



# THE JUDICIARY

Copyright: The Judiciary, Republic of Kenya 2015. All rights Reserved

## FOREWORD



The Constitution of Kenya requires the Judiciary to undertake effective measures to reduce the obstacles that hinder public access to justice. In this regard, the Judiciary has an obligation to simplify court procedures in order to effectively and efficiently render services to all court users. It is also important that court users understand court processes.

Court registries play a critical role in enabling the Judiciary to meet these constitutional expectations. This is because they are always the first stop for all people seeking justice from the courts. As such, the quality of the services offered by the Judiciary will be measured by how well the clients are received and served in the registries.

The registry staff is the face of the Judiciary. As occupants of this privileged position, they are required to be at the forefront in ensuring the institution realizes its aspirations as set out in the **Judiciary Transformation Framework**. This framework is anchored on four pillars and ten key result areas, all of which have one overriding objective; *to achieve access to and expeditious delivery of justice to all*.

To this end, great efforts went towards the realization of this Registry Manual which seeks to standardize the registry procedures followed in all the magistrates and kadhis courts, and hence guarantee our clients similar quality services across the country.

The manual has been developed through a participatory process; input was received from Judiciary staff, stakeholders and judicial officers. It is informed by the Constitution of Kenya, other statutes on court procedures, the Judiciary Transformation Framework, the service charter, code of conduct and other adopted Judiciary policies. It is therefore expected that all of us will strive to consistently ensure that it is implemented, for the benefit of our clients.

The following are the objectives of the manual;

- To simplify and standardize registry procedures.
- To increase efficiency in the registries.
- To guide litigants and staff on registry processes.

- To highlight the roles of various registry staff, for increased accountability.
- Act as an orientation tool for new registry staff.

**Hon. Dr. Willy Mutunga, D. JUr, Sc, EGH,  
Chief Justice and President of the Supreme Court of Kenya.**

---

## ACKNOWLEDGEMENTS



This registry manual is the product of a series of engagements and collaborative efforts of various players within the justice chain.

I would like to acknowledge the commendable initiatives taken by all those who directly or indirectly contributed to the development of the manual, with a special note of thanks to the Hon. Chief Justice for his strategic leadership and support and further to the Judiciary Training Institute (JTI) for the continued partnership and facilitation.

The input of the Heads of Stations in the Magistrates and Kadhis Courts and their readiness in accepting the challenge of implementation has been extremely invaluable. I thank all the Judiciary staff whose presentations and input, drawn from ‘on the job experience’, is the foundation of this manual.

I also thank the UNDP for funding the activities that led to the development of this manual and The Jomo Kenyatta Foundation (JKF) for providing professional input in its editing.

I am grateful to the Office of the Registrar, Magistrates and Kadhis Courts who commissioned the development of this manual which will be useful in guiding our registry staff. The committee tasked with the development of this manual cannot go unmentioned for it played a vital role in putting together this excellent piece of work. In particular, I would like to express my sincere gratitude to:

Hon. Peter Mulwa  
 Hon. Anthony Ndung’u  
 Hon. Caroline Kabucho  
 Hon. Maxwell Gicheru  
 Hon. Lucy Gitari  
 Hon. Doreen Mulekyo  
 Hon. Peter Gesora  
 Hon. Agnes Wahito  
 Hon. Wangeci Ngumi  
 Hon. Kadhi Rashid Omar  
 Hon. Kadhi Ishaq Abduljabar

Sakayo Otieno  
 Allan Ojuki  
 Godfrey Kulubi  
 Richard Otene  
 Anne Nafula  
 Edward Chelang’a  
 Eunice Mutie  
 Mercy Wainaina  
 Boru Wako  
 Getrude Asango

The Judiciary is indeed grateful and will remain indebted to you for your effort and commitment in ensuring that the Kenyan people get quality service.

Thank you all.

**Anne A. Amadi**  
**Chief Registrar of the Judiciary**

## LIST OF ABBREVIATIONS AND ACRONYMS

<b>BU</b>	-	Bring-up
<b>CAF</b>	-	Court Adjournment Fees
<b>CCF</b>	-	Court Collection Fees
<b>CPC</b>	-	Criminal Procedure Code
<b>EFT</b>	-	Electronic Funds Transfer
<b>FCF</b>	-	Further Court Fees
<b>ICT</b>	-	Information and Communication Technology
<b>NEMA</b>	-	National Environment Management Authority
<b>P &amp; A</b>	-	Probate and Administration
<b>SMS</b>	-	Short Message Services
<b>SOA</b>	-	Sexual Offenses Act

# TABLE OF CONTENTS

FOREWORD .....	ii
ACKNOWLEDGEMENTS .....	iv
LIST OF ABBREVIATIONS AND ACRONYMS .....	vi
<b>PART A. INTRODUCTION .....</b>	<b>1</b>
1. General Values and Principles .....	1
<b>PART B. THE COURT SYSTEM .....</b>	<b>2</b>
2. The Magistrates and Kadhis Courts .....	2
3. Registry Officials.....	3
<b>PART C. GENERAL REGISTRY PROCEDURES .....</b>	<b>4</b>
4. Working Hours .....	4
5. Information and Customer Care Desk.....	4
6. Service Counters .....	4
7. Information and Communication Technology .....	5
<b>PART D. REGISTRY PROCEDURES .....</b>	<b>6</b>
8. Criminal Registry.....	6
9. Bail and Bond Processing .....	7
10. Daily Cause List .....	9
11. Trial.....	10
12. Release of Cash Bail/ Securities .....	11
13. Inquests .....	12
14. Miscellaneous Criminal Applications .....	13
15. Traffic Registry .....	13
16. Police Cash Bail Refund.....	14
17. Civil Registry.....	14
18. Assessment of Costs.....	16
19. Extraction of Decrees.....	16

20. Execution .....	17
21. Miscellaneous Civil Applications.....	18
22. Deposits Involving Minors.....	19
23. Refund of Deposits .....	19
24. Workmen Compensation Claims .....	19
25. Execution of Orders from Tribunals .....	20
26. Probate Registry .....	20
27. Checklist for Succession Causes .....	21
28. Caveat .....	21
29. Forms Used .....	22
30. Registration .....	22
31. Objection Proceedings .....	23
32. Confirmation of Grant.....	23
33. Miscellaneous Probate and Administration Matters .....	24
34. Children Registry.....	25
35. Special Protection Measures for Children .....	25
36. Checklist for Children Civil Cases.....	25
37. Guardianship.....	26
38. Requirements in Cases of Children in Conflict with the Law.....	26
39. Trial .....	26
40. Procedure for Children in Need of Care and Protection .....	26
41. Election Petitions Registry.....	27
42. Requirements.....	27
43. Procedure.....	27
44. Kadhis Registry.....	28
45. Marriage and Divorce Registry.....	28
46. Inheritance .....	33
47. Miscellaneous Applications .....	36
48. Execution .....	38



<b>PART E. RECORDS MANAGEMENT .....</b>	<b>39</b>
49. Filing.....	39
50. Checklist Before Filing Documents.....	40
51. Perusal of Files.....	40
52. File Movement Register.....	41
53. Bring-up Diary.....	41
54. Reproduction of Records.....	41
55. Accessioning of Archive Files.....	42
56. Custody and Safety of Files.....	42
57. File Audit.....	43
58. Tracing and Reconstruction of Missing Files.....	43
59. Skeleton Files.....	44
60. Disposal of Records.....	44
61. Appraisal of Records.....	46
62. Typing and Issuance of Proceedings.....	47
63. Preparation of Records of Appeal.....	47
64. Handling of Official Mail.....	48
 <b>PART F. EXHIBITS.....</b>	 <b>50</b>
65. Disposal of Exhibits.....	50
66. Perishables.....	51
67. Drugs and Substances.....	51
68. Forfeited Exhibits.....	51
69. Custody of Unclaimed Property.....	51
 <b>PART G. ASSESSMENT OF COURT FEES .....</b>	 <b>52</b>
70. Calculation of Fees for Liquidated Claims.....	52
71. Contention of Court Fees.....	53
72. Fees on General Damages.....	53
73. Simplified Fees Schedule.....	54

**ANNEXURES..... 56**

**Annexure 1.....56**

**Annexure 2.....57**

**Annexure 3.....58**

**Annexure 4.....59**

**Annexure 5.....60**

**Annexure 6.....61**

**Annexure 7.....63**

**Annexure 8.....64**

**Annexure 9.....65**

## PART A. INTRODUCTION

### 1. General Values and Principles

The guiding principle in the registry procedures and processes is having due regard and utmost care for customers. The processes are informed by the following values:

- a). Respect
- b). Courtesy
- c). Integrity
- d). Accountability
- e). Humility
- f). Openness
- g). Patriotism
- h). Results
- i). Sensitivity to persons with special needs and vulnerable groups

In the implementation of the manual, and in execution of their duties, all officials are bound by:

- a). The national values and principles of governance (Article 10 of the Constitution of Kenya).
- b). The principles of leadership and integrity (Chapter Six of the Constitution of Kenya)
- c). The Public Officer Ethics Act 2003.
- d). The Leadership and Integrity Act 2012.
- e). Judiciary Transformation Framework.
- f). The Judiciary Strategic Plan
- g). Any other practice directions and circulars as may be issued from time to time.

## PART B. THE COURT SYSTEM

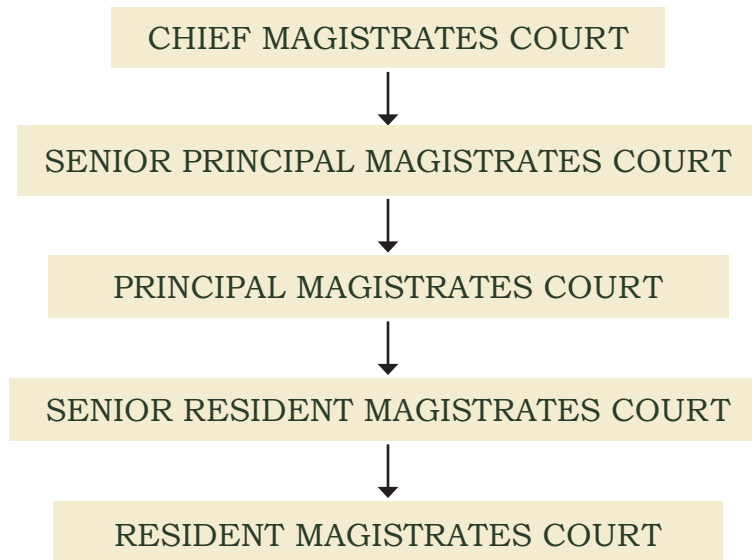
### 2. The Magistrates and Kadhis Courts

The Magistrates and Kadhis courts are established under Article(s) 162, 169 and 170 of the Constitution of Kenya, Magistrates Court Act and the Kadhis Court Act.

#### a). Magistrates Courts

These courts have both Civil and Criminal jurisdiction, as provided for in the various Acts of Parliament.

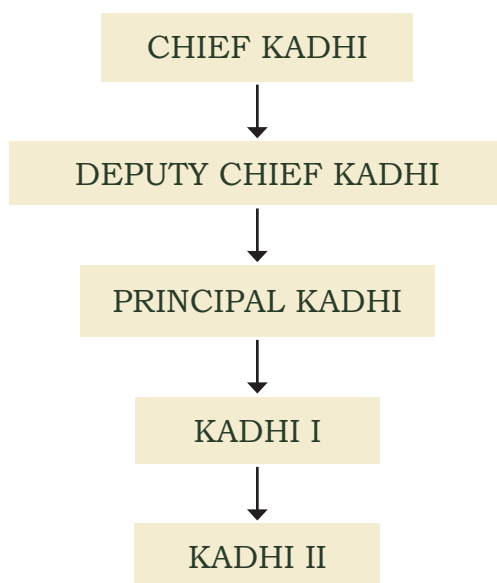
The hierarchy of the Magistrates Court is as shown in the flow chart below;



#### b). Kadhis Courts

The jurisdiction of a Kadhis court is limited to the determination of questions of Muslim law relating to personal status, marriage, divorce or inheritance in proceedings in which all the parties profess the Muslim religion and submit to the jurisdiction of the Kadhis courts.

The hierarchy of the Kadhis Courts is as illustrated below;



### 3. Registry Officials

This refers to all officers supporting the registry function and include:

- a). Court Administrators
- b). Court Administrative Assistants
- c). Court Assistants
- d). Records Management Officers/Archivists
- e). Court Bailiffs and Court Process Servers
- f). Office Administrative Assistants
- g). Office Assistants
- h). Accountants
- i). Information Communication and Technology (ICT) officers

All registry officials are accountable to the Head of Station, who is the magistrate/kadhi in charge of all operations at the court station.

## **PART C. GENERAL REGISTRY PROCEDURES**

### **4. Working Hours**

- a). The official working hours are 8.00 am to 5.00 pm, unless as otherwise directed by the Head of Station.
- b). Registries shall remain open through lunch hour.
- c). Court registries are open from Monday to Friday except on public holidays or as otherwise directed.

### **5. Information and Customer Care Desk**

- a). There shall be a manned information and customer care desk at every court station.
- b). All enquiries shall be received at the information and customer care desk and directed to the relevant offices.
- c). The customer care desk shall maintain linkages and networks with registries so as to obtain and communicate important information to the customers.
- d). There shall be maintained, in every court, a suggestion box.
- e). Information shall be accessed at the customer care desk or through automated services such as SMS and email services.
- f). The customer care desk shall sensitize customers on the available automated customer care services such as SMS and email.
- g). There shall be a general notice board at every court station and registry.

### **6. Service Counters**

- a). Services shall be rendered on a 'first come, first served' basis. However, priority shall be given to vulnerable groups such as the elderly, children and expectant women. Persons with disability shall also be given priority.
- b). There shall be established a queue management system in every station.
- c). Each registry shall have counters designated for specific services.
- d). There shall be an express counter to handle Certificates of Urgency.

For customers with requests, which cannot be processed on the same day, the officer in charge of the registry shall note down their contacts and notify them of the outcome of their requests at the earliest time possible.

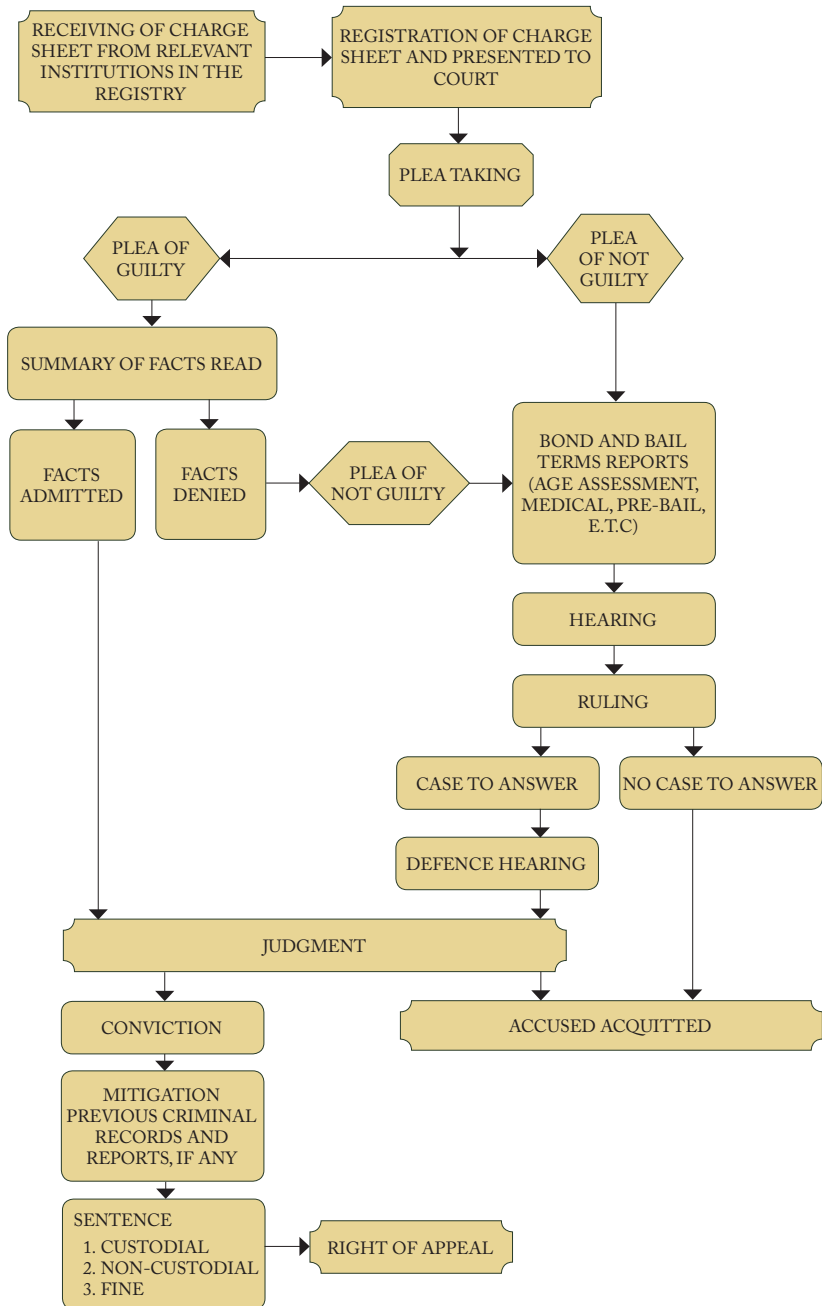
## 7. Information and Communication Technology

The registry services and procedures shall be conducted with the aid of ICT as is practically possible. This shall include the use of computers, emails, software, and other ICT related systems and services.

## PART D. REGISTRY PROCEDURES

### 8. Criminal Registry

The case flow chart is as follows:





The following is the registry where all matters of a criminal nature are registered and processed.

There shall be maintained in all court stations a register for criminal cases filed in the registry, with the following entries:

Date of Registration	Court Case No.	Police Case No.	Accused	Nature of Charges	Date of First Hearing	Judgment or Sentence	Date of Judgment	Fine Imposed	Fines Paid & Date	Receipt No.	Remarks
----------------------	----------------	-----------------	---------	-------------------	-----------------------	----------------------	------------------	--------------	-------------------	-------------	---------

The process is as follows:

- a). The Charge Sheet is received and particulars registered.
- b). Where fee is applicable, the same is paid before registration.
- c). A case number is issued and a folder is opened for the case.
- d). The plea stamp is endorsed and the *Coram* indicated.
- e). The file number is entered in the plea movement register.
- f). Presentation of the file to the plea magistrate at the chamber, for perusal.
- g). Plea taking is done at the court.
- h). File is registered in the court movement register and taken to the officer in charge of the criminal registry.

The officer in charge will ensure;

- a). Results from court are entered in the register.
- b). Orders issued are complied with.
- c). Daily returns are completed.
- d). Court records are filed appropriately.
- e). The filing of returns in compliance with Section 39(13) and Rule 7 of SOA.

All Judiciary staff, magistrates and kadhis handling files must sign for them.

In case of a plea of not guilty, the court may impose bond/bail terms.

## 9. Bail and Bond Processing

A person charged with a criminal offence can be released either on cash bail, bond, bond with surety or personal bond.

### **Processing Cash Bail**

- a). Particulars of the accused person are given to the officer in charge of the registry.
- b). File is retrieved.
- c). Verification of cash bail payable and issuance of a cash bail/deposit payment advice (**see annexure 1**).
- d). Payment of cash bail through mobile money services, bank deposits or any other authorized mode of payment.
- e). Verification of payment at the court's cash office.
- f). Issuance of cash bail deposit receipt.
- g). Signing of the bail bond form by the accused person and surety, where applicable.
- h). Issuance of the release order by the court in triplicate.
- i). Presentation of receipt and release order to the court orderly or officer in charge of prison to secure release of the accused person.

### **Processing Bond with Surety**

- a). Particulars of the accused person are given to the officer in charge of the registry.
- b). File is retrieved from the registry for verification of bond terms.
- c). Presentation of identification documents, which include:
  - (i). Identification card/passport
  - (ii). Letter from the chief
  - (iii). Employers' letters
  - (iv). Recent passport size photos
- d). Presentation of surety and security documents, which include:
  - (i). Land ownership documents
  - (ii). Logbooks
  - (iii). Payslips
  - (iv). Share certificates
  - (v). Bank drafts
  - (vi). Insurance policy

### Verification of Bond/Security Documents

- a). The officer in charge of the registry shall make reference to the land registry, motor vehicles registry, registrar of persons and other relevant offices.
- b). The documents are certified by the issuing authority.
- c). Valuation of the security.
- d). The file is taken to the magistrate for examination and approval.
- e). Preparation of necessary documents, i.e., preparation of particulars of surety, release order, bond and bail bonds where the accused is in custody.
- f). Details of the surety are recorded in the Security Register.

There shall be maintained a securities register at each station, with the following entries:

Date	Case No.	Name of Accused	Name of Surety	Name of Security	Date of Receipt	Date of Release	Signature & ID No.
------	----------	-----------------	----------------	------------------	-----------------	-----------------	--------------------

NB: In all cases, in exercise of their discretion, the magistrates may request for further verifications/enquiries, as they deem necessary.

- a). Where bail is not raised, a remand warrant is issued.
- b). Where one pleads guilty and a fine is imposed, the procedure under number **11 (Fines)** shall apply.

## 10. Daily Cause List

- a). The officer in charge of the registry prepares a cause list based on the diary, a week in advance.
- b). The cause list shall contain the date, respective court and presiding magistrate, case number and particulars of the parties, intended action (including rulings and judgment) for the day, and time.
- c). The cause list shall be displayed on the general notice board, Judiciary website and also sent to the National Council for Law Reporting.
- d). A copy is distributed to the respective courts, the prosecution and the information and customer care desk.
- e). A copy of the cause list shall be maintained for record purposes.

## 11. Trial

- a). The officer in charge of the registry must ensure that files are presented to the trial court a day in advance.
- b). The court assistant shall ensure that all files are presented before the magistrate.
- c). Where necessary, the officer in charge of the registry shall provide an interpreter.
- d). Orders issued during trial must be executed by the officer in charge of the registry.
- e). The court assistant should have all necessary forms concerning orders in court.
- f). All orders given in court shall be extracted and issued immediately or at least by the end of the day.
- g). Orders to be served on other departments must be extracted and served within reasonable time.

### **Adjournment/New Dates**

- a). Where a case is adjourned, the court shall give a hearing/mention date.
- b). Where the accused is in remand, the court assistant shall endorse the same in the warrant, which shall be signed by the magistrate.
- c). Where the accused person is on bond, the new date shall be endorsed on the bond by the court assistant.
- d). The court assistant shall ensure that the correct dates are endorsed on the warrant/bond.
- e). The court assistant will be held accountable for any wrong endorsement of date.

The court shall pronounce judgment and sentence at the conclusion of the case.

### **Fines**

Where a fine has been imposed, the following processes shall apply;

- a). Particulars of the accused person are given to the officer in charge of the registry.
- b). File is retrieved.
- c). Verification of fine payable.
- d). Issuance of a court fees/fine payment advice (**See annexure 2**).

- e). Payment of fine through mobile money services, bank deposits or any other authorized mode of payment.
- f). Verification of payment at the court's cash office.
- g). Issuance of official court fine receipt.
- h). Preparation of the release order.
- i). Presentation of receipt and release order to the court orderly or officer in charge of prison to secure release of the accused person.
- j). If a person has partly served their term, where there was an option of a fine, the cash office shall compute the payable amount as at the time of payment.

### **Other Sentences**

- a). Where a custodial sentence has been imposed, the court assistant prepares a committal warrant.
- b). The person in charge of the Criminal registry must ensure that other orders like Community Service Order, probation, borstal and committal to other institution are executed.
- c). The officer in charge of the registry shall maintain pigeonholes where files for specific actions by children officers, probation officers, etc., shall be stored for easy access.

## **12. Release of Cash Bail/ Securities**

At the conclusion of every case, the magistrate shall make an order for the release of cash bail/securities.

### **Refund of Cash Bail**

- a). Presentation of original deposit receipt, identification document and bank account particulars.
- b). File is retrieved.
- c). Receipt is verified.
- d). The file and documents presented are forwarded to Accounts section for processing.
- e). Payment Voucher is prepared.
- f). Money is refunded through cheque or EFT.
- g). Where an original receipt and/or an identification card is lost, the depositor should swear an affidavit and attach a copy of the receipt/abstract.
- h). The Head of Station shall, at all times, ensure prompt cash bail refunds.

### Release of Security

- a). Request may be made orally or in writing to the officer in charge of the registry.
- b). File is retrieved.
- c). Verification is done.
- d). Security is released to the surety.
- e). Depositor signs for receipt of the security in the securities register.

## 13. Inquests

There shall be maintained, in every court, a death notification file and an inquest register, with the following entries:

Date	Case No.	Police Station No.	Name of Deceased	Date of Ruling	Findings
------	----------	--------------------	------------------	----------------	----------

The process is as follows:

- a). Notification from the police is received under Section 386 of the CPC.
- b). All notifications are filed in a death notification file.
- c). The police duplicate file is received and particulars registered in the inquest register.
- d). The court file is opened and forwarded, together with the duplicate file, to the magistrate for perusal and directions.
- e). The magistrate considers whether or not a public inquest should be conducted and makes a recommendation.
- f). If the magistrate finds that it is not necessary to conduct a public inquest, the order shall be served to the Office of the Director of Public Prosecutions and the police duplicate file is retained, to form part of the court record.
- g). The detailed results are entered in the inquest register.
- h). If the magistrate approves the holding of a public inquest, a mention date is given and a hearing date set.
- i). The court then issues summonses to the witnesses.
- j). At the conclusion of the hearing, a ruling is made.

## 14. Miscellaneous Criminal Applications

There shall be maintained a Miscellaneous Applications register in all court registries, with the following entries:

Date of Registration	Court Case No.	Applicant	Respondent	Claim	Ruling	Remarks
----------------------	----------------	-----------	------------	-------	--------	---------

The process is as follows:

- a). Notice of motion and supporting affidavit are presented to court.
- b). The application is registered in the Miscellaneous Applications register.
- c). It is assigned a case number.
- d). The file is placed before the duty magistrate for hearing and disposal.
- e). For private prosecutions, the fee applicable is provided for in the Judicature Act Schedule VI.

## 15. Traffic Registry

There shall be maintained a register of traffic cases in all court registries, with the following entries:

Date of Registration	Court Case No.	Police Case No.	Accused	Nature of Charges	Date of First Hearing	Judgment or Sentence	Date of Judgment	Fine Imposed	Fines Paid & Date	Receipt No.	Remarks
----------------------	----------------	-----------------	---------	-------------------	-----------------------	----------------------	------------------	--------------	-------------------	-------------	---------

The process is as follows:

- a). The Charge Sheet is received and particulars registered.
- b). A case number is issued and a folder is opened for the case. The plea stamp is endorsed and the *Coram* is indicated.
- c). The particulars of the file are entered in the plea movement register.
- d). The file is presented to the plea magistrate at the chamber, for perusal.
- e). Plea taking is done in open court.
- f). The particulars of the file are entered in the court movement register and taken to the officer in charge of the traffic registry.

Where a plea of not guilty is entered, the procedures found under number **9 (Bail and Bond Processing)** in this manual shall apply.

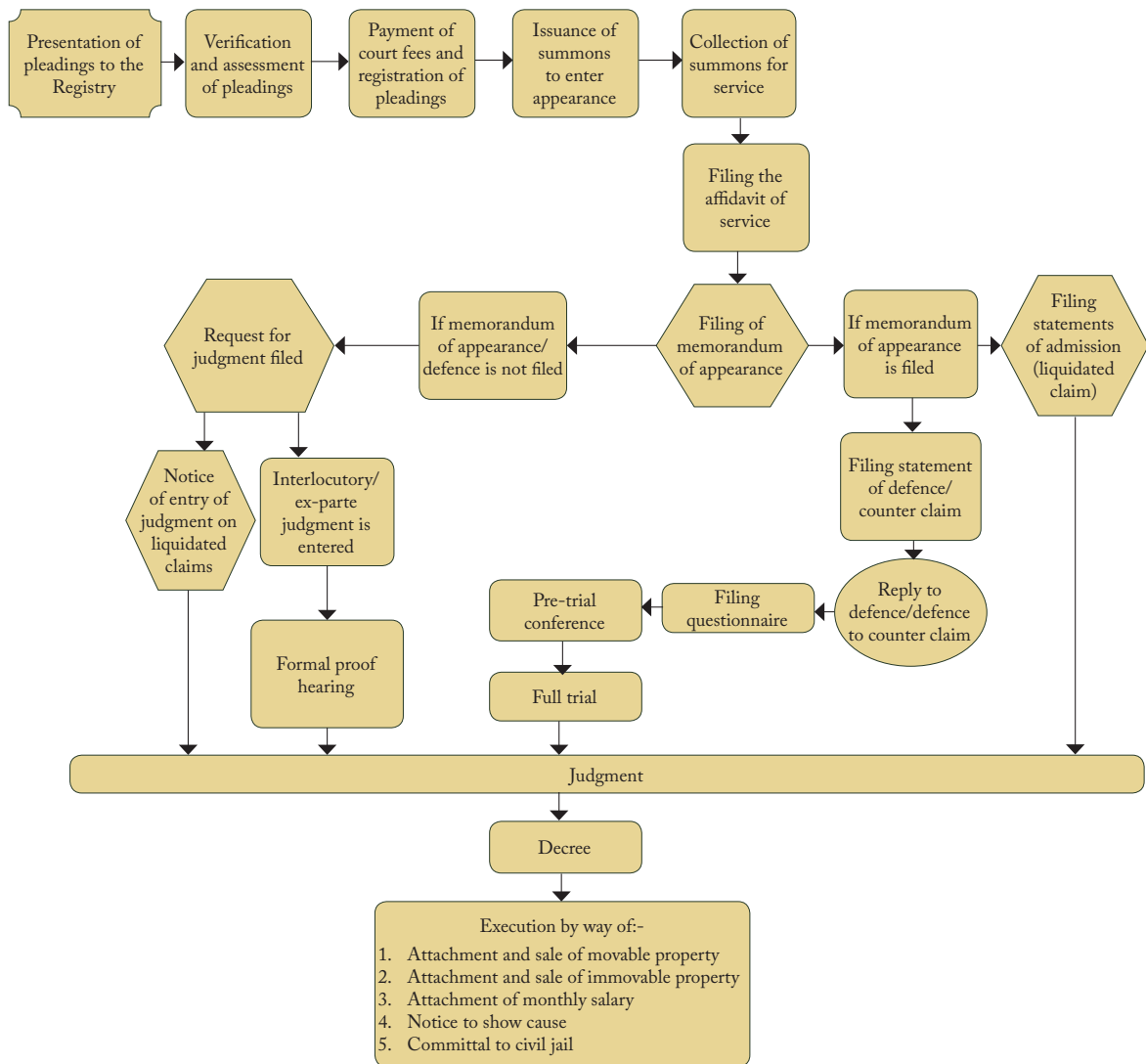
Where a plea of guilty is entered, the procedure under number **11 (Fines)** or number **11 (Other Sentences)** in this manual shall apply.

### 16. Police Cash Bail Refund

- a). Money is released to the accused in court before plea is taken.
- b). If the accused person does not attend court, the money shall be forfeited to the state by the court.

### 17. Civil Registry

The case flow chart is as follows:





There shall be maintained a register of civil cases in every court registry, with the following entries:

Date of Filing	Case No.	Plaintiff, Advocate & Contact (email, postal & mobile)	Defendant, Advocate & Contact (email, postal & mobile)	Nature of Claim	Date of Hearing	Fees Paid & Receipt No.	Judgment/ Date Decision Made	Further Court Fees & Receipt No.	Remarks
----------------	----------	--	--	-----------------	-----------------	-------------------------	------------------------------	----------------------------------	---------

### Registration

- a). Presentation of petition/plaint/originating summons at the registry, accompanied by a list of witness(es), witness statements, verifying affidavit, list of exhibits and track of the case.
- b). Assessment of filing fees as provided for under **Part G** of this manual.
- c). Issuance of a court fees payment advice (**see annexure 2**).
- d). Payment through the bank, mobile money services or any other authorized mode of payment.
- e). Verification of payment.
- f). Receipting.
- g). Date stamping of documents.
- h). Registration and issuance of a case number.
- i). A file is opened.

### Procedure After Filing

- a). Summons are prepared and signed.
- b). Issuance of summons.
- c). Service of summons is effected through private or court process servers. The process server must file Affidavit of Service and attach a copy of their registration certificate.
- d). Upon service, Defendants have 15 days to file Memorandum of Appearance.
- e). Upon filing Memorandum of Appearance, defendants have 15 days to file a defence.
- f). If Memorandum of Appearance and/or defence are not filed within the prescribed period, *interlocutory* judgment is entered upon application by the plaintiff.

- g). For a liquidated claim, a final judgment is entered and costs are assessed.
- h). Where the claim is unliquidated, the matter shall be set down for formal proof.
- i). In all other cases, the suit shall be set down for hearing in accordance with the Civil Procedure Act and Rules.
- j). On conclusion, a judgment shall be pronounced and orders issued accordingly.
- k). Further court fees shall be assessed and levied, where found due.
- l). Execution processes shall only commence once further court fees are fully paid.

## 18. Assessment of Costs

- a). Costs shall be agreed on by the parties or assessed by the magistrate.
- b). A Certificate of Costs shall be drawn and signed by the magistrate.

## 19. Extraction of Decrees

The process of extracting decrees or orders involves the following:

- a). Draft decree/order is presented by either party to the officer in charge of the registry.
- b). Verification of draft decree in the registry.
- c). Court filing fees and further outstanding fees are assessed and paid.
- d). Issuance of a court fees/fine payment advice (**See annexure 2**).
- e). A court fees certificate is prepared to confirm payment of court fees.
- f). The decree is presented to the magistrate for confirmation that the decree is drawn in accordance with the judgment.
- g). The decree is signed and sealed by the magistrate.
- h). Decrees and orders are forwarded for certification by the trial magistrate.
- i). Decrees/orders are dispatched to the applicants through the officer in charge of the registry.

## 20. Execution

Upon receipt of an application for execution of decree/order, the officer in charge of the registry shall confirm that;

- a). The suit is concluded and there is a copy of signed judgment/ruling of the court.
- b). There is no stay of execution order in force.
- c). A ten day notice of entry of judgment has been served on the judgment debtor, in the cases where judgment was obtained ex parte.
- d). The requisite court fee for execution is paid.
- e). The decree is not more than one year old. If it is more than one year old, a Notice to show cause is issued.
- f). The decree/order is drawn and signed.
- g). Where the execution is through attachment and sale by an auctioneer, the auctioneer must be licensed and have the requisite jurisdiction to execute.

### Issuance of Warrants

Upon confirmation of the above checklist, the following shall apply;

- a). The officer in charge of the registry shall calculate the amount to be included, which comprises the decretal amount, interest, further costs and court collection fees.
- b). Warrants are prepared by the officer in charge of the registry.
- c). Warrants are presented to the magistrate for signature.
- d). Warrants are presented to the court bailiff/court process server/auctioneers.

There shall be maintained an execution warrant of attachment register, with the following entries:

Date Issued	Case No.	Parties	Amount to be Executed	Name of Auctioneer	Date Returned	Remarks
-------------	----------	---------	-----------------------	--------------------	---------------	---------

All execution warrants shall be entered in the execution warrants register.

- a). Execution warrants are returned, received, noted in the register and filed.
- b). A filing fee shall be paid for returned warrants.

### Modes of Execution

The modes of execution include;

- a). Warrant of attachment and sale of judgment debtor's property.
- b). Attachment of 1/3 (one third) of salary.
- c). Warrant of arrest and commitment to civil jail.
- d). Eviction order.
- e). Garnishee proceedings.
- f). Prohibitory orders.

Further to the above guidelines, registries shall be guided by the provisions of Order 22 of the Civil Procedure Rules on execution.

## 21. Miscellaneous Civil Applications

There shall be maintained a Miscellaneous Civil Applications register, with the following entries:

Date of Filing	Case No.	Applicant, Advocate & Contact (email, postal & mobile)	Respondent, Advocate & Contact (email, postal & mobile)	Nature of Claim	Date of Hearing	Fees paid & Receipt No.	Judgment/ Date Decision Made	Remarks

The process is as follows:

- a). Notice of motion and supporting affidavit is presented to the registry.
- b). Applicable fee is assessed.
- c). Issuance of a court fees payment advice.
- d). Payment is made.
- e). Verification of payment.
- f). The application is registered and assigned a case number.
- g). The file is placed before the duty magistrate for hearing and disposal.

## 22. Deposits Involving Minors

There shall be maintained a deposits register, with the following entries:

Date	Case No.	Parties	Name(s) of Minor	Amount Deposited	Place of Investment	Remarks
------	----------	---------	------------------	------------------	---------------------	---------

Files, which have orders involving deposits for minors, shall not be disposed of pending application by the minor on attainment of the age of majority.

## 23. Refund of Deposits

The process is as follows:

- a). Release will be by court order.
- b). Presentation of identification document and bank account details.
- c). File is retrieved.
- d). The file and documents presented are forwarded to Accounts section for processing.
- e). Payment voucher is prepared.
- f). Money is refunded through cheque or EFT.
- g). Where an identification document is lost, the claimant should swear an affidavit and attach a copy of the abstract.
- h). The Head of Station should, at all times, ensure prompt deposit refund.

## 24. Workmen Compensation Claims

There shall be maintained a workmen compensation register, with the following entries:

Date of Filing	Case No.	Claimant	Nature of Compensation	Remarks
----------------	----------	----------	------------------------	---------

The process is as follows:

- a). Receipt of the cheque and voucher.
- b). A file is opened.
- c). Presentation of the file and workman before the magistrate for directions.

- d). Recovery of the court collection fees before payment is made.
- e). The money is released to the claimant.  
(The procedure of releasing the money is the same as that of refunding deposits, as shown above)

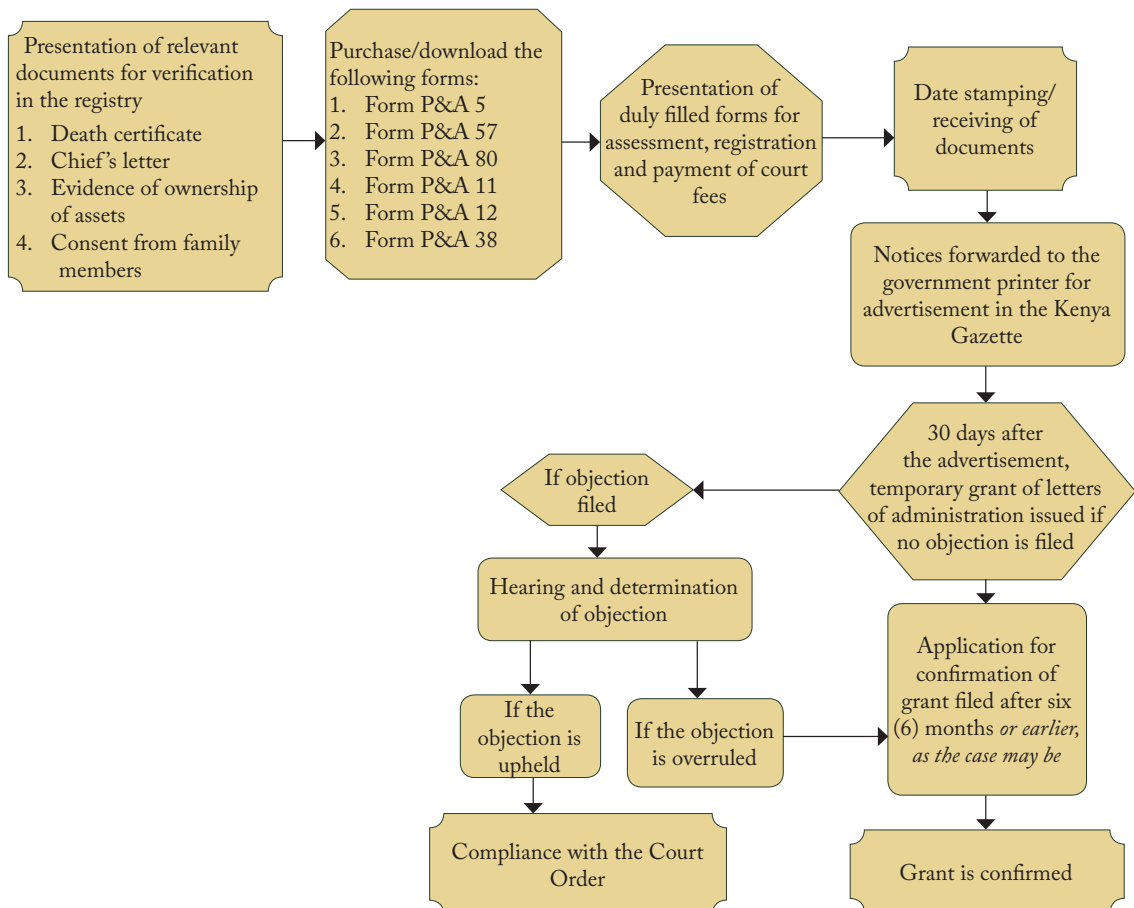
## 25. Execution of Orders from Tribunals

The process is as follows:

- a). Order is received.
- b). Particulars are registered.
- c). File is opened and placed before the magistrate for directions.

## 26. Probate Registry

The case flow chart is as follows:



There shall be maintained a standard probate register, with the following entries:

Date of Filing	Cause No.	Name of Deceased and Alias	Nationality, Residence & Occupation of Deceased	Place of Death	Date of Death	Name & Address of Administrator/ Petitioner	Gross Value of Estate	Fee Paid & Receipt No.	Date Grant Issued	Date Grant Confirmed
----------------	-----------	----------------------------	---	----------------	---------------	---	-----------------------	------------------------	-------------------	----------------------

The jurisdiction of the Magistrates Court is limited to intestate estates.

- a). The court that handles succession matters is the one gazetted under Section 47 of the Law of Succession Act (Chapter 160).
- b). The forms used in the Probate Registry and referred herein are found under Cap. 160

## 27. Checklist for Succession Causes

- a). Petition in the appropriate form.
- b). Certified copy of certificate of death.
- c). Affidavit in support of the Petition duly executed.
- d). Letter from the chief or any authority confirming the beneficiaries of the deceased estate.
- e). Guarantors/sureties (where necessary).
- f). Bank-in slips for advertisement in the special issue of the Kenya Gazette (for full Grants).
- g). Evidence of ownership of assets, i.e. copies of title documents.
- h). Consent from adult beneficiaries.
- i). Where minors are involved, there must be more than one (1) petitioner.
- j). Copy of Will (where applicable).

## 28. Caveat

Any person, who wishes to be notified of any application for the making or confirming of a grant of representation to the estate of a particular deceased person, may enter a caveat in any registry. **(Form 28)**

There shall be maintained, in every registry, a caveat register, with the following entries:

Date	Caveat No.	Case No.	Name of Deceased	Name and Particulars of Caveator	Remarks
------	------------	----------	------------------	----------------------------------	---------

### Procedure

- a). Presentation and filing of the caveat in triplicate. (**Form 28**)
- b). Assessment of the requisite fee.
- c). Issuance of a court fees payment advice.
- d). Payment.
- e). Verification of payment.
- f). Recording of particulars of the caveat in the register.
- g). A copy of the caveat is forwarded to the principal registrar.
- h). Caveator is notified of any intended action through **Form 111**.

## 29. Forms Used

The forms are available at the court registry and can also be downloaded online from the Judiciary website: [www.judiciary.go.ke](http://www.judiciary.go.ke)

Grant of Letters of Administration Intestate –Forms: -

- (i). P&A 80 – Petition for Letters of Administration Intestate.
- (ii). P&A 5 – Affidavit in Support of Petition for Letters of Administration Intestate.
- (iii). P&A 12 – Affidavit of Justification of proposed Administrator.
- (iv). P&A 11 – Affidavit of Justification of proposed Sureties.
- (v). P&A 57- Guarantee by Personal Sureties.
- (vi). P&A 38 – Consent to making a grant.

Where the widow is applying alone, she is exempted from availing a surety and also exempted from filing **Form 57** and **11**. **Form 38** is only applicable when there are adult beneficiaries.

## 30. Registration

- a). Presentation of enquiries or intention by the client at the counter.
- b). Checklist is provided together with the forms.
- c). Presentation of completed forms at the registration counter.
- d). Verification by the court administrative assistant that all relevant documents have been availed in accordance with the checklist.
- e). Assessment of court fees to be paid.



- f). Issuance of a serial number and a fees payment advice form to pay the court fees at the bank.
- g). Confirmation by the accountant that filing fee has been deposited and issuance of official receipt.
- h). Registration of the petition in the probate registers.
- i). Referral of file to the District Registrar (Gazetted magistrate) for action.
- j). Confirmation from the central registry that there is no other grant filed.
- k). If no objection has been filed within 30 days after publication in the Kenya Gazette, the file is placed before the District Registrar for issuance of Grant of Letters of Administration.

### 31. Objection Proceedings

There shall be maintained an objection register in all Probate and Administration registries, with the following entries:

Date	Case No.	Particulars of Objection	Particulars of Answer	Particulars of Cross Petition	Remarks
------	----------	--------------------------	-----------------------	-------------------------------	---------

The process is as follows:

- a). Objection is filed in triplicate in court.
- b). Objection is recorded in the register of objections as provided in Rule 17(3) of the P & A rules.
- c). District Registrar forwards notice of objection to the applicant. **(Form 61)**
- d). District Registrar forwards Notice to the objector, requiring him to reply to the petition by filing a cross application for grant and replying affidavit. **(Form 67)**
- e). The file is placed before the District Registrar for directions.

### 32. Confirmation of Grant

#### Requirements

- a). Where summons for confirmation are taken out after 6 months, **Form 108** shall be filled.
- b). Where confirmation is applied for before expiry of 6 months, **Form 109** shall be filled.

- c). Affidavits in support.
- d). Consents of beneficiaries to confirmation and mode of distribution.
- e). Where there is a protest, affidavit of protest (**Form 10**) is received and filed.
- f). The matter is placed before the District Registrar (Gazetted magistrate) for hearing.

#### **Procedure of Confirmation of Grant**

- a). Duly filled forms are presented for assessment.
- b). Application is assessed.
- c). After payment, the application and the banking slip are received at the cash office.
- d). File is forwarded to the date's section for a hearing date to be fixed.
- e). All beneficiaries attend court during hearing for confirmation.
- f). When orders for confirmation are granted, a Certificate of Confirmation is issued forthwith.

### **33. Miscellaneous Probate and Administration Matters**

There shall be maintained, in every registry, a register of Miscellaneous Probate and Administration matters, with the following entries:

Date	Case No.	Name of Deceased	Name and Particulars of Applicant	Name and Particulars of Respondent	Prayers Sought	Orders Granted	Remarks
------	----------	------------------	-----------------------------------	------------------------------------	----------------	----------------	---------

The following applications may be made;

#### **Citation**

Any interested party may take out a citation where the rightful beneficiaries have failed to take out Letters of Administration. (**Form 32 or 36**)

#### **Procedure**

- a). Presentation of citation to the registry in the prescribed form. (**Form 32 or 36**)
- b). Assessment of court fees.
- c). Issuance of a court fees payment advice.
- d). Payment.
- e). Verification of payment.

- f). A file is opened and particulars entered in the register.
- g). Presentation of the citation to the District Registrar for signature.
- h). Service of the citation to the citor.

### **Limited Grants**

These are limited to the purpose of preservation of the estate of the deceased until further representation is granted and also for certain specific purposes.

## **34. Children Registry**

This registry deals with matters relating to parental responsibility, custody, maintenance, guardianship, care and protection of children and children in conflict with the law. The processes are governed by the Constitution of Kenya, Children's Act, Chapter 586 of the Laws of Kenya and other relevant legal provisions.

The processes in children matters are the same as those in civil as well as criminal matters.

## **35. Special Protection Measures for Children**

All children cases shall be tried in separate courts, as provided for by the law.

- a). The Court should be cleared of all uninterested parties when children matters are being heard.
- b). Officers handling children cases are allowed to depart from strict rules of procedure governing other courts.
- c). The best interest of the child is the paramount consideration in children matters.

## **36. Checklist for Children Civil Cases**

- a). Complaint or originating summons.
- b). Verifying Affidavit.
- c). Supporting Affidavit.
- d). List of witnesses.
- e). Statement of witnesses.
- f). Exhibits and/or supporting documents.
- g). Application by way of Notice of motion.

### 37. Guardianship

- a). An originating summons and an affidavit is presented.
- b). Fee is assessed.
- c). Issuance of a court fees payment advice.
- d). Payment.
- e). Verification of payment.
- f). Service is effected.
- g). Replying affidavit is filed.
- h). File is presented to magistrate for action.

#### Registration

The procedure applicable is found under number **17 (Civil Registry)** of this manual.

### 38. Requirements in Cases of Children in Conflict with the Law

- a). The arresting officer brings the child to court.
- b). A charge sheet is presented by the arresting officer to the registry.
- c). The child is presented to court, which should be cleared of all uninterested parties.
- d). The child shall be remanded at a children remand home and when the child is admitted to bail, the principles applicable to number **9 (Bail and Bond Processing)** herein shall apply.

### 39. Trial

The procedures applicable are in number **11 (Trial)** of this manual. However, the special measures under number **35 (Special protection measures for children)** must be taken into account.

### 40. Procedure for Children in Need of Care and Protection

There shall be maintained a register of cases for children in need of care and protection, with the following entries:

Date	Case No.	Name of the Child	Applicant	Orders Sought	Orders Made and Date	Remarks
------	----------	-------------------	-----------	---------------	----------------------	---------

The process is as follows:

- a). A statement by the police or children officer is presented at the registry.
- b). A file is opened and the details entered in the register.
- c). The child is presented to court for action.
- d). The court assistant shall ensure that all orders are extracted and served for execution by the appropriate authority.

## 41. Election Petitions Registry

Jurisdiction of a Magistrates Court, with regard to Election Petitions, is limited to disputes arising from County Assembly elections.

There shall be an election petition register maintained at every registry, with the following entries:

Date	Petition No.	Petitioner	Respondent(s)	Prayers	Judgment and Date Decision Made	Remarks
------	--------------	------------	---------------	---------	------------------------------------	---------

## 42. Requirements

- a). Petition.
- b). Filing fees.
- c). Supporting Affidavit.
- d). Deposit of security for costs.
- e). Witnesses' sworn affidavits.

## 43. Procedure

- a). Presentation of the petition.
- b). Assessment of filing fees.
- c). Issuance of a court fees payment advice.
- d). Payment.
- e). Verification of payment.
- f). Receiving of the petition.
- g). Acknowledgment and stamping.
- h). Notification of the filing is done to the Registrar, Magistrates Court.

- i). Deposit of security for payment of costs.
- j). Service of the petition.
- k). Filing and serving a response.
- l). Receipt of the results of the relevant election, from the relevant electoral Commission, by the court.
- m). Issuing of a mention notice for directions.
- n). Receipt of ballot boxes by the court and noting the details as per the rules.
- o). Petition is set down for hearing.

#### 44. Kadhis Registry

Kadhis Court handles the following matters:

- a). Marriage and divorce registration.
- b). Marriage under Islamic Law.
- c). Divorce matters.
- d). Matters of inheritance.
- e). Matters pertaining to personal status.

NB: This jurisdiction is applicable where both parties profess Islam and submit to the jurisdiction of the court.

#### 45. Marriage and Divorce Registry

The registry deals with marriage and divorce issues.

##### Registration of Marriages

There shall be maintained a marriage register, with the following entries:

Date	Serial No.	Names & Particulars of Husband  (Residence and Identification)	Names of Wife (Residence and Identification)	Wife's Guardian/Waliyy	Marital Status	Date of Marriage	Dowry Agreed	Dowry Paid	Name of Witnesses and Signatures	Town & Place of Marriage	Name and Signature of the Kadhi

##### Requirements

- a). Duly filled marriage registration application form.
- b). Affidavit by the husband and wife.
- c). Husband and wife's proof of age (National Identification Card, Birth Certificate, Passport, etc.)

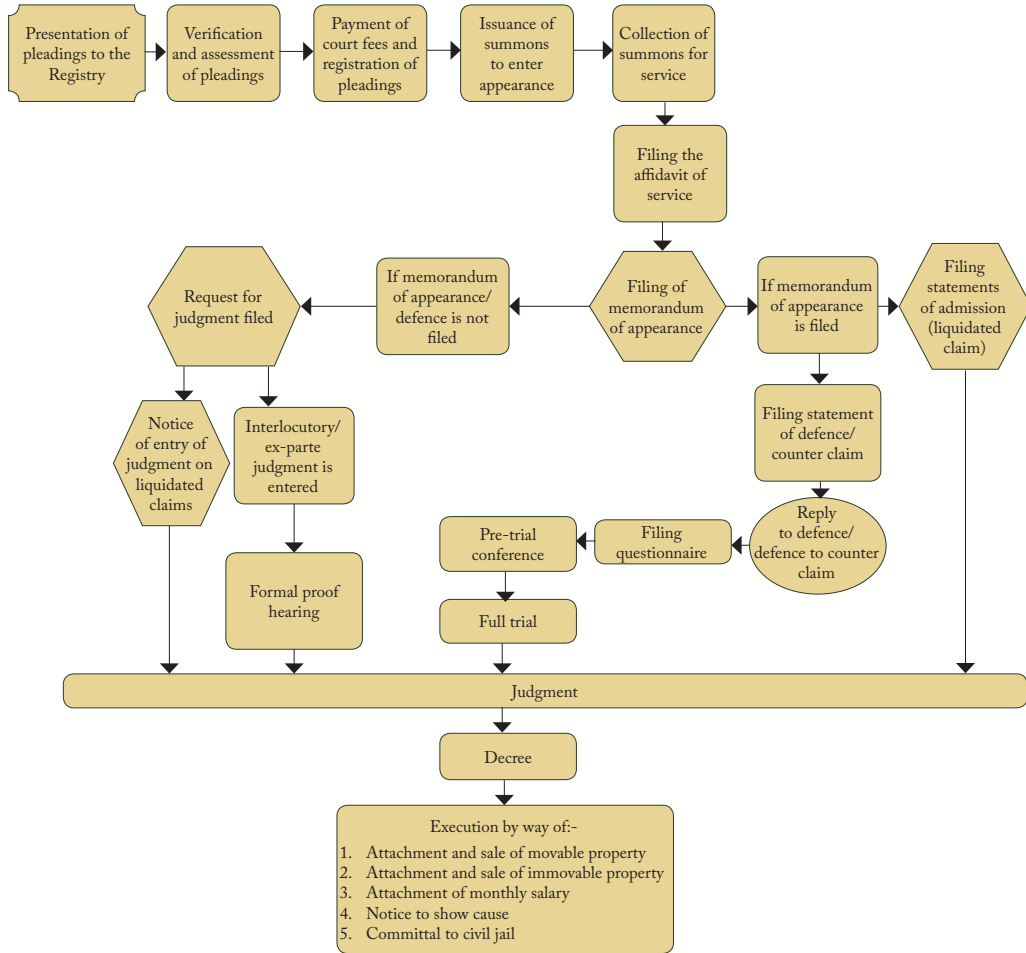
- d). Individual photos of the husband and wife and marriage photos of both (if available).
- e). Certificate of religious marriage, issued by a presiding registrar (this in case of marriage solemnized out of the country).
- f). Divorce certificate (in case either or both spouses are divorcees).
- g). Death certificate (in case of widow's or widower's marriage).
- h). Presence of two (2) witnesses who attended the ceremony.
- i). Power of Attorney (in case the husband is not available).

### **Procedure**

- a). Application for marriage registration (Memorandum of Marriage) and affidavit is presented at the registration counter.
- b). Application for marriage registration and documents are verified.
- c). Court fee is assessed.
- d). Payment advice, with a serial number, is issued.
- e). Court fee deposit slip is verified.
- f). Application number is assigned.
- g). Court fee receipt is issued by the cashier.
- h). Documents are date stamped.
- i). Application details are registered in the register.
- j). File is opened.
- k). File is placed before the Kadhi for action.

### Matrimonial Disputes

The case flow chart is as follows:



There shall be maintained a matrimonial disputes register, with the following details:

Date of Filing	Case No.	Plaintiff, Advocate & Contact (email, postal & mobile)	Defendant, Advocate & Contact (email, postal & mobile)	Nature of Claim	Date of Hearing	Fees Paid & Receipt No.	Judgment/ Date Decision Made	Further Court Fees & Receipt No.	Remarks
----------------	----------	--	--	-----------------	-----------------	-------------------------	------------------------------	----------------------------------	---------

They include:

- a). Validity of marriage.
- b). Pre-nuptial agreements.
- c). Legal guardianship, etc.



## Requirements

- a). Pleadings such as plaint, Notice of motion, and petitions.
- b). Affidavits.
- c). Supporting documents.
- d). List of witnesses.
- e). Witness statements.

## Procedure

- a). Pleadings are presented at the registry counter.
- b). Verification of pleadings and documents.
- c). Assessment of court fees.
- d). Issuance of a court fees payment advice.
- e). Payment.
- f). Verification of payment.
- g). The cause is given a number.
- h). Opening of the file.
- i). Entry is made into the register.
- j). Summons are prepared and signed.
- k). Issuance of summons.
- l). Service of summons through private or court process servers. The process servers must file Affidavit of Service and attach a copy of their registration certificate.
- m). Upon service on the Defendant(s), Defendants have 15 days to file Memorandum of Appearance.
- n). Upon filing Memorandum of Appearance, defendants have 15 days to file a defence.
- o). If Memorandum of Appearance and/or defence are not filed within the prescribed period, *interlocutory* judgment is entered.
- p). For a liquidated claim, a final judgment is entered and costs are assessed.
- q). Where the claim is unliquidated, the matter shall be set down for formal proof.
- r). In all other cases, the suit shall be set down for hearing in accordance with the Civil Procedure Act and Rules.
- s). At conclusion, a judgment shall be pronounced and orders issued accordingly.

- t). Further court fees shall be assessed and levied where found due.
- u). Execution processes shall only commence once further court fees are fully paid.

### Informal Divorce

There shall be maintained a register of informal divorce cases, with the following entries:

Date	Cause No.	Name and Particulars and Signature of Divorcee (M)	Name and Particulars and Signature of Divorcee (F)	Name and Signatures of Witnesses	No. of Divorce	Date of Divorce	Name of Town and Place of Divorce	Fees Paid	Signature of Kadhi	Remarks

These are divorces that are conducted informally.

Upon application for registration, the following are the requirements;

- a). Duly filled divorce registration application forms
- b). Affidavit.
- c). Proof of identity and age (Identification Card, Birth certificate, passport, etc.).
- d). Proof of marriage (marriage certificate, witnesses or wedding card).
- e). Proof of divorce (witnesses, letter of divorce, etc.).

### Procedure

- a). Application for divorce registration and affidavit is presented at the registration counter.
- b). Documents are verified.
- c). Assessment of court fees.
- d). Issuance of court fees payment advice.
- e). Payment.
- f). Verification of court fee payment.
- g). Application number is assigned.
- h). Court fees receipt is issued.
- i). Documents are dated and stamped.
- j). Details are entered in the register.
- k). File is opened and placed before the Kadhi for action.

### Formal Divorce

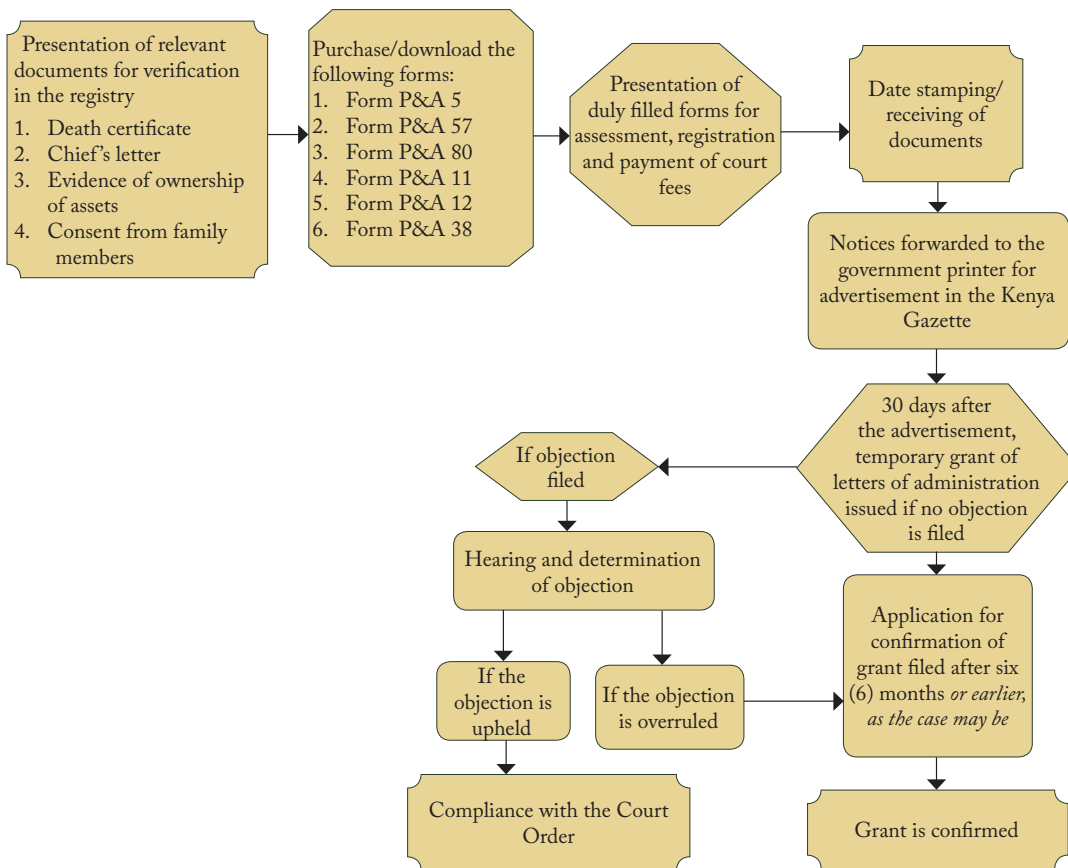
There shall be maintained a register of formal divorce cases, with the following entries:

Date of Filing	Case No.	Plaintiff, Advocate & Contact (email, postal & mobile)	Defendant, Advocate & Contact (email, postal & mobile)	Nature of Claim	Date of Hearing	Fees Paid & Receipt No.	Judgment/ Date Decision Made	Further Court Fees & Receipt No.	Remarks
----------------	----------	--	--	-----------------	-----------------	-------------------------	------------------------------	----------------------------------	---------

The processes applicable to formal divorce are found under number **17 (Civil Registry)** of this manual.

### 46. Inheritance

The case flow chart is as follows:



There shall be maintained an inheritance register, with the following entries:

Date	Case No.	Name of Deceased and Alias	Nationality, Residence & Occupation of Deceased	Place of Death	Date of Hearing	Name & Address of Administrator/ Petitioner	Gross Value of Estate	Fee Paid & Receipt No.	Date Grant Issued	Date Grant Confirmed
------	----------	----------------------------	---	----------------	-----------------	---	-----------------------	------------------------	-------------------	----------------------

### Checklist for Inheritance Causes

- a). Petition in the appropriate form.
- b). Certified copy of certificate of death.
- c). Affidavit in support of the Petition duly executed.
- d). Letter from the chief or any authority, confirming the beneficiaries of the deceased's estate.
- e). Guarantors/sureties (where necessary).
- f). Bank-in slips for advertisement in the special issue of the Kenya Gazette (for full Grants).
- g). Evidence of ownership of assets (copies of title documents).
- h). Consent from adult beneficiaries.
- i). Where minors are involved, there must be more than one (1) petitioner.
- j). Copy of Will (where applicable).

NB: For caveat and objection proceedings, refer to number **28 (Caveat)** and number **31 (Objection Proceedings)** of this manual, respectively.

### Forms Used

The forms are available at the court registry and can also be downloaded online from the Judiciary website: [www.judiciary.go.ke](http://www.judiciary.go.ke)

- a). Grant of Letters of Administration Intestate –Forms:-
  - (i). P&A 80 – Petition for Letters of Administration Intestate
  - (ii). P&A 5 – Affidavit in Support of Petition for Letters of Administration Intestate
  - (iii). P&A 12 – Affidavit of Justification of proposed Administrator
  - (iv). P&A 11 – Affidavit of Justification of proposed Sureties
  - (v). P&A 57- Guarantee by Personal Sureties; and

- (vi). P&A 38 – Consent to making a grant.

Where the widow is applying alone, she is exempted from availing a surety; exempted from filing Form 57 and 11). Form 38 is only applicable when there are adult beneficiaries.

- b). Grant of Letters of Administration with written will annexed. Form 80, 5, 12, 11, 57, and 38.
- c). Grant of Probate Testate (written will) - Form 79 and affidavit.
- d). Grant of Probate Testate (oral will) - Form 78 and affidavit.
- e). Grant De bonis Non( with will) – form 87 and affidavit.
- f). Grant De bonis Non ( without will) - form 86 and affidavit.
- g). Resealing - form 81 and affidavit.
- h). Grant of Letters of Administration Ad Litem - form 90B and affidavit.
- i). Grant of Letters of Administration Ad colligenda bona- form 85 and affidavit.
- j). Grant of Letters of Administration Pendente lite- form 90 and affidavit.
- k). Special limited Grant - form 85A and affidavit.

### **Registration**

- a). Checklist is provided, together with the forms.
- b). Presentation of completed forms at the registration counter.
- c). Verification by the court administrative assistant that all relevant documents have been availed in accordance with the checklist.
- d). Assessment of court fees.
- e). Issuance of a serial number and a fees payment advice form to pay the court fees at the bank.
- f). Confirmation by the Accountant that filing fee has been deposited and issuance of official receipt.
- g). Registration of the petition in the probate registers.
- h). File is placed before the kadhi for action.
- i). Confirmation from the central registry that there is no other grant filed.

- j). If no objection has been filed within 30 days after publication in the Kenya Gazette, the file is placed before the District Registrar for issuance of Grant of Letters of Administration.

### Confirmation of Grant

#### Requirements

- a). Summons for confirmation forms duly filled- (**Form 108** after expiry of six months and **Form 109** before expiry of six months).
- b). Affidavits in support.
- c). Consents of beneficiaries to confirmation.
- d). Where there is a protest, affidavit of protest (Form 10) is received and filed.
- e). The matter is placed before the kadhi for hearing.

#### Procedure of Confirmation of Grant

- a). Duly filled forms are presented for assessment.
- b). Application is assessed.
- c). After payment, the application and the bank-in slip are received at the cash office.
- d). File is forwarded to the date's section for a hearing date to be fixed.
- e). All beneficiaries attend Court during hearing for confirmation.
- f). When orders for confirmation are granted, a Certificate of Confirmation is issued forthwith.

## 47. Miscellaneous Applications

There shall be maintained a Miscellaneous Applications register, with the following entries:

Date	Case No.	Applicant	Respondent	Orders Sought	Results	Remarks
------	----------	-----------	------------	---------------	---------	---------

These applications include;

- a). Presumption of death and life.
- b). Issues related to will and deceased liability.
- c). Distribution of property.
- d). Legal opinions.

## Requirements

- a). Application/pleadings.
- b). Verifying affidavit.
- c). Documents to be relied upon.
- d). List of documents.
- e). List of surviving heirs.

## Procedure

- a). Applications are presented at the registry.
- b). Verification of documents is done.
- c). Assessment of court fees.
- d). Issuance of a court fees payment advice.
- e). Payment.
- f). Verification of payment.
- g). Cause number is issued.
- h). Details of the application filed are recorded in the register.
- i). File is placed before the Kadhi for action.

## Refund of Deposits

The process is as follows:

- a). Release will be by court order.
- b). Presentation of identification document and bank account details.
- c). File is retrieved.
- d). The file and documents presented are forwarded to Accounts section for processing.
- e). Payment voucher is prepared.
- f). Money is refunded through cheque or EFT.
- g). Where an identification document is lost, the claimant should swear an affidavit and attach a copy of the abstract.
- h). The Head of Station should, at all times, ensure prompt deposit refund.

## 48. Execution

The procedures under number **20 (Execution)** of this manual shall apply.

For assessment of costs, refer to number **18** of this manual.



## PART E. RECORDS MANAGEMENT

Records management is the systematic and effective control of records (both paper and electronic) throughout their life cycle, from creation or receipt through to the time of their disposal.

### 49. Filing

Case files are filed in Alpha-Numerical order, which is a combination of numerals, denoting the case number and year filed, and letters, denoting the classification of the case, as follows:

Criminal:	MCCR
Protection and Care:	MCP & C
Election Petition:	MCEP
Sexual Offences:	MCSO
Anti-corruption:	MCAC
Civil:	MCCC
Children cases:	MC Children Case
Criminal Miscellaneous:	MCCR Misc
Traffic:	MCTR
Civil Miscellaneous:	MCCC Misc
Probate and Administration:	MCP&A
Marriage Registration Cause(Kadhis Court):	KMRC
Divorce Causes (Kadhis Court):	KCDC
Divorce Registration Cause (Kadhis Court):	KDRC
Matrimonial Causes (Kadhis Court):	KCMC
Succession (Kadhis):	KCSUCC
Miscellaneous Cause (Kadhis Court) :	KMC

**KEY:** MC- Magistrates Court

KC- Kadhis Court

- a). All correspondence, pleadings and proceedings are numbered sequentially, including case number, using an indelible ink pen. All proceedings should be paginated by the judicial officer.
- b). The system of numbering correspondence must be consistent, with proceedings being numbered from left to right, and pleadings from right to left.
- c). Court files are filed in either vertical or horizontal order, depending on the specifications of the shelves and should have a tag for every bundle of 50 or 100 files, as may be appropriate.
- d). Storage shelves should be properly marked and labeled to enable retrieval of files from a given series.

## 50. Checklist Before Filing Documents

Ensure the following measures are taken before filing;

- a). The document belongs to the file selected.
- b). The file reference number on the document corresponds with the case number of the file.
- c). All pages of a multiple page document are present and paginated.
- d). All attachments and documents are included and stamped.

All documents filed are entered into a minute sheet maintained in every file, containing details such as the case number, type of document, date and year filed, and signature of the officer receiving the document.

## 51. Perusal of Files

- a). Request is done in writing.
- b). Access to the filing shelves and area is limited to authorized Judiciary staff and judicial officers.
- c). Members of the public shall be served at designated service counters.
- d). There shall be a perusal requisition form. **(Annexure 3)**
- e). Perusal is done at a perusal desk after payment of the perusal fees.
- f). Perusal is done under the supervision of Judiciary staff.
- g). There shall be tracer cards, which shall be placed in the pigeonholes where files have been retrieved, to ease traceability of files. **(Annexure 4)**

## 52. File Movement Register

- a). There shall be maintained file movement registers in each registry. **(Annexure 5)**
- b). Each court assistant shall have a file control register for recording movement of files.
- c). The information contained in the file movement register is entered in an electronic system, as a backup and for ease of tracking records.

## 53. Bring-up Diary

- a). The registry and archives shall maintain bring-up records by the use of a desk diary, with a space for each day.
- b). File users must indicate the need for and details of any 'bring-up' (BU) in writing.
- c). Registry and archives staff record the request in the Bring-up diary under the appropriate date.
- d). Each day, the member of the registry staff responsible for the BU diary, must do the following:
  - (i). Check the Bring-up diary for the next day's entries.
  - (ii). Retrieve each file due for BU.
  - (iii). Record in the movement register and tracer card, the files dispatched to the relevant officers the next working day.
  - (iv). If a file due for BU is not in the registry, then the registry staff must locate it, using the tracer cards and movement register.
  - (v). If the file is already being used by the officer who has requested it, or by another officer, it is the responsibility of the officer in charge of the registry/archives to notify the officer(s) and coordinate action between them.

## 54. Reproduction of Records

Reproduction of records involves photocopying, scanning, etc.

- a). Request made in advance, in writing.
- b). Requisite court fee is assessed and paid.

## 55. Accessioning of Archive Files

Accessioning is the process of the court archives acquiring files of concluded cases from the registries.

There shall be an accessioning register kept at the archives, with the following entries:

Case No.	Creating Registry/Court	Name of Person Receiving File	Date Received	Final Orders and Date in File	Disposal/Retention Period	Remarks
----------	-------------------------	-------------------------------	---------------	-------------------------------	---------------------------	---------

- a). Worn out file covers and documents shall be replaced before filing.
- b). Accessioned files are filed in their respective pigeons/shelves in appropriate series, according to the registry of origin, and the order of their creation.
- c). Only authorized staff should handle archive files

## 56. Custody and Safety of Files

- a). Files shall be stored in appropriate filing shelves and storage cabinets, in areas devoid of humidity and pests. The areas should have controlled temperature.
- b). Active files shall be stored in the registry, semi-active files in the record center and files for permanent preservation in the archives.
- c). Access to storage areas is limited to authorized personnel only.
- d). All requests shall be made in writing.
- e). Lighting of matches, smoking and storage of inflammable materials or cleaning solutions in the registry/archives is strictly prohibited.
- f). There shall be smoke detectors and carbon dioxide fire extinguishers in all registries and archives, which shall be inspected regularly.
- g). There shall be frequent inspection of records storage areas by the Head of Station to ensure that water leakage, if any, is traced in time and repaired to prevent damage.
- h). Fumigation of registries and archives shall be done at least once every six (6) months.
- i). Records shall be protected from direct sunlight.
- j). No food or drink shall be consumed at a registry where files are processed.

- k). Electrical equipment must be switched off at the end of the day.
- l). There shall be a disaster preparedness plan.
- m). Regular fire and disaster drills shall be conducted.

The Head of Station may create restricted storage facilities for files considered sensitive. A judicial officer may, based on the circumstances of a given case, order that the case file be stored in the restricted area.

## 57. File Audit

File audit is regularly conducted to ensure that the parameters set out in the case management timelines, provided for in the various statutes, are met.

### Procedure

- a). Carry out file audits quarterly. If no discrepancies are found, the frequency of file audits can be reduced.
- b). Once every quarter, a designated registry officer shall conduct a census of all files in custody of all registry officers, to ascertain number of files held by each officer.
- c). All files not being used by the concerned officer are returned to the registry immediately.
- d). The Audit ascertains that details of concluded cases have been entered into the case register, that is, the result of the case, date of such decision and magistrate who made the decision.
- e). The findings of the Audit and all action points shall be presented to the Head of Station.

## 58. Tracing and Reconstruction of Missing Files

There shall be maintained a register of missing files, with the following entries:

File No.	Parties	Date Reported Missing	Last confirmed Location	Last Action Officer	Date Recovered	Remarks.
----------	---------	-----------------------	-------------------------	---------------------	----------------	----------

If a file is missing, the registry will take the following steps:

- a). The officer in charge of the registry checks the file movement register to identify the person in whose possession the file was last, as recorded. The officer in charge then instructs him/her to trace the file.

- b). If the file is not traced, the officer in charge of the registry circulates a memo to all staff in the station/ registry, asking them to check whether the file is in their possession. If the file is not found within 24 hours, the officer in charge will notify the Head of Station.
- c). The Head of Station then initiates a special search.
- d). If the file is not traced after this first search, the officer in charge of the registry writes the words 'Original file missing', in red colour, on the relevant case register.
- e). The officer in charge of the registry then enters the details of the missing file in the register of missing files.
- f). If within 14 days the file is not found, the Head of Station issues a confirmation in writing confirming the loss and authorizing the reconstruction of the file.
- g). Parties are notified.
- h). In the event that a missing file is traced, the date of recovery is recorded and its availability is communicated to the parties concerned by the Head of Station within 24 hours of its tracing.
- i). The file, once traced, is merged with any skeleton file that may have been opened.

## 59. Skeleton Files

- a). If action or an application is to be made on a file that is missing, the registry shall ensure that a skeleton file is opened, subject to reconstruction orders being granted by the Head of Station and the desired action taken.
- b). A skeleton file is assigned the same number and parties as the original missing file, and its existence and movement is recorded in the normal way.
- c). Special printed skeleton file covers are used for reconstructed files. In the absence of printed skeleton file covers, a standard file cover for the station is used but it must be boldly marked with the word 'SKELETON'.

## 60. Disposal of Records

### Records Survey

Before appraisal and disposal of records is carried out, a records survey is conducted to ascertain the volume of records to be appraised, the storage

areas or rooms the records are kept in, conditions of storage, formats of records (paper or electronic), physical characteristics, e.g., maps, sketch plans, etc., and a report made on these observations.

Criteria for determining records that may be disposed/ destroyed.

No.	Description of Records	Period after which the records may be destroyed
1.	All records rendered illegible or useless by climate, insects, fire or water.	At once.
2.	Records in civil proceedings, other than those relating to: <ul style="list-style-type: none"> <li>- title to immovable property.</li> <li>- Succession Causes/Inheritance/ Right of heirship.</li> <li>- Constitutional and Human Rights issues.</li> <li>- Rights to water, air, way, light or other easement.</li> <li>- Custom of a tribe, community or locality.</li> </ul>	12 years from date of judgment or final order.
3.	Records in criminal proceedings where acquittal or discharge has been ordered or fines only imposed, orders for security made or sentences of imprisonment not exceeding one (1) year passed and where accused has been committed for trial and complaints dismissed by a magistrate.	3 Years from date of judgment or final order.
4.	<ul style="list-style-type: none"> <li>- Police reports of death and Inquest records.</li> <li>- Miscellaneous police reports.</li> <li>- Reports of railway accidents.</li> </ul>	3 Years from date of preparation.
5.	Judicial returns from Magistrates Courts	3 Years from date of preparation.
6.	Books of accounts lodged in bankruptcy proceedings, where a discharge was granted.	3 Years from date of discharge.
7.	Miscellaneous correspondence regarding dates of trial, service of summons, execution of warrants, transfer of proceedings, attendance of witnesses and related correspondence.	3 Years from date of correspondence.
8.	Books of account and miscellaneous documents, other than records relating to estates of deceased persons, which have been distributed and accounts audited.	3 Years from date of audit.
9.	Books of account lodged in connection with bankruptcy proceedings.	12 Years from date of adjudication.

(Source: Records Disposal Act, Cap 14 Laws of Kenya)

## 61. Appraisal of Records

- a). A physical audit of case files is conducted after conclusion of the cases, to ascertain whether they qualify for disposal or permanent preservation as per the guidelines provided for by the Records Disposal Act Cap 14, as summarized hereinabove.
- b). The audit is guided by a well maintained bring- up register.
- c). The case files identified for disposal are then listed.
- d). A draft gazette notice is then prepared for case files destined for disposal and submitted to the Chief Justice or other designated officer to facilitate gazette and publication.
- e). The archivist communicates to the responsible registry/court, upon gazette, the date of gazette and gazette number of the intended destruction.
- f). On expiry of three months after gazette, the court makes a request to the Hon Chief Justice, seeking authority to destroy the records, books or papers, in respect of which the gazette notice was issued.
- g). Once authority is granted, the archivist ensures that the disposal authority is communicated to the courts/ registries within twenty (24) hours.
- h). All records to be destroyed are burnt in the presence of a magistrate/ kadhi or any other authorized officer. The said officer makes an entry in the court register, in red, the letter 'D' and the date of destruction against each case's particulars.
- i). In the interest of environmental conservation, authority to burn shall be sought from the National Environment Management Authority (NEMA).
- j). Upon destruction, the court or station submits a Certificate of Destruction as per the Form in **annexure 6**.
- k). A register is maintained in the archives of all records destroyed as per the Certificates of Destruction submitted. The register shall contain particulars of the records disposed, the date authority of disposal was granted by the Chief Justice, the date of destruction, and the date of the certificate of destruction.



## 62. Typing and Issuance of Proceedings

There shall be maintained a typing register, with the following entries:

Case No.	Trial Magistrate	No. of Hand Written Pages	Officer Allocated	No. of Typed Pages	Date Allocated	Date Returned by Typist	Date Taken to Proof Reader	Name of Proof Reader	Date Returned by Proof Reader	Remarks
----------	------------------	---------------------------	-------------------	--------------------	----------------	-------------------------	----------------------------	----------------------	-------------------------------	---------

- a). There shall be a typing and proofreading pool at every court registry.
- b). There shall be continuous typing of proceedings by the office administrative assistant attached to respective judicial officers.
- c). Request for proceedings shall be done in writing.
- d). The request shall be recorded in the proceedings register.
- e). Assessment of fees.
- f). Issuance of court fees payment advice.
- g). Payment of deposit.
- h). Verification of payment.
- i). The file shall be allocated to an office administrative assistant for action.
- j). The file shall be allocated to an officer for proofreading.
- k). The proofread draft is returned to the office administrative assistant for necessary corrections, if any.
- l). The applicant is notified that the proceedings are ready and advised on the balance payable.
- m). Balance is paid as per the laid down procedures.
- n). The proceedings shall be certified by the trial magistrate/kadhi or duty court.
- o). The proceedings shall be released to the applicant, who will acknowledge receipt of the same.

## 63. Preparation of Records of Appeal

- a). A written request is received from the Deputy Registrar, High Court.
- b). Proceedings are typed and proofread.

- c). The record of appeal is prepared, which contains:
  - (i). List of contents.
  - (ii). Charge Sheet.
  - (iii). Certified copies of proceedings and judgment.
  - (iv). List of witnesses.
  - (v). List of exhibits.
- d). The record of appeal, together with the original record, is forwarded to the High Court.
- e). A skeleton file is opened and retained in the lower court.
- f). The file is recorded in the appeals register, with the following entries:

Case No.	Parties	Date of Request	Date Submitted	Proof of Transfer, e.g., Courier No.	Person Receiving	Remarks
----------	---------	-----------------	----------------	--------------------------------------	------------------	---------

- a). When a file is being forwarded to the High Court, there will be a forwarding letter.
- b). The person receiving the files must acknowledge receipt of the file and the record of appeal.

## 64. Handling of Official Mail

Mail is categorized into in-coming and out-going mail.

- a). Incoming mail is received through Post Office, courier, by a runner, and e-mail.
- b). Every station shall maintain the official email address provided by the Judiciary.
- c). Mail received through Courier services is signed for by the receiving officer.
- d). The plastic bag containing the mail is opened and the contents are noted before the Courier service officer leaves.
- e). The internal mail or mail from outside is delivered to the officer concerned by an office assistant.
- f). The details of the mail are entered in the GP. 54 Delivery Book.
- g). The receiving officer signs in the delivery book upon receipt.
- h). Mail shall be opened by the Head of Station or an officer designated by him/her.

- i). All incoming mail shall be date stamped with the official receiving stamp, which shall indicate the date of receipt and the action officer.
- j). All incoming mail is entered in an incoming mail register by a designated registry officer. **(Annexure 7)**
- k). All out-going mail is entered in an outgoing mail register by a designated registry officer. **(Annexure 8)**
- l). All mail requiring a response must be replied to as soon as possible but in any case, not more than seven (7) days from the date of receipt.

## PART F. EXHIBITS

There shall be an exhibits store, with an officer in charge and an exhibits register maintained, with the following entries:

S/ No.	Case No.	Exhibit No.	Exhibit Type (eg. perishable/ non-perishable, documentary)	Date Exhibit Produced and Witness Name	Disposal Orders and Date Made	Exhibit Returned To/ Collected By (name, ID No. & Date)	Remarks
--------	----------	-------------	--	--	-------------------------------	---	---------

- a). All exhibits should be tagged and given a serial number.
- b). All money exhibits should have their denominations and serial numbers recorded.
- c). Every court assistant must maintain a list of exhibits in the case file, with the following entries:

P/DMFI No.	Description of Exhibit	Exhibit No.	Produced By (Witness)	Date
------------	------------------------	-------------	-----------------------	------

- a). Every court assistant shall maintain an exhibit register.
- b). Documentary exhibits should be stored in resealable envelopes.

### 65. Disposal of Exhibits

- a). Exhibits shall be released in accordance with a court order.
- b). In criminal trial, exhibits shall be released 14 days after conclusion of trial, if no appeal is preferred.
- c). In civil cases, the exhibits are released after 30 days, if no appeal is preferred.
- d). Release of exhibits shall be recorded in the exhibits register.
- e). The applicant must produce identification documents and sign for the same.
- f). Depending on the orders of the court, the exhibit(s) shall be stored appropriately.
- g). Other exhibits, which cannot be brought to court, will be disposed of as directed by the judicial officer.

## 66. Perishables

- a). Perishable exhibits are disposed of on the date of plea and a Certificate of Destruction/ disposal placed in the court file, awaiting hearing and determination of the case.
- b). At the conclusion of a case, any of the party entitled to the exhibit already disposed of, is entitled to the proceeds of the sale.

## 67. Drugs and Substances

Where the exhibit is a drug or psychotropic substance, it shall be destroyed in accordance with the law.

## 68. Forfeited Exhibits

- a). The trial court shall make an order for the disposal of the exhibit.
- b). The court order is extracted by the officer in charge and forwarded to the Directorate of Supply Chain Management of the Judiciary to initiate the process of auctioning.
- c). After the sale, a receipt is issued and the necessary transfer documents prepared.
- d). The proceeds of the sale revert to the state.
- e). Exhibits forfeited to the state should be disposed of in accordance with the order of the court.

## 69. Custody of Unclaimed Property

### Procedure

- a). Receipt of property inventory form from the police.
- b). File is opened and details recorded in the register, with the following entries:

Date	File No.	Police Station	Description of Property	Orders Issued and Date	Remarks

- a). The file is placed before the magistrate for orders.
- b). A notice of description of the unclaimed property is prepared.
- c). The notice is posted on the court's notice board and served to the police.

## PART G. ASSESSMENT OF COURT FEES

Court fees constitute one of the sources of government revenue.

The rules pertaining to court fees assessment are found in Part IX of the Judicature Act Cap 8 Laws of Kenya, Marriage Rules 2014 and the schedules to the various statutes. Assessment of court fees is based on the Guide to Assessment of Court Fees Revised Edition, 1995 (or as may be amended from time to time).

There are various categories of court fees, such as:

- (i). Court Adjournment Fees (CAF)
  - (ii). Further Court Fees (FCF)
  - (iii). Court Collection Fees (CCF)-In case of deposits and execution of warrants by auctioneers.
  - (iv) Fees on miscellaneous matters.
  - (v) Marriage and divorce registration fees for Kadhis Court.
  - (vi) Court Filing Fees.
- a). Court fee is payable in filing all matters, except criminal matters. However, fees is payable in privately prosecuted criminal cases.
  - b). Other exemptions from payment of court fees are those provided under Article 22(3) (c) of the Constitution of Kenya and the provisions of Order 33 of the Civil Procedure Rules, in case of paupers.
  - c). Court fee is payable in other miscellaneous matters relating to brokers licenses, court library membership and renting of lockers for use by advocates.
  - d). In civil matters, there are two categories of court fees; fees on liquidated claims and fees on non-liquidated claims (claims for other reliefs or unspecified amounts of money).
  - e). No decree or order shall be issued by the registry without payment of further court fees in case of non-liquidated claims.

### 70. Calculation of Fees for Liquidated Claims

- a). A court fees certificate shall be completed and signed by the court administrators before a decree or order is signed and issued.
- b). Court fee is non-refundable, except in cases where it has been wrongly assessed.

## 71. Contention of Court Fees

Where the assessed court fees is contested, the followings steps shall be taken:

- a). Fees shall be paid as assessed.
- b). A written protest shall be filed within 7 days after assessment, stating the reason(s) for contention.
- c). Fees shall be reassessed by the registry.
- d). Party shall be informed of the outcome by the registry, in writing.
- e). Refund of over assessed fees, if any, shall be made.
- f). In the event that the party is still dissatisfied, the file shall be referred to the magistrate for determination and the order shall be final.
- g). A fee of Kshs.100/= is payable upon filing a written protest. The fee is refundable in case of a successful protest.

## 72. Fees on General Damages

- a). General damages are those whose claim cannot be estimated at a monetary value by the parties and at the registry. The fee for such claims is as per the Fees Assessment Guide.
- b). The actual fee payable is paid as Further Court Fees (FCF) once the amount of damages has been assessed and awarded by the court or by consent of the parties.

The following is the simplified fees schedule of commonly levied charges. This schedule, however, is not exhaustive. Comprehensive guidelines are to be found in the relevant Acts of Parliament.

### 73. Simplified Fees Schedule

S/NO.	KEY DOCUMENTS/PROCESS	AMOUNT (KSH)	
1.	Plaint (Unliquidated)	Taking Particulars of Plaint	100
		Filing of the Plaint	1500
		Verifying Affidavit	75
		List of Witnesses	75
		List of Documents	75
		Each Annexure	10
		Summons to Enter Appearance (each)	50
2.	Plaint (Liquidated) Ksh. 5,000 and above	$\frac{(\text{Specified amount} - 5,000) \times 5 + 730}{100}$	
		Example $\frac{(100,000 - 5,000) \times 5 + 730}{100} = 5,480$	
		Below 5,000 (as per annexure 9)	
3.	Defence	Memorandum of Appearance	75
		Statement of Defence	75
		Statement of Admission	75
		List of Witnesses	75
		List of Documents	75
		Each Annexure	10
4.	Counter Claim	Unliquidated as per 1 above	
		Liquidated as per 2 above	
		Verifying Affidavit	75
5.	Reply to Defence		75
6.	Defence to counter claim		75
7.	Applications	Certificate of Urgency	75
		Notice of Motion	250
		Notice of Motion/Miscellaneous Application /Chamber Summons	250
		Application for Injunction	1500
		Order	150
8.	Request for judgment		250
		Affidavits of Service	75
9.	Hearings & Mentions	Listing	150
		CAF (Full Hearing)	400
		CAF (Application)	200



S/NO.	KEY DOCUMENTS/PROCESS	AMOUNT (KSH)
	Scene Visits	400
10.	Applications for Execution	Decree 150
	Certificate	100
	Notice to Show Cause	50
	Warrant of Arrest	50
	Warrant of Attachment	50
	Proclamation	50
	Warrant of Sale	50
	Return of Warrant	75
	Notice of Sale	75
11.	Attestation	75
12.	Certification (Per page)	30
13.	Commissioning	50
14.	Typing (Per page)	30
15.	Photocopying (Per page)	10
16.	P & A 80 (Petition)	500
17.	P & A 5 (Affidavit per administrator)	150
18.	P & A 12 (Affidavit per administrator)	150
19.	P & A 57 (Guarantors/surety)	600
20.	Form 38 (Consent)	150
21.	Order	200
22.	Death Certificate	75
23.	Chief's letter	75
24.	Prove of ownership of asset	Each 75
25.	Filing of objection	750

In addition to the above, the following fees are chargeable in Kadhis Courts

S/NO		AMOUNT (KSHS)
1.	Solemnization of marriage	2,000
2.	Issuance of Marriage Certificate	500
3.	Issuance of Certified Copy of Marriage Certificate	600
4.	Commissioning of Affidavit (Marriage)	200
5.	Issuance of Divorce Certificates	500
6.	Amendment of Marriage Record	200
7.	Registration of foreign marriage	1000

NB: This guide is not exhaustive. Comprehensive guidelines to be found in the relevant Acts of Parliament.

# ANNEXURES

## Annexure 1



REPUBLIC OF KENYA  
THE JUDICIARY

IN THE MAGISTRATE’S/KADHI’S COURT AT.....

**CASH BAIL/DEPOSIT PAYMENT ADVICE NOTE**

The Applicant/Bank Cashier

RE: CASE NO. .... OF .....

PAYEE NAME .....

.....

Please collect court fees as herein under in the above matters

Account NO. ....

Account Name: .....

KSH ..... CTS .....

\_\_\_\_\_

\_\_\_\_\_

SIGNATURE OF AUTHORIZED OFFICER

DATE

# Annexure 2



REPUBLIC OF KENYA  
**THE JUDICIARY**

IN THE MAGISTRATE’S/KADHI’S COURT AT.....

**COURT FEES/FINES PAYMENT ADVICE NOTE**

The Applicant/Bank Cashier

RE: CASE NO. .... OF .....

PAYEE NAME .....  
.....

Please collect court fees as herein under in the above matters

Account NO. ....

Account Name .....

KSH ..... CTS .....

\_\_\_\_\_

SIGNATURE OF AUTHORIZED OFFICER

\_\_\_\_\_

DATE

# Annexure 3

## Perusal Requisition Form



REPUBLIC OF KENYA  
THE JUDICIARY

IN THE MAGISTRATE’S/KADHI’S COURT AT.....  
**PERUSAL REQUISITION FORM**

CASE NO. ....

DATE .....

PLAINTIFF .....

DEFENDANT .....

PARTY/ADVOCATE REQUESTING FOR FILE.....

.....

.....

SIGNATURE..... DATE.....

OFFICER IN CHARGE APPROVED/NOT APPROVED

Remarks .....

.....

SIGNATURE..... DATE.....



## Annexure 5

### THE JUDICIARY

IN THE MAGISTRATE'S/KADHI'S COURT AT.....

#### File Movement Register

CASE NO.	NAME OF PERSON RECEIVING FILE	PJ. NO.	DATE REMOVED & PURPOSE	SIGN	DATE RETURNED	REMARKS

# Annexure 6

## Certificate of Destruction of Exhibits



REPUBLIC OF KENYA

THE JUDICIARY

IN THE MAGISTRATE’S/KADHI’S COURT AT.....

CERTIFICATE OF DESTRUCTION OF EXHIBITS

CASE NO.....

DESCRIPTION OF EXHIBIT .....

QUANTITY .....

METHOD OF DESTRUCTION.....

This is to certify that the aforementioned exhibits were destroyed on this ..... day of..... 20..... as prescribed by the Law.

Before.....

at.....

.....

.....  
.....  
.....

\_\_\_\_\_  
**MAGISTRATE/KADHI**

\_\_\_\_\_  
**DATE**

Destruction witnessed by

1. Name.....  
Designation.....  
Signature.....

DATE.....

2. Name.....  
Designation.....  
Signature.....

DATE.....



## Annexure 7

### THE JUDICIARY

IN THE MAGISTRATE'S/KADHI'S COURT AT.....

#### Incoming Mail Register

DATE RECEIVED	FROM (SENDER)	SUBJECT	FILE REF/ CASE NO.	SIGNATURE	RECEIPT (In case of Postal Orders, cheques etc.)

## Annexure 8

### THE JUDICIARY

IN THE MAGISTRATE'S/KADHI'S COURT AT.....

#### Outgoing Mail Register

DATE RECEIVED	FROM (SECTION)	SUBJECT	FILE REF/ CASE NO.	SIGNATURE	DATE DISPATCHED

## Annexure 9

### Table of Court Fees on Plaint Less than Kshs.5,000

		Amount Claimed				Requisite Fees	
From	Kshs.	Cts.	To	Kshs.	Cts.	Kshs.	Cts.
	1	00		100	00	50	00
"	100	01	"	200	00	70	00
"	200	01	"	300	00	90	00
"	300	01	"	400	00	110	00
"	400	01	"	500	00	130	00
"	500	01	"	600	00	150	00
"	600	01	"	700	00	170	00
"	700	01	"	800	00	190	00
"	800	01	"	900	00	210	00
"	900	01	"	1,000	00	230	00
"	1,000	01	"	1,100	00	250	00
"	1,100	01	"	1,200	00	270	00
"	1,200	01	"	1,300	00	290	00
"	1,300	01	"	1,400	00	310	00
"	1,400	01	"	1,500	00	330	00
"	1,500	01	"	1,600	00	350	00
"	1,600	01	"	1,700	00	370	00
"	1,700	01	"	1,800	00	390	00
"	1,800	01	"	1,900	00	410	00
"	1,900	01	"	2,000	00	430	00
"	2,000	01	"	2,100	00	440	00
"	2,100	01	"	2,200	00	450	00
"	2,200	01	"	2,300	00	460	00
"	2,300	01	"	2,400	00	470	00
"	2,400	01	"	2,500	00	480	00
"	2500	01	"	2,600	00	490	00
"	2,600	01	"	2,700	00	500	00
"	2,700	01	"	2,800	00	510	00
"	2,800	01	"	2,900	00	520	00
"	2,900	01	"	3,000	00	530	00
"	3,000	01	"	3,100	00	540	00
"	3,100	01	"	3,200	00	550	00
"	3,200	01	"	3,300	00	560	00
"	3300	01	"	3,400	00	570	00
"	3,400	01	"	3,500	00	580	00
"	3,500	01	"	3,600	00	590	00

”	3,600	01	”	3,700	00	600	00
”	3,700	01	”	3,800	00	610	00
”	3,800	01	”	3,900	00	620	00
”	3,900	01	”	4,000	00	630	00
”	4,000	01	”	4,100	00	640	00
”	4,100	01	”	4,200	00	650	00
”	4,200	01	”	4,300	00	660	00
”	4,300	01	”	4,400	00	670	00
”	4,400	01	”	4,500	00	680	00
”	4,500	01	”	4,600	00	690	00
”	4,600	01	”	4,700	00	700	00
”	4,700	01	”	4,800	00	710	00
”	4,800	01	”	4,900	00	720	00
”	4,900	01	”	5,000	00	730	00