



JUDICIARY



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MAGISTRATES' COURTS

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The Subordinate courts are the courts established under Article 169 of the Constitution of Kenya 2010.

They are;

- 1). The Magistrates' Courts
- 2). The Kadhis' Courts
- 3.) The Court Martial and
- 4.) Any other court or local tribunal as may be established by an Act of Parliament.

Jurisdiction

1). Criminal Jurisdiction

As a court of first instance, the magistrates' court has jurisdiction and powers in proceedings of a criminal nature as are for the time being conferred on it by;

- (a)The Criminal Procedure Code (Cap.75 of the Laws of Kenya) or
- (b)Any other written Law.

2). Civil Jurisdiction

The magistrates' courts shall have and exercise jurisdiction and powers in proceedings of a civil nature in which the value of the subject matter in dispute does not exceed;

- (a) 20 Million shillings, where the court is presided over by a *Chief Magistrate*;
- (b) 15 Million shillings, where the court is presided over by a *Senior Principal Magistrate*;
- (c) 10 Million shillings, where the court is presided over by a *Principal Magistrate*;
- (d) 7 Million shillings, where the court is presided over by a *Senior Resident Magistrate*; or
- (e) 5 Million shillings, where the court is presided over by a *Resident Magistrate*.



Special courts have been established to hear and determine matters filed therein.

They include;

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1). The Anti-corruption Court

2). The Children Court

The above courts are manned by magistrates gazetted for that purpose by the Honourable Chief Justice. Magistrates Courts also have jurisdiction to hear and determine traffic matters in the manner provided for under the Traffic Act, Cap.403 of the Laws of Kenya.

3). Appeals

Any person who is aggrieved by a decision of the magistrates' court, arising either from a criminal or civil trial can appeal to the High Court.

KADHIS’ COURTS

Kadhis’ Courts are established under Article 170 of the Constitution. Their jurisdiction 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.

Courts Martial

The Court Martial hears cases involving people serving in the Military. They are established under the Armed Forces Act.

Tribunals

Tribunals are bodies established by Acts of Parliament to exercise judicial or quasi-judicial functions. They supplement ordinary courts in the administration of justice. Tribunals, however, do not have penal jurisdiction.

Tribunals, like the courts, have to respect the Bill of Rights in their decisions and not be repugnant to justice and morality or be inconsistent with the Constitution or other laws of the land. Most tribunals are subject to the supervision of the High Court. All tribunals fall under the Judiciary.


AFFILIATE INSTITUTIONS

- Judicial Service Commission
- National Council on the Administration of Justice
- Judiciary Training Institute
- Kenya Law


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The Deputy Chief Justice Philomena Mwilu urged heads and principals to exercise financial probity and maintain focus on their primary calling. She decried commercialization of basic education saving

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