



THE REPUBLIC OF KENYA

LAWS OF KENYA

COMMISSIONERS OF ASSIZE ACT

CHAPTER 12

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CHAPTER 12

COMMISSIONERS OF ASSIZE ACT

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CHAPTER 12

COMMISSIONERS OF ASSIZE ACT

[Date of commencement: 1st January, 1955.]

An Act of Parliament to provide for the appointment of commissioners of assize and for matters connected herewith and incidental thereto

[Act No. 38 of 1954, L.N. 2/1964, Act No. 4 of 1986.]

1. Short title

This Act may be cited as the Commissioners of Assize Act.

2. Appointment of commissioners of assize

(1) Whenever the Chief Justice and the Attorney General shall jointly represent to the President that it is expedient, for the purposes of expediting the trial and determination of any criminal or civil causes or matters pending in the High Court, that one or more suitably qualified persons should be appointed in addition to the judges of the High Court to exercise either or both the criminal or civil jurisdiction of that court, the President may, from time to time, by instrument under the public seal of Kenya, appoint such a person or persons to be a commissioner or commissioners of assize to hold office, subject to the terms and conditions of such instrument, for such period, or for such criminal or civil session or part of a criminal or civil session of the High Court, as shall be specified in the instrument.

(2) For the purposes of this section, “**suitably qualified person**” means a person qualified by law to be appointed a judge of the High Court.

[Act No. 4 of 1986, s. 2.]

3. Assignment of criminal or civil matters to commissioners

There shall be vested in every commissioner of assize, during his period of office, the power of trying and determining, within such place or district as may from time to time be assigned to him by the Chief Justice, such criminal or civil causes or matters, or any questions or issues of fact or of law, or partly of fact and partly of law, in such criminal or civil causes or matters, pending in the High Court, as may be assigned to him from time to time by the Chief Justice.

[Act No. 4 of 1986, s. 3.]

4. Status and powers of commissioners

A commissioner of assize, shall, when engaged in the exercise of any Jurisdiction exercisable by him in pursuance of this Act, be deemed to constitute a court of the High Court, and he shall, during his period of office, have all the power, authority and jurisdiction of a judge of the High Court and take rank and precedence immediately after the Judges of the High Court.

5. Repealed by Act No. 4 of 1986, s. 4.
