

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT

**QUESTIONNAIRE FOR SUPERVISORY VISITS TO MAGISTRATE'S AND KADHl'S COURTS**

PART I: INTRODUCTION

[1] ***Whereas the High Court has under Article 165(6) of the Constitution a constitutional supervisory and revisionary jurisdiction over the subordinate courts including Magistrates' Courts and Kadhi's Courts; and Whereas the High Court has additional statutory responsibility to supervise the operation of the magistrate's courts and Kadhi’s Courts pursuant to sections 17 and 18 of the Magistrate's Courts Act 2015***

***No. 26 of 2015; section* 7 of the *Kadhi's Court Act (cap. 11, Laws of Kenya); section***

***6 (4) The Judicial Service Act 2011; and section* 7 *(3) of the High Court Organisation and Administration Act 2015, the High Court of Kenya has Therefore developed the following Questionnaire to guide its visiting judges in the discharge of the Court's supervisory mandate over the Magistrate's Courts and Kadhi's Courts in its judicial region, as follows:***

PART II: CONSTITUTIONAL AND STATUTORY IMPERATIVES

[2] What is the court's workload statistics, backlog and case clearance rates?

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[3] Are there pending supervisory and revision cases from the court to the High Court reported by the subordinate court or taken up by the High Court on application or on its own motion?

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[4] Are there pending requests for typing of proceedings for purposes of appeal or revision;

and if so how many and is the court able to deal with them in reasonable time?

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[5] Does the court maintain records and report to the High Court as required by section 17 of the Magistrate's Court Act and section 7 of the Kadhi's Court Act?

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[ 6 ] Does the visiting Judge confirm an up-to-date submission of case load statistics by the court?

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[7] Does the court comply with Judiciary Policy guidelines as regards Bail and Sentencing as published in the Bail and Bond Policy Guidelines and the Sentencing Policy Guidelines?

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[8] Is there compliance with the Registry Manual as regards the operations of the Court

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[9] Is the court complying with National Council for the Administration of Justice (NCAJ)

requirements, pursuant to its mandate under section 3 5 (2) (c) of the Judicial Service

Act, for holding Court User's Committee?

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PART III: ADMINISTRATIVE OPERATIONS

[ 1 O] Is there on-going or proposed construction of court buildings and facilities?

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[ 11] How has the court dealt with sale or destruction of exhibits and forfeitures upon conclusion of the trials?

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[12] Is there pending destruction of records under the Disposal of Records Act, cap.

14 Laws of Kenya?

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[13] How effective is the internet connectivity and telephone communication from the court to other court by CISCO?

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[14] Is the court hum an-capital enabled with the skilled personnel for the relevant necessary tasks?

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[15] What is the level and sufficiency of resources in financial budgetary provisions for the court's operations?

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[ 16] Identify the areas requiring increased capitation and personnel deployment.

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PART IV: STA.KEHOLDER ENGAGEMENT

[17] Does the court hold regular Court Users Committee and Bar-Bench Committee meetings?

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[18] What other public outreach programs exists for the engagement of the Public on the functions of the Court?

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[19] Does the court maintain an accessible complaints' mechanism?

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[20] How does the court receive feedback from its users on its performance and suggestions for improvement?

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[21] Has the court made provision for customer care facilities?

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PART V: STAFF RELATIONS

[22] Has there been cases of staff discipline, and how have they been resolved?

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[23] Is there in existence a peer- review and mentorship mechanism for the support and mentorship of staff?

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[24] Is there a staff motivation award scheme to motivate improved performance?

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PART VI: MISCELLANEOUS

[25] Is there any other matter that the officer in charge of the court station under supervision and or the visiting judge considers relevant?

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PART VII: RECOMMENDATIONS

[26] What recommendations does the visiting judge make to address and or remedy any situation at the court under supervision?

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**DATED** THE DAY OF 2023

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**JUDGE**