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KENYA LAW REFORM COMMISSION

**TWENTY FIFTH ANNUAL
REPORT**



2007

**KENYA LAW REFORM COMMISSION
REINSURANCE PLAZA (3RD FLOOR)**

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The KLRC was established on 13th May 1982 by the KLRC Act (Cap.3). Its offices are at Reinsurance Plaza, 3rd Floor, Taifa Road Nairobi, Kenya.

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KENYA LAW REFORM COMMISSION TWENTY FIFTH
ANNUAL REPORT, 2007

**The Honourable S. Amos Wako, E.G.H., E.B.S., M.P.,
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NAIROBI.**

In accordance with the provisions of Section 3(3) of the Law Reform Commission Act (Cap. 3), we have the honour to present the Twenty Fifth Annual Report. This Report relates to the period 1st January, 2007 to 31st December, 2007.

CHAIRMAN:

Mr. Kathurima M’Inoti

Vice Chairperson

Ms. Nancy Baraza

Commissioners:

Mr. Mbage Njuguna Ng’ang’a

Mr. Desterio Oyatsi

Mr. Benjamin Munywoki Musau

Mrs. Jane Mwangi

Mr. Ezekiel O. Abang - Secretary



Republic of Kenya

COMMISSIONERS OF THE KENYA LAW REFORM COMMISSION (KLRC)

Chairman



Kathurima M'INOTI
LLM (Nairobi), LLB(Nairobi),
Dip. Law (KSL)

Commission Secretary



Ezekiel O. ABANG'
LLB (Nairobi). Dip. Law (KSL)

Vice Chairperson



Nancy BARASA
LLM (Nairobi), LLB (Nairobi),
Dip. Law (KSL)

Commissioners

The KLRC Vision:

"A vibrant agency for responsive law reform"

The KLRC Mission:

"To facilitate law reform conducive to social, economic and political development"

The KLRC Value Statement:

Performance Culture; "The Commission firmly believes that a performance culture which sets standards for excellence and which constantly seeks to improve the way things are done should apply to all activities undertaken in pursuance of its mandate" In contributing to this overall corporate culture, the following values are to be upheld; Professionalism, Integrity, Innovation, Team Work, Networking, Impartiality and High Quality Research.



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LLM (London), MSc (London)
LLB (Hons) (Nairobi),
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INTRODUCTION

This is the twenty fifth report of the Commission which covers its activities from 1st January to 31st December, 2007. The report however highlights some important events which took place after that date but before the report was published.

The report summarises the Commission's activities as required by section 3(3) of the Kenya Law Reform Commission Act (Cap. 3). Any details of the subjects discussed in the report and copies of reports can be obtained from the Commission on request or by visiting its website.

The KLRC continued to implement measures designed to improve its performance during the year.

CHAPTER I

THE COMMISSION

Formation

The Kenya Law Reform Commission (KLRC) was established by the Law Reform Commission Act, No.2 of 1982, presently Cap 3 Laws of Kenya. Presidential assent was given on 13th May, 1982 and the Act came into force on 21st May, 1982. From inception, the Commission has operated as a Department of the Attorney-General's Chambers, though upon reorganization of Government Ministries in 2003, the KLRC administratively operates under the Ministry of Justice and Constitutional Affairs.

The Vision

“A vibrant agency for responsive Law Reform”

Mission Statement

“To facilitate law reforms conducive to social, economic and political development”

Core Values

“ At KLRC, we put Kenyans first as we strive to contribute to Law Reform Responsively and professionally with integrity and in an atmosphere that recognizes and encourages staff creativity. We do this through teamwork, participatory management, linkages and networking with stakeholders”

The Mandate

The mandate of the Commission as set out in Section 3 of the Act is to: “keep under review all the law of Kenya to ensure its systematic development and reform, including in particular the integration, unification and codification of the law, the elimination of anomalies, the repeal of obsolete and unnecessary enactments and generally its simplification and modernization”(S.3(1))

Commissioners

The Commission is made up of six Commissioners and a Secretary. Of the Commissioners there is a fulltime Chairperson and Vice Chairperson and four part-time Commissioners. The Secretary serves on full-time basis.

The list of Commissioners is at annexure 1

Qualification for appointment as Commissioner

Under the Act, Commissioners are appointed by the President for a period of three years, renewable. The statutory qualification for appointment is eligibility for appointment as a Judge of the High Court or Court of Appeal or experience as an advocate or as a teacher of law in a University. The secretary is a lawyer and is appointed by the Attorney-General.

Commissioners and their duties

All the six Commissioners meet at least once a month to review projects and programmes of the Commission. When there is need, Commissioners may meet more frequently.

The Chairperson and Vice-Chairperson carry out research, prepare reports and draft Bills where possible. They also supervise and guide research officers in their work.

The part-time Commissioners carry out limited research due to the fact that they are not engaged at the Commission fulltime and mainly study and review papers prepared by Research Officers. The Commission as a whole is responsible for law reform programmes and reports to the Attorney-General, and Ministry of Justice & Constitutional Affairs.

Chairman (fulltime)

The Chairman is the overall head of the Commission and responsible for its management. He oversees the work of the Commission and directs Commissioners to work on particular projects based on each Commissioners expertise and experience. He is involved in all the Commission's projects and contacts with external stakeholders.

Vice-Chairperson

The Vice-Chairperson assists the Chairman in the management of the Commission.

Fulltime Commissioner (Vacant)

The fulltime Commissioner attends meetings and provides advice to the Commission. In addition, the fulltime Commissioner should give advice and guidance to Legal officers as well as be involved in research.

Part-time Commissioners

They attend meetings and provide advice and expertise to the Commission. They also carry out research.

SECRETARIAT OF THE COMMISSION

The Commission has a fulltime Secretariat consisting of officials on the establishment of the Ministry of Justice and Constitutional Affairs. The Secretariat consists of an administrative and legal research components.

The Secretary

The Secretary to the Commission is responsible for the day-to-day management of the Commission. He represents the Commission in a number of departmental meetings in the Ministry of Justice and Constitutional Affairs.

Legal Staff

The legal research component consists of nine State Counsels. Their duties include carrying out research under the guidance of Chairman, Vice-Chairperson and Commissioners. There were seven State Counsels during the period. There were four vacancies which should be filled.

Non-Legal Staff

The Commission had a Senior Librarian, a Record Management Officer, and other support staff. There were however shortage of staff in key areas of Procurement, Accounts and Personnel. It is recommended that these be recruited to strengthen the administration and finance functions.

The list of all members of staff is found at Annexure I.

FINANCING OF THE COMMISSION

The Commission receives its funds from two sources; viz, the Government and development partners.

GOK FUNDS

The Commission's recurrent budget for the financial year for 2006/07 was Kshs.69,965,509/= and for 2007/08 was 73,066,769/=.

The itemised budget provisions is found at annexure 2

Donor Funds

The Commission's resources from the Government are supplemented by funding and assistance from foreign development partners. Those are mainly funds given for specific projects.

European Union

As stated in our twenty fourth report, the European Union through the Democratic Governance Support Programme(DGSP) gave the Commission a grant to support its Capacity Building Programme. The funds were mainly for capacity building in the Commission.

Basket Fund

We also benefited from funds pooled by several donors under Governance, Justice, Law and Order (GJLOS) Reform Programme. These supported most of the research projects which are discussed below. The total donor funds for the period 1/7/07 to 30/6/08 was Kshs.46,200,000/= (Forty Six million two hundred thousand shillings).

CHAPTER 2

FUNCTIONING OF THE COMMISSION

Performance Contract

In line with the new Civil Service Reform Programme, the Permanent Secretary, Ministry of Justice and Constitutional Affairs has signed a Performance Contract with the Government. The Commission as a department of the Ministry has certain obligations which it has to fulfil between 1st July, 2007 and 30th June 2008. The subjects for which the Commission has to develop Bills before the end of that period are:

- Community Service Orders (Amendment) Bill.
- Contempt of Court Bill.
- Mutual Legal Assistance in Criminal Matters Bill.
- Review of Evidence Act (Cap. 80).
- Review of the Land Disputes Tribunal Act (No. 18 of 1990).
- New Legislation on Insolvency.
- New legislation on Partnership.

All the subjects are discussed in chapter three.

The Commission is confident that it will fulfil its obligations in time as it did in the last financial year.

Change Management Committee

This was one of the Committees established as a result of the strategic plan requirements which show the need for staff to change in the attitude to work for maximum achievement of results. The terms of reference of the Committee are:

1. To co-ordinate change and ensure improved communication/ flow of information;
2. To ensure full and successful implementation of the Strategic Plan;
3. To find ways of motivating staff (Rewarding & Penalizing);
4. To engage staff in dialogue and identify the causes of non-performance(bottlenecks) and devise ways and means of solving them;

5. To monitor the Quick Wins and oversee their implementation;
6. To plan and implement team building activities.

The Committee continued to drive change in the Commission and there was a significant improvement in achieving results.

2.0 LAW REFORM PROGRAMME

It is a requirement of the Act establishing the Commission that its work programmes are approved by the Attorney-General. The Commission is also empowered to initiate its own projects. Any person or body is free to submit proposals for law reform to the Commission. In all the cases, the Commission considers the merits of a proposal before it starts work on it. However, it does not have the capacity to oversee or review all the laws referred to it.

The Attorney-General has discretion to refer subjects which need reform to the Commission or alternatively to appoint Task Forces. The functions carried out by the Task Forces could easily be carried out by the Commission if properly constituted and adequately funded. The Attorney-General also updates legislation through the Legislative Drafting Department in his Chambers. The Commission is equally mandated to fulfil this function. Other Government ministries also appoint Task Forces or Committees to review laws affecting them.

In most cases, the Commission would like to complete its projects quickly. However, the Commission has to follow certain procedures which causes delay. The availability of funds and skilled research capacity, the nature and extent of the project, the need for consultation and involvement of stakeholders, all determine the time spent on each project. Consultation, in particular is time consuming but the Commission regards it as an indispensable part of the law reform process so that laws enacted should reflect the views of Kenyans.

3.0 METHODS OF WORK

To ensure that the law keeps pace with economic, social and political developments and that fair laws are enacted, the Commission recognises the importance of the role of the public

and hence makes public consultations an integral part of its work. The Commission discusses the issues and options for reform and seeks comments on proposals for change.

When the Commission initiates or receives recommendations for reform, such recommendations are first researched by the State Counsel and then discussed by the Commissioners. The Commission then consults stakeholders and members of the public on the subject. The consultations may include sending out memoranda for comments, workshops, seminars and field visits to solicit public views on the subject.

Consequently, the Commission prepares recommendations for reform taking into account submissions received from the public and other stakeholders. Often the Commission prepares a draft Bill which forms part of the Report.

The Reports (and draft Bill where applicable) are then submitted to the Attorney-General and minister for Justice and Constitutional Affairs for their comments, and for any further action they deem appropriate in the circumstances. The law requires the Attorney-General to table such reports including the Annual Reports in Parliament.

The Attorney-General tables the Annual Reports in Parliament. Some of the draft Bills emanating from the Commission have also been tabled in Parliament. The Attorney General has also used a number of the Commission recommendations in Miscellaneous Amendment Bills.

CHAPTER 3

REPORTS ON PROJECTS AND BILLS UNDER CONSIDERATION OR RECENTLY COMPLETED

In this Chapter, the position regarding projects dealt with during the year are briefly discussed. The details of reports and draft Bills mentioned can be obtained from the Commission.

During the period under review, the Commission dealt with a number of subjects. Some of the subjects were completed and reports and/or draft Bills submitted to the Ministry of Justice and Constitutional Affairs and the Attorney-General.

A. COMPLETED BILLS

1. Political Parties Act

The Bill was enacted into law by the 9th Parliament and received the President's assent in December, 2007. The Act is yet to be operationalized. The Act removes the registration of political parties from the Registrar of Societies under the Societies Act and vests their registration, management and regulation in the Registrar of Political Parties under the Electoral Commission. The Act also provides for State funding of political parties.

2. Kenya Law Reform Commission Bill

This Bill seeks to recreate the Commission as a Semi Autonomous Government Agency (SAGA) with operational autonomy. The initial Bill published but lapsed when Parliament was dissolved in 2002. The Bill was revised and updated in 2005 after comprehensive study and interviews with other law reform commissions from the Commonwealth. It was submitted to the Minister for Justice and Constitutional Affairs in January, 2006. We are awaiting advice on the progress towards publication of the Bill.

3. Small Claims Courts Bill

The Small Claims Courts Bill seeks to establish small claims courts in Kenya to enhance access to justice for the *mwananchi*. After extensive desk research, provincial consultations with members of the public and study tours to the United States of America, Britain, Singapore and South Africa, the Commission in 2006 prepared a Report and Bill for setting up small claims courts. The courts have limited territorial jurisdiction and initially a monetary jurisdiction of Kshs 100,000. The small claims courts are proposed as subordinate courts, manned by people versed in the law, either appointed from sitting magistrates or practising advocates. Beyond having to observe the rules of natural justice, the courts are not bound by the technical rules of procedure. Only very basic costs are awarded to encourage parties to conduct their own cases. There is a right of appeal only to the High Court on points of law. The courts are fashioned more on the lines of the Children's Courts, to avoid the expenses of setting up an entirely new structure.

The Bill and the Report have been handed over to the Attorney-General and Ministry of Justice and Constitutional Affairs for consideration and further action.

4. Elections Bill

The Commission, in conjunction with the Electoral Commission of Kenya, the State Law Office and the Institute of Education in Democracy prepared this Bill to consolidate and update the electoral law of Kenya. The Bill seeks to bring together provisions on election laws presently scattered in the National Assembly and Presidential Elections Act (Cap. 7), Election Offences Act (Cap. 66) and the Local Government Act (Cap. 265).

The Bill was finalised in 2007 but the Electoral Commission raised some more issues which it wanted considered. Because of the intervening elections in 2007, members of the ECK were not available to discuss the issues.

In light of the issues that have arisen after the 2007 elections, it will be imperative for us to review the draft Elections Bill to

ensure that all the issues of concern and contention are properly and satisfactorily addressed.

5. Private Prosecutions Bill

The Attorney-General directed the Commission to study and make recommendations for a comprehensive law on private prosecutions. The Commission conducted comparative research which established that whilst the device of private prosecutions is considered an important safeguard in a democratic state, nevertheless, the legal provisions as well as judicial pronouncements created a lot of uncertainty. They prepared a research paper which was discussed by stakeholders at a workshop in 2005. Thereafter, the Commission prepared the Private Prosecutions Bill, 2006. The Bill was reviewed in a workshop in 2007 and is now ready.

The Commission has noted that S.26 of the Constitution would require some amendment to accommodate some of the proposals made in the Private Prosecutions Bill

6. Arbitration Bill

The Commission worked on this Bill jointly with the State Law Office and the Chartered Institute of Arbitrators. The Commission facilitated a technical workshop with the two partner institutions and which came up with a draft Arbitration Bill incorporating international best practices. The Bill has been submitted to the Attorney-General.

7. The Marriage Bill

This Bill has been completed and discussed by stake holders. The preparation of the Bill was preceded by public consultations in all the provinces as well as receipt and consideration of written memoranda from members of the public. Among its main proposals is the decentralised registration system of marriages, registration of all marriages, including those that arise from cohabitation, and recognition of irretrievable breakdown of marriage as a ground for dissolution. The Commission has received representations of Kenyans who profess the Hindu and

Islamic faiths on some of the proposals which it would consider. The draft Bill has been submitted to Attorney-General.

8. The Matrimonial Properties Bill

The Bill is also complete and has proceeded on the same lines as the Marriage Bill. It seeks to address a main gap in our law on distribution of matrimonial property during the subsistence of the marriage or upon its dissolution. Presently, the Married Women's Property Act, 1882 of England is applied by our courts as a statute of general application to resolve these issues. The court's pronouncements have been a bit inconsistent on the interpretation of that Act. The Bill seeks to make the law on these matters clearer and to ensure fairness and equity without introducing the notion of community of property.

9. Domestic Violence (Family Protection Bill)

This Bill is also completed. It seeks to address incidents of violence within the family setting.

10. Equal Opportunities Bill

This Bill is also completed and seeks to enhance gender equality of opportunities.

The Marriage Bill, the Matrimonial Properties Bill, the Domestic Violence (Family Protection) Bill and the Equal Opportunities Bill have elicited a lot of interest and debate. The Commission in conjunction with the University of Nairobi Law School is organising a forum to discuss the Bills further. Another Forum with the Law Society of Kenya is also arranged for February, 2008. Any changes as a result of the consultations would be made to the Bills.



The Vice-Chairperson of Kenya Law Reform Commission receiving recommendations on Gender Responsive Laws in Mombasa, Kenya

11. Update of the Report of the Task Force on the Law on Women.

In 1993, the Attorney-General appointed a Task Force to review laws relating to women. Its broad mandate included to review all existing laws, regulations, practices, customs and policies which have the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on basis of equality of men and women, of human rights in the civil, political, economic, social, cultural, or any other field; and to make recommendations to modify, amend or abolish existing laws, regulations, practices, customs and policies which constitute discrimination of women. The Task Force submitted its report in 1999. Many of the recommendations of the Task Force were implemented and some legislation enacted as a consequence. In this project the Commission undertook to update the report of the Task Force and to identify other recommendations that may require to be acted on in future.

The report has been revised and updated. Presently the report is being simplified and translated in Kiswahili by a consultant to enable it to be accessible to and understood by more Kenyans.

12. The Companies Bill

Various attempts have been made previously at comprehensive reform of our Companies Act, which is basically the 1948 Companies Act of England. In 1993, the Attorney-General appointed a Task Force to study and make recommendations for reform of the law on Companies, Insolvency and Partnerships. The Attorney-General then forwarded the report of the Task Force to the Commission for further research and recommendations on implementation.

The Commission opted for a new Companies Act. With the Assistance of a consultant availed by the World Bank, a draft Companies Bill was prepared taking into account latest developments in company law in the Commonwealth and best international practises. This draft has been considered by various stakeholders such as the office of Registrar of Companies, the Institute of Certified Accountants of Kenya, the Institute of Certified Secretaries of Kenya, the Capital Markets Authority and other institutions who have given their comments and suggestions. The Bill has been revised accordingly.

13. Insolvency Bill

The Commission had to decide whether the Companies Act should also contain provisions on winding up of companies or whether these should be addressed in a separate law. Since resources at the Commissions disposal did not allow the Companies Act and the Insolvency Law to be prepared concurrently, the Commission opted to have winding up provisions in the Companies Act as an interim measure.

In the current financial year, the Commission has prepared a draft Insolvency Bill, the first draft of which had been discussed with the registrar of companies and the official receiver. It is proposed to submit the revised draft to stakeholders in February, 2008. The draft Insolvency Bill brings together individual insolvency (bankruptcy) and corporate insolvency (winding up) and makes provisions for rescue of companies in financial trouble. It also introduces insolvency practitioners to try and inject professionalism and responsibility in insolvency issues.

The World Bank has agreed to avail a consultant to peer review the draft Insolvency Bill and also to facilitate a study tour by officers of the Commission and the official receiver to a jurisdiction with modern insolvency law to observe the practise.

The Commission has contracted in its performance contract to complete the Insolvency Bill by June, 2008.

14. Partnerships

This Bill is being prepared simultaneously with the Insolvency Bill. The Commission has prepared an initial draft which is scheduled to be discussed internally first with officers from the state law office in March, 2008.

Once again the Commission has contracted in its performance contract to complete the Partnership Bill by June, 2008.

15. Landlord and Tenant Bill

The Task Force appointed by the Attorney-General to review and make recommendations on the law relating to landlord and tenant submitted its report in 2001 and recommend consolidation of the Rent Restriction Act (Cap. 296) and the Landlord and Tenant (Shops, Hotels and Catering Establishments) Act (Cap. 302).

The Attorney-General directed that the report and the accompanying Bill be submitted to the Ministry of Roads and Public Works which at that time dealt with housing issues to consider the report and draft Bill from a policy point of view. The Ministry considered the documents and requested further research and consideration of specific issues.

The Commission in consultation with the Rent Restriction and Business Premises Tribunal held various consultative meetings in 2006 and 2007 to address the issues raised. A final Landlord and Tenant Bill has been prepared.

16. Amendments to the Persons with Disabilities Act (No. 4 of 2003)

The Act was enacted in 2003 to provide for the rights and rehabilitation of persons with disabilities and to achieve equalization of opportunities for them as well as to establish the National Council for Persons with Disabilities.

Few years after it was operationalised, various loopholes, inconsistencies and institutional weaknesses were noted. The Commission undertook to review the operations of the Act and to bring it in line with international best practices with the aim of creating a streamlined, effective and efficient basic legislative framework for persons with disabilities. Between 2006 and 2007, the Commission held workshops with stakeholders and identified the major gaps and shortcoming in the legislation.

A draft amendment Bill to the Persons with Disabilities Act has been finalised.

17. Amendments to the Children's Act (Cap. 586)

The Children's Act was enacted in 2001 to make provisions for the protection and care of children. After about 5 years in operation, it was noted that there were anomalies, gaps and other inconsistencies in the Act that needed to be addressed urgently if the law was to achieve its intended object. In 2005 and 2007 the Commission conducted research and held various workshops and consultative forums with stakeholders which resulted in a draft amendment Bill to the Children's Act. The Bill is ready.

18. Amendments to the Public Officer Ethics Act and the Anti-Corruption and Economic Crimes Act

Between 2006 and 2007, the Commission in conjunction with the State Law Office, the Kenya Anti Corruption Commission and the Ministry of Justice held workshops and technical retreats to identify gaps in the two statutes that could be addressed through amendment of the law. The Commission prepared comprehensive amendment Bills. Some of the proposed amendments were incorporated in the Statute Law (Miscellaneous Amendments) Act, 2007, and were passed by the 9th Parliament.

B. ONGOING PROJECTS

19. Amendment to the Community Service Orders Act, 1998 (No. 10 of 1998)

The Commission has contracted in its current performance contract to finalise this Bill by June, 2008. Consultations and research is ongoing. Field visits to community service centres and interviews with the relevant personnel have already taken place.

20. Contempt of Court Bill

This project is also in the Commission's 2008 performance contract. A draft Bill has been prepared ready to be discussed by stakeholders.

21. Mutual Legal Assistance Bill

The Commission is working on this Bill in conjunction with the department of Prosecutions. Again this Bill is scheduled to be completed by June, 2008 and is one of the deliverables in the Commission's current performance contract.

22. Review and Report on the operations of the Land Disputes Tribunal under the Land Disputes Tribunals Act (No. 18 of 1990)

Following numerous complaints about the operations of these tribunals, the Attorney-General directed the Commission to look into this matter. The Commission is undertaking research and also scheduling site visits. The report will be ready by June, 2008, this being another project in the Commission's performance contract for 2008.

23. Review and Report on the Evidence Act (Cap. 80)

Also in the Commission's performance contract for 2008 is the review and report on the Law of Evidence Act. The Commission seeks to identify all provisions of the Law of Evidence Act that require to be amended in light of technological developments to

streamline administration of justice. Research is ongoing and on course.

C. OTHER PROJECTS

The Commission has been collaborating with various other institutions in the preparation of the following Bills:-

24. Freedom of Information Bill.

The Commission has worked in conjunction with the Ministry of Communication and Information and the ICJ-Kenya in the preparation of this Bill. The Bill was published and tabled in Parliament but lapsed before it was enacted into law. The Commission facilitated several technical workshops to discuss the Bill and a study tour to South Africa to observe the operationalization of the freedom of information law.

25. Hate Speech Bill (with the Kenya National Commission on Human Rights)

26. Judicial Service Bill (with the Judiciary, KMJA, ICJ-Kenya)

27. Kenya Sports Stadia Authority Bill, (Bill prepared by the Commission at the request of the National Sports Stadia Management Board)

28. National Heroes Bill, 2007 (Office of the Vice President)

29. Regional Development Authorities Bill 2007 (Ministry for Regional Development)

30. Kenya National Commission on Human Rights (Amendment) Bill (with the Kenya National Commission on Human Rights)

D. FUTURE PROJECTS

The Commission has undertaken a study and compiled a report on the law reform projects that it should undertake in future. The Report has identified these laws, totalling 77 on the basis of subject matter and priority. We have already worked or commenced work on some of the laws on the list. The following is an extract from the report:

**EXTRACT FROM REPORT ON AUDIT AND PRIORITIZATION
OF POLICIES AND LAWS FOR REFORM BY KENYA LAW
REFORM COMMISSION (APPENDIX VII OF THE REPORT)**

LAWS FOR REFORM

Short-term (November, 2006 to June 2007)	STATUS – DECEMBER, 2007
1 Affirmative Action Bill	Draft Equal Opportunities Bill
2. Arbitration (Amendment) Bill	Draft Bill
3 Civil Procedure (Amendment) Bill	In Consultation with Judiciary
4 Constitution of Kenya (Amendment) Bill	-
5 Constitution of Kenya Review Bill	-
6 Constituency Development Fund (Amendment) Bill	Bill prepared
7 Domestic Violence Bill (Family Protection)	“
8 Elections Bill	“
9 Freedom of Information Bill	“
10 Gender Equality Bill	“
11 Kenya Law Reform Commission Bill	“
12 Legal Aid Bill	MOJCA
13 Local Government (Amendment) Bill	-
14 Political Parties Bill	Enacted
15 Small Claims Courts Bill	Bill Prepared
Statute Law (Miscellaneous Amendments) Bill	
16 Penal Code Amendment Bill (to deal with Hate Speech)	Prepared (with KNCHR)
17 Kenya National Commission on Human Rights (Amendment) Act	Prepared (with KNCHR)
Medium-term (July, 2007 to June, 2008)	
18 Access to Justice Bill	-
19. Advocates (Amendment) Bill	-
20 Bankruptcy (Amendment) Bill	Draft Insolvency Bill prepared
21 Children (Amendment) Act	Bill prepared

22. Companies (Amendment) Bill	..
23. Community Service Orders (Amendment) Bill	Bill under preparation
24. Contempt of Court Bill	..
25. Electronic Communications Bill	-
26. Employment Bill (Proposed that we consider all other Labour Related Laws)	New labour laws enacted in 2007
27. Local Government (Amendment) Bill	-
28. Landlord and Tenant Bill	Bill Prepared
29. Marriage (Amendment) Bill	..
30. Matrimonial Property Bill	..
31. Mining (Amendment) Bill	-
32. Money Laundering Bill	
33. Mutual Legal Assistance in Criminal Matters Bill	Draft Bill under preparation
34. NSSF (Amendment) Bill	-
35. Police (Amendment) Bill	-
36. Persons With Disabilities (Amendment) Bill	Bill prepared
37. Private Prosecutions Bill	..
38. Prisons (Amendment) Bill (Proposed overhaul)	-
39. Public Procurement Bill	Enacted
40. Public Service Bill	
41. Ratification and Domestication of International Treaties Bill	Research going on
42. Receiver and Liquidations	Being dealt with in Companies & Insolvency Bills
43. Refugee Bill	-
44. Small Claims Courts Bill	Bill Prepared
45. Tobacco Control Bill	-
46. Transitional Justice Bill	-
Long term (July, 2008 to June, 2009)	
47. Accident Compensation Bill	-
48. Administration Police (Amendment) Bill	-
49. Aliens Restriction (Amendment) Bill	-
50. Anti-terrorism Bill	-
51. Arbitration (Amendment) Bill	Bill Prepared

52 Bail Bill	-
53. Burial Bill	-
54 Charities Bill	-
55 Chiefs (Amendment) Bill	-
56 Citizenship Bill	-
57 Civil Procedure (Amendment) Bill	-
58 Competition and Fair Trading Bill	-
59 District and Local Administration Bill	-
60 Electronic Communication Bill	-
61 Employment (Amendment) Bill	-
62. Evictions Bill	-
63. Government Proceedings Bill	-
64 Immigration Bill	-
65 Landlord and Tenant Bill	Bill Prepared
66 Law of Succession (Amendment) Bill	-
67. Marriage Bill	Bill Prepared
68 Matrimonial Property Bill	“
69 Mining (Amendment) Bill	-
70 National Social Security Fund (Amendment) Bill	-
71 Ombudsman Bill	
72 Partnerships (Amendment) Bill	Bill under preparation
73 Public Archives and Documentation Service (Amendment) Bill	-
74 SACCO Societies Regulatory Bill	-
75 Standards (Amendment) Bill	-
76 Trafficking in Persons Bill	Bill prepared (Cradle)
77 Widows and Orphans Bill	-

CHAPTER 4

Conferences, Seminars, Workshops and Training

The Commission lays emphasis on staff development. It therefore organises courses and training opportunities for its Commissioners and Staff. Commissioners and Staff also participate in several conferences and seminars which enhance their professional skills.

Training

Officers underwent training for various courses during the year as shown below:

No.	Name & designation	Institution	Course title/qualification
1.	Kathurima M'Inoti Chairman	ESAMI, Pretoria, South Africa	Governance, Gender and Change Management
2.	Ezekiel Abang Secretary	ESAMI-Cape Town, South Africa	Result Oriented Management
3.	Johnson Okello Senior State Counsel	University of London	Masters Degree in Legislative Drafting
4.	Peter M. Musyimi Senior State Counsel	Tanzania	Money Laundering
5.	Joash O. Dache	Manila, Philippines	Making Governance Gender Responsive
6.	Faith Ileri Shorthand Typist	ESAMI, Mombasa	Management Dev. Program for Executive Assistants I
7.	Alice Githuka Personal Secretary	ESAMI, Mombasa	Management Dev. Program for Executive Assistants I
8.	Alice Njoroge Shorthand Typist	KTTC	Higher Diploma in Secretarial Management
9.	Josephine Sinyo	Kenya Society for the Blind	Computer Training course for the blind (Special) Certificate
10.	Mathew Kimanzi Principal State Counsel	Kenya Society for the Blind	Computer Training course for the blind (Special) Certificate
11.	Moses Kahinga Records Management Officer	Kenya Polytechnic	Diploma in Archives and Records Management
12.	Olipher Samson Records Management Officer	Kenya Polytechnic	Higher Diploma in Archives and Records Management
13.	Johana Muthee Librarian	Kenya Polytechnic	Diploma in Librarianship

CONFERENCES

Commonwealth Association of Law Reform Agencies (CALRAs)

The Commission hosted the Commonwealth Association of Law Reform Agencies (CALRAs) Conference on 8th and 9th September, 2007. It was attended by representatives of seventeen law reform agencies. The Conference was hosted as part of the Commonwealth Law Conference which was attended by many eminent lawyers from all over the world.



Members of the Commonwealth Association of Law Reform Agencies (CALRAs) in a conference hosted by the Kenya Law Reform Commission at Hilton Hotel Nairobi, Kenya from 8th – 9th September, 2007

Association of Law Reform Agencies for Eastern and Southern Africa (ALRAESA).

Mr. M'Inoti, Chairman and Ms. Baraza attended the annual general meeting of the Association held on 12th to 14th March, 2007 in Pretoria, South Africa. During the meeting, Mr. M'Inoti was elected the new Chairman of ALREASA. We congratulate the Chairman for the appointment and thank members for bestowing the honour to our Commission.



Members of the Association of Law Reform Agencies of Eastern and Southern Africa (ALRAESA) attending a Conference in Livingstone, Zambia from 14th – 18th April, 2008



Members of Kenya Law Reform Commission meeting with the Delegated Legislation Committee of Members of Parliament from Zambia on visit to Nairobi, Kenya

Acknowledgements

We express our thanks to the many individuals and institutions who co-operated with us in the implementation of our projects and activities.

Once again we thank the assistance given through the Governance, Justice, Law and Order Sector (Reform Programme) which provided resources for most of our activities.

In conclusion, we wish to thank the Minister and Permanent Secretary, Ministry of Justice and Constitutional Affairs for their interest in and support of the Commission's work. The Ministry of Justice and Constitutional Affairs, through its staff is also thanked for its co-operation and assistance.

ANNEXURE I- ESTABLISHMENT OF COMMISSION

Members and Staff of the Commission

CHAIRMAN

Mr. Kathurima M’Inoti, LL.B, (Hons.), LL.M (UoN)
Advocate of the High Court of Kenya

VICE-CHAIRPERSON

Ms. Nancy Baraza, LL.B, (Hons.), LL.M
Advocate of the High Court of Kenya

COMMISSIONERS

Mr. Mbage N. Ng’ang’a, LL.B, (Hons.), LL.M(Lon)
Advocate of the High Court of Kenya

Mr. Desterio Oyatsi, LL.B (Hons.)
Advocate of the High Court of Kenya

Mr. Benson Munywoki Musau, LL.B (Hons.), Dip in Law
Advocate of the High Court of Kenya

Jane Mwangi, LL.B (Hons.), LL.M, Dip in Law
Advocate of the High Court of Kenya

LEGAL STAFF

SECRETARY

Mr. E.O. Abang, LL.B, (Hons.), Dip in Law, Chief State Counsel
Advocate of the High Court of Kenya

STATE COUNSELS/RESEARCH STAFF

Ms. J. Sinyo, LL.B (Hons.), Dip. in Law, Deputy Chief State Counsel
Advocate of High Court of Kenya

Ms. C.W. Munyao, LL.B (Hons.), Dip. in Law, Senior Principal State Counsel

Ms. E. Thuo, LL.B (Hons.), Dip. in Law, Principal State Counsel
Advocate of High Court of Kenya

Mr. M.M. Kimanzi, LL.B (Hons.) Dip. in Law, Principal State Counsel
Advocate of High Court of Kenya

Mr. P.M. Musyimi, LL.B (Hons.), Dip. in Law, Senior State Counsel
Advocate of High Court of Kenya

Mr. Joash O. Dache, LL.B (Hons.), Dip. in Law, Senior State Counsel
Advocate of High Court of Kenya

Mr. J.O. Okello, LL.B (Hons.), Dip. in Law, Senior State Counsel
Advocate of High Court of Kenya

Librarians

Mr. C.T.N. Ndwiga – Senior Librarian
Mr. J. Muthee – Assistant Librarian

Senior Records Management Officer

Mr. Henry Ong'awa

Secretarial Staff

Mrs. J.A. Oiro
Ms. Alice Njoroge
Mrs. A.W. Githuka
Ms. Phyllis Kajuju M'Ikiugu (from 11/9/ 2007)
Ms. Susan Katiku
Ms. Sophia M. Hamisi
Ms. Faith Ireri
Ms. Jose J. Mukoyani

Procurement and Accounts

Mr. Michael Ochola

Mr. Abel O. Ndege

Telephone Operators

Mr. James M. Manji

Ms. Jane Ongweso (upto 31/3/2007)

Ms. Florence Simiyu

Registry Staff

Mr. Moses W. Kahinga

Ms. Olipher K. Samson

Mr. Henry Mwanzia

Ms. Catherine Maingi (from 19/11/2007)

Mr. Johar Mohammed (from 19/11/2007)

Receptionist

Ms. Winnie Mumbi ((from 19/11/2007)

Drivers

Mr. Walter Ochola

Mr. Katana Mapeya

Mr. Kenneth Amunavi Buhasio

Mr. Simon Wambugu

Mr. Tom Auka

Support Staff

Mr. J. Musembi (upto 31/3/2007)

Ms. Rachel Obiri (upto 31/3/2007)

ANNEXURE 2

HEAD 647	ESTIMATES OF EXPENDITURE		
ITEM	TITLE	APPROVED	ESTIMATES
		ESTIMATES	
		(2006/07)	2007/08
		(KSHS.)	(KSHS.)
2110100	Basic Salaries, Permanent Employees	20,893,286	14,786,800
2110300	Personal Allowance-Paid as Part of Salary	13,135,162	12,409,969
2110400	Personal Allowance-Paid as Reimbursements	1,537,061	1,500,000
2210200	Communication, Supplies and Services	2,400,000	3,020,000
2210300	Domestic Travel and Subsistence and other Transportation Costs	2,500,000	3,000,000
2210400	Foreign Travel and Subsistence and other Transportation Costs	2,500,000	3,000,000
2210500	Printing, Advertising and Information Supplies and Services	2,750,000	3,100,000
2210600	Rentals of Produced Assets	9,500,000	10,000,000
2210700	Training Expenses	1,000,000	1,500,000
2210800	Hospitality Supplies and Services	3,900,000	7,000,000
2211000	Specialized Materials and Supplies	1,150,000	1,150,000
2211100	Office and General Supplies & Services	3,170,000	3,250,000
2211200	Fuel Oil and Lubricants	1,000,000	1,500,000
2211300	Other Operating Expenses	280,000	350,000
2220100	Routine Maintenance -Vehicles & Other Transport Equipment	300,000	800,000
2220200	Routine Maintenance- Other Assets	1,480,000	2,100,000
2620100	Membership Fees and Dues and Sub- scriptions to International Organizations	200,000	300,000
3111000	Purchase of Office Furniture and General Equipment	1,090,000	2,100,000
3111100	Purchase of Specialized Plant, Equipment and Machinery	380,000	700,000
3111400	Research, Feasibility Studies, Project Preparation and Design, Project Supervision	800,000	1,500,000
	Net Expenditure	69,965,509	73,066,769

