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REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026

DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 26 MAY 2026	DAY: <i>Tuesday</i>
TABLED BY:	<i>Leader of the Majority Party</i>
CLERK-AT THE-TABLE:	<i>Retired Chebet</i>

REPORT ON:

**THE CONSIDERATION OF THE KENYA JUDICIARY
ACADEMY BILL, 2025
(NATIONAL ASSEMBLY BILL NO. 42 OF 2025)**



CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

MAY 2026

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LIST OF ABBREVIATIONS AND ACRONYMS

CBS	-	Chief of the Order of the Burning Spear
CPST	-	Centre for Parliamentary Studies and Training
CUE	-	Commission for University Education
EBS	-	Elder of the Order of the Burning Spear
EGH	-	Elder of the Order of the Golden Heart
FORD	-	Forum for the Restoration of Democracy
ICT	-	Information, Communication and Technology
JSC	-	Judicial Service Commission
KJA	-	Kenya Judiciary Academy
LSK	-	Law Society of Kenya
MCCP	-	Maendeleo Chap Chap Party
MP	-	Member of Parliament
OAG	-	Office of the Attorney-General
ODM	-	Orange Democratic Movement
OGW	-	Order of the Grand Warrior
UDA	-	United Democratic Alliance
UDM	-	United Democratic Movement
WDM	-	Wiper Democratic Movement

LIST OF ANNEXURES

- Annexure 1: Adoption Schedule
- Annexure 2: Minutes
- Annexure 3: The Kenya Judiciary Academy Bill, 2025
- Annexure 4: Advertisement inviting the public to submit memoranda on the Bill
- Annexure 5: Letter from the Clerk of the National Assembly inviting stakeholders to attend the public participation forum
- Annexure 6: Memoranda by Stakeholders

CHAIRPERSON'S FOREWORD

This Report contains the proceedings of the Departmental Committee on Justice and Legal Affairs on its consideration of the Kenya Judiciary Academy Bill (*National Assembly Bill No. 42 of 2025*) which was published on 18th July 2025. The Bill was read a First Time in the House on 14th August 2025 and committed to the Committee to facilitate public participation.

The Bill seeks to give effect to Article 172(1)(d) of the Constitution by establishing the Kenya Judiciary Academy (KJA) which shall be the principal institution responsible for implementing and coordinating the continuing education and training of judges, judicial officers and judicial staff.

In compliance with Article 118(b) of the Constitution and Standing Order 127(3), the Committee placed an advertisement in the print media on 22nd August 2025 inviting the public to submit memoranda by way of written statements on the Bill. The memoranda were to be received on or before 5th September 2025 at 5.00 pm (East African Time). By the close of the submission deadline, the Committee had received seven (7) memoranda. In addition, the Committee vide a letter referenced *NA/DDC/JLAC/2025/(113)* dated 7th October 2025 invited key stakeholders to submit views on the Bill and attend a public participation forum on 22nd October 2025. Further vide a letter referenced *NA/DDC/JLAC/2026/(036)* dated 14th April 2026, the Committee invited the Judicial Service Commission, Kenya Judiciary Academy and the Office of the Attorney General for further consultations on 21st April 2026.

The Office of the Attorney-General (OAG), Judicial Service Commission (JSC), Kenya Judiciary Academy (KJA), Centre for Parliamentary Studies and Training (CPST), Law Society of Kenya (LSK), National Treasury, *Kituo cha Sheria* and Hon. Elizabeth Mutei Muindi Wamae submitted their views on the Bill which the Committee considered in the preparation of this Report.

While considering the Bill, the Committee observed that it is the function of the JSC to prepare and implement programmes for the continuing education and training for judges and judicial officers in accordance with Article 172(1)(d) of the Constitution. Currently, the training of judges, judicial officers and judicial staff is undertaken by the KJA, formerly the Judiciary Training Institute which was established through a Legal Notice. Therefore, the Bill seeks to establish the KJA as the principal institution responsible for the continuing education and training of judges, judicial officers and judicial staff.

The Committee is grateful to the Offices of the Speaker and Clerk of the National Assembly for the logistical and technical support accorded to it during its consideration of the Bill. The Committee further wishes to thank the OAG, JSC, KJA, CPST, LSK, National Treasury, *Kituo cha Sheria* and Hon. Elizabeth Mutei Muindi Wamae for submitting views on the Bill. Finally, I wish to express my appreciation to the Honourable Members of the Committee and the Committee Secretariat who made useful contributions towards the preparation and production of this report.

On behalf of the Departmental Committee on Justice and Legal Affairs and pursuant to the provisions of Standing Order 199(6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Kenya Judiciary Academy Bill (*National Assembly Bill No. 42 of 2025*).

It is my pleasure to report that the Committee has considered the Kenya Judiciary Academy Bill (*National Assembly Bill No. 42 of 2025*) and has the honour to report back to the National Assembly with the recommendation that the **House approves the Bill with amendments.**

for 

Hon. Murugara George Gitonga, MP
Chairman, Departmental Committee on Justice and Legal Affairs

CHAPTER ONE

I PREFACE

I.1 Establishment of the Committee

- I. The Departmental Committee on Justice and Legal Affairs is one of twenty departmental committees of the National Assembly established under **Standing Order 216** whose mandate pursuant to the **Standing Order 216 (5)** is as follows:
 - i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
 - ii. *To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
 - iii. *To, on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
 - iv. **To study and review all legislation referred to it;**
 - v. *To study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - vi. *To investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*
 - viii. *To examine treaties, agreements and conventions;*
 - ix. *To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation;*
 - x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - xi. *To examine any questions raised by Members on a matter within its mandate.*

I.2 Mandate of the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider:
 - a) The Judiciary;
 - b) Tribunals;
 - c) Access to Justice;
 - d) Public prosecutions;
 - e) Ethics, Integrity and Anti-corruption;
 - f) Correctional services;
 - g) Community service orders and witness protection;
 - h) Constitutional Affairs;
 - i) Sovereign immunity;
 - j) Elections including referenda;
 - k) Human rights;
 - l) Political parties; and
 - m) The State Law Office including insolvency, law reform, public trusteeship, marriages and legal education.

3. In executing its mandate, the Committee oversees the following Ministries, Departments and Agencies:
- a) The Judiciary;
 - b) Judicial Service Commission;
 - c) State Department for Correctional Services;
 - d) State Law Office and Department of Justice;
 - e) State Department for Justice, Human Rights and Constitutional Affairs;
 - f) Office of the Director of Public Prosecutions;
 - g) Ethics and Anti-Corruption Commission;
 - h) Independent Electoral and Boundaries Commission;
 - i) Commission on Administrative Justice;
 - j) Office of the Registrar of Political Parties;
 - k) Witness Protection Agency;
 - l) Kenya National Commission on Human Rights;
 - m) Kenya Law Reform Commission; and
 - n) Council of Legal Education.

1.3 Committee Membership

4. The Committee was reconstituted by the House on 5th March 2025 and comprises the following Members:

Chairperson

Hon. Murugara George Gitonga, CBS, MP
Tharaka Constituency
UDA Party

Vice-Chairperson

Hon. Mutuse Eckomas Mwengi, OGW, MP
Kibwezi West Constituency
MCCP Party

Hon. Gladys Boss, MGH, MP
Uasin Gishu Constituency
UDA Party

Hon. Maalim Farah, EGH, MP
Dadaab Constituency
WDM-Kenya

Hon. Onyiego Silvanus Osoro, CBS, MP
South Mugirango Constituency
UDA Party

Hon. Francis Kajwang' Tom Joseph, CBS, MP
Ruaraka Constituency
ODM Party

Hon. Wetang'ula Timothy Wanyoyi, CBS, MP
Westlands Constituency
ODM Party

Hon. (Dr.) Otiende Amollo, SC, EBS, MP
Rarieda Constituency
ODM Party

Hon. Muchira Michael Mwangi, MP
Ol Jorok Constituency
UDA Party

Hon. Aden Daud, EBS, MP
Wajir East Constituency
Jubilee Party

Hon. Makali John Okwisia, MP
Kanduyi Constituency
FORD-Kenya

Hon. Mogaka Stephen M., MP
West Mugirango Constituency
Jubilee Party

Hon. Timothy Kipchumba Toroitich, MP
Marakwet West Constituency
Independent

Hon. Harold Kimuge Kipchumba, MP
Nominated Member
ODM Party

Hon. CPA Suleka Hulbale Harun, MP
Nominated Member
UDM Party

1.4 Committee Secretariat

5. The Committee is well-resourced and facilitated by the following staff:

Mr. Ahmed Salim Abdalla
Clerk Assistant I / Head of Secretariat

Mr. Ronald Walala
Principal Legal Counsel

Mr. Abdikafar Abdi
Clerk Assistant III

Mr. Samuel Wanjiru
Clerk Assistant III

Mr. Omar Abdirahim
Fiscal Analyst I

Mr. Isaac Nabiswa
Legal Counsel II

Ms. Vivienne Ogega
Research Officer III

Mr. John Nduaci
Serjeant-At-Arms

Ms. Rahab Chepkilin
Audio Assistant

Ms. Mary Kamande
Public Communications Officer III

Mr. Calvin Karung'o
Media Relations Officer III

CHAPTER TWO

2 OVERVIEW OF THE KENYA JUDICIARY ACADEMY BILL (NATIONAL ASSEMBLY BILL NO. 42 OF 2025)

2.1 Background

6. The Bill, sponsored by the Hon. George Gitonga Murugara, CBS, MP was published on 18th July 2025 and read a First Time in the House on 14th August 2025 (*Annexure 3*). It was thereafter committed to the Committee in line with Standing Order 127(1) of the National Assembly Standing Orders.

2.2 Summary of Legal Provisions

7. The Bill seeks to give effect to Article 172(1)(d) of the Constitution by establishing the Kenya Judiciary Academy (KJA) which shall be the principal institution responsible for implementing and coordinating the continuing education and training of judges, judicial officers and judicial staff.

8. In particular:

- (a) Part I of the Bill provides for the short title, interpretation and object of the Act which includes providing a framework for the continuing education and training of judges, judicial officers, judicial staff and other actors in the justice sector.
- (b) Part II of the Bill provides for the establishment and functions of the KJA which includes being the principal institution for implementing and coordinating the training and capacity building of judges, judicial officers and judicial staff. The Bill provides that KJA shall be administered by a Board of Directors whose chairperson shall be appointed by JSC from the members of the JSC. Additionally, the Bill provided for a Director-General of the KJA who shall be the Secretary to the Board. Further, the Bill also provides for the establishment of the office of the Registrar of the KJA who shall be the accounting officer and responsible for the management of the KJA.
- (c) Part III of the Bill provides for the financial provisions. The Bill provides that the source of funds for the Academy shall include money allocated to the JSC, money allocated to the Judiciary for purposes of the Academy and money allocated to the Judiciary Fund. Further, the Bill provides for the financial year of the Academy, the requirement by the Registrar to prepare annual estimates of revenue and expenditure of the Academy.
- (d) Part IV of the Bill provides for the general provisions including the common seal of the Academy and protection of the members of the Board or staff of the Academy from personal liability.
- (e) Part V and VI of the Bill provides for delegated powers and the savings and transitional provisions respectively.

CHAPTER THREE

3 PUBLIC PARTICIPATION AND STAKEHOLDER ENGAGEMENT ON THE BILL

3.1 Legal Framework on Public Participation

9. Article 118 (1)(b) of the Constitution provides that:

“Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees.”

10. The National Assembly Standing Order 127 (3) and (3A) stipulates that:

“(3) The Departmental Committee to which a Bill is committed shall facilitate public participation on the Bill through an appropriate mechanism including-

- (a) inviting submission of memoranda;*
- (b) holding public hearings;*
- (c) consulting relevant stakeholders in a sector; and*
- (d) consulting experts on technical subjects.*

(3A) The Departmental Committee shall take into account the views and recommendations of the public under paragraph (3) in its report to the House.”

3.2 Memoranda Received on the Bill

11. Pursuant to the aforementioned provisions of the law, the Committee placed an advertisement in the print media on 22nd August 2025 (*Annexure 4*) inviting the public to submit memoranda by way of written statements on the Bill. Further, the Committee vide letter referenced *NA/DDC/JLAC/2025/(113)* dated 7th October 2025 (*Annexure 5*) invited key stakeholders to submit views on the Bill and attend a public participation forum on 22nd October 2025.

12. To this end, the Committee received seven (7) memoranda from the Office of the Attorney-General (OAG), the Judicial Service Commission (JSC) and Kenya Judiciary Academy (KJA), Law Society of Kenya (LSK), the National Treasury, *Kituo cha Sheria*, Centre for Parliamentary Studies and Training (CPST) and Hon. Elizabeth Mutile Muindi Wamae. The memoranda are annexed to this Report as *Annexure 6*.

13. In addition, the OAG, JSC, KJA and CPST attended the public participation forum on 22nd October 2025 and gave their views on the Bill.

14. The **OAG, JSC, KJA, CPST, LSK, National Treasury, Kituo cha Sheria** and **Hon. Elizabeth Mutile Muindi Wamae** supported the Bill with proposed amendments.

15. They submitted as follows:

3.2.1 Submissions in support of the Bill

16. Noting that the KJA already exists, the **LSK** expressed its support for the Bill stating that if passed it would fill the gap by providing a statutory framework regarding the establishment, mandate, powers, functions and governance of the Academy. Furthermore, LSK was of the view that the Bill would institutionalize knowledge-sharing, research and adoption of best practices thereby strengthening the efficiency and effectiveness of the Judiciary.

17. **Hon. Elizabeth Mutile Muindi Wamae** supported the Bill to the extent that it presents an opportunity to institutionalize capacity development in the Judiciary.

18. Notably, whilst supporting the Bill, **KJA** presented as follows:

On the Legal Status of KJA

- (a) By establishing the Academy expressly in law to be vested with the status of a body corporate to discharge the functions in clause 5, the Bill addresses the challenges that have arisen on the current legal status of the Academy.

On Linkage between KJA and JSC

- (b) The Bill, having been developed in consultation with the JSC, provides for a clear linkage between the Academy and the JSC including the fact that the Chairperson of the Board is drawn from the membership of the Commission. Furthermore, clause 7(3)(b) as read with clause 12(1) suggest that it is the JSC that will approve the Academy's organizational structure and staff establishment.

On the Terms of Service of the Academy's Board Members

- (c) The members of the Academy's Board comprise public officers with the exception of the LSK nominee and person who teaches law in a private university. Thus, the members shall be remunerated by way of sitting allowances and will not serve on full-time basis as provided in clause 9.

3.2.2 Submissions by the public and stakeholders with proposed amendments

Long Title

19. The **OAG** proposed amending the long title to ensure consistency with the mandate of the JSC as provided for under Article 172(1)(d) of the Constitution.

Committee Observation

20. The Committee observed that Article 172(1)(d) of the Constitution states that the JSC shall prepare and implement programmes for the continuing education and training of judges and judicial officers. Therefore, the long title should be consistent with the mandate of the JSC under Article 172(1)(d) of the Constitution.

Clause 2

21. **Kituo cha Sheria** proposed amending the definition of "judicial staff" to distinguish between judicial staff and JSC staff.

Committee Observation

22. The Committee observed that the definition of "judicial staff" under section 2 of the Judicial Service Act (Cap. 8A) includes the staff of the Judicial Service Commission.

Clause 3

23. The **OAG** proposed deletion of the words 'judicial training' and substitution therefor the words 'continuing education and training of judges and judicial officers' in paragraph (a) to ensure consistency with the mandate of the JSC under Article 172(1)(d) of the Constitution.

24. The **OAG** also proposed deletion of the words 'judicial officers, judicial staff, and other actors in the justice sector' and substituting therefor the words 'and judicial staff' in paragraph (c) to ensure consistency with the mandate of the JSC under Article 172(1)(d) of the Constitution.
25. **Kituo cha Sheria** submitted that amending paragraph (a) is overly broad and does not include institutional benchmarks or accountability mechanisms and therefore proposed amending to include measurable targets including accreditation status, research outputs or partnerships.
26. **CPST** proposed expanding the scope of the objects of the Act in paragraphs (a), (c) and (d) to include research because research is core to any training institution or academy.

Committee Observation

27. The Committee observed that the objects of the Act should comply with Article 172(1)(d) of the Constitution which provides for the mandate of the JSC of preparing and implementing programmes for continuing education and training for judges and judicial officers.

Clause 4

28. The **OAG** proposed deletion of sub-clause (2) because, in its view, the responsibility of the continuing education and training of judges and judicial officers is conferred on the JSC which is a body corporate. Consequently, it is not necessary to establish the Academy as a body corporate to perform the functions of the Commission as conferred by Article 172(1)(d) of the Constitution.
29. The **OAG** also proposed amending sub-clause (4) by deleting the words 'Academy may establish campuses' and substituting therefor the words 'Commission may establish campuses of the Academy' to ensure consistency with the mandate of the JSC under Article 172(1)(d) of the Constitution.
30. **Kituo cha Sheria** proposed amending sub-clause (3) to add a requirement to establish regional campuses or outreach centres in at least three regions because centralization in Nairobi may hinder equitable access to training for judges and staff in other counties.
31. **CPST** proposed that the Academy be formed as part of the JSC and not an independent body corporate because, in its view, establishing it as a body corporate points out to semi-autonomous institution.
32. **Hon. Elizabeth Mutile Muindi Wamae** proposed amending sub-clauses (3) and (4) to provide mandate integration of e-learning platforms and digital CPD for remote or overloaded officers.

Committee Observation

33. The Committee observed that the establishment of the KJA as a body corporate with all attendant powers, including power to enter into contracts, to purchase and hold property, to borrow money, and to perform all other things and acts in furtherance of the provisions of the Act is critical in ensuring the KJA performs its functions effectively.

Clause 5

34. The **OAG** proposed amending the opening words of the clause to add the words ‘on behalf of the Commission’ at the end thereof to ensure consistency with the mandate of the JSC under Article 172(1)(d) of the Constitution.
35. The **OAG** also proposed the deletion of paragraph (a) and (b) and substitution therefor the following new paragraph to ensure consistency with the mandate of the JSC under Article 172(1)(d) of the Constitution:
“be the principal institution for implementing programmes for the continuing education and training of judges and judicial officers.”
36. The **OAG** proposed deletion of the words ‘training and capacity building’ in paragraph (c) for consistency with other provisions of the Bill.
37. The **OAG** proposed deletion of paragraph (i) to ensure consistency with the mandate of the JSC under Article 172(1)(d) of the Constitution.
38. **Kituo cha Sheria** noted that the prescribed functions of KJA omit critical cross-cutting issues and thus, proposed introducing new sub-clauses on mainstreaming gender and inclusion, integrating ICT and e-learning, and promoting research on environmental and human rights jurisprudence. **Kituo cha Sheria** proposed aligning paragraph (e) on data repository with the Data Protection Act
39. **Hon. Elizabeth Mutile Muindi Wamae** proposed amending sub-clauses (b) and (c) to introduce a requirement for the Academy to develop tiered curricula based on judicial hierarchy, case type and court station as a generalized training model is wasteful and ineffective.
40. **Hon. Elizabeth Mutile Muindi Wamae** also noted that the Bill does not have a provision for mental health and judicial wellness training. As such, she proposed amending the clause to include judicial wellness as a function of the Academy and require training in mental health resilience, peer debriefing and trauma support systems.
41. **CPST** proposed expanding the scope of the functions of the Academy to encompass other actors. Further, CPST proposed inclusion of new paragraphs on compliance with data protection laws to protect sensitive data; and on accreditation and quality assurance to ensure credibility and build trust in judicial continuous education.

Committee Observation

42. The Committee observed that the provisions should comply with Article 172(1)(d) of the Constitution that provides for the mandate of the JSC of preparing and implementing programmes for continuing education and training for judges and judicial officers.

Clause 6

43. The **OAG** proposed amending the marginal note by deleting the word ‘Director’ and substituting therefor the word ‘Management’ for consistency with other training institutions that are not bodies corporate.

44. In addition, the **OAG** proposed amending the opening words of sub-clause (1) by deleting the word 'Director' and substituting therefor the word 'Management' for consistency with other training institutions that are not bodies corporate.
45. **LSK** proposed amending sub-clause (1) to restructure the Board's composition to ensure that the voting members are an odd number to prevent decision deadlock and align with good governance practice.
46. **CPST** proposed amending sub-clause (1) to include a curriculum development expert to advise the board on matters curriculum.
47. **Hon. Elizabeth Mutile Muindi Wamae** proposed amending sub-clause 1(c) to split into two the position of a member of the association of judges and magistrates, one for judges and one for magistrates. This is because a senior judge may prioritize appellate reforms while magistrates grapple with small claims, children's cases and case backlog management which are require distinct voices.
48. **Kituo cha Sheria** was of the view that composition of the Board is dominated by judicial officers thereby creating risk of insularity and therefore, proposed amending sub-clause (1) to include one representative from civil society or the public with expertise in governance, human rights or education.
49. In addition, **Kituo cha Sheria** submitted that the proposed method and rotation of public and private university representation is unclear and should be coordinated with support from the Commission for University Education (CUE) to ensure transparency and diversity.
50. **LSK** proposed amending sub-clause (2) to explicitly prescribe academic and professional qualifications for the chairperson and members of the Board to ensure that the appointments are merit-based and safeguard integrity and credibility of the Board in fulfilling its mandate.
51. **LSK** proposed amending sub-clause (4) to specify the timeline for filling a vacancy in the office of a member of the Board to mitigate the risk of prolonged institutional gaps.
52. **CPST** proposed inclusion of a sub-clause to provide for adherence with the Two-Thirds Gender Rule in the composition of the Board.

Committee Observation

53. The Committee observed that the Board is composed of an even number of voting members. The Schedule to the Bill addresses the possibility of equality of votes by giving the Chairperson the casting and deliberative vote.
54. The Committee also observed that the Bill requires persons nominated to the Board to have knowledge and expertise for the achievement of the objects of the Academy.

Clause 7

55. The **OAG** proposed deletion of sub-clause (1) noting that it is substantially similar to clause 6(1). Additionally, the OAG proposed deletion of sub-clauses (3)(c), (3)(d), (3)(e) and 3(f) to ensure consistency with the proposed deletion of clause 4(2).

56. The **OAG** also proposed deletion of the words ‘the exercise of any of the powers of or’ in sub-clause (3)(j) to ensure consistency with the proposed deletion of clause 4(2).

57. **Kituo cha Sheria** submitted that the Board has wide powers without sufficient oversight, risking overreach and financial mismanagement. Consequently, *Kituo cha Sheria* proposed amending sub-clause (3) to require prior approval by the JSC and conformity with the Public Finance Management Act before borrowing or investment.

58. **CPST** proposed amending sub-clause (1) to require the Board to be responsible for policy making, direction and strategy. In addition, CPST proposed amending sub-clause (3)(j) to vest all matters relating to management of assets and supervisions of staff of the Academy with the Director General to ensure smooth operations and establish order by creating a clear chain of command.

Committee Observation

59. The Committee observed that the provisions should comply with Article 172(1)(d) of the Constitution that provides for the mandate of the JSC of preparing and implementing programmes for continuing education and training for judges and judicial officers.

Clause 8

60. The **OAG** proposed deletion of sub-clause (2) and substitution therefor the following new clause to ensure consistency with the proposed deletion of sub-clause 4(2):

“The Board may establish such committees as may be necessary for the effective performance of its functions.”

61. **CPST** proposed amending sub-clause (1) to provide for quorum of the Board as 50% plus one to make it applicable to the sub-committees of the Board which may have less membership.

Committee Observation

62. The Committee observed that the provisions should comply with Article 172(1)(d) of the Constitution that provides for the mandate of the JSC of preparing and implementing programmes for continuing education and training for judges and judicial officers.

Clause 10

63. The **OAG** proposed deletion of the word ‘Board’ and substitution therefor with the word ‘Commission’ in sub-clauses (1) and (4) to ensure consistency with the proposed deletion of sub-clause 4(2).

64. **Kituo cha Sheria** noted that appointment of the Director General is restricted to sitting judges thereby limiting the pool of qualified candidates thus straining judicial human resources. *Kituo cha Sheria* therefore proposed expanding eligibility to retired judges or distinguished legal academics.

65. **CPST** noted there could be a potential conflict of interest arising from the appointment of one of the judges of a superior court to double up as a Director General of the Academy. It, therefore, proposed that the Director General be responsible for the strategic direction, leadership and management of the Academy as well in charge of the Accounting Officer while the Registrar’s role be purely administrative.

66. **Hon. Elizabeth Mutile Muindi Wamae** noted that sub-clause (1) contradicts the inclusive spirit of the Judiciary by excluding senior magistrates and judicial officers who may have decades of administrative and training experience. She, therefore, proposed amending sub-clause (1) to allow appointment of the Director-General from among judges of Superior Courts and senior judicial officers with at least ten (10) years of experience and proven leadership in judicial administration or training.

Committee Observation

67. The Committee observed that the organizational structure of the Academy consisting of a Director-General and a Registrar, whose roles are not clear enough, may lead to administrative inefficiencies and ineffectiveness.

Clause 11

68. The **OAG** noted that the Bill does not establish a secretariat of the Academy and therefore proposed amending sub-clause (4) by deleting the words 'and head of the secretariat' appearing in paragraph (a).

69. The **National Treasury** proposed a review of the justification for the dual leadership structure of Director General and Registrar to ensure administrative efficiency and cost-effectiveness.

70. **Kituo cha Sheria** submitted that the qualifications of a person for appointment as Registrar in sub-clause (2) exclude experienced administrators without legal backgrounds thereby hindering professional management of the Academy. *Kituo cha Sheria* therefore proposed amending the sub-clause to allow for appointment of administrators with demonstrated competence in public administration or judicial training.

71. **CPST** proposed the deletion of the clause and other related provisions on Registrar of the Academy because the Constitution provides for the role of the Chief Registrar of the Judiciary as the Accounting Officer of the Judiciary.

Committee Observation

72. The Committee observed that the organizational structure of the Academy consisting of a Director-General and a Registrar, whose roles are not clear enough, may lead to administrative inefficiencies and ineffectiveness.

Clause 13

73. The **OAG** proposed amending sub-clause (1) to ensure consistency with the proposed deletion of clause 4(2) and to provide for an alternative source of funds of the Academy.

74. Additionally, the **OAG** proposed insertion of the words 'Commission, on behalf of' in sub-clause (2) to ensure consistency with the proposed deletion of clause 4(2) and to provide for the opening of bank accounts by the Commission for the purposes of the Academy.

75. **Kituo cha Sheria** proposed amending the clause to clarify that all funds shall be channelled through the Judiciary Fund under Article 173 of the Constitution for consistency and transparency.

76. Furthermore, *Kituo cha Sheria* noted that the grants and donations approved solely by the Board forming part of funds of the Academy in paragraph (e) lacks safeguards against conflict of interest and should be amended to require that acceptance of external funds be approved by the JSC and comply with the Public Finance Management Act and Anti-Corruption guidelines.

77. **Hon. Elizabeth Mutile Muindi Wamae** proposed amending the clause to prescribe that at least a fixed percentage of the Judiciary Funds be allocated to the Academy annually.

Committee Observation

78. The Committee observed that JSC is responsible for preparing and implementing programmes on continuing education and training for judges, judicial officers and judicial staff. Therefore, the funds required to perform this function form part of the annual estimates of expenditure prepared by the Chief Registrar of the Judiciary.

Clauses 7, 10, 11 and 15

79. **KJA** proposed amending the Bill to further clarify the respective roles of the Board of Directors and the Director-General, as well as the Director-General and the Registrar of the Academy. In KJA's view, the Board could be vested with a policy and oversight mandate; the Director-General tasked with the strategic direction and leadership; and the Registrar held responsible for the Academy's operational and administrative management.

Committee Observation

80. The Committee observed that the roles of the Board of Directors, the Director-General and the Registrar should be clear since this promotes accountability and is essential in the success of the organization.

Clauses 14, 15 & 16

81. The **OAG** proposed deletion of the clauses to ensure consistency with the proposed deletion of clause 4(2) as the budget of the Academy shall form part of the Commission's budget.

82. *Kituo cha Sheria* noted that clause 15 does not provide for audit or reporting of the Academy's annual estimates to Parliament thereby weakening financial accountability. Thus, *Kituo cha Sheria* proposed introducing a new sub-clause to require annual audit by the Auditor-General and tabling of financial statements before Parliament and the JSC.

Committee Observation

83. The Committee observed that the provisions should comply with Article 172(1)(d) of the Constitution which provides for the mandate of the JSC of preparing and implementing programmes for continuing education and training for judges and judicial officers.

Clause 17

84. *Kituo cha Sheria* was of the view that the clause acts as a blanket immunity provision which may be interpreted to shield gross negligence or misconduct and should be amended to ensure that the such protection shall not extend to acts of gross negligence, bad faith or corruption.

Committee Observation

85. The Committee observed that the provision offers protection from personal liability only when the matter is done in good faith and in executing the functions and powers of the Board of Directors.

Clause 18

86. The **OAG** proposed deletion of the word 'Academy' and substitution therefor the word 'Commission' to ensure consistency with the proposed deletion of clause 4(2) and in view of the proposal that the academy shall not be a body corporate, the Commission shall be responsible for the actions of the members of the Board.

Committee Observation

87. The Committee observed that the provisions should comply with Article 172(1)(d) of the Constitution which provides for the mandate of the JSC of preparing and implementing programmes for continuing education and training for judges and judicial officers.

Clause 19

88. The **OAG** proposed amending sub-clauses (1) and (2) to ensure consistency with the proposed deletion of clause 4(2).

89. **Kituo cha Sheria** noted that the proposed delegated legislative powers are broad and unsupervised thus lacking public participation and JSC approval mechanisms. Therefore, *Kituo cha Sheria* proposed amending the clause to require that all regulations be subjected to public participation and approval by the JSC prior to gazettelement.

90. **Hon. Elizabeth Mutele Muindi Wamae** proposed amending sub-clause (2)(b) to include a dedicated clause mandating a comprehensive Monitoring and Evaluation Framework with key performance indicators, impact assessments and annual training audits published to Judiciary stakeholders. This would, for instance, reveal whether offices trained on judicial ethics in 2025 actually reduced complaints filed at JSC or Ombudsman.

Committee Observation

91. The Committee observed that the provisions should comply with Article 172(1)(d) of the Constitution which provides for the mandate of the JSC of preparing and implementing programmes for continuing education and training for judges and judicial officers.

Clause 20

92. **Kituo cha Sheria** noted that reference to the 'former Academy' is ambiguous and unclear on whether it refers to the Judiciary Training Institute (JTI) and thus proposed explicitly defining 'former Academy' as the Judiciary Training Institute and including a clause repealing or transforming it under the Act.

93. Additionally, **Kituo cha Sheria** submitted that the clause lacks clarity on staff harmonization and a transition plan which may cause administrative human resource conflicts. *Kituo cha Sheria* therefore proposed insertion of a new sub-clause requiring the JSC to approve a comprehensive transition and staff integration plan within six months of commencement.

Committee Observation

94. The Committee observed that Judiciary Training Institute is currently known as the Kenya Judiciary Academy. Further, the Committee observed it is important to provide a provision to transit the staff of the former Academy to the newly established entity.

General Submissions

95. The **National Treasury** noted that establishment of the KJA aligns with the broader goal of strengthening institutions envisaged in the Constitution. However, it was of the view that implementation of the financial and institutional mechanisms proposed in the Bill require stringent economic scrutiny, prioritizing a lean and efficient structure to avoid undue burden on the national budget. Resultantly, the National Treasury proposed consideration of the following when finalizing and enacting the Bill:

- (a) A detailed financial memorandum including a five-year projected budget for both recurrent and development expenditure.
- (b) Ensure compliance with the Salaries and Remuneration Commission.

96. **Kituo cha Sheria** noted the need for inclusion of a results-based monitoring framework for judicial training programmes and ICT integration for continuous judicial education through e-learning platforms.

97. **Hon. Elizabeth Mutile Muindi Wamae** noted that the Bill lacks a provision linking training to promotion or transfer decisions. This, in her view, would demotivate officers' participation and devalue the Academy's impact. She, therefore, proposed amending the Bill to include mandating the Judiciary to integrate training participation, research output and certification into career progression and performance evaluation frameworks.

Committee Observation

98. The Committee observed that the organizational structure of having both the Director-General and Registrar of the Academy may lead to overlapping of roles and responsibilities. Therefore, the structure should be lean and efficient.

CHAPTER FOUR

4 COMMITTEE OBSERVATIONS

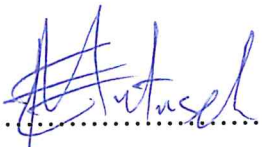
99. Upon reviewing the Bill and the submissions received, the Committee made the following observations:

- (1) the KJA, formerly Judiciary Training Institute (JTI), was established in 2008 initially by administrative action by the then Chief Justice (Rtd) Evans Gicheru to provide judicial education and training for judges and magistrates. With the promulgation of the Constitution in 2010, the KJA was clothed with legal authority as a delegate of the JSC under Article 172(1)(d) of the Constitution;
- (2) the Bill seeks to provide a mechanism in which the JSC shall carry out its mandate of preparing and implementing programmes for continuing training of judges and judicial officers as provided for in Article 172(1)(d) of the Constitution of Kenya. Currently, this function exercised by the Kenya Judiciary Academy, formerly known Judicial Training Institute established in 2008 as a non-statutory body;
- (3) the Bill proposes the establishment of the KJA as a body corporate to exercise the delegated function of training judges and judicial officers. The Bill seeks to provide for a nexus between the JSC and KJA and key among these is the fact that the Chairperson of the Board of Directors of the KJA is drawn from the membership of the JSC. However, there is need to establish further linkages between the KJA and JSC in exercising the function of preparing and implementing programmes for continuing education and training for judges, judicial officers and judicial staff;
- (4) the Bill proposes that the administration of the Academy shall vest in a Board of Directors whose Chairperson is appointed by the JSC from among members of the JSC. There is need to ensure that this provision does not violate Article 250(6)(b) of the Constitution which provides that a member of a Commission or holder of an independent office, unless *ex-officio* or part-time, shall not hold any other office or employment for profit, whether public or private; and
- (5) the Bill provides that the Board of Directors shall have power to provide strategic leadership and oversight over the Academy and that the Director General of the Academy shall, besides being the secretary to the Board of Directors, be responsible for the strategic direction and leadership of the Academy. There is need to ensure that there is no duplication or overlap of roles in the organizational structure of the Academy and aligns with the principle that public money shall be used in a prudent and responsible way.


CHAPTER FIVE

5 COMMITTEE RECOMMENDATIONS

100. The Committee, having considered the Kenya Judiciary Academy Bill (*National Assembly Bill No. 42 of 2025*) and the submissions from members of the public and stakeholders, recommends that the House approves the Bill with the amendments contained in the Schedule of Amendments forming Chapter Six of this Report.

SIGNED..... *fw*  DATE *26/MAY/2026*

HON. GEORGE GITONGA MURUGARA, CBS, MP
CHAIRMAN
DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 26 MAY 2026	DAY: <i>Tuesday</i>
TABLED BY:	<i>Leader of the Majority Party</i>
CLERK-AT-THE-TABLE:	<i>Gebrude chebet</i>

CHAPTER SIX

6 SCHEDULE OF AMENDMENTS

101. In view of the observations made, the Committee proposed the following amendment to the Bill:

LONG TITLE

THAT the Bill be amended by deleting the long title and substituting therefor the following new long title—

AN ACT of Parliament to give effect to Article 172(1)(d) of the Constitution by establishing the Kenya Judiciary Academy to prepare and implement programmes for continuing education and training of judges, judicial officers and judicial staff on behalf of the Judicial Service Commission and for connected purposes

Justification: To clarify that the principal object of the Bill is to establish the KJA which shall be responsible for preparing and implementing programmes for continuing education and training of judges, judicial officer and judicial staff on behalf of the JSC.

CLAUSE 3

THAT Clause 3 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph—

(a) establish the Academy as a center of excellence in matters relating to continuing education and training of judges, judicial officers and judicial staff on behalf of the Commission;

Justification: To align the objects of the Act with the provisions of Article 172(1)(d) of the Constitution on the function of JSC to prepare and implement programmes for continuing education and training of judges, judicial officer and judicial staff.

CLAUSE 4

THAT Clause 4 of the Bill be amended—

(a) in subclause (2) by deleting the word “of” appearing immediately after the word “doing” in paragraph (d) and substituting therefor the word “or”; and

Justification: To correct a grammatical error.

(b) by deleting subclause (4) and substituting therefor the following new subclause—

(4) Despite the provisions of subsection (3), the Commission may establish campuses of the Academy in any other county.

Justification: To align the provision with the mandate of JSC to prepare and implement programmes for continuing education and training of judges, judicial officer and judicial staff.

CLAUSE 5

THAT Clause 5 of the Bill be amended by—

- (a) deleting the opening statement and substituting therefor the following new opening statement—

5. The Academy shall, on behalf of the Commission—

Justification: To create a nexus between the KJA and JSC in the performance of functions of the KJA.

- (b) deleting paragraph (a) and substituting therefor the following new paragraph—
 - (a) prepare and implement programmes for the continuing education and training of judges, judicial officers and judicial staff;

- (c) deleting paragraph (b).

Justification: To align the provision with the mandate of JSC to prepare and implement programmes for continuing education and training of judges, judicial officer and judicial staff.

CLAUSE 6

THAT Clause 6 of the Bill be amended—

- (a) in subclause (1) by deleting the word “on” appearing immediately after the word “vest” and substituting therefor the word “in”; and
- (b) in subclause (3) by deleting the expression “(2)” appearing immediately after the word “subsection” and substituting therefor the expression “(1)”.

Justification: To correct grammatical and typographical errors.

CLAUSE 7

THAT Clause 7 of the Bill be amended—

- (a) by deleting the marginal note and substituting therefor the following marginal note—

Powers of the Board.

Justification: The function of the Board is already provided for under Clause 6(1).

- (b) by deleting subclause (1)

Justification: The function of the Board is already provided for under Clause 6(1).

- (c) in subclause (3), by deleting paragraph (a) and substituting therefor the following new paragraph

(a) make policy and provide oversight over the Academy;

Justification: To clarify the power of the Board and avoid duplication of roles between the Board and the Director-General of the Board who is responsible for strategic direction and leadership of the Academy.

CLAUSE 8

THAT Clause 8 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

(2) The Board may establish such committees as may be necessary for the effective performance of its functions.

Justification: To give the Board discretion in establishing the committees it requires based on its responsibilities. Also, to align with the provisions of paragraph 1(1) of the Schedule to the Bill which speaks on committees of the Board.

CLAUSE 10

THAT Clause 10 of the Bill be amended—

- (a) in subclause (1) by deleting the word “Board” appearing immediately after the words “appointed by” and substituting therefor the word “Commission”; and
- (b) in subclause (4) by deleting the word “Board” appearing immediately after the words “assigned by” and substituting therefor the word “Commission”.

Justification: This is to provide that the Director-General of the Academy, who is responsible for strategic direction and leadership of the Academy, is appointed by the Judicial Service Commission, which is delegating the authority of training judges and judicial officers to the KJA.

CLAUSE 11

THAT Clause 11 of the Bill be amended in subsection (4) by deleting paragraph (a) and substituting therefor the following new paragraph—

- (a) the accounting officer and head of staff of the Academy;

Justification: To clarify that the Registrar shall be the head of staff of the Academy.

CLAUSE 13

THAT Clause 13 of the Bill be amended by—

- (a) deleting paragraph (a) and substituting therefor the following new paragraph—
 - (a) monies allocated to the Commission for purposes of the Academy and approved by the National Assembly;
- (b) deleting paragraph (b); and
- (c) deleting paragraph (c).

Justification: The function of training judges, judicial officers and judicial staff is a function granted to the JSC. Therefore, the budget for the performance of this function is part of the estimates for expenditure prepared by the Chief Registrar of the Judiciary for the JSC pursuant to section 20 of the Judicial Service Act.



DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

**ADOPTION OF THE COMMITTEE REPORT ON ITS CONSIDERATION OF
THE KENYA JUDICIARY ACADEMY BILL (NATIONAL ASSEMBLY BILL NO. 42 OF 2025)**

We, the Members of the Departmental Committee on Justice and Legal Affairs have, pursuant to Standing Order 199, adopted this Report of the Committee on its Consideration of the Kenya Judiciary Academy Bill (National Assembly Bill No. 42 of 2025) sponsored by the Hon. George Gitonga Murugara, CBS, MP, and affixed our signatures to affirm our approval and confirm its accuracy, validity and authenticity:

1. Hon. Murugara George Gitonga, CBS, MP - Chairperson
2. Hon. Mutuse Eckomas Mwengi, OGW, MP - Vice Chair
3. Hon. Gladys Boss, MGH, MP
4. Hon. Farah Maalim, EGH, MP
5. Hon. Silvanus Osoro Onyiego, CBS, MP
6. Hon. Tom Joseph Francis Kajwang', CBS, MP
7. Hon. Timothy Kipchumba Toroitich, MP
8. Hon. Timothy Wanyonyi Wetangula, CBS, MP
9. Hon. (Dr.) Otiende Amollo, SC, EBS, CBS, MP
10. Hon. Michael Mwangi Muchira, MP
11. Hon. Aden Daud, EBS, MP
12. Hon. John Okwisia Makali, MP
13. Hon. Stephen M. Mogaka, MP
14. Hon. Harold Kimuge Kipchumba, MP
15. Hon. CPA Suleka Hulbale Harun, MP

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