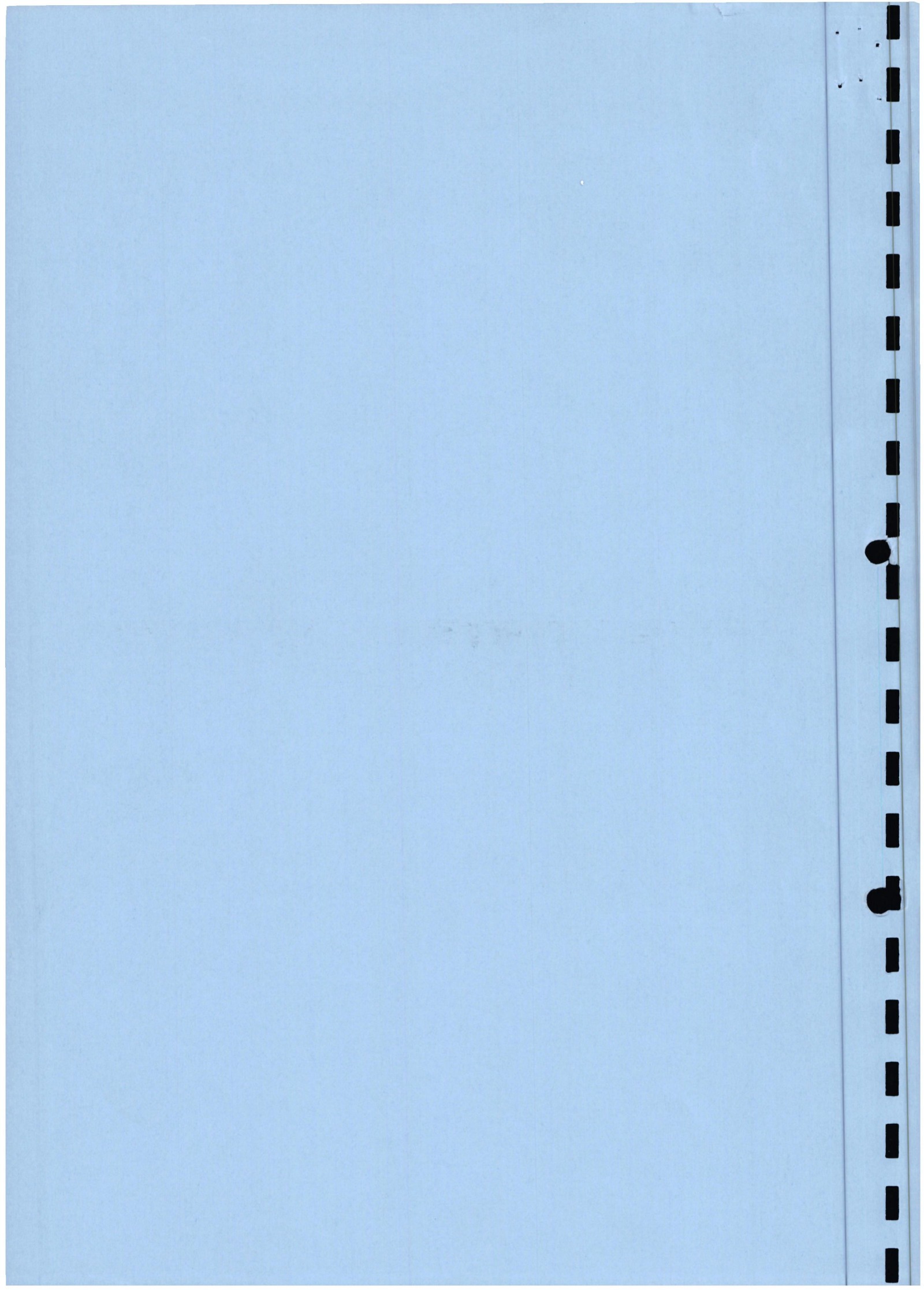




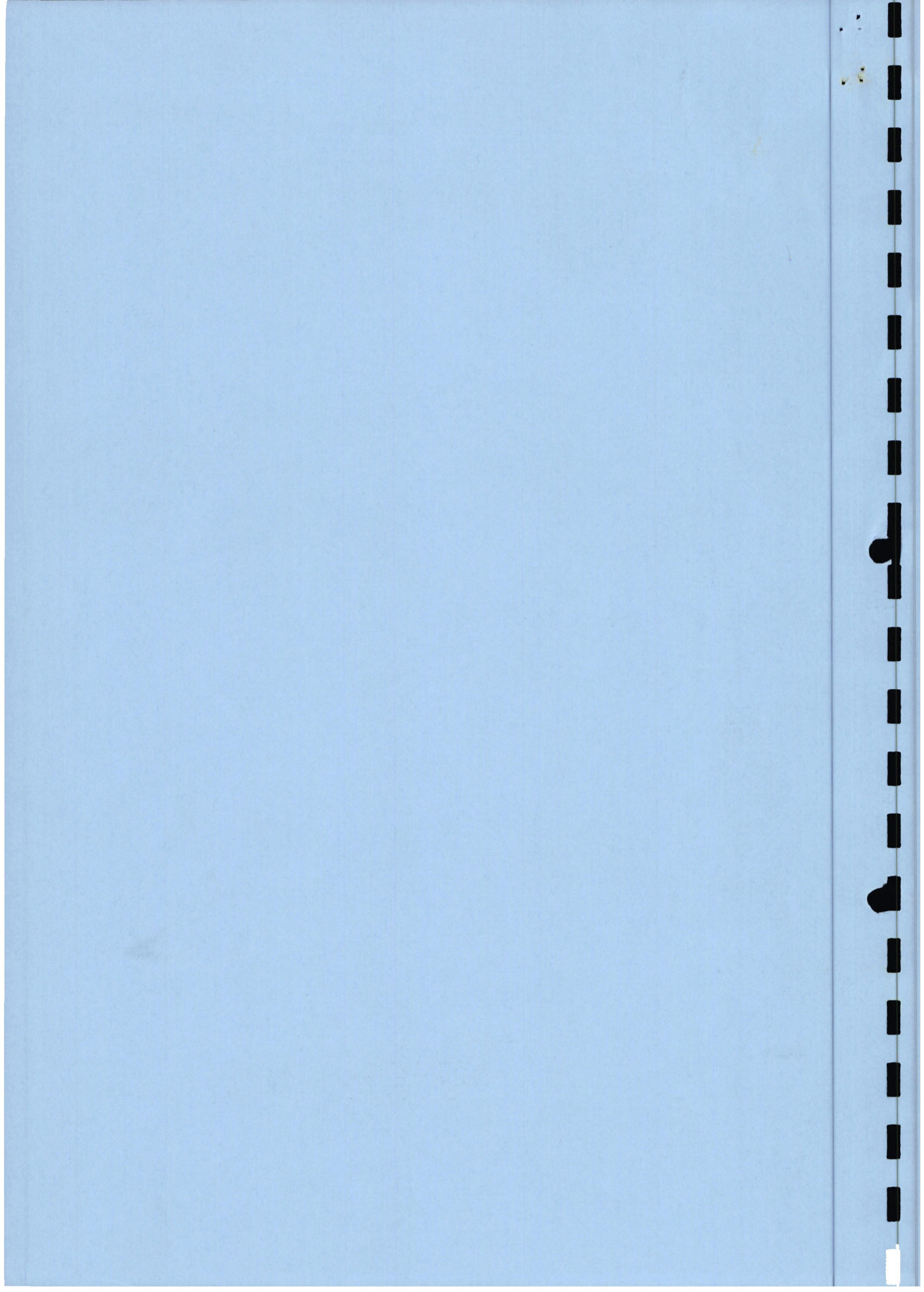
Paper laid by the
Leader of the
Majority Party
Hon. Aden Duale
Eait, MP on 19.4.18
1Bm

PARLIAMENT
OF KENYA
LIBRARY

VOTE 1261
THE JUDICIARY



**SECTOR REPORT FOR MTEF PERIOD
2018/19 - 2020/21**





REPUBLIC OF KENYA

THE JUDICIARY



Sector Report

For
MTEF Period 2018/19 – 2020/21

November, 2017

TABLE OF CONTENTS

List of Tables	iii
List of Acronyms	iv
EXECUTIVE SUMMARY	v
CHAPTER ONE	7
1. INTRODUCTION	7
1.1 Background.....	7
1.2 Vision and Mission.....	7
1.3 Strategic goals/Objectives	7
1.4 Mandate	8
1.5 Autonomous and Semi-Autonomous Government Agencies.....	8
1.6 Role of Sector Stakeholders	10
CHAPTER TWO	13
2. PROGRAMME PERFORMANCE REVIEW 2014/15 – 2016/17	13
2.1 Review of Sector performance	13
2.2. Analysis of Expenditure Trends (2014/15 – 2016/17).....	20
CHAPTER THREE	45
3. MEDIUM TERM PRIORITIES AND FINANCIAL PLAN FOR THE MTEF PERIOD 2018/19– 2020/21	45
3.1 Prioritization of Programmes and Sub-Programmes	45
3.1.1 Programmes and their Objectives.....	45
3.1.2 Programmes, Sub-Programmes, Expected Outcomes, Outputs, and Key Performance Indicators (KPIs) for the sector	45
3.2 Analysis of Resource Requirements versus allocation by Sub-Sector	50
3.2.1. Analysis of Programmes and Sub-Programmes (Current and capital) Resource Requirements and Allocations	51
4. Analysis of Resource Requirements vs Allocation for 2017/18-2019/20.....	55
CHAPTER FOUR.....	64
5. CROSS-SECTOR LINKAGES AND EMERGING ISSUES/CHALLENGES.....	64
5.1 Cross-Sector Linkages.....	64
5.2 Emerging Issues.....	64
5.3 Challenges	65
CHAPTER FIVE	66
6. CONCLUSION.....	66

6.1 Conclusion.....	66
7. RECOMMENDATIONS.....	67

List of Tables

Table 2:1: Sector Programme Performance	16
Table 2:2: Analysis of Recurrent Expenditure by Sector and Vote	20
Table 2:3: Analysis of Development Expenditure by Sector and Vote (Ksh. Millions)	21
Table 2:4: Analysis of Programme/Sub-Programme expenditure by Sector and Vote	22
Table 2:5: Program Expenditure Analysis by Economic Classification (Ksh. Millions)	22
Table 2:6 Analysis of Performance of Capital Projects (Amount Ksh. Million).....	24
Table 2:7: Summary of Pending Bills by Nature and Type (Ksh. Million).....	44
Table 3:1 Programme/Sub-Programmes, Outcome, Outputs and Key Performance Indicators	46
Table 3:2 Recurrent Requirements/Allocations (Amount Ksh. Million).....	50
Table 3:3 Development Resource Requirement/Allocations (Amount Ksh. Million)	50
Table 3:4 Analysis of Programme/Sub-Programme Resource Requirement	52
Table 3:5 Programme/ Sub -Programme Resource Allocation.....	52
Table 3:6 Programmes and sub-Programmes by economic classification (Ksh. Million)	54

List of Acronyms

ALB	:	Auctioneers Licensing Board
CCR	:	Case Clearance Rate
CRJ	:	Chief Registrar of the Judiciary
CSOs	:	Civil Society Organizations
DPP	:	Director of Public Prosecutions
EACC	:	Ethics and Anti-Corruption Commission
EIA	:	Environmental Impact Assessment
ELC	:	Environment and Land Court
ELRC	:	Employment and Labour Relations Court
ESIA	:	Environment and Social Impact Assessment
ESMP	:	Environment and Social Management Plan
FY	:	Financial Year
GJLOS	:	Governance Justice Law and Order Sector
GOK	:	Government of Kenya
IFMIS	:	Integrated Financial Management Information System
IPT	:	Industrial Property Tribunal
JPIP	:	Judicial Performance Improvement Project
JSC	:	Judicial Service Commission
JTF	:	Judiciary Transformation Framework
KLR	:	Kenya Law Reports
LAPSSET	:	Lamu Port-South Sudan-Ethiopia-Transport
MDA's	:	Ministries, Departments and Agencies
MTEF	:	Medium Term Expenditure Framework
NCAJ	:	National Council on Administration of Justice
NCLR	:	National Council for Law Reporting
NEMA	:	National Environment Management Authority
NET	:	National Environment Tribunal
PFM	:	Public Finance Management
PFMA	:	Public Finance Management Act
PPDT	:	Political Parties Disputes Tribunal
SAGAS	:	Semi-Autonomous Government Agencies
SCAT	:	State Corporations Appeals Tribunal
SGR	:	Standard Gauge Railway
SJT	:	Sustaining Judiciary Transformation
UNDP	:	United Nations Development Programme

EXECUTIVE SUMMARY

The Judiciary is established under the Constitution of Kenya as an independent arm of government whose mandate is to administer justice in a manner that upholds the rule of law and protects the constitution. To achieve its mandate, the Judiciary in the past embarked on an aggressive transformation agenda under the Judiciary Transformation Framework (JTF), 2012-2016 and the Judiciary Strategic Plan (2014-2018) that focused on institutional building and capacity enhancement. Following the culmination of the JTF in 2016 the Judiciary embarked on the next phase of the transformation agenda codified in Sustaining Judiciary Transformation (SJT) (2017-2021) in line with the Strategic Plan. The SJT shifts focus from institutional building and capacity enhancement to enhancing service delivery. The shift towards quality service delivery will be achieved through a series of interventions, including: (a) automation, digitization and improvement of work methods (b) operationalization of development systems (c) enhancing individual accountability (d) enhancing institution accountability (e) entrenching performance measurement, monitoring and evaluation, and (f) entrenching policies and manuals already developed. These interventions will be realized through the SJT Operational Plan and annual Work Plans.

Article 173 (3) as read together with Article 221 (3) of the Constitution requires that each financial year, the Chief Registrar of the Judiciary prepares estimates of expenditure for the following year and submit them to the National Assembly for approval two months before the end of each financial year. Section 37 (4) of Public Finance Management Act, 2012 (PFMA) requires that this submission shall not be later than 30th April.

The annual expenditure estimates are prepared in a process guided by the National Treasury in a prescribed format for the medium term, pursuant to Section 36 of the PFMA. In this regard, Ministries, Departments and Agencies (MDAs) prepare their estimates based on strategic objectives, expected output and key performance indicators. The outputs and indicators for the Medium Term Expenditure Framework (MTEF) period have been drawn from the SJT and Judiciary Strategic Plan, which provide the road map for sustaining transformation of the Judiciary. These outputs will be implemented through *The Dispensation of Justice* programme. The programme comprises of two sub-programmes namely; (i) *access to justice and*, (ii) *general administration planning and support services*. The access to justice sub-programme will continue taking the larger share of resources since it focuses on the core business of the Judiciary.

In the MTEF period under review, the Judiciary made gains in several areas of service delivery which include; a) reduced backlog of cases from one (1) million cases to four hundred and ninety nine thousand, three hundred and forty one (499,341) cases, b) increased number of judges from 53 to 136, c) increased the number of High Courts from 20 to 39 in 37 counties, d) successfully implemented the pilot programme of Court Annexed Mediation where 453 cases with a value of Ksh. 10 billion were referred to mediation out of which 151 cases with a value of Ksh. 566 million were resolved.

The purpose of this report is to establish a framework for requesting and allocating resources to the Judiciary's strategic priorities while ensuring overall fiscal discipline. Chapter 1 of this

report provides the background information on the Judiciary as a sub sector in Governance Justice Law and Order Sector (GJLOS). This includes the Judiciary mandate, vision, mission, and strategic goals and objectives. Chapter 2 comprises of a review of programme performance for MTEF period 2014/2015- 2016/2017 and includes an outline of expenditure trends and achievements in the period under review. Chapter 3 presents the medium term priorities for the Judiciary for the MTEF period 2018/2019-2020/2021 which forms the basis for the resource requirements of the Judiciary. Chapters 4, 5 and 6 summarize the key issues addressed in the report including; an analysis of emerging issues, conclusions and recommendations.

CHAPTER ONE

1. INTRODUCTION

1.1 Background

The Judiciary is established under Chapter 10 of the Constitution of Kenya. Its mandate is to resolve disputes in a just manner with a view of protecting the rights and liberties of all. It is headed by the Chief Justice who is also the President of the Supreme Court. It comprises the judges of the superior courts, magistrates and other judicial officers and staff. The Chief Registrar is the chief administrator and Accounting Officer of the Judiciary. In discharging its mandate the Judiciary is guided by the principles enshrined in the Constitution and the Kenya Vision 2030 which is the national blue print. The Vision spells out the following strategies which are associated with the role of the Judiciary:

- i. Aligning the national policy and legal framework with the needs of a market-driven economy, human rights and gender equality commitments.*
- ii. Increasing access and quality of services available to the public and reducing barriers to service availability and access to justice.*
- iii. Streamlining functional capability (including professionalization) of legal and judicial institutions to enhance their inter-agency cooperation.*
- iv. Inculcating a culture of compliance with laws, cultivating civility and decent human behavior between Kenyans and outsiders.*

The Strategic Plan and SJT draw their priorities from the second Medium Term Plan of the Vision 2030, which provide the basis for prioritizing expenditure in the medium term budget. Some of the key result areas under the SJT include: (a) automation, digitization and improvement of work methods (b) operationalization of development systems (c) enhancing individual accountability (d) enhancing institution accountability (e) entrenching performance measurement, monitoring and evaluation, and (f) entrenching policies and manuals already developed.

1.2 Vision and Mission

The Vision and Mission statements for the Judiciary are:

Vision

An independent institution of excellence in the delivery of justice to all.

Mission

To administer justice in a fair, timely, accountable and accessible manner, uphold the rule of law, advance indigenous jurisprudence and protect the Constitution.

1.3 Strategic goals/Objectives

The overriding goal for the Judiciary is to provide equitable access to and expeditious delivery of justice. For purposes of achieving this goal, the Strategic Plan (2014-2018) focuses on the following priority areas; i) access to justice, ii) progressive jurisprudence, iii) organizational development iv) operational efficiency v) facilities development and management and vi) governance. Going forward, the implementation of this goal will be

anchored on the priority areas identified in the SJT thus: (a) automation, digitization and improvement of work methods (b) operationalization of development systems (c) enhancing individual accountability (d) enhancing institution accountability (e) entrenching performance measurement and monitoring and evaluation, and (f) entrenching policies and manuals already developed.

1.4 Mandate

The core mandate of the Judiciary is to resolve disputes. It is guided by the following principles as stipulated in Chapter 10 of the Constitution:-

- a) To expeditiously administer justice to all irrespective of status;
- b) To administer justice without undue regard to procedural technicalities;
- c) To protect and promote the purpose and principles of the Constitution 2010; and
- d) To promote alternative forms of dispute resolution, including reconciliation, mediation, arbitration and traditional dispute resolution mechanisms.

1.5 Autonomous and Semi-Autonomous Government Agencies

The following Semi-Autonomous Government Agencies (SAGAS) and Tribunals compliment the Judiciary in the administration of justice chain:-

- i. National Council for Law Reporting (NCLR) is a state corporation established by the National Council for Law Reporting Act, 1994 whose mandate is to publish the official Kenya Law Reports which comprise the decisions of the superior courts of record. The Council is charged with updating of the Laws of Kenya, a delegated mandate from the office of the Attorney General vested under Legal Notice No 29 of 2009. The institution is the official custodian of public legal information, and maintains an online repository of updated laws, judicial decisions, cause lists and the Kenya gazette. The Council is also involved in building public legal awareness and ensuring access to free legal information to the public.
- ii. The National Council on Administration of Justice (NCAJ) is established under the Judicial Service Act, 2011 as revised in 2015. It provides a forum for stakeholders' collaboration in delivery of justice. Its mandate is to formulate policies relating to administration of justice, implement, monitor, evaluate and review strategies for administration of justice; facilitate the establishment of court user committees at county levels and mobilize resources for purposes of efficient administration of justice.
- iii. Auctioneers Licensing Board (ALB), is established under the Auctioneers Act, 1996 and its function is to exercise general supervision and control over the business and practice of auctioneers. The Board plays a facilitative role in the execution of court orders by ensuring all registered auctioneers meet the minimum legal and ethical threshold for the auctioneering standards.
- iv. Political Parties Disputes Tribunal (PPDT) is a body corporate established under the Political Parties Act, 2011. Its mandate is to resolve disputes arising from political parties' activities in Kenya.

- v. The Education Appeals Tribunal is established under the Basic Education Act, 2013 to resolve complaints from any person aggrieved by the decision of the County Education Boards.
- vi. The HIV and AIDS Tribunal is established by the HIV and AIDS Prevention and Control Act, 2006. Its mandate is to hear and determine HIV and AIDS related disputes. Its objective is to promote rights and dignity for people living with HIV and AIDS.
- vii. The National Environment Tribunal is established under the Environmental Management and Coordination Act, 1999. Its mandate is to hear and determine appeals from NEMA's decisions and other actions relating to issuance, revocation or denial of Environmental Impact Assessment (EIA) licenses.
- viii. The Rent Restriction Tribunal is established under the Rent Restriction Act, Cap 296 of the Laws of Kenya. Its mandate is to hear and resolve disputes between landlords and tenants and regulate rent for residential dwellings in urban areas in the country.
- ix. The Sports Disputes Tribunal is established under the Sports Act, 2013. Its mandate is to hear and determine appeals made by national sports organizations or umbrella national sports organizations whose rules specifically allow for appeals to be made to the tribunal in relation to that issue including; appeals against disciplinary decisions and appeals against not being selected for a national team or squad and to resolve anti-doping cases under the Anti-Doping Act, 2016.
- x. The Energy Tribunal is established by the Energy Act, 2006 to hear and determine appeals brought against the decisions of the Energy Regulatory Commission and to exercise other powers as are conferred to it.
- xi. The Cooperative Tribunal is a body established under the Co-operative Societies Act, 1997 as amended by the Co-operative Societies (Amendment) Act, 2004. Its mandate is to settle Co-operative disputes.
- xii. The Industrial Property Tribunal is established under the Industrial Property Act, 2001. Its mandate is to hear and resolve disputes on industrial property rights such as patents, industrial designs, utility models and technovations.
- xiii. The Standards Tribunal is established vide legal notice no 7 of 2004. Its mandate is to hear appeals from any person aggrieved by the decision of Kenya Bureau of Standards, the National Standards Council and the Kenya National Accreditation Service.
- xiv. The Business Premises Rent Tribunal is established under the Landlord and Tenants (Shops, Hotels and Catering Establishments) Act Cap. 301 of the Laws of Kenya. Its mandate is to set out reasonable tenancy standards and to ensure that the landlords do not charge unreasonable rents for business premises.
- xv. Public Private Partnerships Petition Committee is established under the Public Private Partnerships Act, 2013. Its mandate is to consider all petitions and complaints submitted by a private party during the process of tendering and entering into a project agreement under the Act.
- xvi. Competition Tribunal is established under the Competition Act, Cap 504 of the Laws of Kenya. Its mandate is to determine appeals emanating from the decisions of the Competition Authority in regard to mergers and acquisitions, restrictive trade practices, abuse of dominance cases, and consumer protection.
- xvii. State Corporations Appeals Tribunal is established under the State Corporations Act, Cap 446 of the Laws of Kenya. Its mandate is to hear appeals against the decisions of the Inspector General of State Corporations.

- xviii. Transport Licensing Appeals Board is established under the National Transport and Safety Authority Act, 2012. Its mandate is to hear appeals from the decisions of the National Transport and Safety Authority.
- xix. The National Civil Aviation Administrative Review Tribunal is established under the Civil Aviation Act, 2013. Its mandate is to hear and determine complaints and appeals against the decision of the National Civil Aviation Authority.
- xx. The Micro and Small Enterprises Tribunal is established under the Micro and Small Enterprises Authority Act, 2012. Its mandate is to hear and determine disputes relating to micro and small enterprises as amongst themselves and with the Micro & Small Enterprises Authority.
- xxi. The Communications & Multimedia Appeals Tribunal is established under the Kenya Information & Communications Act, 1998 (Revised in 2015). The mandate of the tribunal is to hear and determine appeals from the decisions of Director General of the Communications Authority.
- xxii. Witness Protection Appeals Tribunal is established under the Witness Protection (Amendment) Act No. 2 of 2010. Its mandate is to review and determine grievances by persons not satisfied with the decisions or orders of the Witness Protection Agency relating to admissions or terminations of placement into the programme.
- xxiii. The Competent Authority is established under section 48 of the Copyright Act, which is an Act of Parliament. Its mandate is to listen and determine matters where the Copyright Board is accused of unreasonably refusing to grant a certificate of registration in respect of a collecting society, the board is imposing unreasonable terms or conditions on the granting of such a certificate or where a collecting society is unreasonably refusing to grant a licence in respect of a copyright work, or where a collecting society is imposing unreasonable terms or conditions on the granting of such licence.
- xxiv. Legal Education Appeals Tribunal is established under the Legal Education Act No. 27 of 2012. It is mandated to hear and determine appeals arising from the decision of the Council of Legal Education.

1.6 Role of Sector Stakeholders

The responsibility of a just society and State is shared among the Judiciary and stakeholders in the justice system who must perform their respective roles. For purposes of coordination and commonality of purpose, stakeholders in the justice system are brought together under the umbrella of the National Council on the Administration of Justice (NCAJ) as provided under sections 34 and 35 of Judicial Service Act, 2011. The details of stakeholders are provided below:

Parliament

Parliament, consisting National Assembly and Senate are State organs responsible for the enactment of legislation, appropriation of the national budget and oversight over State organs. The Accounting Officer of the Judiciary (CRJ) is required by the Public Finance Management (PFM) Act 2012, to prepare MTEF budget proposals and submit annual expenditure estimates by 30th April to the National Assembly for approval. This requirement is reiterated under the Judicial Services Act, Section 29 (2), which further requires prior approval of the same by the Judicial Service Commission. The Judiciary is required to submit

annual reports to the National Assembly on the state of the Judiciary and administration of justice.

The National Treasury

The National Treasury derives its mandate from the Public Finance Management Act, 2012 which provides for proper budgetary and expenditure management of public financial resources. It coordinates MDAs in the preparation and implementation of the annual national budget through issuance of Circulars and administration of the Integrated Financial Management Information System (IFMIS).

The Office of the Controller of Budget

The Office of the Controller of Budget is established under Article 228 of the Constitution with the mandate of overseeing the implementation of the Judiciary budget by authorizing withdrawals from the Consolidated Fund through approval of exchequer requests.

Office of the Auditor-General

The Office of the Auditor General is established under Article 229 of the Constitution of Kenya. The Auditor General is the external auditor for the Judiciary's whose mandate is to confirm whether or not public money has been applied lawfully and in an effective way through routine audits and preparation of annual reports which are submitted to Parliament.

Office of the Attorney General

The Office of the Attorney General (OAG) draws its mandate from Article 156 of the Constitution of Kenya which vests on the Attorney General the responsibility of being the principal legal adviser to the Government. The Attorney-General represents the Judiciary in any civil proceedings to which the Government is not a party to in order to promote, protect and uphold the rule of law and defend the public interest. The OAG provides legal opinion on financing agreements with development partners. The OAG drafts Bills that are enacted into Law which are interpreted by the Judiciary.

Office of the Director of Public Prosecutions

The Office of the Director of Public Prosecutions (ODPP) is provided for under Article 157 of the Constitution and operationalized by the Office of the Director of Public Prosecutions Act, 2013. It is responsible for instituting and undertaking criminal proceedings against any person before any court (other than a court martial) in Kenya with respect to any offence alleged to have been committed.

The National Police Service

The broad mandate of the National Police Service (NPS) as outlined in the National Police Service Act, is to maintain law and order and perform any other duties as may be assigned by the Inspector General in accordance with the law. The NPS arrests and arraigns suspects in court for trial.

Kenya Prisons Service

The Kenya Prisons Service (KPS) derives its mandate from the Prisons Act, Cap 90 of the Laws of Kenya, the Borstal Act, Cap 92 of the Laws of Kenya and the Public Service Commission Act, 2012. Its functions are to contain and keep offenders in safe custody, rehabilitate and reform offenders, facilitate administration of justice and promote social re-

integration of prisoners. The KPS presents offenders to court for case mention, appeals, hearing and trial.

The Law Society of Kenya

The Law Society of Kenya (LSK) is established under the Law Society of Kenya Act, 2014. Its mandate is to advise and assist members of the legal profession, the government and the larger public in all matters relating to the administration of justice in Kenya. The members of the LSK represents litigants in the court of law.

Witness Protection Agency

The Witness Protection Agency (WPA) is a body corporate established under the Witness Protection Act, 2008. The Agency provides special protection on behalf of the State to persons in possession of important information and who are facing potential risk or intimidation due to their co-operation with prosecution and other law enforcement agencies.

Civil Society Organizations

Civil Society Organizations (CSOs) are the non-governmental and not-for profit organizations in Kenya. They file petitions on matters of public interest while advocating for their rights.

The Ethics and Anti-Corruption Commission

The Ethics and Anti-Corruption Commission (EACC) is a public body established under the Ethics and Anti-Corruption Commission (EACC) Act, 2011. Its mandate is to promote integrity and combat corruption through law enforcement, prevention and education. The EACC investigates and recommend for prosecution on matters of economic crime to the ODPP for trial.

Development Partners

The Judiciary partners with various development partners such as World Bank and Ford Foundation in carrying out its programmes. These partners provide additional resources through loans or grants which form part of the Judiciary's budget.

CHAPTER TWO

2. PROGRAMME PERFORMANCE REVIEW 2014/15 – 2016/17

2.1 Review of Sector performance

Delivery of justice to all is the core mandate of the Judiciary. The following are the key achievements accomplished by the institution and its units in the FY 2014/15, 2015/16 and 2016/17.

- a) In the period under review, the Judiciary established 19 new High Court Stations in Chuka, Garsen, Kabarnet, Kajiado, Kapenguria, Kiambu, Kitui, Lodwar, Marsabit, Migori, Naivasha, Nanyuki, Nyamira, Siaya, Makueni, Narok, Nyahururu, Bomet and Voi. The Anti-corruption and economic crimes division of the High Court was also established at Milimani Law Courts. In addition, a High Court sub-registry was established at the Thika Law Courts.
- b) The Judiciary also established 8 new Environment and Land Courts (ELC) in Narok, Makueni, Nyahururu, Thika, Garissa, Chuka, Kajiado, and Migori bringing a total to 26 ELC courts across the country. Sub-registries were established in Naivasha, Kilgoris and Engineer Courts. Further, 8 new Magistrates Courts were established in Engineer, Kakuma, Githongo, Mbita, JKIA, Loitoktok, Mpeketoni and Ngong. Tononoka children's' court was elevated into a magistrate court.
- c) The former Industrial Court was renamed to Employment and Labor Relations Court in conformity with the Constitution and was then officially launched together with its Service Delivery Charter. The rules of the court were developed and gazetted. During the period under review, six (6) sub-registries of the court were established in Malindi, Machakos, Meru, Bungoma, Garissa and Eldoret. Circuit courts were held in Malindi, Eldoret and Meru towards reducing distance travelled by litigants to access court services.
- d) The following High Court stations were refurbished during the review period; Kisii, Homa Bay, Milimani, Eldoret, Garissa, Kapenguria, Kitale, Nyeri, Nakuru, Kajiado, Busia, Meru, Marsabit, Mombasa, Malindi, Bungoma, Migori and Kerugoya.
- e) The Court Annexed Mediation Program was initiated in Family and Commercial divisions of the Milimani High Court in Nairobi. This was a pilot project where 453 cases with a value of Ksh. 10 billion were referred to mediation out of which 151 cases valued at Ksh. 566 million were resolved within an average of 66 days.
- f) Towards improving access to justice, the Judiciary established 58 mobile magistrate courts, namely; Bangale, Ijara, Dadaab, Modogashe, Zombe, East Pokot, Kabara, Faza Island, Wamba, Laisamis/Merille, Lokichar, Lokitang, Merti, Archers Post, Songhor, Kipini, Kapsokwony, Kisanana, Baragoi, Kasigau, Rumuruti, Kiambere, Nyatike, North Horr, Loiyangalani, Etago, Murua Dikirr (Trans Mara East), Kathangacini, Kuresoi, Sio Port, Ngobit, Olokurto, Bura, Bute, Elwak, Rhamu, Borabu, Migwani, Kikima, Kendu Bay, Navakholo, Maguga, Doldol, Sigor, Ol'Kalou, Khwisero, Sololo, Kachibora, Lokichogio, Magarini, Mikinduri, Kabiyet, Gaitu, Garba Tulla, Tot, Wamunyu, Alale and Marafa. The High Court established two mobile courts at Loitoktok and Kakuma.
- g) To improve delivery of judicial services, 34 High Court judges and 19 ELC judges were recruited and sworn-in. A total of 1,476 staff (i.e. 1221 court clerks, 131 secretaries, 70 archivists, 18 Internal Auditors and 36 ICT officers) were recruited to address staff shortage.
- h) There was improvement in Case Clearance Rate (CCR) from 75.8% in FY 2015/16 to 87.4% in the FY 2016/17. In the FY 2016/17, 350,882 matters were filed in courts across the country and 306,603 cases were resolved. In January 2014 and March 2016,

the Judiciary conducted Case Audit and Institutional Capacity Surveys respectively, which provided baseline data on the case backlog and detailed the nature and status of all pending cases. The findings of the surveys guides policy on disposition of dormant cases and informs distribution of human resource and equipment.

- i) The Supreme Court published the Supreme Court (Amendment) Rules 2016 and Supreme Court Registry Manual (2016) to guide the Court's operations provide simplified guidelines on the Court's registry operations, respectively.
- j) Pursuant to Articles 164 and 165 of the Constitution, the Court of Appeal and the High Court Organization and Administration Acts were enacted in 2015, respectively. These Acts provide for the effective and efficient management of the Courts, development of jurisprudence and improvement of access to justice. The High Court Registry Operations Manual and Magistrates' & Kadhis' Courts Registry Manual were developed to standardize the registry procedures. This guarantees clients similar quality services across the country. Other policies and guidelines developed included; Bail and Bond Policies Guidelines, Sentencing Policy Guidelines, Directions on Traffic Cases, Illicit Trade Manual, Court Users Committee Guidelines and Court Users Committee IEC materials.
- k) To enhance general administration of the institution, the Judiciary developed a number of key policy documents. These included Sustaining Judiciary Transformation (SJT), Strategic Plan, Transfer Policy for Magistrates and High Court Judges, Transfer Policy for Court of Appeal, Communication Policy, Disability Mainstreaming Policy, Finance Policy, ICT Policy and Human Resource Manual.
- l) The Judiciary launched Performance Management and Measurement Framework in April 2015. The Framework guides the measurement of performance in the Judiciary based on internationally accepted Judicial performance indicators, aimed at focusing efforts towards improving administration, enhancing access to and expeditious delivery of justice. This heralded the rollout of performance management process in the Judiciary including the National Council for Law Reporting and was accompanied by signing of "Performance Commitments" by all the units for implementation since the FY 2015/16.
- m) In the Financial Year 2016/17, the Judiciary through the National Council for Law Reporting published 4 volumes of Kenya Law Reports (KLR); 2014 Volume 2,3 and 4, KLR 1997, The Devolution Case Digest Volume 1, Bench Bulletins (Issues 34,35,36 & 37). A total of 29 weekly newsletters were compiled and four (4) quarterly reports on emerging law reform issues and jurisprudence were prepared. These reports were submitted to the Attorney General and the Kenya Law Reform Commission.
- n) The online publication of the Laws of Kenya was 85% updated while 100% of judicial decisions collected from the court stations were uploaded on the Case law database. Kenya Law website maintained its universal accessibility guidelines status with an average of 8,100 hits recorded on the website per day including access by the visually impaired.
- o) During the period under review, 15 tribunals namely: Sports Disputes Tribunal, Transport Licensing Appeals Tribunal, State Corporations Appeals Tribunal, HIV & AIDS Tribunal, Rent Restriction Tribunal, Business Premises Rent Tribunal, Environment Tribunal, Cooperative Tribunal, Standards Tribunal, Education Appeals Tribunal, Industrial Property Tribunal, Energy Tribunal, Competition Tribunal, Political Parties Disputes Tribunal and the Public-Private Partnership Petitions Tribunal transited to the Judiciary.
- p) All Tribunals under the Judiciary sustained their efforts to reduce case backlog and achieve expeditious delivery of Justice. In the period under review, 16,330 cases were

filed and 11,633 matters were disposed thus a case clearance rate of 71%. The tribunals undertook various sensitization campaigns to enhance public awareness. The Sports, HIV/AIDS, Standards, Energy and Competition Tribunals have validated their rules stipulating procedures and fees. HIV/AIDS Tribunal established liaison offices and county committees in 6 high HIV prevalence counties of Kisumu, Nyamira, Homa Bay, Siaya, Migori and Kisii. The Rent Restriction Tribunal revived 6 satellite stations in Mpeketoni, Kericho, Kitale, Meru, Muranga and Machakos.

- q) The Judiciary Committee on Elections was launched in 2015 as a standing committee to spearhead preparations by the Judiciary to discharge its constitutional mandate with regard to election disputes resolution. The Political Parties Act (Amendment) 2016 increased the number of the PPDT members from five to seven to increase the number of sittings at a time so as to speed up hearing of disputes especially during the election period.
- r) Access to information was enhanced through timely updating of the Judiciary website and social media pages. Various IEC material including *FAQs on Bail/Bond, Sustaining Judiciary Transformation Report and Brochures*; “How Court Works”, “All About Us” were developed, printed, published and disseminated. Court dairies were printed and distributed to all court stations.
- s) The Judiciary also participated in public engagement activities all geared at educating the public on the operations of the Judiciary. Service initiatives were publicized through documentaries and targeted media interventions to enhance public confidence in the Judiciary. Court reporters from various media houses were trained on mediation, election petition and general court reporting.
- t) The Judiciary Financial Management Information System (JFMIS) was rolled out in all the 134 court stations across the country to enhance revenue, deposit and expenditure management and reporting.
- u) The Judiciary enhanced jurisprudence through equipping 28 existing court libraries with legal reference materials and access to online resources.
- v) The Judiciary connected 102 court stations to the Internet and ICT infrastructure was enhanced in 120 court stations. This was in an effort to automate audiovisual recording and transcription, e-Diary, e-filing, sexual offenders register, and case registration.

Table 2:1: Sector Programme Performance

Program	Key Output	Key Performance Indicators	Planned Target			Achieved Targets			Remarks
			2014/15	2015/16	2016/17	2014/15	2015/16	2016/17	
Name of Program: Dispensation of Justice									
Outcome: Improved administration of justice, upholding the rule of law and protection of human rights and property and democracy as guaranteed by the Constitution.									
		No. of court of appeal constructions initiated	0	0	2	0	0	2	Nakuru & Mombasa have been initiated
		No. of High Courts construction initiated	1	4	8	1	2	8	
		No. of High Courts constructions completed	-	6	8	1	0	0	Inadequate no. of clerk of works to supervise thereby delays by contractors
		No. of new High Courts established	-	5	1	-	1	3	
		No. of counties with High Courts	34	35	35	34	35	37	
		No. of Magistrate court constructions initiated		16	24		24	12	Some courts did not start on time as they awaited clearance of ESIA/ESMP by the WB
		No. of new Magistrate courts completed	5	6	14	5	1	4	Makindu, Molo, Engineer and Kigumo completed
	No. of Magistrate Courts established	-	3	4	-	4	1	3 courts targeted were not established due to land ownership challenges and non-existent structures	
	Improve Quality & access to Judicial Services	No. of High Court Stations under refurbishment	-	12	12	-	12	12	
		No. of High courts extended/refurbished	15	10	16	6	8	11	
No. of Magistrate courts		55	70	60	45	60	53		

Program	Key Output	Key Performance Indicators	Planned Target			Achieved Targets			Remarks
			2014/15	2015/16	2016/17	2014/15	2015/16	2016/17	
		under refurbishment							
	Increased accessibility to court services	No. of High Court Annexed mediation registries	-	-	4	-	-	2	The two were established in Milimani family and commercial divisions
		No. of new mobile High courts established	0	3	5	0	0	2	
		No. of new mobile Magistrate courts established	0	0	3	0	0	9	Additional mobile courts funded by JPIP
		No. of ELC circuits conducted	0	0	15	0	0	8	
		No. of ELRC sub-registries	-	4	6	-	6	0	
		No of ELRC circuit courts established	-	2	15	-	0	8	
		No. of vehicles purchased	-	42	39	-	16	38	
	Expeditious delivery of Justice through reduction of case backlog	No. of cases cleared	-	359,806	360,000	-	272,605	315,902	
		Case clearance rate	-	60%	76%	-	76%	87.4%	
		No. of cases resolved through ADR	-	20	23	-	1	174	The pilot was 151 therefore was over achieved because of the CAMP
		No. of disputes heard and determined by the tribunals	-	-	16,330	-	-	11,633	
		No. of Auctioneers licensed by ALB	400	400	400	336	340	384	
	Enhanced transparency & accountability	State of Judiciary & Administration of Justice report (SOJAR)	1	1	1	1	1	1	
		% age of complaints heard and resolved	-	86%	86%	-	86%	89%	
	Enhanced public perception of	% age satisfaction perception /Image	-	40%	71%	-	66.8%	73.3%	

Program	Key Output	Key Performance Indicators	Planned Target			Achieved Targets			Remarks
			2014/15	2015/16	2016/17	2014/15	2015/16	2016/17	
	the Judiciary								
	Enhanced local Jurisprudence	No. of Kenya Law Reports and other legal materials published	12	15	18	12	9	8	Budgetary and HR capacity constraints
		No. of Laws of Kenya compilations	1	-	3	22	1	0	Budgetary and HR capacity constraints
	Automated Judiciary & Tribunals Operations	No. of courts installed with LAN and Wi-Fi internet connectivity	10	23	50	0	0	90	Attributed to policy directive by the CJ
	Improve jurisprudence and quality of judgment	No. of libraries established and equipped	10	15	22	12	22	28	
SP2: General Administration and Planning	Entrenched Performance Management in Judiciary	%age of courts/directorates/SAGAs under performance understanding & PAS	-	70%	100%	-	95%	95%	New tribunals transited to the Judiciary
	Improved transparency and public financial management due to risk based audits on internal systems of the Judiciary and tribunals	No of internal audits conducted with appropriate recommendations	-	39	72	-	32	49	HR capacity
	Timely access of judiciary services by the	No of additional courts stations with delinked financial operations from	-	13	17	14	37	0	No station was delinked in 2016/17 due to lack of

Program	Key Output	Key Performance Indicators	Planned Target			Achieved Targets			Remarks
			2014/15	2015/16	2016/17	2014/15	2015/16	2016/17	
	public through control of the judiciary's resources and finances	the district treasury							accountants in the non-delinked court stations.

2.2. Analysis of Expenditure Trends (2014/15 – 2016/17)

Absorption of the overall budget during the last three years has shown an upward trend with the recurrent expenditure moving from 96% to 97% and development from 52% to 67% as indicated in Figure 1 below. The improvement in absorption for development expenditure is largely attributed to establishment of an in house Directorate of Building Services (DBS).

Figure 1: Analysis of Absorption rates (2014/15-2016/17)

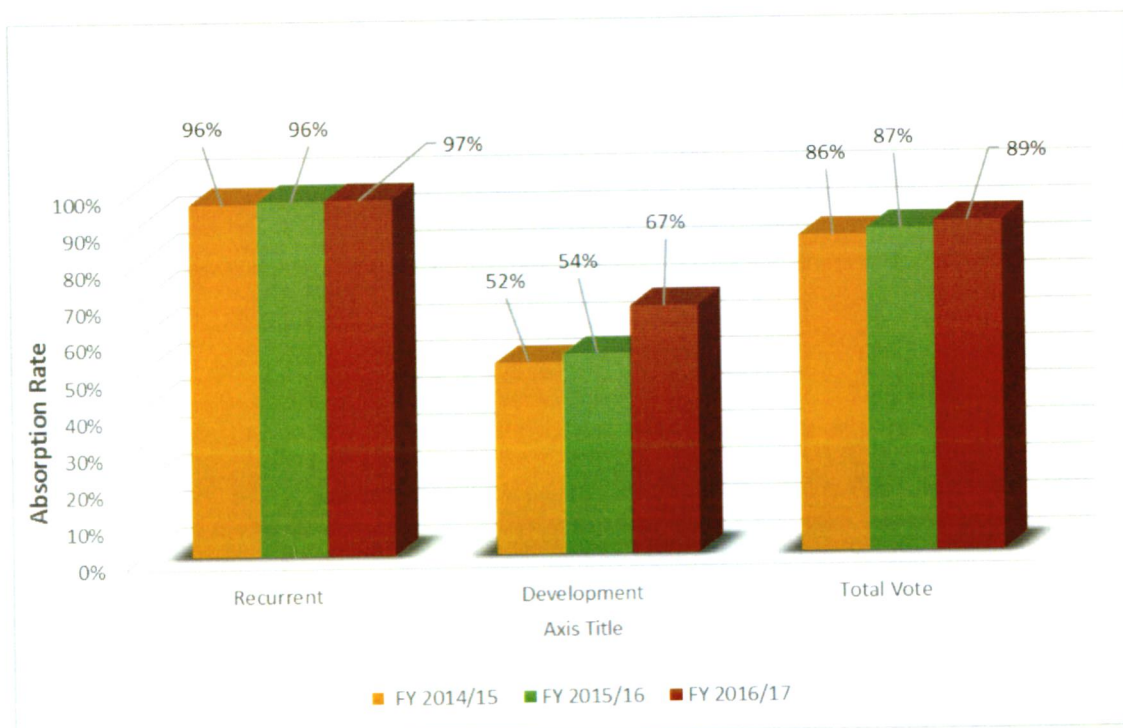


Table 2:2: Analysis of Recurrent Expenditure by Sector and Vote

ANALYSIS OF RECURRENT APPROVED BUDGET VS ACTUAL EXPENDITURE AMOUNT IN KSH MILLION							
SUB-SECTOR NAME:		JUDICIARY					
Vote & Vote Details	Economic Classification	Approved Allocation			Actual Expenditure		
		2014/15	2015/16	2016/17	2014/15	2015/16	2016/17
1261	Gross	10,732	11,684	12,956	10,269	11,259	12,506
	AIA	0	0	0	0	0	0
	NET	10,732	11,684	12,956	10,269	11,259	12,506

ANALYSIS OF RECURRENT APPROVED BUDGET VS ACTUAL EXPENDITURE AMOUNT IN KSH MILLION							
SUB-SECTOR NAME:		JUDICIARY					
Vote & Vote Details	Economic Classification	Approved Allocation			Actual Expenditure		
		2014/15	2015/16	2016/17	2014/15	2015/16	2016/17
	Compensation to Employees	6,051	6,442	7,409	6,051	6,325	7,266
	Transfers	313	842	772	312	770	771
	Other Recurrent	4,368	4,400	4,775	3,906	4,164	4,470
Totals		10,732	11,684	12,956	10,269	11,259	12,506

Table 2.2 shows a remarkable increase in the absorption of the recurrent budget. The share of compensation to employees over the total budget increased from 44% in 2014/15 to 57% while that of 'other recurrent' remained at 37% over the said years. Transfers rose from 2% to 6% in the said years.

Table 2.3: Analysis of Development Expenditure by Sector and Vote (Ksh. Millions)

ANALYSIS OF DEVELOPMENT APPROVED BUDGET VS ACTUAL EXPENDITURE AMOUNT IN KSH MILLION							
SUB-SECTOR NAME:		JUDICIARY					
Vote & Vote Details	Economic Classification	Approved Allocation			Actual Expenditure		
		2014/15	2015/16	2016/17	2014/15	2015/16	2016/17
1261	Gross	3,093	3,115	4,153	1,604	1,687	2,795
	GOK	1,826	776	1,450	957	603	536
	Loans	1,100	2,259	2,600	578	1,082	2,251
	Grants	167	80	103	69	2	8
	Local AIA	0	0	0	0	0	0
	NET	3,093	3,115	4,153	1,604	1,687	2,795
Totals		3,093	3,115	4,153	1,604	1,687	2,795

Table 2.3 above shows a remarkable increase in development absorption from 54% to 67% over the review period. This can be attributed to having established an in-house directorate of Building Services to manage the implementation of projects.

Table 2:4: Analysis of Programme/Sub-Programme expenditure by Sector and Vote

ANALYSIS OF PROGRAMME EXPENDITURE (AMOUNT IN KSH MILLION)						
	Approved Budget			Actual Expenditure		
	2014/15	2015/16	2016/17	2014/15	2015/16	2016/17
PROGRAMME 1: Dispensation of Justice						
Sub-Prog. 1: Access to Justice	9,421	9,592	11,309	7,823	8,195	10,094
Sub-Prog. 1: Administration and Support Services	4,404	5,207	5,800	4,050	4,752	5,207
TOTAL PROGRAMME	13,825	14,799	17,109	11,873	12,946	15,301

Table 2.4 above outlines expenditure under the two sub-programs, Access to Justice and Administration and support services for the FY 2014/15 – 2016/17. Access to Justice Sub-program received a larger portion of the total budget allocation at 68%, 65% and 66% respectively for the period under review.

Table 2:5: Program Expenditure Analysis by Economic Classification (Ksh. Millions)

ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION						
Economic Classification	Approved Budget			Actual Expenditure		
	2014/15	2015/16	2016/17	2014/15	2015/16	2016/17
PROGRAMME 1: DISPENSATION OF JUSTICE						
Current Expenditure						
Compensation to Employees	6,051	6,442	7,409	6,051	6,325	7,266
Use of goods & Services	2,121	2,702	2,529	1,716	1,791	2,301
Grants and Other Transfers	313	842	772	312	770	771
Other Recurrent	2,247	1,807	2,246	2,190	2,397	2,168
Capital Expenditure						
Acquisition of Non-Financial Assets	3,093	3,006	4,153	1,604	1,663	2,795
Capital Grants to Govt. Agencies	0	20	0	0	20	0
Other Development	0	89	0	0	4	0
Total Program	13,825	14,799	17,109	11,873	12,946	15,301

ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION						
	Approved Budget			Actual Expenditure		
Total Vote 1261	13,825	14,799	17,109	11,873	12,946	15,301

The table above displays expenditure trends for the program by economic classifications under Compensation to Employees, Use of Goods and Services, Grants and Other Transfers and Acquisition of Non-Financial Assets. Compensation to Employees increased by 22% over the previous 2 years and remained the largest portion of the recurrent budget taking at least 48% in the period under review. Over the period under review the approved budget on use of goods and services increased marginally from 9% of the total allocation to 15%. Grants and other transfers to SAGAs increased by 146% in FY 2015/16. The high increase was attributed to the transfer of 15 tribunals to the Judiciary.

Table 2:6 Analysis of Performance of Capital Projects (Amount Ksh. Million)

Project Code and Title	Total Est. Cost of project / Contract Value	Estimate Cost of the Project		Timeline		FY 2014/15				FY 2015/16				FY 2016/17				Remarks
		GOK	Donor	Start Date	Expected completion date	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2015	Completion stage as at 30th June 2015(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2016	Completion stage as at 30th June 2016(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2017	Completion stage as at 30th June 2017(%)	
1 Construction of Narok Court Phase II	65.2	GOK		10/26/2015	31/03/2018		30	0	Phase II Tendering Process Complete		30	17.00	Phase II (20%)		45.10	15.10	65%	
2 Construction at Butali Court	36	GOK		3/9/2015	31/03/2018		25	12.4	40%		20	13.90	50%		10.90	7.90	85%	
3 Construction of Eldama Ravine	81.25	GOK		2/4/2015	31/03/2018		20	20	40%		24	19.70	50%		10.00	5.20	65%	

Project Code and Title	Total Est. Cost of project / Contract Value	Estimate Cost of the Project		Timeline		FY 2014/15				FY 2015/16				FY 2016/17				Remarks
		G O K	Do no K r	Start Date	Expected completion date	App rove d Foreign Bud get	App rove d Gok Bud get	Cumu lative Expen diture as at 30th June 2015	Comp letion stage as at 30th June 2015(%)	App rove d Foreign Bud get	App rove d Gok Bud get	Cumu lative Expen diture as at 30th June 2016	Comp letion stage as at 30th June 2016(%)	App rove d Foreign Bud get	App rove d Gok Bud get	Cumu lative Expen diture as at 30th June 2017	Comp letion stage as at 30th June 2017(%)	
Court																		
4 Construction of Hamisi Court	55.4	G O K		1/13/2015	30/12/2017		31.8	22.5	45%		29.8	24.00	75%		0.00	0.00	85%	
5 Construction of Port Victoria court	58.25	G O K		3/1/2015	30/11/2017		25	19.6	25%		30	17.00	65%		4.00	4.00	90%	
6 Construction of Mandera Court	107.1	G O K		3/10/2015	30/09/2017		60	33	30%		35.25	14.50	45%		54.76	22.76	60%	
7 Construction of	286.67	G O K		1/15/2015	31/03/2018		60	56	50%		30	61.90	85%		97.00	65.60	95%	

Project Code and Title	Total Est. Cost of project / Contract Value	Estimate Cost of the Project		Timeline		FY 2014/15				FY 2015/16				FY 2016/17				Remarks
		GOK	Donor	Start Date	Expected completion date	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2015	Completion stage as at 30th June 2015(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2016	Completion stage as at 30th June 2016(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2017	Completion stage as at 30th June 2017(%)	
Embu High Court																		
8 Prefabrication of Othaya Court	81.7	GOK		15.01.2013	30.06.2017		40	0	75% complete		58.06	20.88	85%		42.00	12.50	70%	Contractor not on site
9 Prefabrication of Marianti court	81.7	GOK		15.01.2013	30.06.2017		48	16.3	70% complete		41.7	22.70	80%		58.00	0.00	80%	
10 Prefabrication of Wang'uru Court	81.7	GOK		15.01.2013	30.06.2017		50.04	9.2	50% complete		40.36	0.00	60%		53.27	7.61	85%	
11 Prefabrication of Bomet	81.7	GOK		15.01.2013	30.06.2017		30.3	0	40%		39.99	0.00	60%		43.31	0.00	70%	

Project Code and Title	Total Est. Cost of project / Contract Value	Estimate Cost of the Project		Timeline		FY 2014/15				FY 2015/16				FY 2016/17				Remarks
		G O K	Do no K r	Start Date	Expected completion date	App rove d Foreign Budget	App rove d Gok Budget	Cumu lative Expen diture as at 30th June 2015	Comp letion stage as at 30th June 2015(%)	App rove d Foreign Budget	App rove d Gok Budget	Cumu lative Expen diture as at 30th June 2016	Comp letion stage as at 30th June 2016(%)	App rove d Foreign Budget	App rove d Gok Budget	Cumu lative Expen diture as at 30th June 2017	Comp letion stage as at 30th June 2017(%)	
Court																		
12 Prefabrication of Garsen Court	99.9	G O K		23.01.2013	31.11.2017	-	23.5	35%	49.96		75%		55.00	23.04	98%			
13 Prefabrication of Tawa Court	99.9	G O K		23.01.2013	31/03/2018	-	10	65%	47		70%		57.20	0.00	70%			
14 Prefabrication of Runyenjes Court	99.9	G O K		23.01.2013	31/03/2018	-	10	15%	23.84		55%		57.20	27.08	85%			
16 Refurbishment of Kitale Court	19.6	G O K		2/2/2015	8/12/2016	15.8	15.8	90%	14.16	4.10	100%		0.00	0.00	-	complete		

Project Code and Title	Total Est. Cost of project / Contract Value	Estimate Cost of the Project		Timeline		FY 2014/15				FY 2015/16				FY 2016/17				Remarks
		GOK	Donor	Start Date	Expected completion date	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2015	Completion stage as at 30th June 2015(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2016	Completion stage as at 30th June 2016(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2017	Completion stage as at 30th June 2017(%)	
17	Refurbishment of Mom basa Court of Appeal	46.9	GOK	10/30/2014	31/03/2018		20.6	5.97	25%		12	5.84	40%		22.00	17.75	75%	
18	Construction of Lodwar High Court	814.8	GOK	9/30/2013	stalled		0	0	30%		38.31	0.00	stalled at 30%		70.00	0.00	-	stalled
19	Proposed extension of Mura ng'a Court	62.1	GOK	4/20/2015	31/03/2018		37	9.2	45%		38.78	34.40	55%		47.00	15.20	65%	

Project Code and Title	Total Est. Cost of project / Contract Value	Estimate Cost of the Project	Timeline		FY 2014/15				FY 2015/16				FY 2016/17				Remarks			
			G O K No	Do K r	Start Date	Expected completion date	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2015	Completion stage as at 30th June 2015(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2016	Completion stage as at 30th June 2016(%)	Approved Foreign Budget	Approved Gok Budget		Cumulative Expenditure as at 30th June 2017	Completion stage as at 30th June 2017(%)	
20	Refurbishment of Kaka mega Court	10	G O K		5/7/2014	12/4/2014		10	7.2	100%			11.1	2.80	100%		0.00	0.00	100%	complete
21	Refurbishment of Kerugoya Court	21.1	G O K		1/16/2015	6/30/2016		-	0	0%			30	11.50	80%		5.00	3.09	100%	complete
22	Refurbishment of Malindi Court	28.7	G O K		6/18/2014	6/27/2016		28	5.56	50%			28	17.11	99%		6.42	0.74	100%	complete
23	Construction of Bungoma court	28.1	G O K		3/19/2014	5/18/2016		26.79	9.93	45%			26	6.20	65%		12.00	11.46	100%	complete

Project Code and Title	Total Est. Cost of project / Contract Value	Estimate Cost of the Project		Timeline		FY 2014/15				FY 2015/16				FY 2016/17				Remarks
		GOK	Donor	Start Date	Expected completion date	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2015	Completion stage as at 30th June 2015(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2016	Completion stage as at 30th June 2016(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2017	Completion stage as at 30th June 2017(%)	
26 Construction of Nkubu Court	85.9	GOK		12/19/2014	31/03/2018		20	0	1%		77	51.12	70%		40.50	19.30	95%	
27 Construction of Iten Court	9.25	GOK		11/10/2014	31/03/2018		-	-	-		9.3	4.00	65%		3.50	1.80	95%	
29 Construction of Nakuru Court	16.26	GOK		1/7/2015	9/24/2015		0	0	0%		16.5	16.26	100%		0.00	0.00	-	complete
30 Construction of Mpeketoni Court	34.33	GOK		3/18/2015	12/30/2016		29.19	11.4	35%		16.26	11.40	95%		10.50	7.00	100%	complete

Project Code and Title	Total Est. Cost of project / Contract Value	Estimate Cost of the Project		Timeline		FY 2014/15				FY 2015/16				FY 2016/17				Remarks
		GOK	Donor	Start Date	Expected completion date	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2015	Completion stage as at 30th June 2015(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2016	Completion stage as at 30th June 2016(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2017	Completion stage as at 30th June 2017(%)	
31 Refurbishment of Maseno Court	4.86	GOK		3/18/2015	8/3/2016		0	0	0%		5.13	3.50	70%		3.00	2.30	100%	complete
32 Refurbishment of Kyuso Court	2.16	GOK		12/4/2014	4/30/2015		0	2.15	99%		0.5	0.10	100%		0.00	0.00	-	complete
33 Refurbishment of Kwale Court	4.99	GOK		3/30/2015	6/30/2015		2.14	2.14	75%		2.16	1.85	100%		0.00	0.00	-	complete
34 Refurbishment of Kithi mani Court	2.8	GOK		1/16/2015	6/30/2015		2	2.8	95%		2.85	0.00	100%		0.00	0.00	-	complete
35 Refurbishment of	5.01	GOK		12/18/2014	6/30/2016		5.1	5	75%		0.8	0.80	100%		0.00	0.00	-	complete

Project Code and Title	Total Est. Cost of project / Contract Value	Estimate Cost of the Project		Timeline		FY 2014/15				FY 2015/16				FY 2016/17				Remarks
		GOK	Donor	Start Date	Expected completion date	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2015	Completion stage as at 30th June 2015(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2016	Completion stage as at 30th June 2016(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2017	Completion stage as at 30th June 2017(%)	
Kabar net Court																		
36 Refurbishment of Limuru Court	6.48	GOK		11/14/2014	6/30/2015		3.87	1.9	65%		5.01	1.90	100%		0.00	0.00	-	complete
39 Refurbishment of Meru Court	12.21	GOK		2/20/2015	10/15/2015		13	3.8	25%		9.5	7.30	100%		0.00	0.00	-	complete
40 Refurbishment of Mukurweini Court	3.12	GOK		31/2/2015	5/31/2015		3.12	3.12	100%		0	0.00	100%		0.00	0.00	-	complete
42 Refurbishment of Kisii Court	29.55	GOK		2/2/2015	2/2/2016		24.8	24	40%		6.41	5.50	100%		0.00	0.00	-	complete

Project Code and Title	Total Est. Cost of project / Contract Value	Estimate Cost of the Project		Timeline		FY 2014/15				FY 2015/16				FY 2016/17				Remarks
		GOK	Donor	Start Date	Expected completion date	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2015	Completion stage as at 30th June 2015(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2016	Completion stage as at 30th June 2016(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2017	Completion stage as at 30th June 2017(%)	
43 Refurbishment of Limuru Court	8.1	GOK		11/14/2014	6/5/2016		8.1	5.6	65%		4.7	2.50	100%		0.00	0.00	-	complete
49 Refurbishment of Siaya Court	8	GOK		1/1/2015	30/11/2017		0	0	0		2.9	2.00	25%		5.00	2.30	90%	
50 Refurbishment of Tigania Court	11.81	GOK		12/4/2014	6/30/2015		9.8	7	75%		4.05	4.06	100%		0.00	0.00	-	complete
54 Refurbishment of Kandara Court	2.39	GOK		5/5/2015	2/13/2016		0	0	0		3	2.39	100%		0.00	0.00	-	complete

Project Code and Title	Total Est. Cost of project / Contract Value	Estimate Cost of the Project		Timeline		FY 2014/15				FY 2015/16				FY 2016/17				Remarks
		GOK	Donor	Start Date	Expected completion date	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2015	Completion stage as at 30th June 2015(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2016	Completion stage as at 30th June 2016(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2017	Completion stage as at 30th June 2017(%)	
55	Refurbishment of Eldoret Court	38.1	GOK	2/23/2015	31/03/2018		0	0	0		45	34.00	85%		22.40	2.40	90%	
56	Refurbishment of Busia Court	29.3	GOK	1/20/2015	6/30/2016		19.4	14.3	65%		13.08	13.00	99%		5.00	4.60	100%	complete
57	Refurbishment of Kilgoris Court	12.06	GOK	12/19/2014	6/30/2015		13	7.8	85%		27.9	5.00	100%		0.00	0.00	-	complete
58	Fencing of Land in Amagoro	5.91	GOK	1/2/2015	7/1/2015		6	0	0		12.06	5.91	100%		0.00	0.00	-	complete

Project Code and Title	Total Est. Cost of project / Contract Value	Estimate Cost of the Project		Timeline		FY 2014/15				FY 2015/16				FY 2016/17				Remarks
		Go	Do	Start Date	Expected completion date	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2015	Completion stage as at 30th June 2015(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2016	Completion stage as at 30th June 2016(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2017	Completion stage as at 30th June 2017(%)	
60	Refurbishment of Kilungu Court	5.98	GOK	12/18/2014	6/30/2015		4.48	4.48	95%		0.98	0.98	100%		0.00	0.00	-	complete
61	Refurbishment of Kilifi Court	2.33	GOK	2/5/2015	6/30/2015		1.69	0.9	55%		1.5	1.50	100%		0.00	0.00	-	complete
62	Refurbishment of Kiambu Court	6.4	GOK	12/19/2014	6/30/2015		6.3	6.1	95%		0.74	0.74	100%		0.00	0.00	-	complete
63	Refurbishment of Taveta Court	3.58	GOK	6/18/2015	4/12/2016		0	0	0		3.58	3.58	100%		0.00	0.00	-	complete

Project Code and Title	Total Est. Cost of project / Contract Value	Estimate Cost of the Project	Timeline		FY 2014/15				FY 2015/16				FY 2016/17				Remarks		
			GOK	Donor	Start Date	Expected completion date	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2015	Completion stage as at 30th June 2015(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2016	Completion stage as at 30th June 2016(%)	Approved Foreign Budget	Approved Gok Budget		Cumulative Expenditure as at 30th June 2017	Completion stage as at 30th June 2017(%)
64	Refurbishment of Baricho Court	3.71	GOK		10/15/2015	12/30/2016		0	0	0		3.71	2.30	95%		1.41	1.41	100%	complete
65	Refurbishment of Wajir Court	4.22	GOK		2/1/2015	5/1/2015		0	0	0%		4.22	4.22	100%		0.00	0.00	-	Completed
66	Refurbishment of Wundanyi Court	2.8	GOK		2/13/2015	6/13/2015		2.8	2.8	100%		0	0.00	-		0.00	0.00	-	Completed
	Construction of Homa Bay Court	367.3	GOK		13/03/2017	30/07/2018		0	0	0		0	0.00	-		30.00	26.00	6%	

Project Code and Title	Total Est. Cost of project / Contract Value	Estimate Cost of the Project		Timeline		FY 2014/15				FY 2015/16				FY 2016/17				Remarks
		G O K	Do no K r	Start Date	Expected completion date	App rove d Foreign Bud get	App rove d Gok Bud get	Cumu lative Expen diture as at 30th June 2015	Comp letion stage as at 30th June 2015(%)	App rove d Foreign Bud get	App rove d Gok Bud get	Cumu lative Expen diture as at 30th June 2016	Comp letion stage as at 30th June 2016(%)	App rove d Foreign Bud get	App rove d Gok Bud get	Cumu lative Expen diture as at 30th June 2017	Comp letion stage as at 30th June 2017(%)	
Const ructio n of Kabarnet High Court	366.8	G O K		17/03/2017	17/09/2018		0	0	0		0	0.00	-		20.00	0.78	8%	
Const ructio n of Marsabit High Court	370.2	G O K		17/03/2018	17/09/2018		0	0	0		0	0.00	-		20.00	0.00	8%	
Const ructio n of Amagoro Court	137.99	G O K		13/03/2017	13/03/2018		0	0	0		0	0.00	-		20.00	0.00	3%	
Const ructio n of Githogo	130.9	G O K		5/4/2017	4/4/2018		0	0	0		0	0.00	-		20.00	13.00	8%	

Project Code and Title	Total Est. Cost of project / Contract Value	Estimate Cost of the Project		Timeline		FY 2014/15				FY 2015/16				FY 2016/17				Remarks
		GOK	Donor	Start Date	Expected completion date	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2015	Completion stage as at 30th June 2015(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2016	Completion stage as at 30th June 2016(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2017	Completion stage as at 30th June 2017(%)	
Court																		
Construction of Kandara Court	137.82	GOK		3/4/2017	4/4/2018		0	0	0		0	0.00	-		20.00	0.00	8%	
67 Rehabilitation of Kitui Law Courts	57.38	ID A		12/6/2013	11/14/2014	34.57		34.57	100%	2.8			-		0.00	0.00	-	complete
68 Rehabilitation of Kangea Law Courts Phase I	19.06	ID A		7/8/2013	5/5/2014	19.06		19.06	100%	0					0.00	0.00	-	

Project Code and Title	Total Est. Cost of project / Contract Value	Estimate Cost of the Project		Timeline		FY 2014/15				FY 2015/16				FY 2016/17				Remarks
		GC	Donor	Start Date	Expected completion date	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2015	Completion stage as at 30th June 2015(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2016	Completion stage as at 30th June 2016(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2017	Completion stage as at 30th June 2017(%)	
69	Rehabilitation of Kigumo Law Courts	94.16	ID A	6/29/2015	9/29/2017	49		-	96	96	65%			96	99%			
70	Rehabilitation of Chuka Law Courts	98.11	ID A	6/5/2015	30/12/2017	5.04		-	100.36	100.36	56%			100.36	77%			
71	Construction of Engineer Law Courts	78.62	ID A	6/8/2015	30/10/2017	4.9		-	80.8	80.8	55%			80.8	95%			
72	Construction of Vihiga Law Courts	78.48	ID A	9/16/2015	30/12/2017	3.57		-	52.2	52.2	55%			52.2	82%			

Project Code and Title	Total Est. Cost of project / Contract Value	Estimate Cost of the Project		Timeline		FY 2014/15				FY 2015/16				FY 2016/17				Remarks
		GC	Donor	Start Date	Expected completion date	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2015	Completion stage as at 30th June 2015(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2016	Completion stage as at 30th June 2016(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2017	Completion stage as at 30th June 2017(%)	
73	Construction of Nyando Law Courts	74.83	IDA	9/4/2015	30/12/2017	3.5			-	52.45		52.45	55%			52.45	84%	
74	Rehabilitation of Molo Law Courts	99.91	IDA	6/19/2015	17/10/2017	3.5			-	101.5		101.5	55%			101.5	98%	
75	Construction of Oyugis Law Courts	109.73	IDA	6/29/2015	30/12/2017	2.8			-	111.2		111.2	62%			111.2	87%	
76	Construction of Nyamira Law Courts	118.31	IDA	6/18/2015	30/12/2017	3.15			-	120.35		120.35	47%			120.35	66%	

Project Code and Title	Total Est. Cost of project / Contract Value	Estimate Cost of the Project		Timeline		FY 2014/15				FY 2015/16				FY 2016/17				Remarks
		GC	Do No Kr	Start Date	Expected completion date	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2015	Completion stage as at 30th June 2015(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2016	Completion stage as at 30th June 2016(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2017	Completion stage as at 30th June 2017(%)	
77	Rehabilitation of Muhoroni Law Courts (Tamu)	74.9	ID A	6/9/2015	30/12/2017	2.8		-	76.2		76.2	65%			76.2	79%		
78	Makindu Law Courts	96.8	ID A	3/8/2016	11/30/2017	0		-	96.8		96.8	15%				95%		
79	Kibera Law Courts	137.6	ID A	4/13/2016	12/30/2017	0		-	137.6		137.6	10%				60%		
80	Siaya Law Courts	342.7	ID A	3/21/2016	21/05/2018	0		-	342.7		342.7	5%				70%		
81	Nakuru Law Courts	347.7	ID A	2/18/2016	21/05/2018	0		-	347.7		347.7	7%				70%		
82	Nanyuki Law	318.5	ID A	3/10/2016	10/6/2018	0		-	318.5		318.5	6%				70%		

Project Code and Title	Total Est. Cost of project / Contract Value	Estimate Cost of the Project		Timeline		FY 2014/15				FY 2015/16				FY 2016/17				Remarks
		Go	Do	Start Date	Expected completion date	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2015	Completion stage as at 30th June 2015(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2016	Completion stage as at 30th June 2016(%)	Approved Foreign Budget	Approved Gok Budget	Cumulative Expenditure as at 30th June 2017	Completion stage as at 30th June 2017(%)	
Courts																		
83 Garissa Law Courts	351.3	ID	A	1/22/2016	10/06/2018	0		-	351.3		351.3	8%					60%	
84 Voi Law Courts	347.5	ID	A	3/29/2017	9/29/2018	0		-	347.5		347.5	0%					14%	
85 Kapenguria Law Courts	400.8	ID	A	3/21/2017	9/21/2018	0		-	400.8		400.8	0%					13%	
86 Maral Law Courts	378.7	ID	A	3/23/2017	9/23/2018	0		-	378.7		378.7	0%					17%	
87 Isiolo Law Courts	379.1	ID	A	4/10/2017	10/10/2018	0		-	379.1		379.1	0%					10%	
88 Kwale Law Courts	389.9	ID	A	6/5/2017	11/6/2018	0		-	389.9		389.9	0%					8%	



2.3 Review of Pending Bills

Total pending bills for the FY 2016/17 totaled **Ksh. 611 Million**. This was a 31% increase from the previous year. Most of them arose due to serious down turn of IFMIS hence most of the processes could not be completed. This was compounded by an early closure of requisition rights in IFMIS culminating to some certificates not being processed since LPOs could not be initiated.

2.3.1 Recurrent Pending Bills

Pending bills under the recurrent account amounted to **Ksh. 471 million**, translating to 3.8% of the total recurrent expenditure. This was an increase of 70% from FY 2015/16.

2.3.2 Development Pending Bills

Pending bills under development amounted to **Ksh. 140 million**, translating to 5% of the total development expenditure. This was a decrease of 25.5% of the previous year.

The following are measures being taken to settle the pending bills are:-

- i. Some of the recurrent pending bills will be a first charge.
- ii. Reallocation will be sought from the National Treasury to settle other bills.

Table 2:7: Summary of Pending Bills by Nature and Type (Ksh. Million)

Type/nature	Due to Lack of Exchequer			Due to Lack of Provision ¹		
	2014/15	2015/16	2016/17	2014/15	2015/16	2016/17
1. Recurrent						
Compensation to Employees	0	0	0	0	0	0
Use of goods & Services	20	75	113	0	0	76
Social Benefits	0	0	0	0	0	0
Other Recurrent Expenses	178	202	0	9	0	282
2. Development.						
Acquisition of Non-Financial Assets	49	0	137	40	188	3
Use of goods and services	0	0	0	0	0	0
Other Development	0	0	0	0	0	0
Total Pending Bills	247	277	250	49	188	361

¹ This was due to failure of IFMIS system

CHAPTER THREE

3. MEDIUM TERM PRIORITIES AND FINANCIAL PLAN FOR THE MTEF PERIOD 2018/19– 2020/21

3.1 Prioritization of Programmes and Sub-Programmes

The Dispensation of Justice programme is a priority in the sector and focuses on implementing a Constitutional mandate whose authority is derived from the people of Kenya.

3.1.1 Programmes and their Objectives

During this MTEF period 2018/19 – 2020/21, the Judiciary will continue to implement the Dispensation of Justice programme. The objective of this programme is to implement Judiciary's Constitutional mandate which includes inter alia; dispensing justice to all irrespective of status, providing justice expeditiously, promote alternative dispute mechanisms, administer justice without undue regard to procedural technicalities and promote the purpose and principles of the Constitution.

3.1.2 Programmes, Sub-Programmes, Expected Outcomes, Outputs, and Key Performance Indicators (KPIs) for the sector

Dispensation of Justice has two sub-programmes namely;

- i. Access to Justice
- ii. General Administration, Planning and Support Services.

Table 3:1 Programme/Sub-Programmes, Outcome, Outputs and Key Performance Indicators

Programme	Delivery Unit	Key Outputs	Key Performance Indicators	Target 2016/17	Actual Achievement 2016/17	Target			
						(Baseline)			
						2017/18	2018/19	2019/20	2020/21
Name of Programme: Dispensation of Justice									
Outcome: Improved administration of justice, upholding the rule of law and protection of human rights, property and democracy as guaranteed by the Constitution.									
SP 1: Program: Access to Justice	RSC, DBS, RHC, RMC, RCA	Improve access to courts and reduction of average distance to courts	No. of Supreme court constructed	1	0	0	1	0	0
			No. of Court of Appeal constructions initiated	2	2	2	2	2	2
			No. of Court of Appeal constructions completed	0	0	0	2	2	2
			No. of high court constructions initiated	6	8	22	5	5	5
			No. of High court constructions completed	8	0	0	6	10	4
			No. of new High courts established	1	3	5	2	2	1
			No. of counties with High Courts	35	37	37	39	43	47
			No. of magistrate court constructions initiated	24	12	0	7	5	5
			No. of Magistrate court constructions completed	14	4	14	5	5	5
			No. of magistrate courts established	4	1	4	5	4	4
	DBS, RHC, RMC	Improve Quality & access to Judicial Services	No. of High courts refurbished	16	11	12	8	5	5
			No. of Magistrate/ courts refurbished	60	53	0	30	20	20
	RHC	Increased accessibility to court services	No. of High Court annexed mediation registries	4	2	4	5	5	5
			No. of new mobile High courts established	5	2	5	2	2	2
	RELC		No of ELC Sub-registries established	6	0	4	3	3	3
			No of ELC circuit courts facilitated	15	8	8	5	5	5

Programme	Delivery Unit	Key Outputs	Key Performance Indicators	Target 2016/17	Actual Achievement 2016/17	Target (Baseline)	Target			
						2017/18	2018/19	2019/20	2020/21	
			No of ELRC Sub-registries established	6	6	6	4	4	4	4
	RELRC		No of ELRC circuit courts facilitated	12	9	12	24	24	24	24
	RMC		No. of new mobile Magistrate courts established	3	9	4	4	4	5	5
	ALB		No of ALB Sub-registries established	4	0	0	4	4	4	4
	RSC, RCA, RHC, RMC, RELC, RELRC	Expeditious delivery of Justice through reduction of case backlog	Case clearance rate (%)	76%	87.40%	100%	100%	100%	100%	100%
	Tribunals		No. of cases cleared	360,000	315,902	320,000	330,000	340,000	345,000	345,000
	RCA		Time taken to determine an appeal (months)	24	18	18	6	3	3	3
	RHC		No. of cases resolved through ADR	23	151	300	600	700	800	800
	ALB		No. of Auctioneers licensed by ALB	400	384	400	420	450	500	500
	ALB		Percentage of licensed auctioneers inspected by ALB	100%	0	100%	50%	70%	100%	100%
	HR&A		Enhanced access to justice through transport facilitation	No. of new vehicles purchased	39	38	3	50	40	10
	OJ	Enhanced transparency & accountability	State of Judiciary & Administration of Justice report (SOJAR)	1	1	1	1	1	1	1
	OJO	Expeditious disposal of complains from the public	Percentage Complains clearance rate	86%	89%	100%	100%	100%	100%	100%
	DPAC	Enhanced public perception of the Judiciary	Percentage satisfaction/perception/Image	71%	73.30%	75%	80%	85%	90%	90%
	NCLR	Enhanced local Jurisprudence	No. of Kenya Law Reports and other legal materials published	18	8	14	13	14	14	14

Programme	Delivery Unit	Key Outputs	Key Performance Indicators	Target 2016/17	Actual Achievement 2016/17	Target (Baseline)	Target		
						2017/18	2018/19	2019/20	2020/21
			No. of Laws of Kenya compilations	3	0	3	2	5	2
	ICT	Automated operations in the Judiciary & the Tribunals	No. of new courts installed with LAN and WI-FI connectivity	50	90	132	-	-	-
Improved case management system		Implement an E-justice portal system for the Judiciary (a system with E-filing, E-payment, Judges calendar and Online cause-listing)	-	-	100%	-	-	-	
Automation of Court proceedings		No. of Courts with automated proceedings	-	-	10	30	30	30	
	Library	Improved access to legal information	No. of Libraries established	22	22	35	8	12	6
			No. of legal publications provided	2,500	3,000	3,000	3,000	3,000	3,000
	DPAC		No. of simplified brochures for public sensitization on court procedures	25,000	300,000	25,000	25,000	25,000	25,000
SP2: General Administration and Planning	PMD/HR	Entrenched Performance Management in Judiciary	No. of courts/directorates/SAGAs under performance understanding	95%	95%	100%	100%	100%	100%
			%age adoption of IPMAS	25%	25%	65%	85%	100%	100%
	Audit and Risk Management Directorate	Improved transparency and public financial management due to risk based audits on internal systems of the Judiciary and tribunals	No. of internal audits conducted with appropriate recommendations	72	49	100	120	130	150

Programme	Delivery Unit	Key Outputs	Key Performance Indicators	Target 2016/17	Actual Achievement 2016/17	Target (Baseline)	Target		
						2017/18	2018/19	2019/20	2020/21
			Procurement of a Generalized Auditing Software (GAS) for the Directorate	1	0	-	1	-	-
	Accounts	Improved accounting performance and reporting by all court stations	No. of courts using JFMIS Platform	120	125	135	-	-	-
		Improved accounting performance and reporting by all court stations	Percentage of courts on ERP Platform	-	-	-	6%	70%	100%
		Timely access of judiciary services by the public through control of the judiciary's resources and finances	No of court stations delinked from the district treasury on financial operations	65	51	65	70	80	95
	DOF	Increased financial independence through operationalization of the Judiciary Fund Act	Judiciary Fund operationalized	Development of draft Regulations	Draft Regulations developed	Submission of the draft Judiciary Fund Regulations to the National Assembly	Operationalization of the Judiciary Fund	-	-
	OCRJ	Development of framework for transition of Tribunals to the Judiciary	Transition Framework	Stakeholder engagement	Stakeholder engagement done and transition draft bill sent to AG for forwarding to cabinet.	Follow up to have the bill enacted into law	Develop regulations to fully implement the Act	Implementation of framework for transition framework report Tribunals to the Judiciary	-

3.2 Analysis of Resource Requirements versus allocation by Sub-Sector

Table 3:2 Recurrent Requirements/Allocations (Amount Ksh. Million)

ANALYSIS OF RECURRENT RESOURCE REQUIREMENT VS ALLOCATION								
VOTE R 1261	REQUIREMENT				ALLOCATION			
	2017/18	2018/19	2019/20	2020/21	2017/18	2018/19	2019/20	2020/21
Gross	23,281	19,802	21,782	23,960	13,432	13,255	15,441	16,027
AIA	0	0	0	-	0	-	-	-
NET	23,281	19,802	21,782	23,960	13,432	13,255	15,441	16,027
Compensation of Employees	8,250	9,000	9,900	10,890	7,683	7,600	9,450	9,923
Transfers	2,144	2,027	2,230	2,453	934	941	986	1,005
Other Recurrent	12,887	8,775	9,652	10,617	4,815	4,714	5,005	5,099
Sub-Total	23,281	19,802	21,782	23,960	13,432	13,255	15,441	16,027

Table 3.2 provides an analysis of total resource required under recurrent budget which is an increase of 47% of the allocated budget in FY 2017/18. This is largely attributed to the increase in personnel emolument expenditure occasioned by hiring of more judicial officers and staff to improve dispensation of the ever rising number of court cases. In addition, the expansion of courts and introduction of more mobile courts across the counties has attracted increase expenses in the use of goods and services.

Table 3:3 Development Resource Requirement/Allocations (Amount Ksh. Million)

ANALYSIS OF DEVELOPMENT RESOURCE REQUIREMENT VS ALLOCATION								
VOTE D 1261	REQUIREMENT				ALLOCATION			
	2017/18	2018/19	2019/20	2020/21	2017/18	2018/19	2019/20	2020/21
Gross	12,672	11,366	12,503	13,753	4,129	4,049	4,099	1,000
GOK	9,063	8,475	9,323	13,753	1,130	1,050	1,100	1,000
Loans	3,609	2,891	3,180	-	2,999	2,999	2,999	-
Grants	0	0	0	-	0			
Loan/AIA	0	0	0	-	0			
Sub-Total	12,672	11,366	12,503	13,753	4,129	4,049	4,099	1,000

Table 3.3 provides an analysis of the total resource required in order to carry out completion, refurbishments and setting up of new court premises in order to achieve the requirement stipulated in the Judicial Service Act of establishing a High court in each county. This is an increment of 175% from the FY 2016/17.

3.2.1. Analysis of Programmes and Sub-Programmes (Current and capital) Resource Requirements and Allocations

In order for the Judiciary to implement its mandate as stipulated in the Constitution and detailed in the Strategic Plan 2014-2018 and SJT, more resources will be required as indicated in table 3.4 below.

Expenditure Classification	Estimates	Projected Estimates				Budget Allocation			
	2017/18	2018/19	2019/20	2020/21	2017/18	2018/19	2019/20	2020/21	
Sub-Programme: Access to Justice									
Current Expenditure	9,682	14,469	15,917	17,508	9,682	9,208	10,898	11,311	
Compensation to Employees	5,378	6,300	6,930	7,623	5,378	4,900	6,615	6,946	
Use of Goods and Services	3,033	5,528	6,081	6,689	3,033	3,030	2,967	3,024	
Current Transfers to Govt. Agencies	934	2,027	2,230	2,453	934	941	986	1,005	
Other Recurrent	337	614	676	743	337	337	330	336	
Capital Expenditure	4,129	11,366	12,503	13,753	4,129	4,049	4,099	1,000	
Acquisition of Non-Financial Assets	1,130	8,475	9,323	10,255	1,130.00	1,050	1,100	1,000	
Capital Transfers to Government Agencies	2,999	2,891	3,180	3,498	2,999.00	2,999	2,999	-	
Other Development	-	-	-	-	-	-	-	-	
Sub Total	13,811	25,835	28,420	31,261	13,811	13,257	14,997	12,311	
Sub-Programme: General Administration Planning & Support Services									
Current Expenditure	3,750	5,332	5,866	6,453	3,750	4,047	4,543	4,715	
Compensation to Employees	2,305	2,700	2,970	3,267	2,305	2,700	2,835	2,977	
Use of Goods and Services	1,300	2,369	2,606	2,867	1,300	1,205	1,565	1,595	
Current Transfers to Govt. Agencies	-	-	-	-	-	-	-	-	
Other Recurrent	145	263	290	319	145	142	143	144	
Capital Expenditure	-	-	-	-	-	-	-	-	
Acquisition of Non-Financial Assets	-	-	-	-	-	-	-	-	
Capital Transfers to Government Agencies	-	-	-	-	-	-	-	-	
Other Development	-	-	-	-	-	-	-	-	
Sub Total	3,750	5,332	5,866	6,453	3,750	4,047	4,543	4,715	
Total programme	17,561	31,167	34,286	37,714	17,561	17,304	19,540	17,027	
Total Expenditure of Vote 1261	17,561	31,167	34,286	37,714	17,561	17,304	19,540	17,027	

Table 3:4 Analysis of Programme/Sub-Programme Resource Requirement

ANALYSIS OF PROGRAMME EXPENDITURE RESOURCE REQUIREMENT (KSH MILLIONS)												
	2017/18			2018/19			2019/20			2020/21		
	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total
Dispensation of Justice	23,281	12,672	35,953	19,802	11,366	31,168	21,782	12,503	43,502	23,960	13,753	37,714
Access to Justice	12,201	7,806	20,007	11,012	11,366	22,378	12,113	12,503	24,208	13,324	13,753	27,077
General Administration	11,080	4,866	15,946	8,790	0	8,790	9,669	0	19,294	10,636	0	10,636
TOTAL PROGRAMME	23,281	12,672	35,953	19,802	11,366	31,168	21,782	12,503	43,502	23,960	13,753	37,714
TOTAL VOTE	23,281	12,672	35,953	19,802	11,366	31,168	21,782	12,503	43,502	23,960	13,753	37,714

The table above gives comparison of the resource requirements for the last FY and projections for the 2018/19-2020/21. Last FY 2017/18 the total resource requirement was Kshs.35B but allocated Kshs.17B which is 50%. This caused a Shortfall of over Kshs.18B.

Table 3:5 Programme/ Sub -Programme Resource Allocation

ANALYSIS OF PROGRAMME EXPENDITURE RESOURCE ALLOCATION (AMOUNT KSH MILLIONS)												
	2017/18			2018/19			2019/20			2020/21		
	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total
Programme: Dispensation of Justice	13,432	4,129	17,561	13,255	4,049	17,304	15,441	4,099	19,540	16,027	1,000	17,027
Sub-Programme 1: Access to Justice	9,682	4,129	13,811	9,208	4,049	13,257	10,898	4,099	14,997	11,311	1,000	12,311
Sub-Programme 2: General	3,750	-	3,750	4,047	-	4,047	4,543	-	4,543	4,715	-	4,715

Administration												
TOTAL PROGRAMME	13,432	4,129	17,561	13,255	4,049	17,304	15,441	4,099	19,540	16,027	1,000	17,027
TOTAL VOTE	13,432	4,129	17,561	13,255	4,049	17,306	15,441	4,099	19,540	16,027	1,000	17,027

The table above gives the total approved allocations for the Judiciary for the FY 2018/19 budget for all its operations. Where the two sub-programmes were allocated Ksh.13B and 4 B respectively.

3.2.2 Programmes and Sub-Programmes by economic classification

Table 3.6 below provides analysis of programme expenditure requirements versus allocation by economic classification of Compensation of Employees, Use of Goods and Services, Grants and Other Transfers and Other Recurrent for both Current and Capital Expenditure. Use of Goods and Services takes the largest share (46.5%) of resource requirements due to establishments of more courts.

Table 3:6 Programmes and sub-Programmes by economic classification (Ksh. Million)

ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION								
ECONOMIC CLASSIFICATION	REQUIREMENT				ALLOCATION			
	2017/18 ESTIMATES	2018/19	2019/20	2020/21	2017/18	2018/19	2019/20	2020/21
DISPENSATION OF JUSTICE								
Current Expenditure	13,432	19,802	21,782	23,960	13,432	13,255	15,441	16,027
Compensation of Employees	7,683	9,000	9,900	10,890	7,683	7,600	9,450	9,923
Use of Goods and Services	4,333	8,775	9,652	10,618	4,333	4,235	4,532	4,619
Grants and other Transfers	934	2,027	2,230	2,453	934	941	986	1,005
Other Recurrent	482	0	0	0	482	479	473	480
Capital Expenditure	4,129	11,366	12,503	13,753	4,129	4,049	4,099	1,000
Acquisition of Non-Financial Assets	1,130	8,475	9,323	10,255	1,130	1,050	1,100	1,000
Capital Grants to Government Agencies	2,999	2,891	3,180	3,498	2,999	2,999	2,999	-
Other Development	0	0	0	0	-	-	-	-
Total Programme	17,561	31,168	34,285	37,714	17,561	17,304	19,540	17,027
TOTAL VOTE 1261	17,561	31,168	34,285	37,714	17,561	17,304	19,540	17,027

The table above gives an analysis of resource requirements according to the economic classification. The total Compensation to employees and use of good and services constitute a 29% and 28% of the total requirements respectively.

4. Analysis of Resource Requirements vs Allocation for 2017/18-2019/20

The resource requirements for SAGA's and tribunals already transited to the Judiciary by economic classification are as tabulated in table 3.7 below. The table shows a huge increment in the resource requirement due to the transition of a total of 21 tribunals to the Judiciary.

Table 3.7 Semi-Autonomous Government Agencies

Economic Classification	2017/18 Allocation	REQUIREMENT			ALLOCATION		
		2018/19	2019/20	2020/21	2018/19	2019/20	2020/21
Political Parties Disputes Tribunal							
Current Expenditure	27	167	183.7	202.07	27	28	29
Compensation of Employees	-	-	-	-			
Use of Goods and Services	27	167	184	202	27	28	29
Other Recurrent	-	-	-	-			
Capital Expenditure	0	0	0	0	0	0	0
Acquisition of Non-Financial Assets	-	-	-	-			
Other Development	-	-	-	-			
Total Programme	27	167	183.7	202.07	27	28	29
Auctioneers Licesning Board	20	47	51.7	56.87	20	21	23
Current Expenditure		-	-	-			
Compensation of Employees	-	-	-	-			
Use of Goods and Services	20	47	52	57	20	21	23
Other Recurrent	-	-	-	-			
Capital Expenditure	0	0	0	0	0	0	0
Acquisition of Non-Financial Assets	-	-	-	-			
Other Development	-	-	-	-			
Total Programme	20	47	51.7	56.87	20	21	23
Education Appeals Tribunal		-	-	-			
Current Expenditure	10	10	11	12.1	10	11	11
Compensation of Employees	-	-	-	-			
Use of Goods and Services	10	10	11	12	10	11	11
Other Recurrent	-	-	-	-			
Capital Expenditure	0	0	0	0	0	0	0
Acquisition of Non-Financial Assets	-	-	-	-			
Other Development	-	-	-	-			
Total Programme	10	10	11	12.1	10	11	11
HIV and AIDs Tribunal		-	-	-			
Current Expenditure	47	71	78.1	85.91	47	49	51
Compensation of Employees	-	-	-	-			
Use of Goods and Services	47	71	78	86	47	49	51

Other Recurrent	-	-	-	-	-	-	-	-
Capital Expenditure	0	0	0	0	0	0	0	0
Acquisition of Non-Financial Assets	-	-	-	-	-	-	-	-
Other Development	-	-	-	-	-	-	-	-
Total Programme	47	71	78.1	85.91	47	49	51	
Business Premises Tribunal		-	-	-				
Current Expenditure	37	50	55	60.5	37	38	39	
Compensation of Employees	-	-	-	-				
Use of Goods and Services	37	50	55	61	37	38	39	
Other Recurrent	-	-	-	-				
Capital Expenditure	0	0	0	0	0	0	0	0
Acquisition of Non-Financial Assets	-	-	-	-				
Other Development	-	-	-	-				
Total Programme	37	50	55	60.5	37	38	39	
Energy Tribunal		-	-	-				
Current Expenditure	10	61	67.1	73.81	10	10	11	
Compensation of Employees	-	-	-	-				
Use of Goods and Services	10	61	67	74	10	10	11	
Other Recurrent	-	-	-	-				
Capital Expenditure	0	0	0	0	0	0	0	0
Acquisition of Non-Financial Assets	-	-	-	-				
Other Development	-	-	-	-				
Total Programme	10	61	67.1	73.81	10	10	11	
Rent Restriction Tribunal		-	-	-				
Current Expenditure	31	58	63.8	70.18	31	32	32	
Compensation of Employees	-	-	-	-				
Use of Goods and Services	31	58	64	70	31	32	32	
Other Recurrent	-	-	-	-				
Capital Expenditure	0	0	0	0	0	0	0	0
Acquisition of Non-Financial Assets	-	-	-	-				
Other Development	-	-	-	-				
Total Programme	31	58	63.8	70.18	31	32	32	
The Standards Tribunal		-	-	-				
Current Expenditure	18	28	31	34	18	19	19	
Compensation of Employees	-	-	-	-				
Use of Goods and Services	18	28	31	34	18	19	19	
Other Recurrent	-	-	-	-				
Capital Expenditure	0	0	0	0	0	0	0	0
Acquisition of Non-Financial Assets	-	-	-	-				
Other Development	-	-	-	-				
Total Programme	18	28	30.8	33.88	18	19	19	
National Environment Tribunal		-	-	-				
Current Expenditure	24	211	232.1	255.31	24	25	26	

Compensation of Employees	-	-	-	-			
Use of Goods and Services	24	211	232	255	24	25	26
Other Recurrent	-	-	-	-			
Capital Expenditure	0	0	0	0	0	0	0
Acquisition of Non-Financial Assets	-	-	-	-			
Other Development	-	-	-	-			
Total Programme	24	211	232	255	24	25	26
Cooperative Tribunal		-	-	-			
Current Expenditure	55	106	116.6	128.26	55	58	59
Compensation of Employees	-	-	-	-			
Use of Goods and Services	55	106	117	128	55	58	59
Other Recurrent	-	-	-	-			
Capital Expenditure	0	0	0	0	0	0	0
Acquisition of Non-Financial Assets	-	-	-	-			
Other Development	-	-	-	-			
Total Programme	55	106	117	128	55	58	59
Industrial Property Tribunal		-	-	-			
Current Expenditure	15	16	17.6	19.36	15	16	16
Compensation of Employees	-	-	-	-			
Use of Goods and Services	15	16	18	19	15	16	16
Other Recurrent	-	-	-	-			
Capital Expenditure	0	0	0	0	0	0	0
Acquisition of Non-Financial Assets	-	-	-	-			
Other Development	-	-	-	-			
Total Programme	15	16	18	19	15	16	16
PPP Committee		-	-	-			
Current Expenditure	46	46	50.6	55.66	46	48	49
Compensation of Employees	-	-	-	-			
Use of Goods and Services	46	46	51	56	46	48	49
Other Recurrent	-	-	-	-			
Capital Expenditure	0	0	0	0	0	0	0
Acquisition of Non-Financial Assets	-	-	-	-			
Other Development	-	-	-	-			
Total Programme	46	46	51	56	46	48	49
Competition Tribunal		-	-	-			
Current Expenditure	34	65	71.5	78.65	34	35	36
Compensation of Employees	-	-	-	-			
Use of Goods and Services	34	65	72	79	34	35	36
Other Recurrent	-	-	-	-			
Capital Expenditure	0	0	0	0	0	0	0
Acquisition of Non-Financial Assets	-	-	-	-			
Other Development	-	-	-	-			
Total Programme	34	65	72	79	34	35	36

Transport Licensing Appeals Board			-	-	-			
Current Expenditure	84	143	157.3	173.03	84	88	89	
Compensation of Employees	-	-	-	-				
Use of Goods and Services	84	143	157	173	84	88	89	
Other Recurrent	-	-	-	-				
Capital Expenditure	0	0	0	0	0	0	0	
Acquisition of Non-Financial Assets	-	-	-	-				
Other Development	-	-	-	-				
Total Programme	84	143	157	173	84	88	89	
Sports Disputes Tribunal			-	-	-			
Current Expenditure	19	104	114.4	125.84	19	20	20	
Compensation of Employees	-	-	-	-				
Use of Goods and Services	19	104	114	126	19	20	20	
Other Recurrent	-	-	-	-				
Capital Expenditure	0	0	0	0	0	0	0	
Acquisition of Non-Financial Assets	-	-	-	-				
Other Development	-	-	-	-				
Total Programme	19	104	114	126	19	20	20	
SCAT			-	-	-			
Current Expenditure	55	53	58.3	64.13	55	57	58	
Compensation of Employees	-	-	-	-				
Use of Goods and Services	55	53	58	64	55	57	58	
Other Recurrent	-	-	-	-				
Capital Expenditure	0	0	0	0	0	0	0	
Acquisition of Non-Financial Assets	-	-	-	-				
Other Development	-	-	-	-				
Total Programme	55	53	58	64	55	57	58	
NCAJ			-	-	-			
Current Expenditure	35	53	58.3	64.23	35	37	38	
Compensation of Employees	-	-	-	-				
Use of Goods and Services	35	53	58	64	35	37	38	
Other Recurrent	-	-	-	-				
Capital Expenditure	0	0	0	0	0	0	0	
Acquisition of Non-Financial Assets	-	-	-	-				
Other Development	-	-	-	-				
Total Programme	35	53	58	64	35	37	38	
OFFICE OF THE CHIEF JUSTICE_JCE								
Current Expenditure	15	33	41	49	11	10	10	
Compensation of Employees	0	-	-	-	0	0	0	
Use of Goods and Services	15	33	41	49	11	10	10	
Other Recurrent	0	0	0	0	0	0	0	
Capital Expenditure	0	0	0	0	0	0	0	
Acquisition of Non-Financial Assets								

Other Development								
Total Programme	15	33	41	49	11	10	10	
NCLR								
Current Expenditure	320	663	729.3	802.23	316	331	336	
Compensation of Employees	128	316	348	382	134	142	148	
Use of Goods and Services	192	347	382	420	182	189	188	
Other Recurrent	-	-	-	-				
Capital Expenditure	0	0	0	0	0	0	0	
Acquisition of Non-Financial Assets	-	-	-	-				
Other Development	-	-	-	-				
Total Programme	320	663	729.3	802.23	316	331	336	
COMPETENT AUTHORITY								
Current Expenditure	10	10	11	12.1	11	11	11	
Compensation of Employees			-	-				
Use of Goods and Services	10	10	11	12	11	11	11	
Other Recurrent			-	-				
Capital Expenditure	0	0	0	0	0	0	0	
Acquisition of Non-Financial Assets			-	-				
Other Development			-	-				
Total Programme	10	10	11	12.1	11	11	11	
WITNESS PROTECTION APPEALS TRIBUNALS								
Current Expenditure	11	11	12.1	13.31	11	11	11	
Compensation of Employees			-	-				
Use of Goods and Services	11	11	12	13	11	11	11	
Other Recurrent			-	-				
Capital Expenditure	0	0	0	0	0	0	0	
Acquisition of Non-Financial Assets			-	-				
Other Development			-	-				
Total Programme	11	11	12.1	13.31	11	11	11	
LEGAL EDUCATION APPEALS TRIBUNAL								
Current Expenditure	11	34	37.4	41.14	11	11	11	
Compensation of Employees			-	-				
Use of Goods and Services	11	34	37	41	11	11	11	
Other Recurrent			-	-				
Capital Expenditure	0	0	0	0	0	0	0	
Acquisition of Non-Financial Assets			-	-				
Other Development			-	-				
Total Programme	11	34	37.4	41.14	11	11	11	
NATIONAL CIVIL AVIATION ADMINISTRATIVE REVIEW TRIBUNAL								
Current Expenditure	0	34	37.4	41.14	3	5	5	

Compensation of Employees			-	-			
Use of Goods and Services	0	34	37	41	3	5	5
Other Recurrent			-	-			
Capital Expenditure	0	0	0	0	0	0	0
Acquisition of Non-Financial Assets			-	-			
Other Development			-	-			
Total Programme	0	34	37.4	41.14	3	5	5
MICRO AND SMALL ENTERPRISE REGULATORY BOARD TRIBUNAL			-	-			
Current Expenditure	0	34	37.4	41.14	3	5	5
Compensation of Employees			-	-			
Use of Goods and Services	0	34	37	41	3	5	5
Other Recurrent			-	-			
Capital Expenditure	0	0	0	0	0	0	0
Acquisition of Non-Financial Assets			-	-			
Other Development			-	-			
Total Programme	0	15	15	15	3	5	5
COMMUNICATIONS & MULTIMEDIA APPEALS TRIBUNAL			-	-			
Current Expenditure	0	34	37.4	41.14	3	5	5
Compensation of Employees			-	-			
Use of Goods and Services	0	34	37	41	3	5	5
Other Recurrent			-	-			
Capital Expenditure	0	0	0	0	0	0	0
Acquisition of Non-Financial Assets			-	-			
Other Development			-	-			
Total Programme	0	15	15	15	3	5	5
TOTAL FOR PROGRAMME	934	2,119	2,331	2,564	941	986	1,005

The total resource requirements for the SAGAs and Grants to Tribunals is Kshs.2.1B the increase is to cater for the needs of the new Tribunals. This required resources include provision of space, furniture, ICT infrastructure and other transitional requirements. The total allocation for the FY 2018-2019 is kshs.940M hence a shortfall of Kshs.1,179M.

Table 3.8: Summary of The Expenditures And Revenue Generated

Economic Classification	2017/18 Allocation	REQUIREMENT			ALLOCATION		
		2018/19	2019/20	2020/21	2018/19	2019/20	2020/21
Political Parties Disputes Tribunal							
GROSS	27	167	184	202	27	29	29
AIA - Internally Generated Revenue	-	0	0	0	0	0	0
Net-Exchequer	27	167	184	202	27	29	29
Auctioneers Licesning Board							
GROSS	20	47	52	57	20	21	21
AIA - Internally Generated Revenue	-	0	0	0	0	0	0
Net-Exchequer	20	47	52	57	20	21	21
Education Tribunal							
GROSS	10	10	11	12	10	11	11
AIA - Internally Generated Revenue	-	0	0	0	0	0	0
Net-Exchequer	10	10	11	12	10	11	11
HIV and AIDs Tribunal			0	0			
GROSS	47	71	78	86	47	49	50
AIA - Internally Generated Revenue	-	0	0	0	0	0	0
Net-Exchequer	47	71	78	86	47	49	50
Business Premises Tribunal			0	0			
GROSS	37	50	55	61	37	38	39
AIA - Internally Generated Revenue	-	0	0	0	0	0	0
Net-Exchequer	37	50	55	61	37	38	39
Energy Tribunal			0	0			
GROSS	10	61	67	74	10	10	11
AIA - Internally Generated Revenue	-	0	0	0	0	0	0
Net-Exchequer	10	61	67	74	10	10	11
Rent Restriction Tribunal			0	0			
GROSS	31	58	64	70	31	32	33
AIA - Internally Generated Revenue	-	0	0	0	0	0	0
Net-Exchequer	31	58	64	70	31	32	33
The Standards Tribunal			0	0			
GROSS	18	28	31	34	18	19	19
AIA - Internally Generated Revenue	-		0	0	0	0	0
Net-Exchequer	18	28	31	34	18	19	19
National Environment Tribunal			0	0			
GROSS	24	211	232	255	24	25	26
AIA - Internally Generated Revenue	-	0	0	0	0	0	0
Net-Exchequer	24	211	232	255	24	25	26
Cooperative Tribunal			0	0			

GROSS	55	106	117	128	55	57	59
AIA - Internally Generated Revenue	-	0	0	0	0	0	0
Net-Exchequer	55	106	117	128	55	57	59
Industrial Property Tribunal			0	0			
GROSS	15	16	18	19	15	16	16
AIA - Internally Generated Revenue	-	0	0	0	0	0	0
Net-Exchequer	15	16	18	19	15	16	16
PPP Committee			0	0			
GROSS	46	46	51	56	46	48	49
AIA - Internally Generated Revenue	-	0	0	0	0	0	0
Net-Exchequer	46	46	51	56	46	48	49
Competition Tribunal			0	0			
GROSS	34	65	72	79	34	35	36
AIA - Internally Generated Revenue	-	0	0	0	0	0	0
Net-Exchequer	34	65	72	79	34	35	36
Transport Licensing Appeals Board			0	0			
GROSS	84	143	157	173	84	88	89
AIA - Internally Generated Revenue	-	0	0	0	0	0	0
Net-Exchequer	84	143	157	173	84	88	89
Sports Disputes Tribunal			0	0			
GROSS	19	104	114	126	19	20	20
AIA - Internally Generated Revenue	-	0	0	0	0	0	0
Net-Exchequer	19	104	114	126	19	20	20
SCAT			0	0			
GROSS	55	53	58	64	55	57	58
AIA - Internally Generated Revenue	-	0	0	0	0	0	0
Net-Exchequer	55	53	58	64	55	57	58
NCAJ			0	0			
GROSS	50	63	69	76	51	52	53
AIA - Internally Generated Revenue	-	0	0	0	0	0	0
Net-Exchequer	50	63	69	76	51	52	53
NCLR			0	0			
GROSS	320	663	729	802	316	330	336
AIA - Internally Generated Revenue		0	0	0	0	0	0
Net-Exchequer	320	663	729	802	316	330	336
COMPETENT AUTHORITY			0	0			
GROSS	10	10	11	12	11	11	11
AIA - Internally Generated Revenue			0	0	0	0	0
Net-Exchequer	10	10	11	12	11	11	11
WITNESS PROTECTION APPEALS TRIBUNALS			0	0			
GROSS	11	11	12	13	11	11	11
AIA - Internally Generated Revenue			0	0	0	0	0

Net-Exchequer	11	11	12	13	11	11	11
LEGAL EDUCATION APPEALS TRIBUNAL			0	0			
GROSS	11	34	37	41	11	11	11
AIA - Internally Generated Revenue			0	0	0	0	0
Net-Exchequer	11	34	37	41	11	11	11
MICRO AND SMALL ENTERPRISE REGULATORY TRIBUNAL			0	0			
GROSS	0	34	37	41		5	5
AIA - Internally Generated Revenue			0	0		0	0
Net-Exchequer	0	34	37	41		5	5
NATIONAL CIVIL AVIATION ADMINISTRATIVE REVIEW TRIBUNAL			0	0			
GROSS	0	34	37	41	3	5	5
AIA - Internally Generated Revenue			0	0	0	0	0
Net-Exchequer	0	34	37	41	3	5	5
COMMUNICATIONS AND MULTIMEDIA APPEALS TRIBUNAL			0	0			
GROSS	0	34	37	41	3	5	5
AIA - Internally Generated Revenue			0	0	0	0	0
Net-Exchequer	0	34	37	41	3	5	5
Total	934	2,119	2,331	2,564	941	986	1,005

The above table reflects the anticipated exchequers against the allocation for each Sagas and Tribunals, from the table above non of them collects AIA therefore the overall allocation for each is equal to the et Exchequer issues.

CHAPTER FOUR

5. CROSS-SECTOR LINKAGES AND EMERGING ISSUES/CHALLENGES

5.1 Cross-Sector Linkages

Constructive relationships between the three arms of government; the Executive, the Legislature and the Judiciary are essential to the effective implementation of the Constitution and upholding the rule of law. The relationship among these sectors is one of interdependence where the Executive formulates policy and enforces laws, the Legislature enacts laws and Judiciary interprets them. These linkages may positively or negatively affect the administration of justice. The Judiciary will put in place mechanisms for harnessing synergies with each sector to ensure strong and successful partnerships in order to achieve its core mandate and also contribute to the achievement of the broad national objectives.

5.2 Emerging Issues

1. **Technology**- rapid advances in technology globally have changed the way institutions deliver services. The public is increasingly demanding better service experience that embraces technology by public institutions. The Judiciary Digital Strategy, provided in the SJT, intends to revolutionize and deploy technology in the delivery of service in order to meet increased user expectation in the areas of communication, information sharing, case management, records and data management.
2. **Transition of tribunals into the Judiciary** – tribunals are statutory bodies established under various Acts of Parliament with a mandate of resolving disputes in specific areas of law and industry. Prior to the enactment of the Constitution 2010, tribunals previously operated under various ministries within the executive arm of government. The changes introduced in the Constitution prompted their transition into the Judiciary as a component of the court system. The Judiciary has taken measures to put in place mechanisms for appropriate legal, policy and institutional frameworks for the full transition of tribunals into the Judiciary. Some of the measures taken include the development and presentation of a draft Tribunal Bill to the Attorney General.
3. **New legal frontiers** – issues such as conflicts around the discovery of natural resources, cyber-crimes, terrorism, international organised crime, doping, constitutional and global changes in the legal environment, ethics and governance have become a challenge. A number of Judges and Magistrates have received training in many of these areas. Going forward, the Judiciary will support the training of additional judges, judicial officers and staff in order to build capacity for managing and resolving disputes that may arise from these areas.
4. **Alternative forms of Dispute Resolution (ADR)** – the Constitution encourages the use of ADR in the resolution of disputes. The Judiciary has integrated ADR in the process of resolving disputes through the Court Annexed Mediation Programme (CAMP). A pilot CAMP was successfully implemented at the Family and Commercial Divisions of the Milimani High Court. The programme is planned to be rolled out in all courts across the country in order to have a greater impact.

5.3 Challenges

During the period under review, the Judiciary experienced the following challenges: -

1) Insufficient resources

Lack of adequate funding delays implementation of planned programmes. Specifically, the resources available are inadequate to establish courts, tribunals and human resource to meet its increasing workload.

2) Inadequate ICT infrastructure

Most of the court stations do not have appropriate ICT capabilities to support Judiciary Digital Strategy under SJT.

3) Transition of Tribunals to the Judiciary

There are about 57 tribunals established to resolve disputes in specialized areas. The Constitution of Kenya, 2010 brought tribunals within the structure of courts and necessitated transition of their operations into the Judiciary. Eighteen (18) tribunals have been transferred to the Judiciary and more transfers are expected. The transition has faced the following challenges:-

- a) Varied institutional arrangements on administration of tribunals including lack of a policy on their funding, staffing and members' appointments,
- b) Lack of an appropriate legal framework, and
- c) Lack of synchronization in the transitioning of tribunals with the budget calendar.

CHAPTER FIVE

6. CONCLUSION

6.1 Conclusion

Judiciary has made gains in several areas of service delivery as noted in chapter two. In sustaining these gains the Judiciary developed the SJT which shifts focus from institutional building and capacity enhancement to enhancing service delivery. The SJT objectives are therefore prioritized for resource allocation as outlined in chapter three. Key among them is the efficient and expeditious delivery of justice to the public. This can only be achieved through adequate funding amounting to **Kshs 31 Billion** to enable improved access to justice, clearance of case backlog, and implementation of the Judiciary Digital Strategy. This would contribute to a conducive investment environment which is necessary for the realization of Vision 2030 goals.

CHAPTER SIX

7. RECOMMENDATIONS

In an effort to improve access to justice, we recommend the following:-

- i. Need to finalize and gazette regulations for the Judiciary Fund Act to enable operationalization of the Judiciary Fund so as to improve on financial autonomy.
- ii. The National Assembly needs to ensure adequate funding to the Judiciary for :
 - Hiring of more Judicial Officers and Staff as well as staff for tribunals so as to enhance expeditious disposal of cases. Adequate human capacity is critical to the smooth functioning of the courts and directorates, and insufficient staff translates directly into poor service to the public.
 - Need for capacity building for judicial officers to allow them deal adequately with emerging issues such as terrorism, doping, cybercrime, complex projects such as SGR, LAPSSET
 - Need to hire additional number of magistrates due to the widened jurisdiction. This will enable them to deal with impending back log
- iii. Harmonize and fast track the reforms within the different players in the justice sector to ensure synergy in the delivery of justice.
- iv. Enhanced legal framework for the tribunals and synchronize the transfer period with the budget calendar for smooth transition.



Finance Directorate
Tel. 020 2221221 ext. 1686
finance@judiciary.go.ke

PROGRAMME BASED BUDGET (PBB)
FY 2018/19 - 2020/21

