

THE JUDICIARY ADMINISTRATION ACT, 2011

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SCHEDULES

THE UNITED REPUBLIC OF TANZANIA



NO. 4 OF 2011

I ASSENT,

Yusufu Kikwete
.....
President

03 June, 2011
.....

An Act to make better provisions for the administration of the Judiciary; to establish the Judiciary Service; to put in place the offices of the Chief Court Administrator and the Chief Registrar; to provide for the establishment of the Judiciary Fund; to repeal the Judicial Service Act, and to provide for related matters.

ENACTED by Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

Short title and commencement

1. This Act may be cited as the Judiciary Administration Act, 2011 and shall come in operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Application

2. This Act shall apply to Mainland Tanzania.

Interpretation

3. In this Act unless the context otherwise requires-
“Chairman” means the Chairman of the Commission;

“Chief Court Administrator” means the Chief Court Administrator appointed under section 7;

Cap.2 “Chief Justice” shall have a meaning ascribed to it under the Constitution;

“Chief Registrar” means the Chief Registrar appointed under section 27(1);

“Commission” means the Judicial Service Commission referred to under section 29;

“Commissioner” means a member of the Commission;

“Committee” means the Judicial Officers Ethics Committee, Non-Judicial Officers Committee and any other Committee established under this Act;

Cap.2 “Constitution” means the Constitution of the United Republic of Tanzania, 1977;

Cap.2 “Jaji Kiongozi” shall have a meaning ascribed to it under the Constitution;

“judicial officer” means a person in the Service, appointed to perform the functions and exercise the powers of adjudication or determination of cases in the courts of law and includes a Judge’s Assistant;

“Judge in-charge” means a Judge in-charge of a High Court Zone or Division of the High Court;

“Judiciary” means the Court of Appeal, the High Court and the courts subordinate thereto;

“Judicial Service Office” means an office constituted under the Act;

“Minister” means the Minister responsible for justice;

“non-judicial officer” means a person who performs the functions and exercises the powers, in the Service, other than a judicial officer;

“Secretary” means the Secretary to the Commission referred to in section 15(1);

“Service” means the Judiciary Service established under this Act.

“Service Scheme” means administrative document stipulating a formal or official order or way of doing things for the purpose of enabling judicial and non-judicial of the Service to serve in an orderly and accountable manner.

PART II ADMINISTRATION

(a) Judiciary Service

Judiciary
Service

4.-(1) There shall be, for the purpose of administration of the Judiciary, a Service to be known as the Judiciary Service.

(2) The Service shall consist of judicial and non judicial officers.

(3) The employees, including judicial and non-judicial officers and other staff of the Service shall not, in the performance of their functions, receive directions from any authority outside the Service.

Judicial
Scheme

5.-(1) The Commission shall, in consultation with the Minister responsible for public service -

(a) formulate a Judiciary Scheme of Service for the effective constitution of the Service;

(b) make provisions in the Judiciary Scheme of Service as it considers necessary for the promotion, development, maintenance and control of an efficient service;

(c) formulate a Service Scheme for purposes of proper description and distribution of the functions performed by the Divisions, Units and Sections in the Service.

(2) The Commission shall, in consultation with the Minister responsible for Public Service, formulate a Scheme of Service setting out terms and conditions for the appointment of the employees of the Service which shall provide for-

(a) the appointment and confirmation of appointments of non-judicial officers;

- (b) promotions, resignation and termination of appointments;
 - (c) the scales of salaries and allowances; and
 - (d) the designation and grades of employees of the Service.
- (3) The Judiciary Scheme of Service and the Service Scheme shall be signed by the Chief Justice and published in the *Gazette*.

Divisions and
Units of the
Service

6. There shall be established by the Commission for the purpose of the Service such number of Divisions, Units and Sections as may be necessary for effective performance of the functions of the Judiciary.

(b) *Chief Court Administrator*

Appointment of
Chief Court
Administrator

7.-(1) There shall be a Chief Court Administrator, who shall, on the recommendation of the Commission, be appointed by the President.

(2) For the purpose of subsection (1), the Commission shall recommend to the President three names from which the President shall appoint the Chief Court Administrator.

(3) A person shall be qualified for appointment as the Chief Court Administrator if that person-

- (a) has held a senior position in the public service;
 - (b) has a proven knowledge and experience in public administration and finance; and
 - (c) is of high integrity and good character.
- (4) The Chief Court Administrator shall be the head of the general administration of the Service and shall be responsible to the Commission.

(5) The Chief Court Administrator shall -

- (a) be the Chief Executive Officer of the Service;

- (b) be responsible to the Chief Justice for the day-to-day administration of the Service and for the implementation of resolutions of the Commission in respect of the Service; and
- (c) perform functions and exercise such other powers as is or may be conferred on him by or under this Act or any other written laws.

(6) The Chief Court Administrator shall hold office on such terms and conditions as the President shall determine.

Functions of
the Chief Court
Administrator

8.-(1) The functions of the Chief Court Administrator shall be to-

- (a) carry out the general administration of the Service;
- (b) prepare and submit quarterly reports on the administration of the Service; and
- (c) perform functions and exercise powers vested in the Chief Court Administrator by section 53 of this Act.

(2) Notwithstanding the provisions of this section, the powers of the Chief Court Administrator shall not extend to any matter assigned by law to judicial officers.

Disciplinary
authority

9. The disciplinary authority of a person holding the office of the Chief Court Administrator shall be the President.

Performance of
functions and
exercise of
powers of
Chief Court
Administrator

10.-(1) Where the office of the Chief Court Administrator is vacant or the Chief Court Administrator is unable to perform the functions or exercise his powers, the Chief Justice shall -

- (a) if the vacancy is for the reason of temporary absence-
 - (i) appoint any person, from amongst senior persons employed in the Service to perform functions and to exercise the powers of the Chief Court Administrator; and
 - (ii) inform the Commission accordingly;

(b) if the vacancy relates to the absence of the Chief Court Administrator for a period of more than thirty days, refer the matter to the Commission for appointment of a person to act in that position.

(2) Upon appointing a person to perform the functions and exercise powers of the Chief Court Administrator under subsection (1), the Chief Justice shall inform the President accordingly.

(3) A person appointed to act in the position of the Chief Court Administrator shall act in that capacity until the Chief Court Administrator returns to the office or until such time when the President appoints the substantive Chief Court Administrator.

Courts
administrators

11.-(1) There shall be appointed by the Commission such number of court administrators whose terms and conditions of service shall be prescribed in their letters of appointment.

(2) The court administrators shall perform such functions and undertake assignments as may be directed by the Chief Court Administrator.

(3) For the purposes of implementation of section 10, a court administrator shall carry out the day to day administration of the Service at the Court where he is posted, and shall -

(a) prepare and submit quarterly reports on the administration of the Service to the Chief Court Administrator,

(b) advise immediate court administrator of a higher Court on matters relating to finances, procurement and other non-judicial functions; and

(c) manage funds allocated for the court to which he is posted.

(4) In the performance of the duties stipulated in subsection (3), the court administrator shall be responsible to the Jaji Kiongozi, Judge in-charge or the Magistrate in-charge, as the case may be.

(5) Without prejudice to the provisions of this section, a court administrator at a subordinate court shall take instructions of a general nature from a court administrator of immediate higher court.

Transfer of
Staff

12.-(1) All officers who prior to the commencement of this Act were employed as non-judicial officers of the Judiciary shall, upon the commencement of this Act, but not later than six months, thereafter, have and exercise the option to join the Service or to be transferred to the jurisdiction of the Public Service Establishment.

(2) Upon the exercise by a non-judicial officer of the option to join the Service or if six months expire after the commencement of the Act before such officer exercises the option, the officer concerned shall be deemed for all purposes to have been appointed in the service and his Service shall, for all purposes be continuous with his service immediately before the commencement of this Act.

(3) An officer who opts not to join the Service shall be transferred to the Public Service Establishment for deployment in the Public Service.

(c) Judicial Service Commission

Judicial Service
Commission

13.-(1) There shall continue to be the Judicial Service Commission established by the Constitution.

(2) Members of the Commission appointed by the President shall hold office for three years but shall be eligible for re-appointment for one further term.

(3) A member of the Commission shall not be represented in a meeting by a proxy and no member shall delegate the performance of any function or the exercise of a duty ordinarily performed by him or exercised by him by virtue of being member of the Commission to any person.

(4) The conduct of meetings and the procedure for making decision by the Commission shall be as provided for in the First Schedule to this Act.

Powers of the
Commission

14.-(1) The Commission shall, in addition to the powers conferred on it by the Constitution, have and exercise powers and authority in relation to the appointment, confirmation, promotion and discipline over non-judicial officers.

(2) The Commission shall, for the purposes of recruitment, confirmation, promotion and discipline of non-judicial officers, establish an Employment Advisory Committee.

(3) The Commission shall decide on the composition and modalities of the Employment Advisory Committee and prescribe rules for the better carrying into effect its functions.

(4) Any non-judicial officer who is aggrieved by the decision of the Commission with respect to the exercise of its powers under this section may appeal to the Public Service Commission.

(5) Any person who is aggrieved by the decision of the Public Service Commission may appeal to the President.

Secretary to the
Commission

15.-(1) The Chief Court Administrator shall be the Secretary to the Commission.

(2) The Secretary shall be responsible for securing and facilitating the implementation of all decisions of the Commission.

Oaths

16.-(1) The members of the Commission and the Secretary shall, on first appointment, subscribe to the oath or affirmation in the form set out in the Second Schedule to this Act.

(2) The Chairman of the Commission may require any member of the Secretariat of the Commission to take, on first appointment, an oath or affirmation in the form set out in the Third Schedule to this Act.

(3) Where any member of the Commission or the Secretary to the Commission required to take an oath or affirmation under this section has no religious belief or the taking of an oath or affirmation is contrary to his religious belief, he may make and subscribe a solemn affirmation in the form of the oath or affirmation appointed, substituting the words "solemnly and sincerely declare and affirm" for the word "swear" and omitting the words "So help me God".

(4) Every oath or affirmation subscribed by a member of the Commission shall be administered by the President and every oath or affirmation subscribed by a member shall be administered by the Chairman of the Commission.

Vacancy in
membership

17.-(1) Subject to its rules of procedure, the decisions and actions of the Commission shall not be invalid by reason only of vacancy in its membership or the absence of any member.

(2) Notwithstanding the provisions of subsection (1), any decision of the Commission shall require the concurrence of a majority of all the members present.

Procedure

18. Subject to the provisions of this Act and to any regulation made by the President, the Commission shall regulate its own procedure.

Protection of
members

19. Every member of the Commission shall, in case of any action or suit brought against that member for any act done or omitted to be done in the good faith in the execution of duties, have like protection and privileges as is by law given to the acts done or words spoken by a Judge of the High Court in the performance of a judicial function.

Communication
of Commission
to be privileged

20. No person shall in any legal proceedings be permitted or compelled to produce or disclose any communication, written or oral, which has taken place -

- (a) between the Commission, or any member or officer of the Commission and the President or a delegate, or the Public Service Commission, Police Force and Prisons Service Commission or any member of either such Commission;
- (b) between any member or officer of the Commission and the Chairman thereof; or
- (c) between any member or officers of the Commission, in exercise of, or in connection with the exercise of, the functions of the Commission,

unless the Chairman of the Commission consents in writing to such production or disclosure.

(e) Functions and Powers of the President

Advice

21.-(1) The President may refer to the Commission for its advice any matter relating to the exercise of the functions conferred on the President by the Constitution or any function of establishing or abolishing any judicial office or non-judicial office and the Commission shall advise the President on any such matter so referred to it.

(2) Subsection (1) shall not be construed as limiting or precluding the President from seeking advice in respect of any such matter from any other person.

Regulations

22.-(1) The President may make regulations -

- (a) for any matter which, by this Act, may be regulated by the President;
- (b) prescribing the performance of the functions conferred on him by the Constitution and this Act.

(2) The President may delegate any of the powers conferred on him under this section to the Commission or the Chief Justice.

PART III
CHIEF JUSTICE AND CHIEF REGISTRAR

(a) Chief Justice

Chief Justice

23. The Chief Justice shall, in addition to functions provided for under the Constitution or any other written law, perform functions and exercise powers provided for under this Act.

Powers of the
Chief Justice

24.-(1) The Chief Justice shall, for the purpose of achieving better, effective and efficient performance of the functions of the offices of Justice of Appeal, the Jaji Kiongozi and a Judge, supervise the disposal and management of cases.

(2) In the exercise of powers of supervision, the Chief Justice may-

- (a) call for any Judicial Officer to submit returns of the disposition of cases within a specified period;
- (b) receive and investigate any complaint relating to the disposal of any case;
- (c) take any such measures as may be necessary to address any matter which is subject of a complaint; or
- (d) recommend that any matter which is subject of complaint, be referred to the Commission.

(3) The Chief Justice may, in relation to the management of the Judiciary, delegate any of the powers and functions under this section to a Justice of Appeal, Jaji Kiongozi or a Judges In-charge.

Judicial
functions

25.-(1) The Chief Justice shall be responsible for overseeing performance of judicial functions of the courts, including the giving of direction and supervision over court sittings and the assignment of judicial duties.

(2) The direction and supervision over court sittings and the assignment of judicial duties shall include, without restricting the generality of those terms, the power to -

- (a) determine the sittings of the court;
- (b) assign judges to sittings;
- (c) assign cases and other judicial duties to judges;
- (d) determine the sitting schedules and places of sittings for judges;
- (e) determine the total annual, monthly and weekly work load of judges; and
- (f) prepare hearing lists and assign courtrooms.

(3) Officers, clerks and employees of the Service shall act at the direction of the Chief Justice in matters that are assigned by law to the Judiciary.

(4) The persons referred to in subsection (3) who are assigned duties in a courtroom shall on the direction of a judge who is presiding over proceedings in the courtroom discharge such duties.

Jaji Kiongozi

26.-(1) The Jaji Kiongozi appointed in terms of the provisions of the Constitution shall be the head of the High Court and the special assistant to the Chief Justice in the performance of functions and exercise of the powers of the High Court and court subordinates to it.

(b) Chief Registrar and other Registrars

Chief Registrar

27.-(1) There shall be a Chief Registrar to be appointed by the President upon recommendation by the Commission.

(2) A person shall be qualified for appointment as the Chief Registrar if that a person-

- (a) has held a senior position in the judicial service for a period of not less than five years;
- (b) has proven knowledge and experience in the performance of judicial functions; and
- (c) is of high integrity and good character.

(3) The Chief Registrar shall be assisted by the Registrar of the Court of Appeal, the Registrar of the High Court and such number of Deputy Registrars as the Commission may determine.

(4) The Chief Registrar shall be responsible to the Chief Justice for effective performance of the judicial functions.

Functions of
the Chief
Registrar

28.-(1) Without prejudice to the generality of subsections (3) and (4) of section 27, the Chief Registrar shall -

- (a) facilitate and supervise performance of the judicial functions;
- (b) coordinate judicial matters;
- (c) synchronise, synthesize and produce comprehensive performance report of the judicial functions;
- (d) provide a link between the Judiciary and the Commission on appointment, promotion and disciplinary matters of judicial officers;
- (e) communicate to the Government on matters relating to judicial profession, or any other matters which the Government may be concerned.

(2) For the purpose of subsection (1), the Registrar of the Court of Appeal shall be responsible to the Chief Registrar and shall in that respect perform functions and carry out duties as may be assigned to him by the Chief Registrar or any other written law.

(3) The Registrar of the Court of Appeal shall-

- (a) prepare annual calendar of the Court of Appeal;
- (b) discharge such duties as provided for under the Court of Appeal Rules;
- (c) draw court orders or decrees as directed by the Court of Appeal;
- (d) execute or ensure compliance with court's orders;
- (e) be, and discharge duties of a taxing master; and
- (f) supervise duties relating to the Court of Appeal as delegated to Deputy Registrars of the High Court Divisions and Zones.

(4) A person shall be qualified for appointment as the Registrar of the Court of Appeal if that person-

- (a) has held a senior position in the judicial service for a period of not less than three years;
- (b) has proven knowledge and experience in judicial functions; and
- (c) is of high integrity and good character.

(5) For the purposes of this section, the Registrar of the High Court shall be immediately responsible to the Registrar of the Court of Appeal and shall, in that respect perform functions and carry out duties as may be assigned to him, by the Chief Registrar, the Registrar of the Court of Appeal or by any other written law.

(6) The Registrar of the High Court shall-

- (a) prepare annual calendar of the High Court;
- (b) perform duties as provided by the High Court Rules;
- (d) draw court orders or decrees as directed by the High Court;
- (d) execute or ensure compliance with court's orders;
- (e) be, and discharge duties of a taxing master; and
- (f) supervise duties relating to the High Court as delegated to the Deputy Registrars of the High Court Divisions and Zones.

(7) A person shall be qualified for appointment as the Registrar of the High Court if that person-

- (a) has held a senior position in the judicial service for a period of not less than three years;
- (b) has a proven knowledge and experience in judicial functions; and
- (c) is of high integrity and good character.

(8) A Deputy Registrar of the High Court shall be responsible to the Registrar of the High Court and in that respect, shall carry out duties as may be assigned to him by the Registrar of the High Court or by any other written laws.

(9) The Registrar of the High Court may, in the cause of the discharging duty, delegate some of his powers to the Deputy Registrar.

**PART IV
FUNCTIONS OF THE COMMISSION**

of
on

- 29.-(1)** The functions of the Commission shall be to:
- (a) advise the President in respect of -
 - (i) appointment of the Jaji Kiongozi and Judges of the High Court;
 - (ii) appointment of the Chief Court Administrator, Chief Registrar, Registrar of the Court of Appeal and the Registrar of the High Court;
 - (iii) inability of a Justice of Appeal, the Jaji Kiongozi, or a Judge of the High Court to perform functions of the office of a Justice of Appeal, a Jaji Kiongozi or a Judge;
 - (iv) misconduct by a Justice of Appeal, the Jaji Kiongozi a Judge, the Chief Court Administrator, the Chief Registrar, the Registrar of the Court of Appeal or the Registrar of the High Court which is inconsistent with the ethics of their respective offices or with the law governing ethics of public leaders;
 - (v) salaries and remuneration of judicial and non-judicial officers in the Judiciary Service;
 - (b) scrutinize a complaint against a Justice of Appeal, the Jaji Kiongozi, a Judge or any other judicial officer;

- (c) take administrative measures against a Justice of Appeal, a Jaji Kiongozi or a Judge other than measures referred to under the Constitution;
 - (d) appoint, promote and discipline any judicial officer other than the Chief Registrar, Registrar of the Court of Appeal or the Registrar of the High Court; and
 - (e) recruit, promote and take any disciplinary or administrative measures against any non judicial officer as provided under this Act.
- (2) A person appointed under this section shall, subject to this Act, hold office on such terms and conditions as the Commission may determine.

Employee of
the Service

30.-(1) An employee of the Service shall be employed on such terms and conditions of service, and shall be paid such salary and allowances as may be determined by the Commission.

(2) The complementing, grading and rates of pay for employees of the Service shall be determined by the Commission.

(3) In making a determination pursuant to the provisions of subsections (1) and (2) the Commission shall ensure that, the complementing, grading and the rates of pay for the employees of the Service are kept broadly in line with those in the Public Service and that, so far as it is consistent with the requirements and standards set by the Commission, other conditions of service of employees in the Service are also kept broadly in line with those in the Public Service.

(4) All allowances payable to employees of the Service pursuant to the provision of sub-section (1) shall be exempted from payment of income tax.

Review of
benefits

31.-(1) Where it is desirable and necessary to review salary, allowances, benefits and terms and conditions of services of employees of the Service, the Commission shall review salaries, allowances, benefits and the terms and conditions of service, make recommendations to the President.

(2) In making recommendations the Commission shall be guided by the National Economic Policy and the National Wages Policy and shall, where desirable, seek and obtain information from any authority as it deems fit.

Review of
terminal
benefits

32. In the exercise of powers to review the salaries, allowances or other terminal benefits for employees under this Act, the President shall have regard to the national economy and any other consideration necessary for arriving at or making an appropriate decision.

Delegation of
functions

33.-(1) Subject to the provisions of this Act, the Commission may, by regulations, delegate the exercise of any function conferred on it by the Constitution other than the power of removal in the public interest to the Committees established or which may be established under this Act.

(2) Without prejudice to the provisions of subsection (1), the Commission may delegate its functions as follows-

- (a) investigation and inquiry of complaints against Justices of Appeal, Jaji Kiongozi and Judges to the Judicial Officers Ethics Committee established under this Act;
- (b) investigation and inquiry into discipline relating to judicial officers to the Judicial Officers Ethics Committee established under this Act;
- (c) investigation and inquiry into discipline relating to any Magistrate or Judge's Assistant to the Regional Judicial Ethics Officers Committees established under this Act;

- (d) interdiction of any Magistrate or Judge's Assistant to the Judge in-charge of the Zone or Division of the High Court, pending the continuation and completion of disciplinary proceedings;
- (e) reprimanding or warning a Justice of Appeal or a Judge for minor matter to which he admits in writing to the Chief Justice or Jaji Kiongozi.

(3) In any regulations made for the purpose of this section, the Commission shall specify the officers to which each delegation applies.

(4) The Commission may exercise any of such functions aforesaid notwithstanding the delegation of the exercise thereof to some other person.

(5) In conducting business, the Commission shall be guided by the procedure stipulated in the First Schedule to this Act.

Appointment of
certain
members of
the Service

34.-(1) The holders of the following offices shall be appointed by the Commission-

- (a) Registrars, other than the Chief Court Administrator, Chief Registrar, Registrar of the Court of Appeal and the Registrar of the High Court;
- (b) the Principal Magistrate, Senior Magistrate, Magistrate, Judge's Assistant and Court Administrators; and

(2) A person appointed under this section shall, subject to this Act, hold office on such terms and conditions as the Commission may determine.

Powers of
dismissal and
removal

35.-(1) The powers to remove from office or terminate the appointments of judicial officers other than the Chief Justice, Justices of Appeal, the Jaji Kiongozi, Judges of the High Court, the Chief Registrar, the Registrar of the Court of Appeal and the Registrar of the High Court, shall be exercised in accordance with this section.

- (2) A judicial officer shall not be dismissed unless the Commission is satisfied that-
- (a) a disciplinary charge has been made and proved on a balance of probability against such officer on any or all of the following grounds -
 - (i) misconduct incompatible with the holding of judicial office;
 - (ii) gross negligence in the discharge of judicial duties;
 - (iii) breach of the Code of Judicial Ethics; and
 - (iv) bad reputation incompatible with the holding of judicial office;
 - (b) such officer has had an opportunity to answer a charge under paragraph (a); and
 - (c) an inquiry has been held into the charge.

PART V JUDICIAL OFFICERS ETHICS COMMITTEES

Establishment
of Judicial
Officers Ethics
Committees

36. There shall be Judicial Officers Ethics Committees of different levels which shall be responsible for making investigations and inquiries against Judicial Officers.

(a) Judges Ethics Committee

Establishment
and
composition of
the Committee

- 37.**—(1) There shall be the Judges Ethics Committee.
- (2) The Committee shall be composed of the following members-
- (a) a Justice of Appeal appointed by the Chief Justice who shall be the Chairman;
 - (b) three Justices of Appeal appointed by the Chief Justice;

(c) three Judges of the High Court appointed by the Chief Justice.

(3) The Chief Registrar shall be the Secretary to the Committee.

(4) Members of the Committee shall hold office for three years but shall be eligible for re-appointment for one further term.

(5) The Committee shall not delegate the performance of any function or the exercise of any power to any person.

(6) A Justice of Appeal, the Jaji Kiongozi or a Judge who is a member of the Committee against whom a complaint has been served shall not participate in the sitting of the Committee which determines that complaint.

Functions of
the Committee

38.-(1) The functions of the Committee shall be to-

- (a) receive and investigate complaints against Justice of Appeal, the Jaji Kiongozi or a Judge;
- (b) serve a Justice of Appeal, the Jaji Kiongozi or a Judge with a complaint;
- (c) forward a complaint to the Commission;
- (d) hear the complaint;
- (e) warn a Justice of Appeal, the Jaji Kiongozi or a Judge in respect of any complaint which does not warrant reference to the Commission; and
- (f) take any other measures as it may deem necessary in the circumstances.

(2) A complaint against a Justice of Appeal, the Jaji Kiongozi or a Judge which the Committee considers to be grave shall be submitted to the Commission for consideration.

(3) In conducting business, the Committee shall be guided by the procedure stipulated in the Fourth Schedule to this Act.

Complaints
before the
Committee

39. A complaint against a Justice of Appeal, Jaji Kiongozi or Judge may be raised by-

- (a) the Committee on its own motion;
- (b) any one of the complainants stipulated in section 40(1).

Who may lodge
a complaint

40.-(1) Any complaint against a Justice of Appeal, the Jaji Kiongozi or a Judge may be lodged with the Commission or the Committee by-

- (a) judicial officer;
- (b) a law officer;
- (c) a Government agency;
- (d) an advocate;
- (e) a person who has an interest in the matter; or
- (f) in any other case, a person who can produce adequate evidence on the complaint.

(2) A complaint shall be filed with the Secretary to the Commission, or the Committee, as the case may be.

Form and
content of a
complaint

41.-(1) A complaint shall be made in writing and shall be signed by the complainant.

(2) A complaint shall contain adequate information disclosing an act or omission complained about and circumstances upon which that act or omission was committed.

(3) Without prejudice to subsection (2), a complaint may be made regarding any of the following matters-

- (a) handling of cases;
- (b) allegation of corruption;
- (c) behavior inconsistent with the Code of Judicial Ethics; or
- (d) inability to perform the functions of a Justice of Appeal, the Jaji Kiongozi or a Judge.