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**THE SUPREME COURT OF KENYA**

**REGISTRY MANUAL**

**2015**

**The Supreme Court of Kenya Registry Manual**

**2015**

Publication Supported by:



**Foreword**

The Supreme Court is established under Article 163 of the Constitution. Its operations are governed by the Supreme Court Act, 2011. One of the key functions of the Court succinctly outlined in the Act, is to improve access to justice and to provide for the efficient administration of the Court.

This is in line with the Constitution under Article 48 which provides for access to justice for all and Article 159 which enunciates the guiding principles in the administration of justice. Indeed, in the Judiciary Transformation Framework, the Judiciary has committed to put in place strategies aimed at ensuring awareness of and understanding of the law by litigants through simplification of court documents and procedures. It is against this backdrop that the Supreme Court Registry Manual has been developed.

I am pleased to present this manual which has been developed to provide the Supreme Court staff and members of the public with simplified information on the Court processes. This will go a long way in aiding access to justice, efficiency, expeditious disposal of cases and will also be a useful guide to incoming staff.

The manual contains four chapters, covering the range of issues most pertinent to registry management at the Supreme Court. These include: the establishment and the jurisdiction of the Supreme Court, registry processes, records management and assessment of fees and costs.

I am confident that the implementation of the manual will not only streamline the functions of the registry in case flow management, but more importantly, it will enhance expeditious disposal of cases.

I urge all Supreme Court staff and users of this manual to adopt it as a focal reference document in order to achieve its intended objectives.

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**Chief Justice/President of the Supreme Court of Kenya**

**Acknowledgements**

I thank the Hon. Chief Justice, the Hon. Deputy Chief Justice and Hon. Judges of the Supreme Court for contributing in many ways to the preparation of this manual. The shared technical knowledge and experiences have produced a document that will have a significant and positive impact on the management of the Supreme Court’s registry.

I also greatly appreciate the strategic support by the Hon. Chief Registrar of the Judiciary.

I extend special thanks to the following persons that were tasked with the responsibility of developing the manual through a committee constituted by the Hon. Chief Justice. The committee members are:

1. Hon. Justice Anthony Ndung’u – Judge of the High Court (Chair)
2. Hon. Esther Nyaiyaki – Supreme Court Registrar (Member)
3. Hon. Ann Asugah – Supreme Court Deputy Registrar (Secretary)
4. Hon. Agnes Wahito – Senior Resident Magistrate (Member)
5. Ms. Flora Koile – Court Administrator (Member)
6. Mr. Kevin Goga – Court Assistant (Member/Rapporteur)
7. Mr. Harrison Shikumo – Court Assistant (Member)

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Esther Nyaiyaki

**Registrar, Supreme Court of Kenya**

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# **List of Acronyms**

**AO** Advisory Opinion

**APP** Application

**BU** Bring-Up

**CD**  Compact Disc

**DVD**  Digital Video Disc

**EPA**  Election Petition Appeal

**ICT** Information Communication Technology

**PEP** Presidential Election Petition

**PTC** Pre-Trial Conference

**REF** Reference

**SC**  Supreme Court

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# **Chapter One: The Supreme Court**

## **1.1 Establishment**

The Supreme Court of Kenya is established under Article 163 of the Constitution of Kenya and its operations are governed by the Supreme Court Act, No. 7 of 2011.

## **1.2 Composition**

The Supreme Court comprises of:

1. The Chief Justice, who is the President of the Court,
2. the Deputy Chief Justice, who is the Vice President of the Court and
3. five other judges.

## **1.3 Jurisdiction**

The Supreme Court has jurisdiction to:

1. Exclusively hear and determine disputes relating to the Presidential elections.
2. Hear and determine appeals from the Court of Appeal:

* as of right where the case involves interpretation or application of the Constitution
* where the Supreme Court or the Court of Appeal certifies that a matter of general public importance is involved. A certification by the Court of Appeal may be reviewed by the Supreme Court, and either affirmed, varied or overturned.

1. Hear and determine Appeals from any other court or tribunal as prescribed by national legislation.
2. Render advisory opinion at the request of the National Government, any State organ, or any County Government with respect to any matter concerning County Government.
3. Determine the validity of:

* a declaration of a state of emergency;
* an extension of such declaration and
* any legislation enacted or action taken in consequence of a declaration of a state of emergency.

1. Hear and determine appeals against a tribunal’s recommendation to remove a judge.

## **1.4 Language**

The language of the Court is English.

## **1.5 The Registry**

### **1.5.1 Location**

The Supreme Court Registry is located in Nairobi. The Court may have other sub – registries as the Chief Justice may determine from time to time.

### **1.5.2 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:

* Professionalism
* Respect
* Courtesy
* Integrity
* Accountability
* Humility
* Openness
* Patriotism
* Timeliness
* 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:

1. The National values and Principles of Governance (Article 10 of the Constitution of Kenya)
2. The Principles of leadership and integrity (Chapter Six of the Constitution of Kenya)
3. The Public Officer Ethics Act 2003
4. The Leadership and Integrity Act 2012
5. The Judiciary Transformation Framework
6. The Judiciary Strategic Plan
7. The Public Service Values and Principles Act of 2015
8. Any other practice directions and circulars as may be issued from time to time by the Chief Justice.

### **1.5.3 Administration of the Registry**

#### **1.5.3.1 Registry officials**

1. **Registrar:** Responsible for establishment and maintenance of the registry function and the management and supervision of the staff of the Court.
2. **Deputy Registrar** – responsible for all the administrative services in the registry, library services, case management, and execution of court decisions. The Deputy Registrar also oversees the allocation and performance of duties by all staff.
3. **Court Administrator** – responsible for the daily operations of the court.
4. **Court Executive Assistant** – deputises the court administrator.
5. **Court Assistants** – responsible for interpretation, transmission and return of files to and from the registry.
6. **Court Registry Assistant** – responsible for registration of cases, filings, informing staff when new matters have been filed, custody of files, retrieval of files, assessment of court fees, preparation of cause list, maintenance of registers and customer service.
7. **Records Management Officers/Archivists** – responsible for maintaining proper filing, safety and custody and other records.
8. **Court Process Servers** – responsible for serving all court processes.
9. **Office Administrative Assistants** – responsible for preparation of notices, orders and typing of proceedings.
10. **Office Assistants** – responsible for hospitality, cleaning, mail and general duties in the registry.
11. **Accountants** – responsible for cashier services and management of finances.
12. **Information Communication Technology (ICT) Officers** – responsible for maintaining electronic records and offering ICT support services, audio-visual recording of court proceedings.

### **1.5.4 Working Hours**

* The Supreme Court registry official working hours are **8.00a.m** to **5.00p.m**., unless as otherwise directed by the Chief Justice.
* ~~The registry shall remain open through lunch hour.~~
* The registry is open from Monday to Friday, except on public holidays or as otherwise directed.

### **1.5.5 Information and Customer Care**

* There shall be an information and customer care desk at the registry.
* There shall be a notice board at the registry for general information to the public.

### **1.5.6 Service Counters**

* Services shall be rendered on a ‘first come, first served’ basis. Priority shall however be given to vulnerable groups such as the elderly, children, expectant women or persons with disability.
* The registry shall have counters designated for specific services.
* There shall be an express counter to handle matters under Certificate of Urgency.

### **1.5.7 Documents filed in the Registry**

All documents filed in the Court shall be:

* Both in print and electronic form (in PDF format) such as CD/DVD, memory sticks and official email address provided by the Judiciary
* On A4 size paper of durable quality with writings on only one side of the paper, and a margin of not less than one and a half inches on the left side of the sheet.
* Clear and legible and may be produced by printing, type lithography, stencil duplicating, photography, xerography, typewriting, writing, other appropriate technology, or any combination of these media.
* In the case of criminal and civil appeals, the record and/or memorandum of appeal; bound in book form with a cover of durable paper and may be in more than one volume.

## **1.6 Pagination**

* Every application, record and/or memorandum of appeal shall be numbered consecutively.
* In every application and appeals, the tenth line of each page shall be indicated on the right-side margin of the sheet.

## **1.7 List of Authorities and Submissions**

* A party shall file and serve a list of authorities at least two working days before the hearing.
* Attached to the list of authorities shall be contained a summarised analysis of each of the listed authorities specifying the reasons*,* relevance and applicability to the matter before the Court.
* A party shall file written submissions in addition to, or instead of, oral submissions.

## **1.9Hearing in Court**

* Once the registrar has issued a hearing date the registrar shall give a notice (See **Annexure 1**) of not less than seven days, of the date fixed for hearing of any matter.
* Proceedings shall either be in open Court or in chambers as the Court may direct.
* If in any case the hearing does not take place, the registrar shall notify the parties within reasonable time

## **1.10 Cause Listing**

* There shall be an updated and maintained cause list of all matters with hearing dates.
* The cause list shall be circulated to the Judges, Supreme Court staff and the Directorate of Public Affairs and Communications.
* The cause list shall be publicised in the Kenya Law Reports, the Judiciary website and the registry notice board.

# **Chapter Two: Registry Procedures**

The matters filed in the registry are: **Presidential Election Petitions**, **Petitions/Appeals**, **Applications** and **References/Advisory Opinions**.

The procedure for each is highlighted below:

## **2.1 Presidential Election Petition**

1. There shall be maintained a register for Presidential Election Petitions, with the following entries:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case Number** | **Petitioner** | **Respondent** | **Date of Filing** | **Fees** | **Date of Judgment** | **Outcome** |

***Table 1: Entries in a Presidential Petition Register***

1. A Presidential Petition shall be received duly signed in the prescribed Form A (See **Annexure 2**).

### **2.1.1 Filing Procedure**

The filing of Presidential Election Petitions is guided by the checklist below:

|  |  |  |
| --- | --- | --- |
| **TYPE OF CASE** | **PARTICULARS** | **APPLICABLE ()**  **NOT APPLICABLE (X)** |
| **PRESIDENTIAL PETITION** | 1. Petition |  |
| 1. Supporting Affidavit |  |
| 1. Soft Copy sent to the Registry E-Mail or Storage Media Presented (e.g. Flash Disk, CD or DVD) |  |
| 1. 8 Hard Copies |  |
| 1. Assessment of applicable Fees |  |
| 1. Receipt of Payment in File |  |
| 1. Advocates’ contact (Phone, email, physical address) |  |
| 1. Lodged by the Registrar |  |
| 1. Issuance of a mention date before the Registrar |  |

***Table 2: Presidential Petition Checklist***

It generally follows this procedure:

* Petition is received
* Verification by the Registrar
* Petition is registered and allocated a case number
* Assessment of requisite court fees and security for costs and issuance of payment advice
* Payment is done at the bank
* Verification of payment
* An official receipt is issued
* Documents lodged and stamped by the registrar.

### **2.1.2 Mode of Service**

The petitioner shall serve the petition on the respondent:

* within three days of filing, direct on the respondent; or by an advertisement in a newspaper with national circulation
* within two hours of filing, by electronic means.

### **2.1.3 Notice to the Commission**

* The Registrar shall notify the Independent Electoral and Boundaries Commission (IEBC) within three days of filing of a petition.
* The IEBC pursuant to such notice, shall deposit with the Registrar copies of Form 36 of the Election (General) Regulations, in respect of the presidential election from each county.
* The Registrar shall publish in the Gazette and in a newspaper with national circulation, a notification of filing a petition within three days of its filing. The notification shall be as set out in Form E (See **Annexure 3**).

### **2.1.4 Response to Petition**

* The respondent shall file a response within three days of service of the petition
* The response shall be in the prescribed Form B (See **Annexure 4**)
* The response may be accompanied by a Replying Affidavit
* Verification by the Registrar
* Assessment of requisite court fees and issuance of payment advice
* Verification of payment
* An official receipt is issued
* Stamping and filing of the response.

**2.1.4.1 Where the Petition is not opposed**, the procedure shall be:

* Respondent to file a notice of intention not to oppose the petition as prescribed in Form C (See **Annexure 5**)
* Verification and directions by the Registrar
* Assessment of requisite court fees and issuance of payment advice
* Verification of payment
* An official receipt is issued
* Stamping and filing of the document.

### **2.1.5 Pre-trial Conference**

* The Registrar shall list the Petition for a pre-trial conference (PTC) nine days after its filing.
* The notice by Registrar of the PTC shall be as per the prescribed Form D (See **Annexure 6**).
* The Registrar shall ensure compliance of all directions by the court during the pre-trial conference.

### **2.1.6 Hearing**

The Petition shall be listed for Hearing within two days of the pre-trial conference.

### **2.1.7 Substitution, Joinder and Withdrawal of Petitioner or Respondent**

* An application seeking substitution of petitioner or joinder of respondent may be made as per prescribed Form F (See **Annexure 7**).
* The Registrar shall, within three days of the substitution of a petitioner, cause a notice of substitution to be published in at least one newspaper of national circulation.

## **2.2 Advisory Opinions**

1. There shall be maintained a register for References or Advisory Opinions with the following entries:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case Number** | **Applicant/Parties** | **Date of Filing** | **Fees** | **Reliefs Sought** | **Date of Opinion** | **Outcome** |

***Table 3: Entries in an Advisory Opinion Register***

1. An Advisory Opinion shall be received duly signed in the prescribed Form E (See **Annexure 8**).

### **2.2.1 Filing Procedure**

The filing of Advisory Opinions is guided by the checklist below:

|  |  |  |
| --- | --- | --- |
| **TYPE OF CASE** | **PARTICULARS** | **APPLICABLE ()**  **NOTAPPLICABLE (X)** |
| **ADVISORY OPINION/ REFERENCE** | 1. Advisory Opinion/Reference signed by a duly authorised officer |  |
| 1. Questions or issues for determination by the Court are specified |  |
| 1. Soft Copy sent to the Registry E-Mail or Storage Media Presented (e.g. Flash Disk, CD or DVD) |  |
| 1. 8 Hard Copies (Including Index) |  |
| 1. Assessment of applicable Fees |  |
| 1. Receipt of Payment in File |  |
| 1. Lodged by the Registrar |  |
| 1. Issuance of a mention date before the Registrar |  |

***Table 4: Advisory Opinion Checklist***

It generally follows this procedure:

* Reference is received
* Verification by the Registrar
* Advisory Opinion is registered and allocated a number
* Assessment of requisite court fees and issuance of payment advice

### **2.2.2 Service of the Reference**

Upon filing of a reference, the registrar shall:

* Issue a notice to the applicant to appear before the Court for directions on the persons to be served with notice of such reference.
* Give notice of the reference to all parties, if any, inviting them to attend the Court for directions on the mode and date of hearing.

### **2.2.3 Hearing**

The Advisory Opinion is listed for hearing.

### **2.2.4 Publication of Court decisions**

The registrar shall publish the decision of the Court in the manner approved by the Court.

## **2.3 Appeals**

### **2.3.1 Notice of Appeals**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Case Number** | **Appellant** | **Respondent** | **Date of superior court decision** | **Date Filed in the COA** | **Date received in the Supreme Court** | **Date of Expiry (if no Appeal filed within 30 days)** | **Remarks** |

1. There shall be maintained a register of Notices of Appeal with the following entries:

***Table 5: Entries in a Notice of Appeal Register***

1. A Notice of Appeal shall be received in the prescribed Form B (See **Annexure 9**)
2. ~~A Notice of Appeal is registered~~
3. Where no appeal is filed within 30 days, the notice is brought to the attention of the registrar for necessary action

### **2.3.2 Appeals/Petitions**

1. There shall be maintained a register of Appeals with the following entries:

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Case Number** | **Appellant/Petitioner** | **Respondent** | **Date of Filing** | **Fees** | **Nature of Petition/Appeal** | **Origin of Case** | **Date of Judgment** | **Outcome** |

***Table 6: Entries in a Petition or Appeals Register***

1. A Petition of Appeal shall be received in the prescribed Form D (See **Annexure 10**)

### **2.3.3 Filing Procedure**

The filing of Appeals is guided by the checklist below that details filing of both petition and record of appeal:

|  |  |  |
| --- | --- | --- |
| **TYPE OF CASE** | **PARTICULARS** | **APPLICABLE ()**  **NOT APPLICABLE (X)** |
| **PETITION/APPEAL** | 1. Petition/Appeal (rule 33) |  |
| 1. Supporting Affidavit |  |
| 1. Notice of Appeal |  |
| 1. If appeal has been filed within Time (Notice of Appeal 14 days within judgment, Institution of appeal within 30 days) |  |
| 1. Soft Copy sent to the Registry E-Mail or Storage Media Presented (e.g. Flash Disk, CD or DVD) |  |
| 1. 8 Hard Copies (Including Index, see rule 33 SC rules) |  |
| 1. Assessment of applicable Fees |  |
| 1. Receipt of Payment in File |  |
| 1. Advocates’ contact (Phone, email, physical address) |  |
| 1. Lodged by the Registrar |  |
| 1. Issuance of a mention date before the Registrar |  |

***Table 7: Petition/Appeals Checklist***

Its filing generally follows this procedure:

* Petition and Record of Appeal is received
* Verification by the Registrar
* Petition is registered and allocated a number
* Payment advice for requisite court fees and security for costs is issued
* Payment is done at the bank
* An official receipt is issued

### **2.3.4 Service of Petition of Appeal**

1. The appellant shall:

* Serve copies of petition and record of appeal within seven days after lodging in the registry.
* Serve copies of the petition and record of appeal on such other parties as the Court may direct.

1. Any person on whom a notice of appeal is served shall within fourteen days after service of the notice of appeal lodge an address for service as prescribed in Form C (See **Annexure 11**).

* The fee for the address for service is assessed, lodged and filed.

### **2.3.5 Cross Appeals**

1. The filing of cross-appeals is also guided by a similar checklist as *Table 7*
2. The Notice of cross-appeal shall be as prescribed in Form F (See **Annexure 12**)
3. A respondent who intends to cross-appeal shall:

* Provide contact details e.g. names, postal address, telephone number and email address of persons he intends to serve with the notice.
* Lodge eight copies of the memorandum and record of appeal in the registry within thirty days of service on the respondent or not less than thirty days before the hearing of the appeal, whichever is the later.

### **2.3.6 Notice of grounds for affirming decision and service**

1. A respondent who requires a decision of a court or tribunal to be affirmed shall give notice as prescribed in Form G (See **Annexure 13**).
2. The notice is assessed, lodged and filed.
3. The notice shall be served upon the other parties within seven days after lodging.

### **2.3.7 Withdrawal of notice of cross-appeal or notice of grounds for affirming decision**

* The notice may be withdrawn within fourteen days of receiving the notice of withdrawal of an appeal; if it is not withdrawn, the cross-appeal shall proceed to hearing.

## **2.4 Applications**

1. There shall be maintained a register for Applications, with the following entries:

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Case Number** | **Applicant** | **Respondent** | **Date of Filing** | **Nature of Application** | **Fees** | **Origin of Case** | **Date of Ruling** | **Outcome** |

***Table 8: Entries in an Application Register***

1. A Notice of Motion shall be received in the prescribed Form A (See **Annexure 14**), Review of Certification by way of Originating Motion as prescribed in Form K (See **Annexure 15**)
2. Interventions shall be by way of Notice of Motion and urgent applications shall be accompanied by a certificate of urgency and an affidavit setting out the urgency

### **2.4.1 Filing Procedure**

The filing of Applications is guided by the checklist in Table 9 below.

Filing of applications generally follows this procedure:

* Notice of Motion and Affidavit is received
* Verification by the Registrar
* Application is registered and a number allocated
* Assessment and payment advice for requisite court fees is issued
* Payment is done at the bank
* Verification of payment
* An official receipt is issued

|  |  |  |
| --- | --- | --- |
| **TYPE OF CASE** | **PARTICULARS** | **APPLICABLE ()**  **NOTAPPLICABLE (X)** |
| **APPLICATION**  - Review of Certification  - Extension of Time  - Enjoinment as *Amicus Curiae*/ Interested Party  - Intervention  - General | 1. Certificate of Urgency (including Affidavit in support of urgency) |  |
| 1. Notice of Motion |  |
| 1. Supporting Affidavit |  |
| 1. Timelines   Review of Certification – 14 days  Extension of Time – No timeline  Enjoinment as *Amicus Curiae*/Interested Party – no time period |  |
| 1. Soft Copy sent to the Registry E-mail or Storage Media Presented (e.g. Flash Disk, CD or DVD) |  |
| 1. 8 Hard Copies (Including index, check for legibility) |  |
| 1. Advocates’ contact (Phone, email, physical address) |  |
| 1. Assessment of applicable Fees |  |
| 1. Receipt of Payment in File |  |
| 1. Lodged by the Registrar |  |
| 1. Issuance of a mention date before the Registrar |  |

***Table 9: Applications Checklist***

### **2.4.2 Response to Applications**

* A party served with a Notice of Motion may lodge one or more affidavits in reply to the application and shall serve a copy on the applicant within seven days
* Payment advice for requisite court fees is issued
* Payment is done at the bank
* Verification of payment
* An official receipt is issued
* Replying Affidavit is stamped.

## **2.5 Petitions relating to validity of state of emergency**

1. There shall be maintained a register for these Petitions with the following entries:

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Case Number** | **Petitioner** | **Respondent** | **Date of Filing** | **Fees** | **Nature of Petition** | **Date of Judgment** | **Outcome** |

***Table 10: Entries in a Petition relating to validity of state of emergency Register***

### **2.5.1 Filing Procedure**

The filing of Petitions is guided by the checklist below:

|  |  |  |
| --- | --- | --- |
| **TYPE OF CASE** | **PARTICULARS** | **APPLICABLE ()**  **NOT APPLICABLE (X)** |
| **PETITION RELATING TO VALIDITY OF STATE OF EMERGENCY** | Petition |  |
| Supporting Affidavit |  |
| Soft Copy sent to the Registry E-Mail or Storage Media Presented (e.g. Flash Disk, CD or DVD) |  |
| 8 Hard Copies |  |
| Assessment of applicable Fees |  |
| Receipt of Payment in File |  |
| Advocates’ contact (Phone, email, physical address) |  |
| Lodged by the Registrar |  |
| Issuance of a mention date before the Registrar |  |

***Table 11: Petition relating to validity of state of emergency checklist***

The filing of these petitions generally follows this procedure:

* Petition is received
* Verification is done by the Registrar
* Petition is registered
* Assessment and payment advice for requisite court fees is issued
* Payment is done at the bank
* Verification of payment
* An official receipt is issued
* Documents lodged and stamped by the registrar

### **2.5.2 Service of the Petition**

Petition shall be served within three days of its filing on the respondent.

### **2.5.3 Response to the Petition**

The respondent may within three days upon receipt of the petition file a ground of objection or replying affidavit, or both.

### **2.5.4 Mention Date**

The petition is given a mention date before the Registrar to ascertain compliance.

## **2.6 Decrees and Orders**

Except for an advisory opinion, a decision of the Court shall be in the form of a decree or an order.

* A decree of the Court shall be as prescribed in Form J (*See* **Annexure 16**) and an Order of the Court as prescribed in Form H (*See* **Annexure 17**).
* Any party may prepare a draft order and submit it for approval to the other parties who shall approve it without amendment, or reject it, without undue delay.
* Registry assesses and receives the draft order approved by the parties.
* The Registrar shall certify the Order.
* Where parties do not agree on the content of the Order, it shall be presented to a judge for settling terms of the Order.
* Order is signed and sealed by the Registrar.
* Decree/Order is dispatched to the Applicant.

## **2.7 Execution**

Certified decisions of the Court are transmitted to the High Court for execution by the Registrar.

## **2.8 Proceedings as a Pauper**

* A party may apply to any proceedings as a pauper through an application and an affidavit of means
* No fee shall be payable on the lodging of the application
* The application shall be placed before the registrar for directions.

## **2.9 Service of the Court Process**

There shall be maintained a court process service register with the following entries:

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Case Number** | **Parties** | **Type of Notice/ Process** | **Date received by process server** | **Place of Service** | **Date Notice is served** | **Date of Hearing** | **Remarks** |

***Table 12: Entries in a Process Service Register***

* An affidavit of service shall be placed in the relevant file after service.
* Affidavit of service by private and foreign process servers shall be accompanied by a copy of current practicing license.
* In case of foreign service a letter forwarding the document for service abroad shall be prepared and forwarded through the Ministry of Foreign Affairs and International Trade.
* Cost incurred for service of legal process shall be prepared and sent for payment by the party requesting service through the Ministry of Foreign Affairs.

# **Chapter 3: Records Management**

Record Management is the systematic and effective control of records (both paper and electronic) throughout their lifecycle from creation or receipt through to the time of their disposal.

## **3.1 Filing**

Cases are filed in Alpha-numerical Order, a combination of numerals, denoting the case number and year filed, and letters denoting the classification of the case, as follows:

**PEP** – Presidential Election Petition

**AO/REF** – Advisory Opinion or Reference

**PET** – Petition/Appeal

**EPA** – Election Petition/Appeal

**APP** – Application

Each of the above abbreviations shall have a **“SC”** prefix to denote it is a Supreme Court matter.

## **3.2 Checklist before Filing Documents**

* Verify that document goes to the correct file
* all pages are paginated
* all attachments are included and stamped
* all documents that are more than a single volume must be tied together in the order of filing provided that the lead file shall always be on top before storage
* the ICT officer shall ensure all electronic records shall be stored in the registry computer in a designated folder and backed up in a hard drive - backup to hard records
* At all times an updated list of all documents shall be maintained in each file(*See* **Annexure 18**) attached on the inside of the top front cover of a file.

## **3.3 Perusal of Files**

* Request is made in writing by filling a perusal requisition form (*See* **Annexure 19**)
* Access to the filing shelves and area is limited to authorised Judiciary staff and judicial officers
* Perusal is done under the supervision of Judiciary staff
* There shall be tracer cards, which shall be placed in the pigeonholes where files have been retrieved, to ease traceability of files (*See* **Annexure 20**)

## **3.4Registers**

### **3.4.1 File Movement Register**

There shall be maintained a file, pleadings, documents movement register requested for with the following entries:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Date** | **File Number** | **Particulars of Documents** | **Name of Person Receiving the File** | **Signature** | **Date Returned** |

***Table 13: Entries in a File Movement Register***

* There shall be a file movement register for the registry copy and individual judges copies.

### **3.4.2 Other Registers**

1. There shall be maintained a Daily Court Returns register which shall be updated after every court session with the following entries:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Date** | **Case Number** | **Parties** | **Coming up for** | **Remarks** |

***Table 14: Entries in a Daily Court Returns Register***

1. There shall be maintained a Pending Rulings/Judgments register which shall be brought up at every Supreme Court conference, with the following entries:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Date** | **Case Number** | **Parties** | **Date Heard** | **Bench** | **Remarks** |

***Table 15: Entries in a Pending Rulings/Judgments Register***

1. There shall be maintained a Customer Care register for daily enquiries with the following entries:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Date** | **Name of Client** | **Nature of Inquiry** | **Telephone** | **Action** | **Assisted by:** |

***Table 16: Entries in a Customer Care Register***

1. There shall be maintained a contacts register with the following entries:

|  |  |  |  |
| --- | --- | --- | --- |
| **Name of Litigant/Advocate** | **Physical Address** | **Telephone** | **E-Mail** |

***Table 17: Entries in a Contacts Register***

### **3.4.3 Master Diary**

There shall be maintained a Master diary which shall be regularly updated to capture scheduled dates for various events.

### **3.4.4 Bring-Up Diary**

There shall be maintained a Bring-Up (BU) diary which shall be regularly updated to track events and correspondence.

## **3.5 Reproduction of Records**

Reproduction of records involves printing, photocopying, scanning, typing, burning of CD/DVD's of the Court records.

* Request shall be made in writing
* Requisite court fee is assessed and paid
* Record is issued to applicant.

Access of court records by non-parties shall be subject to guidelines given by the Chief Justice and the Registrar from time to time.

## **3.6 Accessioning of Archive Files**

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

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

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case Number** | **Parties** | **Name of Person Receiving the File** | **Date Received** | **Final Orders and Date in File** | **Disposal/**  **Retention Period** | **Remarks** |

***Table 18: Entries in an Accessioning Register***

* Worn out file covers and documents shall be replaced before filing
* Accessioned files are filed in their respective pigeons/shelves in appropriate series and the order of their creation
* Only authorised staff should handle archive files

## **3.7 Custody and Safety of Files**

* Files shall be stored in appropriate filing shelves and storage cabinets, in areas devoid of humidity and pests. The areas should have controlled temperature.
* Active files shall be stored in the registry, semi-active files in the record centre and files for permanent preservation in the archives
* All electronic records shall be backed up in a secure netwkor
* Access to storage areas is limited to authorized personnel only
* All requests for files shall be made in writing
* Lighting of matches, smoking and storage of inflammable materials or cleaning solutions in the registry/archives is strictly prohibited
* There shall be smoke detectors and carbon dioxide fire extinguishers in all registries and archives, which shall be inspected regularly
* There shall be frequent inspection of record storage areas by the Registrar to ensure that water leakage, if any, is traced in time and repaired to prevent damage
* Fumigation of registries and archives shall be done at least once every six months
* Records shall be protected from direct sunlight
* No food or drink shall be consumed at a registry where files are processed
* Lights must be switched off at the end of the day
* There shall be a disaster preparedness plan
* The Registrar may create restricted storage facilities for files considered sensitive.

## **3.8 File Audit**

A file Audit shall be conducted during every court vacation to:

* Ascertain number of files held by each officer.
* Ensure all files not being used by the concerned officer are returned to the registry immediately.
* Ascertain details of concluded cases have been entered into the case register, that is, the result of the case, date of such decision and bench that made the decision.
* The findings of the audit and all action points shall be presented to the Registrar.

## **3.9 Disposal of Records**

Court records shall be disposed as provided for in Law.

### **3.9.1 Appraisal of Records**

* A case audit shall be guided by the main file register
* The case files identified for disposal are listed
* A draft gazette notice is then prepared for case files destinedfor disposal and submitted to the Chief Justice or other designated officer to facilitate gazettement andpublication.
* The archivist communicates to the responsible registry/court, upon gazettement, the date of gazettement and gazette number of the intended destruction.
* On expiry of three months after gazettement, the court makes a request to the ChiefJustice, seeking authority to destroy the records, books or papers, in respect of which the gazette notice was issued.
* Once authority is granted, the archivist ensures that the disposal authority is communicated to the courts/registries within twenty four hours.
* All records are destroyed in the presence of a Registrar 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.
* Upon destruction, the court or station submits a Certificate of Destruction as per a prescribedForm (See**Annexure 21)**.
* A register is maintained in the archives of all records destroyed as per the Certificates of Destruction submitted. The register shall contain particulars of therecords disposed, the date authority of disposal was granted by the Chief Justice, thedate of destruction, and the date of the certificate of destruction.

## **3.10 Handling of Official Mail**

Mail is categorised into incoming and outgoing mail.

* There shall be maintained a mail sub-registry
* Incoming mail is received through the Post Office, courier, by a runner, and e-mail
* The registry shall maintain the official email address provided by the Judiciary
* Mail received through courier services is signed for by the receiving officer
* The bag containing the mail is opened and the contents are noted ~~before the courier service officer leaves~~
* The internal mail or mail from outside is delivered to the officer concerned by an office assistant
* The details of the mail are entered in the GP.54 delivery book
* The receiving officer signs the delivery book upon receipt
* Mail shall be opened by the Registrar or an officer designated by him or her
* All incoming mail shall be date stamped with the official receiving stamp, which shall indicate the date of receipt and the action officer
* The incoming mail is scanned and the soft copy emailed to the Registrar
* All incoming mail is entered in an incoming mail register by the in-charge mail registry (See **Annexure22**)
* All outgoing mail is entered in an outgoing mail register by a designated registry officer (See **Annexure23**)
* All mail requiring a response must be replied to as soon as possible but in any case, not more than 72 hours from the date of receipt.

## **3.11 Exhibits**

There shall be an exhibits store with a maintained Exhibit register with the following entries:

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Serial Number** | **Case Number** | **Parties** | **Exhibit Number** | **Exhibit Type** | **Date Exhibit Produced & Witness Name** | **Disposal Orders and Date Made** | **Exhibit Returned to/ Collected By (name, ID No. & Date)** | **Remarks** |

***Table 19: Entries in an Exhibits Register***

* All exhibits shall be tagged and given a serial number
* All exhibits e.g. electronic, documentary shall be either bound or stored as appropriate

### **3.11.1 Disposal of Exhibits**

* Exhibits shall be released in accordance with a Court Order
* Release of exhibits shall be recorded in the exhibits register
* The applicant must produce identification documents and sign for the same
* The registrar shall be responsible for the custody and safety of the exhibits
* Other exhibits which cannot be brought to court will be disposed of as directed by the Court.

# **Chapter 4: Fees and Costs**

1. Court fees and other costs shall be assessed and a payment advice issued (*See***Annexure24**)
2. The following tables provide a guide on assessment of costs for documents brought before the Supreme Court:

## **4.1 Presidential Election Petition**

|  |  |
| --- | --- |
| **Item** | **Cost (Kshs.)** |
| Security for Costs | *1,000,000* |
| Lodging a petition | *500,000* |
| Filing a response to the petition | *20,000* |
| Lodging a Notice of Motion | *1,500* |
| Lodging a Notice of Motion under Certificate of Urgency | *2,750* |
| Lodging an Affidavit, other than that annexed to a Notice of Motion | *1,150* |
| Filing Notice of intention to oppose the petition | *4,000* |
| Filing annexures (per folio) | *50* |
| Filing written submissions (per folio) | *50* |

***Table 20: Presidential Election Petition Cost Schedule***

## **4.2 References and Petitions**

|  |  |
| --- | --- |
| **Item** | **Fees(Kshs.)** |
| Lodging a Notice of Appeal | *450* |
| Lodging a notice of address for service or a notice of change of address | *100* |
| Lodging a petition, reference or application  **If the value (exclusive of any interest awarded) of property:**   1. Exceeds Kshs. 10,000 but does not exceed Ksh. 210,000 2. Exceeds Kshs. 210,000 but does not exceed Kshs. 310,000 3. Exceeds Kshs. 310,000 4. In any other case | *1,500*  *2,000*  *2000 and Ksh. 100 for each Ksh.*  *2000 or part thereof of the value over Kshs. 10,000*  *3,000 and Ksh. 100 for each Ksh. 2,000 or part thereof, of the value over Ksh. 210,000 subject to a maximum of Kshs. 100,000*  *1,000 and 800 for day, or part thereof, of the hearing, excluding the first day* |
| Lodging a Notice of Cross-Appeal | *300* |
| Lodging a Notice of Grounds for affirming a decision | *150* |
| Lodging a notice withdrawing an appeal, or a notice of cross-appeal or a notice of grounds for affirming a decision | *150* |
| Security for Costs | *6,000* |

***Table 21: References and Petitions Cost Schedule***

## **4.3 Applications**

|  |  |
| --- | --- |
| **Item** | **Fees(Kshs.)** |
| Lodging a Notice of Motion | *500* |
| Lodging a Notice of Motion under Certificate of Urgency  For each subsequent day of hearing or part thereof excluding the first day | *750*  *800* |
| Lodging an Affidavit, other than that annexed to a Notice of Motion | *150* |
| Notice under Rule 30 | *3,000* |

***Table 22: Applications Cost Schedule***

## **4.4 Fees in connection with the Taxation of Costs**

|  |  |
| --- | --- |
| **Item** | **Fees (Kshs.)** |
| Lodging a bill of costs for taxation | *750* |
| Applying for the Certificate of the result of taxation | *500 and 5 for each Ksh. 100 or part of the amount allowed excluding the fee* |
| Reference under rule 40 | *1,000* |

***Table 23: Taxation Cost Schedule***

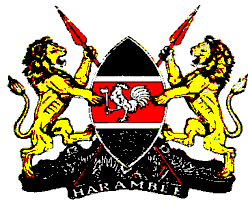
## **4.5 Miscellaneous**

|  |  |
| --- | --- |
| **Item** | **Fees(Kshs.)** |
| **Service**  Within Nairobi or town where the registry or sub-registry is located  In any other case | *400*  *1,000* |
| Sealing an Order | *250* |
| **Certified copies of a document**  Each folio or part thereof  Each subsequent Copy | *20*  *10* |
| Applying to inspect proceedings of an application or appeal that has been determined | *300* |
| List of Authorities | *Nil* |
| Submissions | *200* |
| Notice of Preliminary Objection | *300* |
| Grounds of Opposition | *300* |
| Perusal | *300* |

***Table 24: Miscellaneous Cost Schedule***

# **List of Annexures**

## **Annexure 1: Notice**



**REPUBLIC OF KENYA**

**IN THE SUPREME COURT OF KENYA**

**AT NAIROBI**

**PETITION/APPLICATION/REFERENCE[[1]](#footnote-1) NO…………………………….OF 20…………………….**

……………………………………………………….………………………………PETITIONER/APPLICANT

**VERSUS**

……………………………….…………………………………………………………………RESPONDENT(S)

MENTION/HEARING/RULING/JUDGMENT[[2]](#footnote-2) NOTICE

**TAKE NOTICE** that this matter is coming up for ……………….on the…………..day of ……………20………at 10.00 am in the Supreme Court.

Dated at Nairobi this …………..day of March 2015.

**DEPUTY REGISTRAR**

**SUPREME COURT OF KENYA**

**TO BE SERVED UPON:**

**(Insert Advocate(s) to be served)**

## **Annexure 2: FORMA (Petition)**

In theSupremeCourtofKenya atNairobi

PetitionNo.....................................................................of20...........

Between

…………………………………………………….....................................Petitioner

and

................................................................................................Respondent

**PETITION**

ThehumblepetitionofAB isasfollows...........(setout,inconsecutive paragraphs thespecificissuescontendedby (each of the) petitioner(s) referringwherenecessarytothe section oftheConstitutionor anyAct of Parliamentor decidedcasesrelied upon.]

2.(Brieflyset outthepointoflawraised).

3.(BrieflysetoutthefactsnecessarytoenabletheCourttoproperlydecide the pointoflawraised).

4.(Set outinsummaryofthegrounds forthepetition)

5.(Set outthearguments supportingeach ofthegroundsofthe petition)

6.ThequestionorissueforthedeterminationbytheCourtis..........(statethe question).

7.Thereliefsought bythe petitioneris.............................................................

DATED this ................................................dayof.................................20........

Signed.......................................................... Petitioner.....................................................

............................................................................Advocate forthe petitioner

To:

TheSupremeCourtofKenya

Copies tobeservedon...........................................

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

Lodged intheRegistryat...........................on the.................dayof...............

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

*Registrar*

## **Annexure 3: FORME (Notice of Filing Petition)**

In theSupremeCourtofKenya atNairobi

PetitionNo.......................................... of20...........

Between

.......................................................................Petitioner

and

………………………………………………………Respondent.

**NOTICE OFFILINGOF PETITION**

TAKE NOTICE thata petitionhasbeenfiled by.................................................

againstthefollowingrespondents........................................................................

Dated this.....................................dayof ......................................., 20...............

Signed

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

Registrar

## **Annexure 4: FORMB (Response to Petition)**

In theSupremeCourtofKenya atNairobi

PetitionNo.....................of20..........

Between

.......................................................................................Petitioner

and

...............................................................................................Respondent

**RESPONSE TO PETITION**

Inresponseto the petition,therespondents state that......................................

*(Statethefacts andgroundsonwhich the petitionersrely).*

Wherefore your respondents pray that it be determined that the said

...........................wasduly electedandtheelectionwasvalidor invalid.

Dated ................................., 20..............(Signed) A.

Dated ................................., 20..............(Signed) B.

## **Annexure 5: FORMC (Notice of Intention Not to Oppose the Petition)**

In theSupremeCourtofKenya atNairobi

PetitionNo...................................................of 20...........

Between

............................................................................................Petitioner

and

..............................................................................................Respondent

**NOTICE OFINTENTION NOTTOOPPOSE THE PETITION**

TAKE NOTICE that the respondent inthispetition intends to oppose the petition.

Dated this..............................................dayof..........................., 20............... Signed......................................................Respondent........................................

Advocatefor therespondent

To:

TheRegistrar/Deputy Registrar oftheSupremeCourtofKenya

Copiestobe served on.......................................................

Lodged in the registry/sub- registryat.......................... of.........................................., 20.........................

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

*Registrar*

## **Annexure 6: FORMD (Notice by Registrar of Pre-Trial Conference)**

In theSupremeCourtofKenya atNairobi

PetitionNo......................................................of20...........

Between

.............................................................................................................Petitioner

and

………………......................…….……......................................Respondent

**NOTICE BY REGISTRAR OFPRE-TRIALCONFERENCE**

TAKENOTICEthatthedateofthepre-trialconferencehasbeenfixedonthis

...........................................................dayof........................., 20...............

Signed

………………………………………….

Registrar

## **Annexure 7: FORM F (Notice of Motion)**

In theSupremeCourtofKenya atNairobi

PetitionNo.......................................................of 20...........

Between

.............................................................................................Petitioner

and

...............................................................................Respondent

**NOTICEOFMOTION**

TAKE NOTICE that on....................... the ...............dayof.............., 20..........,

at.......................... O’clock inthemorning/afternoonor assoon thereafter as

hecanbeheard,.......................,Advocatefortheabove-namedapplicant, willmovetheCourtajudge of theCourtforan orderthat………………………. Onthegroundsthat.........................................................Andforanorderthat

the costs ofandincidental tothisapplicationabide theresultofthesaid appeal

.............................................................................................................................the applicationwill be supported bytheaffidavit of.................................. swornonthe….................................dayof........................, 20.......................

Theaddressforservice ofthe applicantis…………………………………………

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

Dated this.................................. dayof..........................., 20................. Signed.........................................Applicant

....................................................................Advocatefortheapplicant

Lodged intheRegistryonthe.........................dayof................, 20.............

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

*Registrar*

## **Annexure 8: FORM E (Advisory Opinions)**

In theSupremeCourtofKenya

ReferenceNo. ..............of20...........

In thematter of anapplicationby(NationalGovernment,StateOrgan or CountyGovernment)forAdvisoryOpinionunder Article 163(6) ofthe Constitution

Between

.................................................................................Applicant

Whereas

Whereas

Whereas

TheAdvisoryOpinionoftheCourtissought onthefollowingissues:

1..........................................................................................................

2...........................................................................................................

3...........................................................................................................

4...........................................................................................................

Dated this....................... day...............of.........................20……..

Petitioner

*Signed*.....................

To:

TheSupremeCourtofKenya

Copies tobeservedon......................................................................................

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

Lodged intheRegistryat.............. on the............ dayof...............,20........

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

*Registrar*

## **Annexure 9: FORM B (Notice of Appeal)**

(*Headingasin proceeding appealed from*)

**NOTICE OFAPPEAL**

TAKENOTICEthat....................................beingdissatisfiedwiththedecisionof

..............................(CourtorTribunal)givenat.............. on the........... dayof

...............20.......intendstoappealtotheSupremeCourtagainstthewholeof thesaiddecisionor suchpartofthesaiddecisionasdecided that........................

Theaddressforserviceoftheappellantis.........................................................

Itis intended toservecopiesof this notice on....................................................

Dated this.........................dayof...........................20...........

The RegistraroftheSupremeCourt

Lodgedinthe............................... (CourtorTribunal) at................................. this......................dayof..................20..............

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

*Registrar*

## **Annexure 10: FORM D (Petition)**

IN THE SUPREME COURTOFKENYA

Petition No...................of 20...........

Between

..........................................................................Appellant and

……................................................................Respondent

Appealfromjudgmentorrulingof........................................ (CourtorTribunal)

...................at...........................datedthe.........dayof...................,20........, inCaseNo........................of.........................20............

**PETITION**

1**. ThehumblepetitionofAB isas follows……………............[set out, inconsecutiveparagraphs**the specific issues contended by [each ofthe] petitioner[s]referringwherenecessarytothesection of theConstitutionorany Act ofParliamentor decidedcasesrelied upon.]

2. [Brieflysetoutthe pointoflawraised]

3. [BrieflysetoutthefactsnecessarytoenabletheCourttoproperlydecide the pointoflawraised]

4. [Setoutin summaryofthegroundsfor thepetition]

5. [Setoutsuccinctly presentationoftheargumentssupportingeachofthe groundsofthepetition]

6. **The question or issue for the determination by the Court is**

**..........................................................................[statethe question).**

7. Thereliefsought bythe petitioneris.................................................

DATED this ................dayof..........................20........

*Signed* ..................................................................

*Petitione*r…………................................................

..............................................*Advocatefor thepetitioner*

To:

TheSupremeCourtofKenya

Copies tobe servedon……………………………………………………….

Lodged intheRegistryat.............. on the............dayof..............., 20......

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

*Registrar*

## **Annexure 11: FORM C (Notice of Address for Service)**

(*Headingas inproceedingappealedfrom*)

**NOTICE OFADDRESS FORSERVICE**

TAKE NOTICE thattheaddress forservice ofarespondentservedwith notice of appeal,is.........................................................................................................

............................................................................................................................. Dated this.......................... dayof….............20...............

*Signed*....................... Respondent

Advocate for the respondent

To:-

The Registrar/Deputy RegistraroftheSupremeCourtofKenya

Copies tobeservedon ...................................................lodgedin the registry/sub-registryat.....................................of…............ 20……...............

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

*Registrar*

## **Annexure 12: FORM F (Notice of Cross-Appeal)**

(*Headingsasin FormD*)

**NOTICE OFCROSS-APPEAL**

TAKE NOTICE that on the hearingofthisappealthe above-namedrespondentwill contend that the, above-mentioned decision ought tobe varied or reversed to the extent and in the manner and on the groundshereinafter set out, namely—

1.................................................................................................................

2.................................................................................................................

Itisproposedtoask theCourtfor anorderthat........................................

It isintended toservecopies ofthis notice on...........................................

Dated this............................. dayof.................. 20.............

Signed.................................................................. Respondent …………................................................

..............................................Advocate for thepetitioner

To:

TheSupremeCourtofKenya

Copies tobeservedon......................................................................................

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Lodged in theRegistryat......................... onthe..................dayof.................

*.......................................*

*Registrar*

## **Annexure 13: FORM G (Notice of Grounds for Affirming Decision)**

(*Headingasin Form*D)

**NOTICE OFGROUNDS FORAFFIRMINGTHE DECISION**

TAKE NOTICE that onthehearing ofthisappeal,.............................................. theabove-namedrespondent, willcontendthattheabove-mentioneddecision oughtto beaffirmedupongroundsotherthanthoserelieduponbytheCourt of Appeal, namely:

1..............................................................................

2..............................................................................

Itis intended toservecopies ofthis notice on.......................................

Dated this .....................dayof.............................., 20................

Signed.................................................................. Respondent…………................................................

..............................................Advocateforthepetitioner

To:

TheSupremeCourtofKenya

Copies tobeservedon………………………………………………………………

LodgedintheRegistryat...................on the..........dayof.................., 20…...

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*Registrar*

## **Annexure 14: FORM A (Notice of Motion)****[[3]](#footnote-3)**

In theSupremeCourt

Criminal/Civil (1) ApplicationNo. ..........of...................., 20........ anintendedappeal(1)

Inthe matterof.................................................................................... Inthe matterof.................................................................................... Criminal/CivilAppealNo.................... of............, 20................. Between................................................................... Applicant

and

.............................................................................. Respondent

(Appeal from the.................................................... (2)oftheHigh Court ofKenya/CourtofAppeal .........................at................. (Mr. Justice).................................................. dated..............................,20.................,in....................................................

Criminal/CivilAppeal(1) Application (1) No................of20 ...........)

**NOTICE OFMOTION**

TAKE NOTICEthaton....................... the................day of.............,20.........., at.......... o’clockinthe morning(1)afternoon assoon thereafterashecan be heard,Mr............................, Advocateforthe above-namedapplicant,will move the Court (1) a judge of the Court for an order that

.............................................onthegroundsthat............................................... andforanorderthatthecostsofandincidentaltothisapplicationabidethe result ofthesaid appeal(2).

The applicationwillbesupported bytheaffidavitof........................................... sworn on the ..................................,dayof.........................,20........................ The addressfor serviceoftheapplicantis........................................................ Dated this.......................... dayof................................................,20..............

*Signed....................................................* (3) Applicant

Advocate fortheapplicant

Lodged intheRegistryonthe.................... day of………..........20.........

*.......................................................................*

*Registrar*

## **Annexure 15: FORM K (Originating Motion)**

MotionNo..................of..................,20..........

Between

....................................................................................................Applicant and

...............................................................................................Respondent

**ORIGINATINGMOTION**

Let........................................of.................................within….........daysafter service of this motion on him/her which is issued on the application of

……………………………………....whoclaimsto(state the natureofthe claim)

…………………………..forthedeterminationofthefollowingquestions(state questions).

Dated the.................... dayof...............20................

Thismotionwastakenoutby...........of............advocateforthe above-named.............................

Appearancemay be effectedpersonallyoradvocate.

*Note.—*Iftherespondent doesnotenter appearancewithinthetime above mentionedsuch order maybemadeandproceedingstakenasthe Courtmaythinkjustandexpedient.

## **Annexure 16: FORM J (Decree)**

(*Headingas intheproceedings*)

**DECREE**

**CLAIM FOR:**

(*a*)..................................................

(*b*).................................................. (*c*).................................................. (*d*).................................................

THISPETITIONCOMINGUPFORHEARINGONTHE............ DAYOF……andforordersanduponhearingcounselforthe................................ andcounselfor....................................................

ITIS HEREBYORDERED THAT:

1........................................................................

2........................................................................

GIVEN undermyhandandseal oftheCourtthis...................dayof............

ISSUED on................................................

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

*Registrar,*SupremeCourt ofKenya

## **Annexure 17: FORM H (Order)**

(*Headingasintheproceeding*)

**ORDER**

Before...........................................................................inChambers/inCourt

Upon hearing................................................................................................... anduponreadingtheaffidavitof..................................................................... filedhereinon the...........................................................................................

ITIS ORDEREDthat......................................................................................

and thatthecostsofthisapplicationbe….….....................................................

Dated this ................... day…………….……….. of.....................................

ISSUED on................................................................

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

*Registrar*

## **Annexure 18: Index of Documents Filed**

**Advisory Opinion/ Petition/ Application[[4]](#footnote-4)** No……………….of 20…………………….

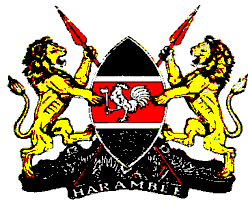
……………………………………………………………………………………………………......Petitioner/Applicant(s)

Vs.

………………………………………………………………………........................................Respondent(s)

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| DATE | TYPE OF DOCUMENT | PARTY FILING | REMARKS |
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## **Annexure 19: Perusal Requisition Form**



**REPUBLIC OF KENYA**

**IN THE SUPREME COURT OF KENYA**

**AT NAIROBI**

**PERUSAL REQUISITION FORM**

CASE NO: ………………………………………

DATE: …………………………………………………

~~PETITIONER/APPLICANT(S): ………………………………………………………………………………~~

~~RESPONDENT(S): …………………………………………………………………………………………………~~

**PARTY/ADVOCATE REQUESTING THE FILE:**

………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………......................................................................................................................................................................

## **Annexure 20: File Tracer Card**

**REPUBLIC OF KENYA**

**IN THE SUPREME COURT OF KENYA**

**AT NAIROBI**

**FILE TRACER CARD**

CASE FILE NUMBER: ………………………………………

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **S/NO** | **DATE** | **Name and PJ No. of Person Retrieving** | **Reason for Retrieving e.g. P – for Perusal** | **Receiving Office** | **Date Returned** | **Remarks** |
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**KEY:**

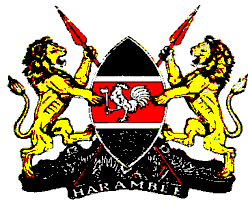
**C** – Conference **HG** – Hearing

**D** – Directions **M** – Mention

**DO** – Decree/ Order **P** – Perusal

**FP** – Filing Pleadings **T** – Typing

## **Annexure 21: Certificate of Destruction**



**REPUBLIC OF KENYA**

**IN THE SUPREME COURT OF KENYA**

**AT NAIROBI**

**CERTIFICATE OF DESTRUCTION**

Case Number: ………………………………

Description: ………………………………………………………………………………………..

Quantity: …………………………………………..

Method of Destruction: ………………………………………………………..

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

Dated this ……………… day of ………………………………. 20……….

**Name:** ………………………………………….

**Designation:** …………………………………

**Witnessed by**:

**Name:** ………………………………………….

**Designation:** …………………………………

## **Annexure 22: Incoming Mail Register**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Date Received** | **From (Sender)** | **Subject** | **File Ref/ Case No.** | **Signature** | **Receipt (Postal Orders, Cheques etc.)** |
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## **Annexure 23: Outgoing Mail Register**

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| --- | --- | --- | --- | --- | --- |
| **Date Received** | **From (Section)** | **Subject** | **File Ref/ Case No.** | **Signature** | **Date Dispatched** |
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## **Annexure 24: Payment Advice**

**Date: ----------------------------------------------------------------**

FROM------------------------------------------------------------------------------

ADVOCATES

THE CASHIER

SUPREME COURT OF KENYA

**NAIROBI**

**PETITION/ADVISORY OPINION/APPLICATION NO**. \_\_\_\_\_\_ **OF 20**\_\_\_\_\_

**PARTIES:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please collect court fees/legal deposits[[5]](#footnote-5) as hereunder in the above matter.

**SHS. CTS**

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**TOTAL** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

Receipt No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Signature of Officer Assessing Fees)

1. *Delete as appropriate* [↑](#footnote-ref-1)
2. *Select type of Notice* [↑](#footnote-ref-2)
3. (1) Deleteinappropriatewords

   (2) Insert conviction, sentence,judgment, decree, order or as thecasemaybe.

   (3) Amendasnecessary [↑](#footnote-ref-3)
4. *Select as appropriate* [↑](#footnote-ref-4)
5. *Tick as appropriate* [↑](#footnote-ref-5)