of 114 complaints against judges were processed and concluded. In addition one petition for the removal of a judge was concluded and appropriate recommendation made to the president. To streamline the complaints handling mechanisms by the Commission a complaints manual was finalized and subjected to stakeholder validation. The Commission also held consultative forums with the following stakeholders 10 Governors, 40 Court Users Committees (CUCs), Law society of Kenya, Judiciary Staff, Kenya Magistrates and Judges Association (KMJA), Judiciary Committee on Election Preparedness.

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# 1. BACKGROUND

## 1.1 INTRODUCTION

This report is prepared to comply with the requirements of Article 254 of the Constitution and Section 38 (1) of the Judicial Service Act 2011 which stipulates that the commission shall prepare an annual report detailing the financial statements, activities among others has to be published and made public. The financial year 2015/2016 was the third year that the commission received funds from the exchequer to implement its activities as an independent vote, the first being 2013/2014.

In implementing activities during the financial year under review, the Commission took into consideration a number of factors including; constitutional mandate and functions, Judiciary management reports, lessons learnt and challenges from the previous years and emerging issues in administration of justice. The report focuses on thematic areas namely: Administration of Justice, Governance and Organizational Development and stakeholder Engagement.

The JSC 2015/2016 Annual report outlines the achievements made during the years including those that were in progress as at end of June 2016. The report further provides lessons learnt from implementation of activities and interaction with both internal and external stakeholders. The lessons are expected to improve service delivery by the Commission in the subsequent years.

Finally, the report outlines the Commission's financial statement for the year detailing funds received and sources and the expenditure.

## 1.2 ESTABLISHMENT OF THE COMMISSION

The Judicial Service Commission is a constitutional body established under Article 171(1) of the Constitution of Kenya. The constitution has conferred upon the Commission an expansive and liberal mandate in the discharge of its functions. The mandate of the Commission as provided for under Article 172 (1) of the Constitution is to promote and facilitate the independence and accountability of the Judiciary and the efficient, effective and transparent administration of justice. The Commission comprises of diverse membership which is spelt out under Article 171(2).

The establishment under Article 171 (1) is a great improvement since the previous Commissions' functions were limited to advising the president on the appointment of judges and disciplinary control over the registrar of the high court, magistrates, Kadhis and other employees of the Judiciary. In regard to the composition, the Commission comprised the Chief Justice as Chairperson, the Attorney General, a Judge of the Court of Appeal, a puisne Judge and the Chairperson of the Public Service Commission. However, as pointed out by various judiciary reports, the Commission's functions, composition and practices did not satisfy international best practices and standards. The membership of the Commission did not have the wider representation as is currently constituted. Further, the members were direct appointees of the President and this created the perception that the Commission was not independent.



The membership of the reconstituted Commission is provided for under Article 171 (2) of the Constitution as follows: The Chief Justice who is the chairperson of the Commission, one Supreme Court judge and one Court of Appeal judge elected by other Supreme Court and Court of Appeal judges respectively, one High Court judge and one magistrate elected by members of the Kenya Magistrates and Judges Association (KMJA), the Attorney General, two advocates elected by members of the Law Society of Kenya, one person nominated by the Public Service Commission, and two members a man and a woman who are not lawyers appointed by the President with approval of the National Assembly to represent public interest. The current composition has ensured inclusivity of key stakeholders in the justice system.

### **1.3 STRUCTURE OF THE COMMISSION**

#### **The Commission**

The Commission comprises of 11 members and is chaired by the Chief Justice of the Republic of Kenya. The Chief Registrar of the Judiciary is the Secretary of the Commission. The JSC is a part time Commission and executes its mandate through meetings.

#### **Committees**

Section 14 of Part III of the Judicial Service Commission Act provides for delegation of functions of the Commission to sub-committees. The purpose for establishment of committees is to create structures for articulating goals and strategic plans, define one

particular function in detail, and pool specialized expertise and knowledge in a given subject.

The formation of committees will divide the workload of the Commission and provide a mechanism for utilizing the talent and expertise of the Commissioners. In addition it will promote broader participation by all Commissioners, expedite the work of the Commission by removing routine tasks from scheduled Commission meetings and facilitate learning and satisfaction for Commissioners.

The Commission has constituted the following committees:

- a) Human Resource Management Committee
- b) Finance, Planning and Administration Committee
- c) Audit, Governance and Risk Management Committee
- d) Learning and Development Committee

The Commission may from time to time constitute committees to deal with specific matters for the effective discharge of their mandate.

#### **Secretariat**

Pursuant to Section 19 and 20 of the Judicial Service Act, 2011 the JSC has established a Secretariat to facilitate the Commission's work. The secretariat is headed by the Secretary JSC. The day to day operations of the Secretariat are managed by the Registrar JSC.

## 2. MANDATE AND FUNCTIONS AND STRATEGIC DIRECTION OF THE COMMISSION.

### 2.1 The Mandate and Functions of the Commission

The Commission's mandate as stipulated in Article 172 of the Constitution is to promote and facilitate the independence and accountability of the Judiciary for the efficient, effective and transparent administration of justice.

The functions of the Commission as provided under Article 172 (1) of the Constitution are to: Recommend persons for appointment as judges to the President; Review and make recommendations on terms and conditions of service for judges, judicial officers and judicial staff (other than remuneration of judges and judicial officers). It also appoints and receives complaints against, investigates

and removes from office or otherwise discipline registrars, magistrates, other judicial officers and staff of the Judiciary; prepares and implements programmes for the continuing education and training of judges and judicial officers as well as advising the national government on improving the efficiency of administration of justice.

In addition, the Judicial Service Act 2011, requires the Commission to review and approve the financial estimates of all the expenditure of the Judiciary, prepare and submit annual reports on activities of National Council on Administration of Justice (NCAJ) and annual report of the Commission for each financial year. The Commission also makes regulations for the code of conduct and ethics for judges, other judicial officers and judiciary staff.

### 2.2 Strategic Direction of the Commission

The Commission during the year developed an interim Strategic Plan that guided the implementation of activities. The Plan set out the following strategic objectives to support the achievement of the Commissions mandate:

<b>Strategic Objective 1</b>	Improve Efficiency and Effectiveness in Administration of Justice
<b>Strategic Objective 2</b>	Attract and Retain Competent Human Capital
<b>Strategic Objective 3</b>	Build Capacity of Judges, Judicial Officers and Staff
<b>Strategic Objective 4</b>	Enhance Transparency, Independence & Accountability of Justice
<b>Strategic Objective 5</b>	Improve Stakeholder Engagement, Visibility and Image of the Commission
<b>Strategic Objective 6</b>	Improve Physical and ICT Infrastructure

### 3. PERFORMANCE REVIEW 2015/2016

The financial year 2015/2016 was the 5th year the Commission implemented activities to realize its constitutional mandate since reconstitution. The Commission recorded significant milestones in ensuring efficient and accountable administration of justice. This section presents the milestones achieved at a glance.

**Table 3: Summary of achievements 2015/2016**

Objectives	Achievement in 2015/2016
Improve Efficiency and Effectiveness in Administration of Justice	<ul style="list-style-type: none"> <li>• Fact finding visits to 40 court stations</li> <li>• Establishment of 2 satellite Court stations at Ngong and JKIA</li> </ul>
Attract and Retain Competent Human Capital	<p>The Following appointments were completed</p> <ul style="list-style-type: none"> <li>• 31 Magistrates</li> <li>• 21 Kadhis</li> <li>• 929 Judicial staff</li> <li>• 7 Chairpersons/Members of tribunals</li> <li>• 768 judicial staff promoted</li> <li>• Judiciary Disability Mainstreaming Policy developed.</li> <li>• 29 out of 47 disciplinary cases concluded</li> </ul>
Build Capacity of Judges, Judicial Officers and Staff	<ul style="list-style-type: none"> <li>• 99% of Judges attended at least one CJE course</li> <li>• 90% of Magistrates attended at least one CJE course</li> <li>• 14% of Judiciary staff attended at least one short course</li> <li>• 7 out of 11 commissioners attended at least one short Course</li> <li>• 16 out 25 Secretariat Staff attended at least one short Course</li> </ul>
Enhance Transparency, Independence & Accountability of Justice	<ul style="list-style-type: none"> <li>• 82 complaints lodged against judges concluded</li> <li>• 1 Petition against the removal of a Judge concluded</li> <li>• Complaints Manual developed</li> </ul>
Improve Stakeholder Engagement, visibility and Image of the Commission	<p>The Commission held consultative forums with the following stakeholders:</p> <ul style="list-style-type: none"> <li>• 10 Governors</li> <li>• 40 Court Users Committes (CUCs)</li> <li>• Law society of Kenya (LSK)</li> <li>• Judiciary Staff</li> <li>• Kenya Magistrates and Judges Association (KMJA)</li> <li>• Judiciary Committee on Election Preparedness</li> </ul>
Improve Physical and ICT Infrastructure	<ul style="list-style-type: none"> <li>• Development of Eboard system for management of Commission meetings</li> </ul>



A Commission of Excellence in Promoting a Justice System that is Efficient, Effective and Accountable

### 3.1 Improving Efficiency and Effectiveness in Administration of Justice

This objective focuses on the ability of the Judiciary and related institutions to provide efficient and effective judicial services accessible and responsive to the needs of all. It relates to the Commission's constitutional mandate as provided under Article 272.

#### 3.1.1 Fact Finding Visits to Courts.

In the year under review, the Commission visited Nyanza, Western, Upper Eastern

and Coast Regions. The visits were conducted in October, 2015.

The objectives of the visits were to inter alia identify areas that require streamlining in Administration of Justice, fostering collaboration with the County Government and other stakeholders in the administration of justice, meeting the Court Users Committees to deliberate on the issues of administration of justice and to get feedback from the public on the performance, opportunities and challenges being faced by the Judiciary in execution of their mandate.

**Table 3.1: Summary of court stations visited**

S/No	Region	Court Stations
1	Nyanza	Winam, Tamu, Nyando, Nyamira, Keroka, Ogembo, Homa Bay, Ndhiwa, Mbita, Migori, Kehancha, Rongo and Oyugis Law Courts
2	Upper Eastern	Siakago, Runyenjes, Chuka, Nkubu, Githongo, Marimanti, Tigania, Maua and Isiolo Law Courts
3	Western	Hamisi, Vihiga, Butere, Mumias, Kakamega, Butali, Webuye, Sirisia, Kimilili, Ukwala, Siaya, Bondo and Maseno Law Courts
4	Coast	Shanzu, Kilifi, Kwale, Kaloleni and Mariakani Law Courts

The Commission also had meetings with Governors of the following counties; Kisumu, Kisii, Nyamira, Kakamega, Vihiga, Bungoma, Siaya, Kilifi, Meru and Embu Counties. During the meeting, areas of collaboration in administration of justice were discussed.



Commissioner Hon. Emily Ominde (left), Justice David Majanja and Commissioner Winnie Guchu inspect Homa Bay court registry during the court visits.

**Table 3.2: Summary of issues identified and action taken**

ITEM	ISSUE CHALLENGE IDENTIFIED	ACTION /RECOMMENDATION
<b>Issues arising from members of staff.</b>		
1.	Inadequate number of staff	<ul style="list-style-type: none"> <li>JSC recruited clerical officers, court interpreters, secretaries, ICT officers and Court Bailiffs.</li> </ul>
2.	Trainings	<ul style="list-style-type: none"> <li>The JSC has directed Judiciary Training Institute to come up with a yearly training Calendar to avert the crisis occasioned by uncoordinated training.</li> </ul>
3.	Stalled promotion of magistrates and judicial staff.	<ul style="list-style-type: none"> <li>The Commission conducted interviews and promoted eligible judicial officers &amp; staff.</li> </ul>
4.	Inadequate ICT equipment & Connectivity	<ul style="list-style-type: none"> <li>The Commission to source for more funds to ensure all courts have adequate ICT equipment.</li> </ul>
<b>Issues arising from the Court Users Committees (CUC's)</b>		
5.	Need for more Environment & Land Court Judges.	<ul style="list-style-type: none"> <li>The JSC has recruited 19 more Judges to address the shortage .The recruitment brings the number of ELC Judges from 15 to 34.</li> </ul>
6.	Need for establishment of more Courts and improvement of the infrastructure in the existing Courts.	<ul style="list-style-type: none"> <li>Improvement of infrastructure in the existing courts is ongoing under the World Bank funded project (JPIP) and GOK funds.</li> </ul>

		<ul style="list-style-type: none"> <li>• Gazettement of more mobile and permanent Court.</li> <li>• County governments requested to donate land and identify areas where more Courts can be established.</li> </ul>
7.	Inadequate funding of the CUCs	<ul style="list-style-type: none"> <li>• Judiciary Performance Improvement Project (JPIP) agreed to fund CUCs.</li> <li>• JSC looking for sustainable funding for CUCs</li> </ul>
8.	Inadequate remand homes, holding bays and prison facilities for child offenders	<ul style="list-style-type: none"> <li>• The JSC undertook to escalate the matter to the National Council for Administration of Justice (NCAJ)</li> <li>• JSC has given directions that new court designs should include holding bays</li> <li>• The Commission has engaged County Governments to provide land and structures for the facilities.</li> </ul>

**Issues arising from meeting with Governors.**

9.	Establishment of County Courts.	<ul style="list-style-type: none"> <li>• Governor's proposed establishment of County Courts for purposes of enforcing County By-laws and revenue sharing.</li> <li>• JSC expressed its readiness to collaborate with counties in making the County Court robust and functional.</li> </ul>
10.	Representation of County Government in Court Users Committee (CUC).	<ul style="list-style-type: none"> <li>• Some CUCs already have County Government's representatives.</li> <li>• Governors undertook to have officers from the County to attend CUC meetings.</li> </ul>
11.	Need for Land for construction of court houses and staff houses	<ul style="list-style-type: none"> <li>• Some Governors donated and others promised to source for land and identify areas for construction of courts and staff houses.</li> </ul>

**3.1.2 Establishment of more Courts**

In an effort to decongest Courts in Nairobi, the Commission resolved to establish High Court stations in Makadara and Kibera Law Courts and also establish satellite courts in Ngong, Kasarani, JKIA and Embakasi. The establishment of the Courts it was resolved would materialize by the end of the year 2016.

In the year under review, the Courts in Ngong and Jomo Kenyatta International Airport (JKIA) were operationalized. The JKIA Court was gazetted by the former Hon. Chief Justice, Dr. Willy Mutunga on 13th May, 2016 vide gazette notice no. 3337 dated 5th May 2016.

## 3.2 Enhance Transparency, Independence & Accountability of Justice

### 3.2.1 Management of Complaints against Judges

Under Article 168 of the Constitution, the removal of a Judge may be initiated by the JSC on its own motion or on a petition by any person to the JSC. Upon receipt of such a petition, the JSC is mandated to consider it and if satisfied that it discloses grounds for removal under Article 168 (1), the Petition is sent to the President for the formation of a tribunal. In the year 2015/2016, the Commission received, considered and made recommendations on several petitions/complaints against Hon. Judges.

### Complaints handled during the year under review.

In the year under review, JSC had 114 complaints to deliberate upon which comprised of 42 complaints carried forward from the previous year. The Commission received 72 new complaints during the year representing an increase of 248% compared to 29 received during the previous year. 82 complaints were concluded during the year compared to 14 concluded the previous year. 32 were pending as at 30th June, 2016. The huge rise in number of complaints received against judges can be attributed to the increased awareness and sensitization of the members of the public on matters complaints and provisions of the constitution.

**Table 3.2.1: Summary of the complaints examined in 2015/16**

PARTICULARS	No of Complaints
Complaints pending at 30th June,2015	42
Complaints received during the year	72
Total complaints	114
Total Complaints concluded	82
Complaints pending as at 30th June,2016	32

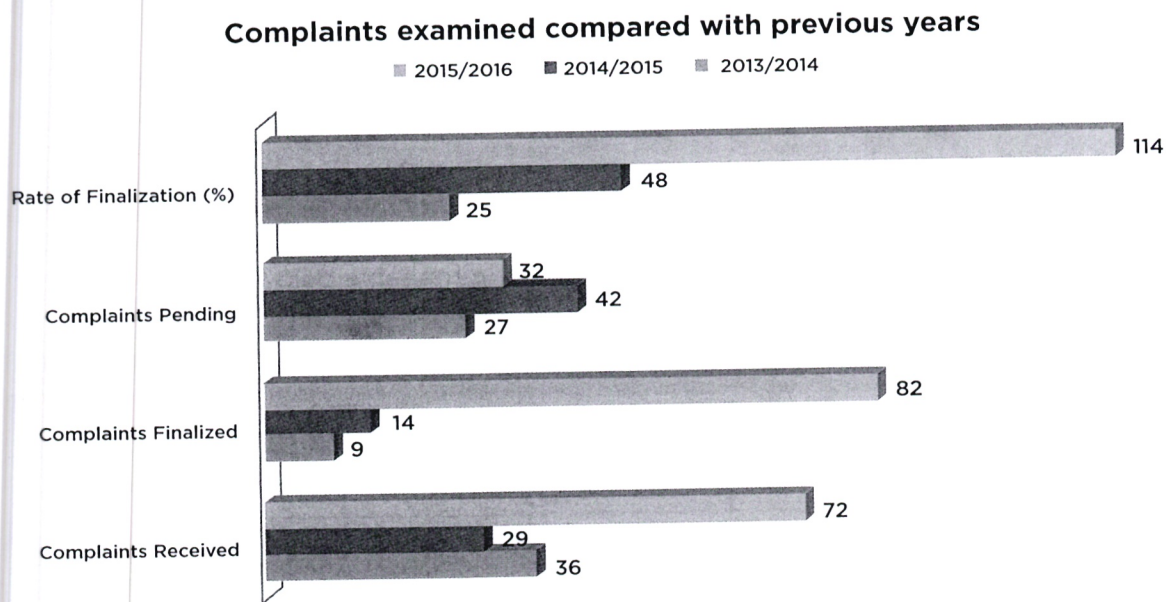
**Table 3.2.2: Summary of complaints examined in 2015/2016 compared with Previous Years**

	2013/2014	2014/2015	2015/2016
New Complaints Received	36	29	72
Complaints Finalized	9	14	82
Complaints Pending at end of Year	27	42	32
Rate of Finalization of Complaints (%)	25	48	114

The Commission has continued to prioritize complaints management to ensure accountability in administration of justice and promote public confidence in the judiciary. This is reflected in the continued increase in the rate of finalization of complaints lodged against judges by the public. This has increased from 25% in 2013/2014 to 114% in 2015/2016 as indicated in table



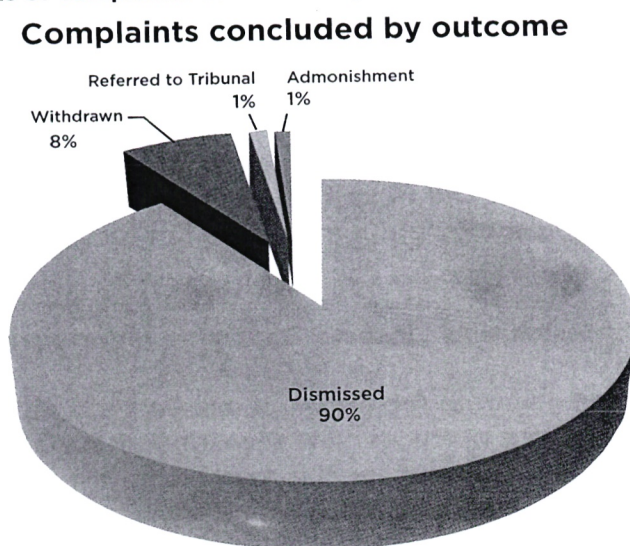
**Fig. 3.1 No of Complaints handled in 2015/2016 compared with previous years**



**Table 3.2.3: Classification of concluded complaints by outcome**

Outcome	No.
Complaints dismissed	74
Complaints withdrawn	6
Referred to the Tribunal	1
Complaints that led to admonishment (Warning)	1
<b>Total complaints concluded</b>	<b>82</b>

**Fig 3.2: Classifications of complaints concluded by outcome**





It is important to note that from the fig. 3.2 above 90% of complaints concluded were dismissed since they raised issues that touch on the merits or otherwise of Court decisions. The Commission cannot sit on appeal or review over any Judgment or a Ruling of a Judge, Magistrate or any other judicial officer as such mandate lies with the appellate court.

**Nature of allegations.**

The nature of allegations contained in the Complaints/Petitions ranged from corruption/impropriety, incompetence, misconduct, and delay in delivery of ruling/Judgments, bias, and temperament among others as itemized in the table below.

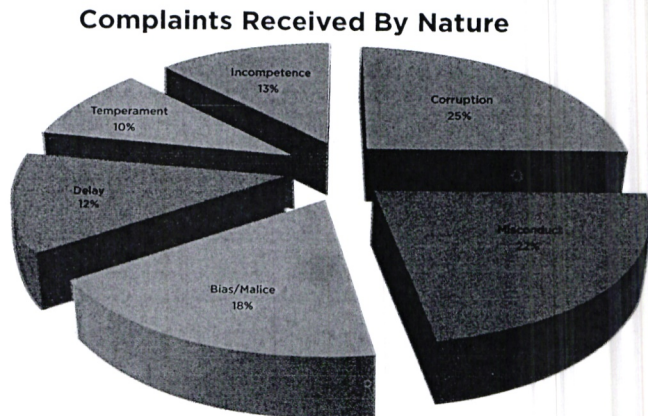
**Table 3.2.4: Classification of complaints received by nature**

Nature/Allegation	No of complaints.	Percentage
Corruption/impropriety	18	22
Misconduct	16	20
Bias/malice	13	15
Incompetence	9	11
Delay	9	11
Temperament/language	7	9
<b>TOTAL</b>	<b>72</b>	<b>100</b>

**Fig 3.3: Classification of complaints received by nature**

**3.2.2 Development of Complaints Manual.**

The Zero draft prepared during the previous financial year was presented for deliberation to the Hon. Judges during a retreat in April, 2016 and is undergoing validation before it is launched for use.



The manual has been developed in line with the constitution, fundamental principles of natural justice, the Bangalore principles for judicial conduct and other relevant provisions of the law. The manual outlines the procedure to be adopted from the point of receipt of a complaint to the point of conclusion.

**Judicial Service Commission wins Financial Reporting (FiRe) Award.**

The Commission’s commitment to promotion of excellence in financial reporting and fostering of sound corporate practices, saw the Commission being recognized and awarded 2016 Fire Promoters award for the most improved public sector entity in financial reporting This was during the Annual Financial Reporting award in East Africa for 2015/16 Financial Year organized by the Institute of Certified Public Accountant.

### 3.3 Attract and Retain Competent Human Capital

The objective focuses on enhancing the human resource capacity of the judiciary. During the financial year under review, the commission undertook a number of activities to enhance the human resource capacity. This included, appointments, career development for judicial staff through promotions, developing a policy on disability mainstreaming and improvement of the terms of service. The objective was to

attract and retain qualified human capital.

#### 3.3.1 Recruitment and Selection

During the year under review, the Commission made several appointments to address staffing needs for effective service delivery.

In response to these expansion efforts, the Commission during the year 2015/2016 appointed judicial officers and staff in various cadres to enhance the capacity of both JSC and the Judiciary as indicated in the table below:

**Table 3.3.1: Summary of appointments by JSC during the year 2015/2016**

No	Position	No. Appointed
1.	Chief Magistrates	5
2.	Senior Resident Magistrates	26
3.	Kadhi II	21
4.	Clerical officers	916
5.	Civil/ structural engineers	1
6.	Deputy Director, Finance and Administration	1
7.	Principal ICT Officer	1
8.	Members of Political Parties Dispute Tribunal	3
9.	Secretary Sports Disputes Tribunal	1
10.	Chief Architect	1
11.	Senior Architect	1
12.	Architect	1
13.	Quantity Surveyor	1
14.	Superintendent of works	4
15.	Member- Political Parties Dispute Tribunal (PPDT)	1
16.	Executive assistant	1
17.	Members of Cooperative tribunal	2
18.	Legal Counsel	1
<b>Total Number of Appointments</b>		<b>988</b>

The Commission has continuously over the years improved the capacity of the Judiciary to deliver justice in an accountable and transparent manner to all. Since reconstitution in 2011, a total of 108 new judges were appointed increasing the number from 53 in 2010 to 133 in June 2016 having taken into consideration the number that exited the judicial service through various reasons including vetting, retirement and removal as per article 168 of the Constitution. This represents a

150% increase in the no of judges serving in the Judiciary between 2010/2011 and 2015/2016.

In addition to Judges, the Commission has recruited a total of 205 Magistrates between the year 2011 and 2016 to ensure courts are adequately staffed to deliver services to all. 31 of those magistrates were recruited in the year 2015/2016; these include five Chief Magistrates and 26 Resident Magistrates. A total of 41 Kadhis have also been recruited

to improved customer care and professionalism, Values & Communication in Daily Work.

### 3.4.4 Continuous training for JSC Secretariat staff

The Commission facilitated the training of the secretariat staff that supports the commission in discharging its mandate.

In the FY 2015-2016 sixteen (16) out of 25 persons were trained in their respective area. In addition, a group training on the new Public procurement and Asset Disposal Act (2015) was conducted. The secretariat staff training has played a great role in improving the efficiency of the staff in the discharge of duties.

#### 3.4.1: JSC staff trained in 2015/2016

No	Programme Name	No Trained 2015/2016
1	Managing Public Sector Performance	1
2	Senior Management Course	5
3	Effective Report and Minute Writing Skills	3
4	Supervisory Management	1
5	Managing Contracts and Supplier Management	1
6	Public Asset Disposal	1
7	Record Management	2
8	Value for Money in Government Accounting	1
9	Fraud Detection and Money Laundering Investigation Course	1
	<b>Total</b>	<b>16</b>

### 3.5 Improve Stakeholder Engagement, Visibility and image of the Commission

#### 3.5.1 Consultative engagements

Maintaining constructive relationship between the Commission and its various stakeholders is key to the success of administration of Justice. In the year under review, the Commission successfully held constructive engagements with the following institutions;

#### Governors

In the year 2015/2016, the Commission held consultative meetings with the County Governors of Kisumu, Kisii, Nyamira, Bungoma, Kakamega, Vihiga, Kilifi, Kwale, Embu and Meru.

The deliberations focused on potential areas of collaboration in administration of justice including; sharing of revenue from the county courts, court infrastructure, representation of County Government in Court Users Committee (CUC) and allocation of land for the construction of court houses and residential houses for Judges, Judicial officers & staff.



*Kisumu County Governor Jack Ranguma, Commissioner Emily Ominde, Commissioner Winnie Guchu and the then Court of Appeal Judge and current Chief Justice David Maraga when they paid a courtesy call to the Governor.*

#### Court Users Committees (CUC)

In the year under review the Commission held meetings with CUC members from Nyanza, upper eastern, Coast and Western regions. The meetings were aimed at understanding challenges affecting

administration of Justice in these regions and how best to mitigate them. The aim of the meetings was to bring synergies among different stakeholders and ensure that administration of Justice is efficient and effective at all levels.

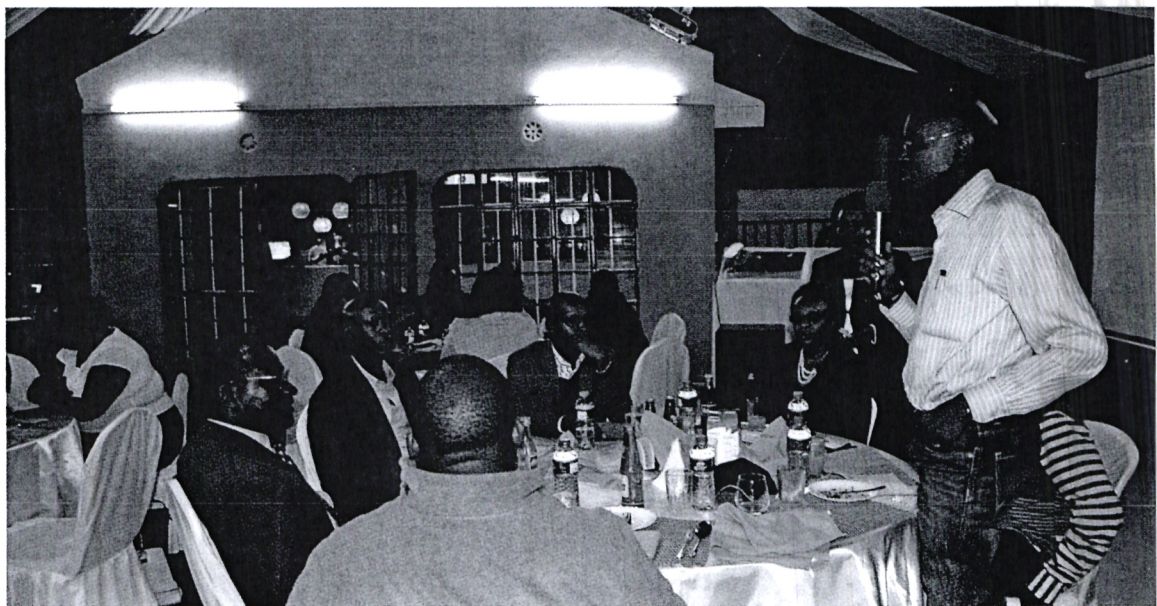


*Commissioner Prof. Margaret Kobia and Commissioner Emily Ominde in a discussion with Siakago law court CUC members.*

### **Magistrates**

The Commission held meetings with magistrates in various regions namely Nyanza, Western, Coast and upper eastern regions. Main aim of the engagements was to understand how magistrate courts were dealing with case backlogs. The Commission also assessed the case management system employed in the judiciary. All these were done with the

aim of developing strategies of making magistrate courts efficient and effective. It is from these engagements that the Commission has issued directives to expand courts and increase the number of magistrates as per the requirements which are dictated by jurisdiction. Owing to such meetings the Commission has sent proposals to other court users to increase their number of officers.



*Judges and Magistrates engage during a luncheon hosted by the Commission in Kisii County.*

### **Judicial Staff**

Judicial staff are very vital since they support judicial process. Commission held meetings with its staff in various regions where needs to increase staff at different levels were identified. This resulted to the hiring of 988 new staff and making recommendations on transfer of staff. As

a result of these, the need to promote staff was identified. This resulted to various promotional interviews.

Other benefits accrued from these engagements include devising new AIE allocation and formula for allocation and delinking funds from the District Treasury.



*Former Commissioner Winnie Guchu addresses members of the public in Marimanti Law Courts.*

### **Outreach**

In an effort to educate the public, the Commission shared several Information Education Communication (IEC) materials with members of the public. The IEC materials were shared with members of the public during the various engagement with its stakeholders. Some of information

contained include achievements of the Commission, functions, Commission plans, among others. Commission also directly engaged members of the public during television and radio talk shows where its plans on how to promote efficiency and effectiveness in the Judiciary were articulated.

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5.0 REPORTS AND FINANCIAL STATEMENTS

**FOR THE FINANCIAL YEAR  
ENDED JUNE 30, 2016**

**Prepared in accordance with the Cash Basis of Accounting  
Method under the International Public Sector Accounting  
Standards (IPSAS)**

## I. STATEMENT OF RECEIPTS AND PAYMENTS

	Note	2015-2016 Kshs	2014-2015 Kshs
<b>RECEIPTS</b>			
Exchequer releases	1	405,000,000	253,700,000
<b>TOTAL RECEIPTS</b>		<b>405,000,000</b>	<b>253,700,000</b>
<b>PAYMENTS</b>			
Use of goods and services	2	389,974,646	248,952,004
Social Security Benefits	3	3,105,917	-
Acquisition of Assets	4	1,331,190	3,056,835
<b>TOTAL PAYMENTS</b>		<b>394,411,753</b>	<b>252,008,839</b>
<b>SURPLUS/DEFICIT</b>		<b>10,588,247</b>	<b>1,691,161</b>

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The entity financial statements were approved on \_\_\_\_\_ 2016 and signed by:

\_\_\_\_\_  
Chief Registrar of Judiciary

\_\_\_\_\_  
Deputy Accounts Director



## II. STATEMENT OF ASSETS

	Note	2015-2016 Kshs	2014-2015 Kshs
<b>FINANCIAL ASSETS</b>			
<b>Cash and Cash Equivalents</b>			
Bank Balances	5	13,545,946	101,007
<b>Total Cash and cash equivalent</b>		<b>13,545,946</b>	<b>101,007</b>
Accounts receivables - Outstanding Imprests	6	480,000	3,336,692
<b>TOTAL FINANCIAL ASSETS</b>		<b>14,025,946</b>	<b>3,437,699</b>
<b>FINANCIAL LIABILITIES</b>			
		-	-
<b>NET FINANCIAL ASSETS</b>			
<b>REPRESENTED BY</b>			
Fund balance b/fwd	8	3,437,699	1,746,538
Surplus/Deficit for the year		10,588,247	1,691,161
Prior year Adjustment		-	-
<b>NET FINANCIAL POSITION</b>		<b>14,025,946</b>	<b>3,437,699</b>

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The entity financial statements were approved on \_\_\_\_\_ 2016 and signed by:

\_\_\_\_\_  
Chief Registrar of Judiciary

\_\_\_\_\_  
Deputy Accounts Director

### III. STATEMENT OF CASHFLOW

	Note	2015-2016 Kshs	2014-2015 Kshs
<b>Receipts for operating income</b>			
Exchequer Releases	1	405,000,000	253,700,000
<b>Payments for operating expenses</b>			
Use of goods and services	2	(389,974,646)	(248,952,004)
Social Security Benefits	3	(3,105,917)	-
<b>Adjusted for:</b>			
Changes in Receivables		2,856,692	3,336,692
Prior Year Adjustment		-	-
<b>Net cash flow from operating activities</b>		<b>14,776,129</b>	<b>1,411,304</b>
<b>CASHFLOW FROM INVESTING ACTIVITIES</b>			
Acquisition of Assets	4	(1,331,190)	3,056,835)
<b>Net cash flows from Investing Activities</b>		<b>(1,331,190)</b>	<b>3,056,835)</b>
<b>NET INCREASE IN CASH AND CASH EQUIVALENT</b>		<b>13,444,939</b>	<b>(1,645,531)</b>
<b>Cash and cash equivalent at BEGINNING of the year</b>		<b>101,007</b>	<b>1,746,538</b>
<b>Cash and cash equivalent at END of the year</b>		<b>13,545,946</b>	<b>101,007</b>

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The entity financial statements were approved on \_\_\_\_\_ 2016 and signed by:

\_\_\_\_\_  
Chief Registrar of Judiciary

\_\_\_\_\_  
Deputy Director Accounts

## II. SUMMARY STATEMENT OF APPROPRIATION: RECURRENT AND DEVELOPMENT COMBINED

Receipt/Expense Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilisation Difference	% of Utilisation
<b>RECEIPTS</b>						
Exchequer releases	473,200,002	-	473,200,002	405,000,000	68,200,002	85.59%
<b>Total receipts</b>	<b>473,200,002</b>	<b>-</b>	<b>473,200,002</b>	<b>405,000,000</b>	<b>68,200,002</b>	<b>-</b>
<b>PAYMENTS</b>						
Compensation of Employees						
Use of goods and services	457,999,414	-	457,999,414	389,974,646	68,024,768	85.15%
Social Security Benefits	3,522,000	-	3,522,000	3,105,917	416,083	88.17%
Acquisition of Assets	11,678,588	-	11,678,588	1,331,190	10,347,398	11.40%
<b>Total Payments</b>	<b>473,200,002</b>	<b>-</b>	<b>473,200,002</b>	<b>394,411,753</b>	<b>78,788,249</b>	<b>83.35%</b>

- i. *The under-utilized budget in acquisition of asset is attributed to failure of the supplier to meet required specifications for supply of various office furniture and equipments hence order was canceled.*

The entity financial statements were approved on \_\_\_\_\_ 2016 and signed by:

\_\_\_\_\_  
Chief Registrar of Judiciary

\_\_\_\_\_  
Deputy Director Accounts

### III. SUMMARY STATEMENT OF APPROPRIATION: RECURRENT

Receipt/Expense Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilisation Difference	% of Utilisation
<b>RECEIPTS</b>						
Exchequer releases	473,200,002	-	473,200,002	405,000,000	68,200,002	85.59%
<b>Total Receipts</b>	<b>473,200,002</b>	<b>-</b>	<b>473,200,002</b>	<b>405,000,000</b>	<b>68,200,002</b>	<b>85.59%</b>
<b>PAYMENTS</b>						
Use of goods and services	457,999,414	-	457,999,414	389,974,646	68,024,768	85.15%
Social Security Benefits	3,522,000	-	3,522,000	3,105,917	416,083	88.17%
Acquisition of Assets	11,678,588	-	11,678,588	1,331,190	10,347,398	11.40%
<b>Total Payments</b>	<b>473,200,002</b>	<b>-</b>	<b>473,200,002</b>	<b>394,411,753</b>	<b>78,788,249</b>	<b>83.35%</b>

#### IV. STATEMENT OF CASHFLOW

[The provisioning summary statement is required for entities that have a vote in the National Budget.]

- Details of General Accounts On Vote

	<b>2015 - 2016</b> <b>Kshs</b>	<b>2014 - 2015</b> <b>Kshs</b>
GAV Provisioning account balance	78,788,249	85,991,161
<b>Total</b>	<b>78,788,249</b>	<b>85,991,161</b>

- Details of Exchequer Provisioning

	<b>2015 - 2016</b> <b>Kshs</b>	<b>2014 - 2015</b> <b>Kshs</b>
Exchequer Provisioning balance	68,200,002	84,300,000
<b>Total</b>	<b>68,200,002</b>	<b>84,300,000</b>

\_\_\_\_\_  
Chief Registrar of Judiciary

\_\_\_\_\_  
Deputy Accounts Director

## V. SIGNIFICANT ACCOUNTING POLICIES

The principle accounting policies adopted in the preparation of these financial statements are set out below:

### 1. Statement of compliance and basis of preparation

The financial statements have been prepared in accordance with and comply with International Public Sector Accounting Standards (IPSAS) with particular emphasis on Cash Basis Financial Reporting under the Cash Basis of Accounting and applicable government legislations and regulations. The financial statements comply with and conform to the form of presentation prescribed by the Public Sector Accounting Standards Board of Kenya.

The financial statements are presented in Kenya Shillings, which is the functional and reporting currency of the entity. The accounting policies adopted have been consistently applied to all the years presented.

The financial statements have been prepared on the cash basis following the Government's standard chart of accounts.

### 2. Recognition of revenue and expenses

The entity recognizes all revenues from the various sources when the event occurs and the related cash has actually been received by the entity. In addition, the entity recognizes all expenses when the event occurs and the related cash has actually been paid out by the entity.

### 3. In-kind contributions

In-kind contributions are donations that are made to the entity in the form of actual goods and/or services rather than in money or cash terms. These donations may include vehicles, equipment or personnel services. Where the financial value received for in-kind contributions can be reliably determined, the entity includes such value in the statement of receipts and payments both as revenue and as an expense in equal and opposite amounts; otherwise, the contribution is not recorded.

### 4. Cash and cash equivalents

Cash and cash equivalents comprise cash on hand and cash at bank, short-term deposits on call and highly liquid investments with an original maturity of three months or less, which are readily convertible to known amounts of cash and are subject to insignificant risk of changes in value. Bank account balances include amounts held at the Central Bank of Kenya and at various commercial banks at the end of the financial year.

### 5. Accounts Receivable

For the purposes of these financial statements, imprests and advances to authorised public officers and/or institutions which were not surrendered or accounted for at the end of the financial year is treated as receivables. This is in recognition of the government practice where the imprest payments are recognized as expenditure when fully accounted for by the imprest or AIE holders. This is an enhancement to the cash accounting policy. Other accounts receivables are disclosed in the financial statements.

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**6. Accounts Payable**

For the purposes of these financial statements, deposits and retentions held on behalf of third parties has been recognized as accounts payables. This is in recognition of the government practice of retaining a portion of contracted services and works pending fulfilment of obligations by the contractor and to hold deposits on behalf of third parties. This is an enhancement to the cash accounting policy adopted by National Government Ministries and agencies. Other liabilities including pending bills are disclosed in the financial statements.

**7. Non current assets**

Non current assets are expensed at the time of acquisition while disposal proceeds are recognized as receipts at the time of disposal. However, the acquisitions and disposals are reflected in the entity fixed asset register a summary of which is provided as a memorandum to these financial statements.

**8. Pending bills**

Pending bills consist of unpaid liabilities at the end of the financial year arising from contracted goods or services during the year or in past years. As pending bills do not involve the payment of cash in the reporting period, they are recorded as 'memorandum' or 'off-balance' items to provide a sense of the overall net cash position of the entity

at the end of the year. Pending bill form a first charge to the subsequent year budget and when they are finally settled, such payments are included in the statement of receipts and payments in the year in which the payments are made.

**9. Budget**

The budget is developed on the same accounting basis (cash basis), the same accounts classification basis, and for the same period as the financial statements. The entity's budget was approved as required by Law and as detailed in the Government of Kenya Budget Printed Estimates. A high-level assessment of the entity's actual performance against the comparable budget for the financial year under review has been included in an annex to these financial statements.

**10. Comparative figures**

Where necessary comparative figures for the previous financial year have been amended or reconfigured to conform to the required changes in presentation.

**11. Subsequent events**

Events subsequent to submission of the financial year end financial statements to the National Treasury and other stakeholders with a significant impact on the financial statements may be adjusted with the concurrence of National Treasury.

## VI. NOTES TO THE FINANCIAL STATEMENTS

### 1 EXCHEQUER RELEASES

	2015 - 2016 Kshs	2014 - 2015 Kshs
Total Exchequer Releases for quarter 1	73,000,000	35,200,000
Total Exchequer Releases for quarter 2	75,000,000	42,000,000
Total Exchequer Releases for quarter 3	102,000,000	43,000,000
Total Exchequer Releases for quarter 4	155,000,000	133,500,000
<b>Total</b>	<b>405,000,000</b>	<b>253,700,000</b>



## NOTES TO THE FINANCIAL STATEMENTS (Cont'd)

### 2 USE OF GOODS AND SERVICES

	2015- 2016	2014- 2015
	Kshs	Kshs
Utilities, supplies and services	368,064	346,917
Communication, supplies and services	2,955,293	1,840,167
Domestic travel and subsistence	31,517,026	26,410,915
Foreign travel and subsistence	56,183,257	34,424,667
Printing, advertising and information supplies & services	16,635,302	4,270,659
Rentals of produced assets	6,499,959	5,884,905
Training expenses	136,494,108	81,690,620
Hospitality supplies and services	99,518,036	80,384,400
Specialised materials and services	612,200	2,618,720
Office and general supplies and services	5,237,044	3,200,681
Other operating expenses	32,100,485	7,439,500
Fuel Oil and Lubricants	1,610,024	239,230
Routine maintenance - other assets	206,394	200,623
Routine maintenance vehicles	37,455	-
<b>Total</b>	<b>389,974,646</b>	<b>248,952,004</b>

## NOTES TO THE FINANCIAL STATEMENTS (Cont'd)

### 3 SOCIAL SECURITY BENEFITS

	2015 - 2016 Kshs	2014- 2015 Kshs
Gratuity - Civil Servants	3,105,917	-
<b>Total</b>	<b>3,105,917</b>	<b>-</b>

### ACQUISITION OF ASSETS

#### Non Financial Assets

Purchase of Office Furniture and General Equipment	1,281,440	3,056,835
Purchase of Specialized Plant, Equipment and Machinery	49,750	-
<b>Total</b>	<b>1,331,190</b>	<b>3,056,835</b>

#### 1. Bank Accounts

Name of Bank, Account No. & currency	Amount in bank account currency	Indicate whether recurrent, Development, deposit e.t.c	Exc rate (if in foreign currency)	2015 - 2016 Kshs	2014 - 2015 Kshs
Judicial service commission 1000181273	Kes	Recurrent		13,545,946	101,007
<b>Total</b>				<b>13,545,946</b>	<b>101,007</b>

#### 2. ACCOUNTS RECEIVABLE - OUTSTANDING IMPRESTS

Description	2015 - 2016 Kshs	2014 - 2015 Kshs
Government Imprests	480,000	3,336,692.35
Clearance accounts		
<b>Total</b>	<b>480,000</b>	<b>3,336,692.35</b>

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## NOTES TO THE FINANCIAL STATEMENTS (Cont'd)

### 3. FUND BALANCE BROUGHT FORWARD

	<b>2015 - 2016</b>	<b>2014- 2015</b>
	<b>Kshs</b>	<b>Kshs</b>
Bank accounts	3,437,699	1,746,538
Accounts Receivables	10,588,247	1,691,161
<b>Total</b>	<b>14,025,946</b>	<b>3,437,699</b>

*[Provide short appropriate explanations as necessary]*

### 4. OTHER IMPORTANT DISCLOSURES

#### 8.1. ANALYSIS OF PENDING ACCOUNTS PAYABLE

	<b>2015 - 2016</b>	<b>2014- 2015</b>
	<b>Kshs</b>	<b>Kshs</b>
Supply of Goods	1,110,000	128,965.50
Supply of Services	5,787,095	25,816,696.80
<b>TOTALS</b>	<b>6,897,094</b>	<b>25,945,662.30</b>

### 5. PROGRESS ON FOLLOW UP OF AUDITOR RECOMMENDATIONS

The following is the summary of issues raised by the external auditor, and management comments that were provided to the auditor. We have nominated focal persons to resolve the various issues as shown below with the associated time frame within which we expect the issues to be resolved.

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Chief Registrar of Judiciary

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Deputy Director Accounts







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