

REPUBLIC OF KENYA



OFFICE OF THE AUDITOR-GENERAL

Enhancing Accountability

REPORT

THE NATIONAL ASSEMBLY
PAPERS LAID

DATE: 27 FEB 2024

DAY: *WEDNESDAY*

TABLED
BY

*Hon Naomn Wago my
Deputy majority whip
Inzoga male*

OF

THE AUDITOR-GENERAL

ON

JUDICIAL SERVICE COMMISSION

FOR THE YEAR ENDED
30 JUNE, 2023

OFFICE OF THE AUDITOR GENERAL
P. O. Box 30084 - 00100, NAIROBI
REGISTRY
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**ANNUAL REPORT AND FINANCIAL STATEMENTS
FOR THE FINANCIAL YEAR ENDED
JUNE 30TH, 2023**

SEPTEMBER, 2023



JUDICIAL SERVICE COMMISSION
ANNUAL REPORT AND FINANCIAL STATEMENTS
FOR THE FINANCIAL YEAR ENDED
JUNE 30, 2023

*This Annual Report is Prepared in accordance with the Cash Basis of Accounting Method
under the International Public Sector Accounting Standards (IPSAS)*



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1.0 ACRONYMS AND GLOSSARY OF TERMS

AIE	Authority to Incur Expenditure
CFO	Chief Finance Officer
HAU	Head of Accounting Unit
IPSAS	International Public Sector Accounting Standards
OCOB	Office of the Controller of Budget
OAG	Office of the Auditor General
PFM	Public Finance Management
KJA	Kenya Judiciary Academy
JTI	Judiciary Training Institute
KMJA	Kenya Magistrates and Judges Association
PAC	Parliamentary Accounts Committee
BAC	Budget Appropriation Committee
JLAC	Justice and Legal Affairs Committee
SGBV	Sexual and Gender-Based Violence
NaSCI-AJS	National Steering Committee on Implementation of Alternative Justice System
STAJ	Social Transformation through Access to Justice
CAPs	County Action Plans
AJS	Alternative Justice Systems
KJA	Kenya Judiciary Academy
AJENEL	Africa Judicial Education Network on Environmental Law
EGH	Elder of the Golden Heart
H. E	His Excellency
FY	Financial Year
CCIOs	Constitutional Commissions and Independent offices
ELC	Environment & Land Court
ELRC	Employment & Labour Relations Court
UoN	University of Nairobi
JSC	Judicial Service Commission
KEMNAC	Kenya Muslims National Advisory Council
SUPKEM	Supreme Council of Kenya Muslims
ICT	Information Communication Technology
ICPAK	Institute of Certified Public Accountants of Kenya
MoU	Memorandum of Understanding
KSG	Kenya School of Government
ESAMI	Eastern and Southern Africa Management Institute
SMC	Senior Management Course
SLDP	Strategic Leadership Development Programme
IHRM	Institute of Human Resource Management
ERP	Enterprise Resource Planning
OSHA	Occupational Safety and Health Act
CSR	Corporate Social Responsibility
IPSAS	International Public Sector Accounting Standards
PSASB	Public Sector Accounting Standards Board
PFM	Public Finance Management
AIE	Authority to Incur Expenditure
MDAs	Ministries Department and Agencies
IFMIS	Integrated Financial Management Information System

CFO	Chief Finance Officer
HAU	Head of Accounting Unit
OCOB	Office of the Controller of Budget
OAG	Office of the Auditor General
KMJA	Kenya Magistrates and Judges Association
KJA	Kenya Judiciary Academy
PAC	Parliamentary Accounts Committee
BAC	Budget Appropriation Committee
JLAC	Justice and Legal Affairs Committee
SGBV	Sexual and Gender-Based Violence
CAM	Court Annexed Mediation
KLRC	Kenya Law Reform Commission
CJE	Continuous Judicial Education
STAJ	Social Transformation through Access to Justice
BIC	Budget Implementation Committee
SAC	Secretariat Administrative Committee
LMT	Leadership Management Team
BETA	Bottom-up Economic Transformation Agenda

2.0 KEY ENTITY INFORMATION AND MANAGEMENT

2.1 Background information

The Judicial Service Commission is established under Article 171 of the Constitution of Kenya and operationalized by the Judicial Service Act No.1 of 2011. Its mandate as stipulated in Article 172 of the Constitution is to promote and facilitate the independence and accountability of the Judiciary and the efficient, effective and transparent administration of justice.

The membership of the Commission as provided for under Article 171(2) of the Constitution is as follows: The Chief Justice as the Chairperson of the Commission; one Supreme Court judge and one Court of Appeal judge elected by other Supreme Court and Court of Appeal judges respectively; one High Court judge and one magistrate elected by members of the Kenya Magistrates and Judges Association (KMJA); the Attorney General; two advocates elected by members of the Law Society of Kenya; Public Service Commission nominee; and two members who are not lawyers appointed by the President with approval of the National Assembly to represent the public interest.

The Chief Registrar of the Judiciary is the Secretary to the Commission as provided for under Article 171(3) of the Constitution and the Accounting Officer as provided for in the Judicial Service Act. The Secretary is responsible for the preparation of the Financial Statements of the Commission and ensuring that proper books and records of accounts are kept and maintained.

2.2 Vision, Mission and Core Values

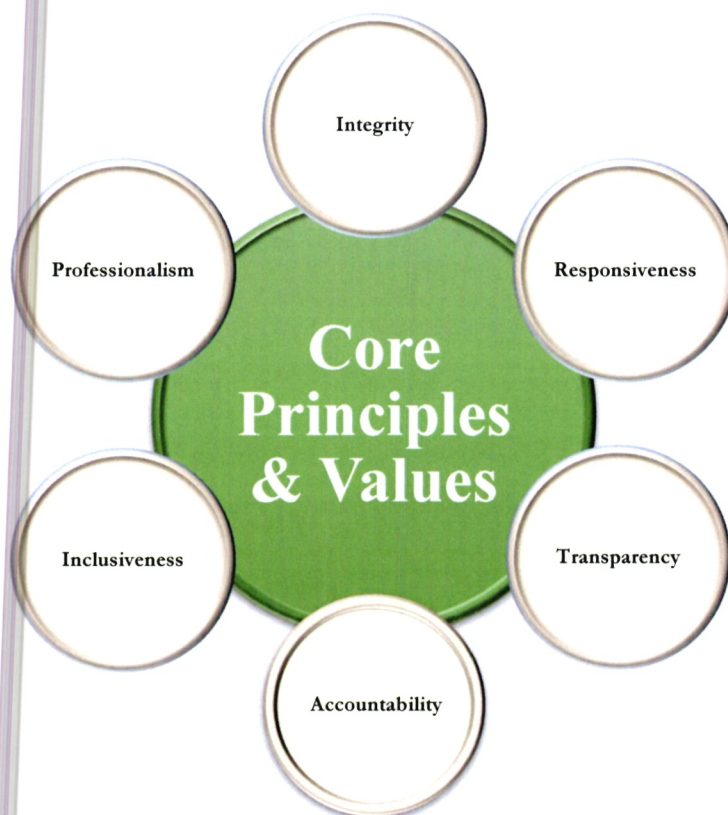
Our Vision

A Commission of excellence in promoting an independent, transparent and accountable Judiciary

Our Mission

To facilitate an independent, and accountable Judiciary that is competent, efficient, effective, and transparent in the administration of Justice through capacity development and strategic partnerships

Our Core Values



2.3 Mandate and Functions

Our Mandate

The mandate of the Commission as stipulated in Article 172 of the Constitution is to promote and facilitate the independence and accountability of the Judiciary and the efficient, effective and transparent administration of justice.

Our Functions

- i) Recommend to the President persons for appointment as judges.
- ii) Review and make recommendations on condition of service for judges (other than their remuneration), judicial officers and staff of the Judiciary.
- iii) Receive complaints against, investigate and remove from office or otherwise disciplining registrars, magistrates, other judicial officers and other staff of the Judiciary.
- iv) Prepare and implement programmes for the continuing education and training of judges and judicial officers.
- v) Advise the National Government on improving the efficiency of the administration of Justice.

- vi) Receive and consider petitions for the removal from office of judges under Article 168 of the Constitution.

2.4 Key Management

The Judicial Service Commission is managed by the following key organs:

- i) The Commission: provides oversight and strategic direction.
- ii) Committees of the Commission: The Committees are established by the Commission for expeditious processing of matters and making recommendations to the Commission.
- iii) The Secretariat: It supports the administrative and daily functioning of the Commission.
- iv) Kenya Judiciary Academy: The Commission executes the function of preparing and implementing programmes for the continuing education and training of judges and judicial officers through **Kenya Judiciary Academy (KJA)**.

The day-to-day management of the Commission is carried out by:

- i) The Secretary who is also the Chief Registrar of the Judiciary
- ii) The Registrar, Judicial Service Commission
- iii) The Director, Kenya Judiciary Academy

2.5 Fiduciary Management

The key management personnel who held office during the period ended June 2023 and who had direct fiduciary responsibility were:

S/No.	Designation	Name
1	Accounting Officer	Hon. Anne A. Amadi, CBS
2	Registrar, JSC	Hon. Winfrida B. Mokaya
3	Director, KJA	Hon. Justice Dr. Smokin Wanjala, SCJ
4	Director Finance & Administration	CPA Rebecca J. Kiplagat
5	Assistant Director Finance	Mr. Steven Imbusi, ACCA

2.6 Fiduciary Oversight Arrangements

The following are the key fiduciary oversight arrangements that apply to the Commission:

2.6.1 Committees of the Commission

i). Finance, Planning and Administration Committee

The Commission performs the financial oversight role through the Finance, Planning and Administration Committee. The Committee's responsibilities are; monitoring and overseeing the Commission's financial affairs with respect to the financing plans, financing requirements and policies, evaluation of specific financial proposals, plans, strategies, transactions and other initiatives.

ii). Audit, Governance and Risk Management Committee

Section 73(5) of the Public Finance Management Act, 2012 provides that every National Government public entity shall establish an audit committee whose composition and functions shall be as prescribed by the regulation. The Judicial Service Commission has established an Audit Committee that assist the Commission in fulfilling its oversight responsibilities by reviewing, identifying, assessing, monitoring and managing risks ensuring good governance.

The Committee monitors the effectiveness of the internal control systems and regularly receives reports from internal and external auditors. The Audit, Governance and Risk Management Committee oversees the implementation of such recommendations from both external and internal auditors.

iii). Budget Implementation Committee

In the FY 2022/2023 the Commission established the Budget Implementation Committee (BIC) to oversee the budget implementation and regularly advice the accounting officer on the Budget performance. The specific terms of reference for the Committee include.

1. To review and consider the cash flow plans- this shall involve a regular review of the Commission cash plan and approval of any changes to the initial cash flow plan to be communicated to the National Treasury.
2. To review the utilization of cash limits and consider any changes as may be required.
3. To review the utilization of donor funds voted for the MDA.

4. To advise the Accounting Officer on any challenges related to the budget implementation.
5. To review and recommend reallocation of expenditures.
6. To review and approve the submission of the expenditure returns, non-financial reports, IPPD, pending bills and A-I-A returns for the MDAs and recommend actions to be taken.
7. To participate in Sector Working Groups
8. To prepare the budgets for MDAs in consultation with Heads of Departments.

iv). Secretariat Administrative Committee

To strengthen the Commission governance framework, the Commission, through the Secretary established a Secretariat Administrative Committee to guide on the operational tasks.

The Committee eliminated 'a one-man' decision making and enhanced a collective deliberation and sharing of responsibilities within the Commission's Secretariat.

The chairperson of the committee is the Registrar, JSC who is also the head on the secretariat.

Some of the specific roles are to: -

- i. Guide the Commission on operational delinking from the Judiciary.
- ii. Advice on Human Resource Management and Development.
- iii. Handle the Administrative issues at the Secretariat i.e., Disciplinary, staff welfare, board matters, Commissioner welfare.
- iv. Review estimates budgets, procurement plans and disposal plan before tabling to the Commission
- v. Review of annual workplans
- vi. Engagement in the Entry and exit meetings with auditors.
- vii. Enhance legal compliance i.e. develop the annual activity and financial reports
- viii. Review proposed administrative policies and procedures.

2.6.2 KJA Leadership Management Team

The Leadership Management Team of the Kenya Judiciary Academy regularly reviews the implementation of the annual budget and workplans to ensure internal procedures contribute to achievement of the strategic plan, efficient and effective operations and employee satisfaction.

2.6.3 Parliamentary Committees

The Parliament is mandated to provide oversight role and review of the Commission's performance on financial matters through the following committees; Parliamentary Accounts Committee (PAC); Budget Appropriation Committee (BAC) and Justice and Legal Affairs Committee (JLAC). During the financial year 2022/23, the Commission engaged the Committees in line with its mandate of promoting effective and efficient administration of Justice.

2.6.4 Office of the Auditor General

The Office of the Auditor General undertakes annual audit of the Commission's financial statements by ensuring the Commission prudently manages its finances.

2.6.5 Office of the Controller of Budget

The Office of the Controller of Budget approves Commission's expenditure requests through exchequer and also analyses quarterly reports.

2.7 Headquarters

Judicial Service Commission
CBK Pensions Towers, 13th Floor,
Harambee Avenue,
P. O. Box 40048-00100,
NAIROBI.
Telephone: (254) 2739180
E-mail: jscsecretariat@jsc.go.ke
Website: www.jsc.go.ke



2.8 Bankers

1. The Central Bank of Kenya,
Haile Selassie Avenue,
P.O. Box 60000-00200,
NAIROBI.
2. The Kenya Commercial Bank,
KICC Branch,
Harambee Avenue,
P.O. Box 46950 – 00100,
NAIROBI.

2.9 Independent Auditors

The Auditor General,
Kenya National Audit Office,

Anniversary Towers, University Way,
P.O. Box 30084- 00100,

NAIROBI.

2.10 Principal Legal Adviser

The Attorney General,
State Law Office,
Harambee Avenue,
P.O. Box 40112 - 00200,

NAIROBI.

3.0 STATEMENT OF GOVERNANCE

The Commission in implementing its mandate has adopted the following governance structure:

3.1 Members of the Commission

The Commission under Article 171(2) of the Constitution consists of the following members;

- i). The Chief Justice as the Chairperson of the Commission,
- ii). One Supreme Court Judge elected by the Judges of the Supreme Court.,
- iii). One Court of Appeal Judge elected by the Judges of the Court of Appeal,
- iv). One High Court Judge and one Magistrate, one woman and one man elected by members of the Kenya Magistrates and Judges Association (KMJA),
- v). The Attorney General,
- vi). Two advocates, one woman and one man elected by members of the Law Society of Kenya,
- vii). Public Service Commission nominee,
- viii). Two members a man and a woman who are not lawyers appointed by the President with approval of the National Assembly to represent the public interest.

The Chief Registrar of the Judiciary is the Secretary to the Commission.

3.1.1 Profiles of Commission Members

Hon. Justice Martha K. Koome, EGH Chief Justice and President, Supreme Court of Kenya and Chairperson, Judicial Service Commission



Hon. Justice Martha Karambu Koome EGH, is the Chairperson of the Judicial Service Commission, pursuant to Article 171, 2 (a) of the Constitution.

Hon. Justice Koome was appointed the Chief Justice and President of the Supreme Court on May 19, 2021, as the 15th Chief Justice of the Republic of Kenya and the 3rd President of the Supreme Court of Kenya. She is the first woman to hold the office of the Chief Justice of the Republic of Kenya.

Hon. Justice Koome holds a Master of Laws degree from the University of London, a Bachelor of Laws degree from the University of Nairobi and a Post Graduate Diploma in Law from the Kenya School of Law. She was admitted to the Roll of Advocates in 1987.

Before her elevation to the office of the Chief Justice, the Hon. Justice Koome served as Judge of the Court of Appeal from 2012 to 2021. She joined the Judiciary as High Court Judge in 2003 and held the position for eight years.

Before joining the Judiciary, she worked as a Managing Partner at Martha Koome & Company Advocates between 1993 and May 2003 and served as an Advocate in Mathenge and Muchemi Advocates firm from 1988 to 1993.

Hon. Justice Koome is an affiliated and licensed member of various professional bodies and has held several leadership positions throughout her career which include; serving as Co-Chair National Steering Committee on Children's Bill and the Committee Developing Guidelines on Psychosocial Support, Chairperson of the Kenya Magistrates and Judges Associations (KMJA) and the Chairperson of International Federation of Women Lawyers (FIDA) Kenya. In addition, she has several publications in her name.

Hon. Commissioner Macharia Njeru, Advocate of the High Court



Hon. Macharia Njeru is the Vice Chairperson Judicial Service Commission, He joined the Commission on May 13, 2019, having been elected by members of the Law Society of Kenya (LSK) according to Article 171 (2) (f) of the Constitution.

He is Chairperson of the JSC Strategic Plan Implementation Steering Committee. He is also a member of the Audit, Governance and Risk Management Committee.

He previously served as the Chairperson of the Independent Policing Oversight Authority (IPOA). Hon. Njeru was a member of the National Task Force on Police Reforms (Ransley Taskforce), which developed the programme for police reforms in Kenya. In addition, he sat in the Police Reforms Implementation Committee (PRIC) where he led the drafting of policing-related legislation.

He is a former Chairman of FINA Bank Rwanda (now GT Bank Ltd.) and previously served as a Director in FINA Bank Uganda, FINA Bank Kenya, Board Member Kenya Airports Authority, and Chair of the Board of Finance, Anglican Church of Kenya, Nairobi, Diocese. He is the founding Managing Partner of Macharia-Mwangi & Njeru Advocates and has practised law for the past 27 years.

Hon. Commissioner Justice Mohamed Warsame, Judge of the Court of Appeal



Hon. Justice Mohamed Warsame, JA was elected as Commissioner to the Judicial Service Commission by Judges of the Court of Appeal pursuant to Article 171 (2) (c) of the Constitution 2010. He was appointed on January 29, 2019, for his second term.

He holds a Bachelor of Laws degree from the University of Nairobi and a Post Graduate Diploma in Law from the Kenya School of Law.

He is the Chairperson of the Human Resource Management Committee and a member of the following Commission Committees; Audit, Governance & Risk Management Committee, Learning & Development Committee, and the Committee on Administration of Justice.

Hon. Commissioner Justice David Majanja, Judge of the High Court



Hon. Justice David Majanja joined the Commission on May 14, 2019, after being elected by the Kenya Magistrates and Judges Association according to Article 171 (2) (d) of the Constitution.

He holds a Bachelor of Laws from the University of Nairobi and a Master of Laws (LLM) degree from the University of Pretoria.

He is the Chairperson of the Commission's Committee on the Administration of Justice and a member of the following Commission Committees; Finance, Planning and Administration Committee, Human Resource Management and Learning and Development Committee. He was appointed as a Judge of the High Court in 2011. He has previously served in the Judiciary Rules Committee and the Judiciary Working Committee on Election Preparedness (JWCEP). He has also served as a presiding Judge in Homabay, Kisumu and Kisii High Court Stations. He currently sits at the Milimani Commercial Division of the High Court. Before being appointed a Judge, Justice Majanja worked as a private practitioner. He served as an Assisting Counsel for the Commission of Inquiry investigating the 2007 Post-election Violence (Waki Commission).

Hon. Commissioner Ms Everlyne S. A. Olwande, Chief Magistrate



Hon. Everlyne Olwande joined the Commission on January 15, 2021, having been elected by the Kenya Magistrates and Judges Association (KMJA) pursuant to Article 171(2)(d) of the Constitution.

Hon. Olwande holds a Bachelor of Laws degree from South Gujarat University and a Bachelor of Arts degree from Mohanlal Sukhadia University. She also holds a Post Graduate Diploma in Law from the Kenya School of Law.

She is the Acting chairperson, Finance Planning and Administration Committee and a member of the following Commission Committees; Human Resource and Management Committee and Committee on the Administration of Justice. She is currently serving as a Chief Magistrate.

Hon. Commissioner Ms Jacqueline Ingutiah



Hon. Jacqueline Ingutiah joined the Commission on 16th March 2022 having been duly elected as the female representative of the Law Society of Kenya pursuant to Article 171 (2) (f) of the Constitution.

She holds an MA in peace and reconciliation studies from Coventry University, LLB from Moi University and a Diploma in Law from the Kenya School of Law. She is a member of the Law Society of Kenya, ICJ-Kenya, FIDA Kenya and Chartered Institute of Arbitrators.

She is the Acting chairperson Learning and Development Committee and a member of the following Commission committees; Finance Planning and Administration Committee, Human Resource and Management Committee and Committee on the Administration of Justice. She is an advocate of the High Court of Kenya with over ten years' experience. She is widely experienced in Human Rights based programmes. She serves as the Regional Coordinator at the Kenya National Commission on Human Rights (KNCHR) where she undertakes strategic and programmatic oversight that ensures effective implementation, undertaking public interest litigations to protect human rights as well as enhancing the collaborations between the Commission and partners.

Hon. Commissioner Justice Mohammed Ibrahim, Judge of the Supreme Court of Kenya



Hon. Justice Mohammed Khadhar Ibrahim was appointed as a member of the Commission on 2nd June, 2022 pursuant to Article 171 (2) (b) of the Constitution of Kenya 2010.

He holds a Bachelor of Laws Degree (LLB) from the University of Nairobi and a Diploma from the Kenya School of Law.

He is a Judge of the Supreme Court of Kenya and has served in the Court since his appointment in June 2011. Prior to his elevation to the Supreme Court, Justice Ibrahim served as a Judge of the High Court of Kenya between May 2003 and May 2011.

Justice Ibrahim is the Chairperson of the Judiciary Committee on Elections. On 11th January 1983, he became the first member of the Kenyan-Somali community to be admitted as an Advocate of the High Court of Kenya. He previously worked with Kituo Cha Sheria and was a member of the Board of the Legal Education and Aid Programme (LEAD). He was also a founding trustee of the human rights organisation, Mwangaza Trust, a position he held until 1994.

Hon. Commissioner Justin B. N Muturi, EGH, Attorney General



The Hon. Justin Bedan Njoka Muturi, EGH is a member of the Commission in his capacity as the Attorney General in accordance with Article 171(2)(e) of the Constitution, effective November 2021.

He holds a Diploma in Law from the Kenya School of Law and a Bachelor of Laws degree from the University of Nairobi.

He worked in the Kenyan Judiciary from 1982 – 1997 and retired at the level of a Principal Magistrate. While in the Judiciary, he served as the Chairperson of the Kenya Magistrates and Judges Association (KMJA).

He served as a Member of the National Assembly representing Siakago Constituency from 1999 to 2007. He also served as the Chairperson of the Centre for Multi-Party Democracy from 2011 to 2013. Thereafter, he was elected as the 7th Speaker of the National Assembly since independence and the first since the general elections under the 2010 Constitution. He held this position until August 2022, following his re-election in 2017.

Hon. Muturi was nominated by His Excellency William Samoei Ruto, PHD, CGH, President & Commander in Chief of the Kenya Defence Forces, to serve as the Attorney General of the Republic of Kenya on 27th September 2022. The National Assembly approved his appointment 26th October, 2022 and he took his oath of office as the Attorney General on 27th October 2022.

Hon. Commissioner Caroline Nzilani Ajuoga



Hon. Caroline Nzilani Ajuoga is a representative of the public in the Judicial Service Commission, pursuant to Article 171 (2) (h) of the Constitution, having been appointed on 15th June 2023.

She holds a Bachelor's degree in Business Administration – Human Resource Management from Kenya Methodist University, International Post Graduate Diploma in Human Resource Management from Cambridge International College and is currently finalizing her Master of Arts degree in Communication at

Daystar University.

She is a member of the Human Resource Management Committee, Learning and Development Committee and Audit, Governance & Risk Management Committee in JSC.

Before joining the Commission, Hon. Nzilani was the Manager, Employee Relations, and Wellness at NCBA bank. She is a strategic human resource expert with extensive professional experience, a Certified Human Resource Professional (CHRP) and a member, Institute of Human Resource Management.

Hon. Commissioner Isaac Kiprono Rutto, EGH



Hon. Isaac Kiprono Rutto is a representative of the public in the Judicial Service Commission, pursuant to Article 171 (2) (h) of the Constitution, having been appointed on 15th June 2023.

Hon. Rutto holds a Bachelor of Arts Economics, Sociology & Political Science from the University of Nairobi.

He is a member of Human Resource Management Committee and Finance, Planning & Administration Committee in JSC.

He is a seasoned leader with more than thirty years' experience and a champion of good governance across all sectors including the National and County Governments. Hon. Rutto espouses values of inclusivity, accessibility and responsiveness in leadership and management.

Hon. Rutto is Director of Linda Dairies. He previously served as Governor of Bomet County (2013-2017) as well as the Chair, Council of Governors and Member of Parliament Chepalungu Constituency (1998-2002 & 2008-2012).

Hon. Charity Seleina Kisotu, CBS.



Hon. Charity Seleina Kisotu, CBS is the representative of the Public Service Commission in accordance to Article 171 (2) (g) of the Constitution having been appointed to the Commission on 4th August 2023.

Ms. Kisotu holds a Master of Business Administration (MBA) degree from Moi University. She is a Certified Public Accountant of Kenya (CPAK) and a Certified Secretary (CS).

Hon. Kisotu is currently serving as Vice Chairperson of the Public Service Commission having been appointed on 10th

January 2019.

Prior to her appointment, she was a member of the Board of the Central Bank of Kenya since 2016. She also served at various times as Chairperson of the Insurance Tribunal; Chairperson of the National Social Security Fund Board of Trustees; Chairperson of Kenya Wines Agencies Limited (KWAL); member of Nairobi City County Public Service Board and Chief Accountant at the National Water Corporation. As Chairperson of KWAL, she successfully presided over the privatization of the organisation which was a special assignment given to her board by the appointing authority.

Hon. Anne A. Amadi, CBS, Secretary to the Commission



Hon. Anne A. Amadi, CBS is the Secretary to the Commission in her capacity as the Chief Registrar of the Judiciary in accordance with Article 171 (3) of the Constitution. She was appointed as the Chief Registrar on January 13, 2014, for a term of 5 years which was subsequently renewed in 2019 for a further term of 5 years.

Hon. Amadi is an Advocate of the High Court of Kenya, having been admitted to the bar in 1989. She holds a Master of Law in Public International Law from the University of Nairobi and Masters in Criminal Justice

from Boston University USA, a Bachelor of Laws from the University of Nairobi and a Post Graduate Diploma in Law from the Kenya School of Law.

She also holds a Post Graduate Diploma in Law in International Displacement from the International Institute of Humanitarian Law in San Remo, Italy.

3.1.2 Changes in the Membership of the Commission in 2022/2023

During the year under review, the Judicial Service Commission went through a period of transition where four Honourable Commissioners exited upon the lapse of their tenure.



**Hon. Justice (Rtd) P. Kihara Kariuki, EGH,
Attorney General** (March 28, 2018 to 25th October
2022)



**Hon. Commissioner Prof. Olive M. Mugenda,
CBS, MGH** (March 2, 2018 to 1st March 2023)



Hon. Commissioner Patrick G. Gichohi, CBS
(March 2, 2018, to 1st March 2023)



Hon. Commissioner Felix Kiptarus Koskei
(March 2, 2018, to 29th October 2022)

3.2 Commission Committees

The Commission is committed to good corporate governance and has put in place structures, systems and policies to ensure that the Commission and the Judiciary are effective, efficient and transparent in their operations. The Commission has established Committees to enable it effectively discharge its mandate.

The Committees are:

- i). Committee on Administration of Justice.
- ii). Human Resource Management Committee.
- iii). Finance, Planning and Administration Committee.
- iv). Learning and Development Committee.
- v). Audit, Governance and Risk Management Committee.
- vi). Ad hoc Committees.

i). Committee on Administration of Justice

The Committee is responsible for making recommendations to the Commission on efficient, effective, and transparent administration of justice. This includes advising the Commission on strategies to enhance access to justice and stakeholder engagement on key issues affecting public interest and receiving feedback on the performance, opportunities and challenges on administration of justice. In the reporting period, the Members of the Committee were as follows:

S/No	Members	Designation
1.	Hon. Commissioner Mr. Justice David Majanja	Chairman
2.	Hon. Commissioner Mr. Justice Mohamed Warsame	Member
3.	Hon. Commissioner Ms. Everlyne S.A. Olwande	Member
4.	Hon. Commissioner Jacqueline Ingutiah	Member
5.	Hon. Commissioner Justice M.K Ibrahim, SCJ	Member
6.	Hon. Commissioner Mr. Felix Kiptarus Koskei	Member
7.	Hon. Commissioner Mr. Patrick G. Gichohi, CBS	Member
8.	Hon. Commissioner Prof. Olive Mwhaki Mugenda, CBS	Member

The Committee held a total of three (3) meetings and considered the following issues:

- a) Review of the complaints Manual.
- b) Stakeholder engagement & Mapping.
- c) Review of Administrative procedures of declaration of assets, income & liability.
- d) Development of whistle-blowing policy.
- e) Development & dissemination of the JSC code of conduct and ethics.

ii). Human Resource Management Committee

The Human Resource Management Committee is responsible for making recommendations to the Commission on human resource management strategies to ensure that the judicial service has qualified and skilled employees who are properly facilitated with a view to maintaining high motivation for effective performance and productivity to deliver on the organisation's mandate.

During the period the Members of the Committee were as follows:

S/No	Members	Designation
1.	Hon. Mr. Justice Mohamed Warsame, JA	Chairperson
2.	Hon. Mr. Justice David Majanja	Member
3.	Hon. Ms Everlyne S.A. Olwande	Member
4.	Hon. Ms. Jacqueline Ingutiah	Member
5.	Hon. Mr. Justice M.K Ibrahim, SCJ	Member
6.	Hon. Mr. Patrick G. Gichohi, CBS,	Member
7.	Hon. Prof. Olive Mwhaki Mugenda, CBS	Member
8.	Hon. Mr. Felix Kiptarus Koskei	Member

The Committee held a total of nineteen (19) meetings whose key outputs included;

- a) Appointment of 27 Judges, 20 Judicial Officers and 433 Judicial Staff to enhance the capacity of the Judiciary for effective and efficient service delivery.
- b) Promotion of 146 Judicial Officers to enhance morale and boost career growth.
- c) Alignment of the organizational structure for the JSC and the Judiciary to facilitate fit-for-purpose institution.
- d) Processing of disciplinary matters against the staff aimed at promoting integrity, transparency and accountability in the Judicial service.

iii). Finance, Planning and Administration Committee

The Committee is responsible for making recommendations to the Commission on financial management and administrative strategies of the Commission and the Judiciary.

During the financial year under review, members of the Committee were as follows:

S/No	Members	Designation
1.	Hon. Ms Everlyne S.A. Olwande	Acting - Chairperson
2.	Hon. Mr. Justice Mohammed K. Ibrahim, SCJ	Member
3.	Hon. Ms. Jacqueline Ingutiah	Member
4.	Hon. Mr. Patrick G. Gichohi, CBS,	Member
5.	Hon. Prof. Olive Mugenda, CBS, MGH	Member

The Committee held a total of three (3) meetings whose key outcomes included;

- a) Review and approval of annual budgets for the Judiciary and the Commission to facilitate the implementation of planned programmes.
- b) Review and approval of procurement plans for Judiciary and JSC.
- c) Review and monitoring of budget performance reports for Judiciary and JSC to enhance prudent financial management.
- d) Oversight of Judiciary physical infrastructure to enhance access to justice.

iv). Learning and Development Committee

The Committee is responsible for making recommendations to the Commission on the transformation of the Judiciary through a learning culture that enables judges, judicial officers and staff acquire the skills, attitude and capabilities needed to deliver its services.

During the reporting period, the Members of the Committee were as follows:

S/No	Members	Designation
1.	Hon. Jacqueline Ingutiah	Acting Chairperson
2.	Hon. Mr. Justice Mohamed Warsame, JA	Member
3.	Hon. Mr. Justice David Majanja	Member
4.	Hon. Mr. Felix Kiptarus Koskei	Member
5.	Hon. Prof. Olive Mwihaki Mugenda, CBS, MGH	Member

The Committee held a total of three (3) meetings whose key outcome included;

- a) Approval of the Training Master Calendar which paved way for the continuous Judicial education for Judges, Judicial officers and professional development for Judicial staff.
- b) Monitoring the implementation of the Training Master Calendar.
- c) Review of the Training and Development Policy.
- d) Review of the Attachment and Internship Policy

v). Audit, Governance and Risk Management Committee

Section 73(5) of the Public Finance Management Act, 2012 provides that every national government public entity shall establish an audit committee. The Commission Audit, Governance and Risk Management Committee is responsible for making recommendations on the effectiveness of the internal control systems and risk management for the Judiciary and the Commission.

During the reporting period the Members of the Committee were as follows:

S/No	Members	Designation
1.	Hon. Commissioner Mr. Macharia Njeru	Chairman
2.	Hon. Commissioner Mr. Justice Mohamed Warsame	Member
3.	Hon. Commissioner Mr. Justice David Majanja	Member
4.	Hon. Commissioner Mr. Felix Kiptarus Koskei	Member

The Committee held two (2) meetings whose key outcomes included;

- a) Review and approval of audit plans for Judiciary and JSC.
- b) Consideration of audit reports and proposing recommendations to improve internal controls in the Judiciary and the JSC.
- c) Review and monitor risk management strategies to enhance accountability and transparency.

vi). Ad Hoc Committees

The Commission constituted the following two (2) Ad hoc Committees.

a) JSC Strategic Plan Implementation Steering Committee

The Committee was established to oversee the implementation of the Judicial Service Commission Strategic Plan 2022-2027. The implementation of the Strategic Plan commenced during the period under review.

The plan has a monitoring, evaluation, reporting and learning mechanism for tracking Commission’s programmes which is based on agreed qualitative and quantitative targets.

During the reporting period the Members of the Committee were as follows:

S/No	Members	Designation
1.	Hon. Commissioner Mr. Macharia Njeru	Chairman
2.	Hon. Commissioner Mr. Justice David Majanja	Member
3.	Hon. Commissioner Ms. Everlyne S.A. Olwande	Member
4.	Hon. Commissioner Jacqueline Ingutiah	Member
5.	Hon. Commissioner Justice M.K Ibrahim, SCJ	Member

The Committee held two (2) meetings whose key outcome was review of quarterly progress reports on the implementation of the Strategic Plan

b) Commission Panels

The Commission constituted three (3) panels to consider petitions against judges and investigate complaints against judicial officers and staff.

The panels processed a total of 118 petitions against Judges out of which 77 were concluded. Similarly, 32 disciplinary cases against Judicial Officers and staff were handled by the panels.

3.3 Risk Management

The Commission approach to Risk Management is informed by the Committee of Sponsoring Organisations of Treadway Commission (COSO) which defines Enterprise Risk Management as “the culture, capabilities, and practices, integrated with strategy-setting and performance, that organizations rely on to manage risk in creating, preserving, and realizing value”

Risk management requires a broad understanding of internal and external factors that can impact achievement of strategic and business objectives. Historically, risks to the Commission's success have been categorized as Strategic, Operational, Compliance, and Financial & Reporting. However, as the world in which we operate becomes more complex and unpredictable, the corresponding risks and their potential impact have increased (the World Economic Forum Global Risks Report, 17th Ed. 2022). To ensure the Commission Risk Management Framework appropriately incorporates the evolving risk landscape, our risk categories now also address environmental, social and cybersecurity risks. Additionally, the Compliance risk category has been expanded to explicitly include legal and regulatory risk as follows.

- i).* Strategic Risk
- ii).* Operational Risk
- iii).* Compliance Risk
- iv).* Financial Risk
- v).* Environmental Risk
- vi).* Social Risk
- vii).* Cyber Security Risk.

The Commission Risk Management framework helps in identifying potential events that may affect the Commission, manage the associated risks and opportunities, and provide reasonable assurance that our Commission's objectives will be achieved.

The Commission's Risk Management framework provides for:

- 1)* Prompt resolution of internally identified risks in compliance with laws and regulations to enhance service delivery and ensure appropriate relationships with customers.
- 2)* Strategies to ensure effective use of resources; enables an optimized, proactive approach to auditing and identifying compliance issues; and promotes reporting and monitoring across the Commission.
- 3)* Improved decision making, planning and prioritisation through assessments of opportunities and threats.
- 4)* Value creation by enabling management to respond in a prompt, efficient and effective manner to events that may potentially create uncertainty and represent a significant threat or opportunity.

3.4 Conflict of Interest

The Commission has adopted best governance practices in its operations and has developed a charter that among other things provides for procedure for handling conflict of interest for members of the Commission.

In line with the provisions of the Charter the Commission has put in place a conflict-of-interest register.

3.5 Training and Development in Governance for the Members of the Commission

The Commission has put in place a robust development programme for its Members to keep them abreast with emerging trends and best practices in corporate governance and judicial administration.

To effectively discharge their responsibilities, the Commission Charter also provides that new Members of the Commission undergo induction and serving Members are provided with the opportunity for continuing capacity development to expose them to the changes in their respective professions.

The Commission therefore periodically exposes its members to both national and international training, conferences and study tours on the operations of the Judicial Service Commissions or Councils in other jurisdictions, to enable them to learn best practices that can be assimilated and incorporated to improve service delivery to the public.

During the year under review Members of the Commission attended the following programmes as presented in Table 2-1.

Table 2-1: Capacity Building Programmes undertaken by Members of the Commission

S/ No.	Name of the Training	Institution	Dates of Training	Number of Commissioners
1.	Board Induction, Leadership and Public Finance Management Seminar	Institute of Certified Public Accountants of Kenya (ICPAK)	24th July – 5th August, 2022	6
2.	Corporate Governance Training	University of Iowa, United States of America	11th -24th November 2022	8
3.	Advanced Course on Strategic Leadership	ICPAK	December 2022	1
4.	Executive Leadership Summit	ICPAK	17th June – 2nd July 2023	7
5.	Executive interviewing Skills Training	Consultant	June, 2022	10

Following the training on corporate governance, the Commission signed a Memorandum of Understanding (MoU) with the University of IOWA, College of Law establishing a framework on areas of co-operation between the Commission and the University. This is a five-year MOU geared at strengthening human and institutional capacity, information exchange and access to information.



FCPA George Mokua, Chairperson (c) and CPA Edwin Makori CEO (far left), ICPAK pose for a photo with Members, Secretary and Registrar of the JSC during a training workshop

3.6 Public participation activities

The Commission engaged the public and stakeholders in the following activities during the year under review.

a) Public Participation on Budget Making Process

Article 201 (a) of the Constitution requires the Commission to abide by the principle of openness and accountability including public participation in all financial matters.

During the period under the review, the Commission organised four public participation forums in Kisumu, Eldoret, Mombasa and Nairobi with a view to seeking input on the proposed Commission's budgets for the Financial Year 2023/2024 to 2025/26. Table 2-2 presents the schedule for public participation forums.

Table 2-2: Schedule for Public Participation on Budget making

S/No	Region	Venue	Date
1	Rift Valley	Eldoret Law Courts	6 th January 2023
2.	Coast Region	Mombasa Law Courts	10 th January 2023
3.	Western/Nyanza	Kisumu Law Courts	17 th January 2023
4.	Nairobi	Kenyatta International Conference Centre (KICC)	20 th January 2023

b) Engagements during recruitment and selection

Pursuant to the provisions of Article 10 of the Constitution, Section 30 and the first Schedule of the Judicial Service Act, the Judicial Service Commission engaged diverse stakeholders during recruitment processes with the aim of receiving their perspectives to inform the selection process in the period under the review.

i). Recruitment of High Court Judges

JSC held a meeting with stakeholders drawn from Faculty of Law (UoN), Executive Office of the President, Kenya Editors Guild, Law Society of Kenya, Kenya Judiciary Staff Association and the Nation Council of Churches of Kenya. The public participation engagement was held on 29th September 2022 in Nairobi, ahead of the selection process for Judges of the High Court.

ii). Recruitment of the Chief Kadhi

The Commission organised an engagement forum with the Supreme Council of Kenya Muslims (SUPKEM), Council of Imams and Preachers of Kenya, Association of Muslim Lawyers, Jamia Mosque, Kenya Muslims National Advisory Council (KEMNAC), retired Chief Kadhi and Advocate Convenor and Nairobi Kadhis Court Bar- Bench Committee. The engagement was held on 15th December 2022 in Mombasa.

iii). Recruitment of Registrar, High Court and Registrar Magistrates Courts.

Stakeholders drawn from the Law Society of Kenya, Kenya Magistrates and Judges Association, Kenya Judges Welfare Association and the Principal Judge, High Court attended the meeting with the Commission and shared their insights on the selection process. The engagement was held on 31st May 2023.

c) Other Public Engagements

The Commission is committed to the transparent execution of its mandate and has as a result undertaken to share information with the public through regular social media and website updates, press statements and live-streaming interviews of Judges. At the same time, queries

by the public at JSC offices, via mail, telephone calls, social media or during outreach programmes are also addressed. This is in line with the Commission's commitment to be a responsive Institution.

3.7 Compliance with Laws and Regulations

In the discharge of its mandate, the Commission complied with relevant laws, legislations and policies including but not limited to:

1. The Constitution of Kenya 2010
2. The Judicial Service Act, 2011
3. The Employment Act, 2007
4. Fair Administrative Act, No. 4 of 2015
5. Public Finance Management Act, 2012 and its Regulations
6. Judiciary Fund Act, 2016 and its Regulations.
7. Public Procurement and Asset Disposal Act, 2015 and its Regulations
8. The JSC Strategic Plan 2022 – 2027
9. Institutional policies, guidelines and manuals

4.0 STATEMENT BY THE CHAIRPERSON OF THE COMMISSION



The Commission established under Article 171 of the Constitution of Kenya, 2010, has the mandate of promoting and facilitating the independence and accountability of the Judiciary and the efficient, effective and transparent administration of justice. To ensure smooth execution of this mandate, the Commission reviewed and launched its Strategic Plan 2022-2027, whose key strategic outcomes are aimed at the realization of the Commission's

mandate. These Strategic outcomes are:

- Efficient, Effective, Accountable, and Transformative Administration of Justice;
- Motivated, Professional, Dynamic, Responsive Judges, Judicial Officers, and Judicial Staff;
- Sustainable funding and sound financial management for the JSC and the Judiciary;
- Increased public confidence and trust in the JSC and the Judiciary; and
- Strengthened Institutional Capacity of the JSC.

In the year under review, the Commission in an effort to enhance access to justice, recommended twenty-seven (27) Judges to the president for appointment and appointed one hundred and forty-six (146) Judicial Officers and four hundred and thirty-three (433) Judicial Staff. The intervention is meant to address case backlog and improve service delivery.

To facilitate access to justice for all citizens, the Commission approved the setting up of eleven (11) Sexual and Gender-Based Violence Courts to deal with the related offences with urgency and sensitivity. Accordingly, the Commission approved setting up of three (3) Small Claims Courts which programme will be expanded to operationalize another 22 courts.

Further, the Commission under Article 159 (2) (c) of the Constitution facilitated the roll out of Court Annexed Mediation (CAM) in Limuru, Murang'a, Iten and Bungoma Law Courts. A

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Annual Report and Financial Statements for the year ended 30th June 2023

total of 195 matters were referred to CAM out of which 183 agreements were reached representing 94% of the referrals and releasing Kshs. 1,649,193,067 back into the economy.

To actualize the mandate of preparing and implementing programmes for the continuing education and training of judges and judicial officers, the Commission adopted the Training and Development Policy with the aim of ensuring effective and efficient management of the training and development of Judges, Judicial Officers and judicial staff.

In its endeavour to build transparency and accountability in the administration of Justice, the Commission received and concluded 77 petitions against judges which represented 65% of the petitions received. Additionally, the Commission received and processed 32 disciplinary cases against judicial officers and staff.

Although the Commission realized several achievements during the 2022/2023 period, this feat was attained amidst challenges which saw delay in the Commission achieving some of its prioritized activities. To alleviate this, the Commission requires coordinated and sustained efforts which can be achieved through adequate funding, partnership and linkages.

During the year under review, the Judicial Service Commission went through a period of transition where four Honourable Commissioners exited upon the lapse of their tenure and three (3) new Commissioners appointed to the Commission.

I thank the Executive, Legislature, State Organs, partners and stakeholders for their invaluable support during the year in review. I wish to reassure the people of Kenya of our commitment in undertaking our mandate in line with our mission of “excellence in promoting an independent, transparent, and accountable Judiciary”.

Finally, I wish to thank the Commissioners for their contribution towards the achievement of the Commission’s Vision and Mission.



Hon. Justice Martha K. Koome, EGH

Chairperson

Judicial Service Commission

5.0 STATEMENT BY THE ACCOUNTING OFFICER

I am pleased to present the Judicial Service Commission's 2022/2023 Annual Report and Financial Statements. This report has been prepared in conformity with Sections 81(1)(2)(3) of the PFM Act 2012 and in accordance with the International Public Sector Accounting Standards (IPSAS) cash basis

This report details the Commission's financial performance and achievements in the discharge of its mandate. It also highlights challenges experienced during the period while providing recommendations of how those challenges can be addressed to ensure efficacious implementation of the Commission's mandate.

The Commission implemented approved programmes for the year under review through annual workplans which were cascaded into annual performance targets for the different units in the Secretariat.

5.1 Overall Budget Performance and Performance Per Category

The Commission was allocated Gross Recurrent Estimates of Kshs. 887 million comprising of Kshs. 650 million for Administration and Judicial Services Sub-Programme and Kshs. 237 million for Judicial Training Sub-Programme.

The overall absorption of the voted funds in 2022/23 fiscal year was 94 per cent illustrating Commission's commitment to implement planned programmes within the set timelines and allocated ceilings.

Table 5-1 shows a summary of Budget performance for the period under review.

Table 5-1: Summary Budget Performance 2022/23 Financial Year

Title and Details	Approved Estimates 2022/23	Actual Expenditure 2022/23	Overall Absorption Rate
Recurrent	Kshs.	Kshs.	Percentage (%)
Compensation of Employees	204,623,005	201,874,567	99
Use of Goods and Services	551,496,995	533,475,660	97
Social Security Benefits	23,800,000	22,572,871	95
Acquisition of Assets	107,080,000	80,851,229	76
Gross Recurrent	887,000,000	838,774,326	95
Total	887,000,000	838,774,326	95

Figures 5-1 to 5-5 below illustrates the overall budget performance and expenditure per category for the FY 2022/23.

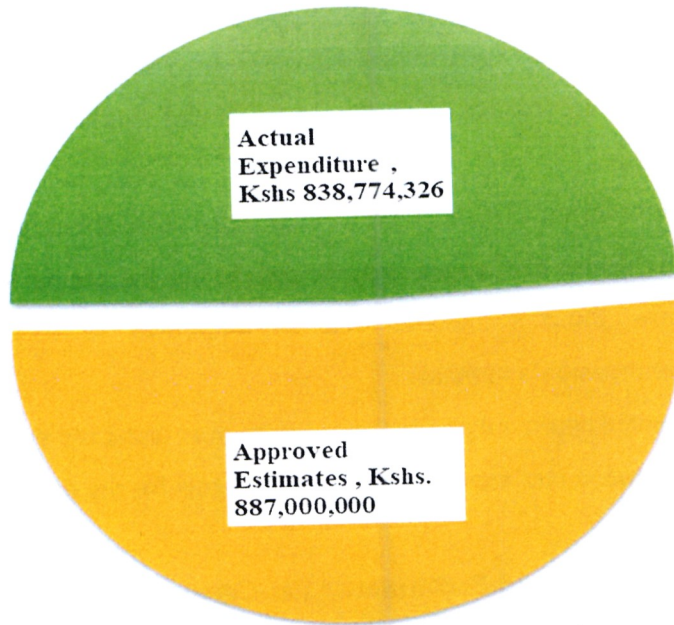


Figure 5-1: Overall Budget Performance for the Financial Year 2022/23

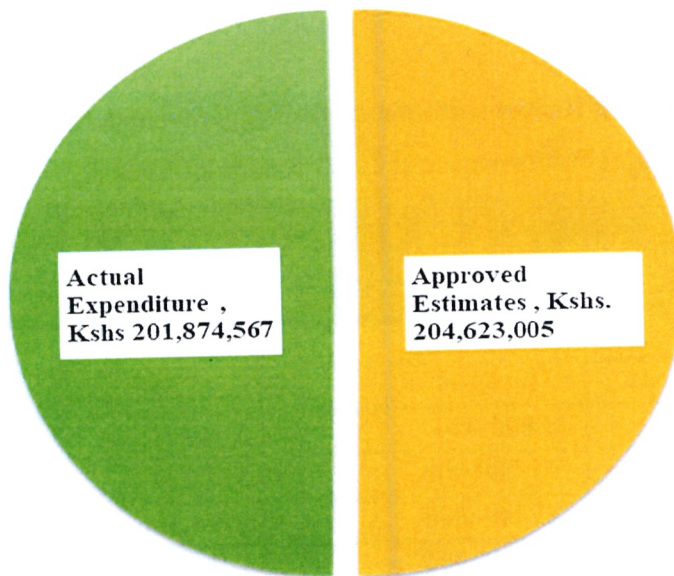


Figure 5-2: Budget Performance for Compensation of Employees in the FY 2022/23

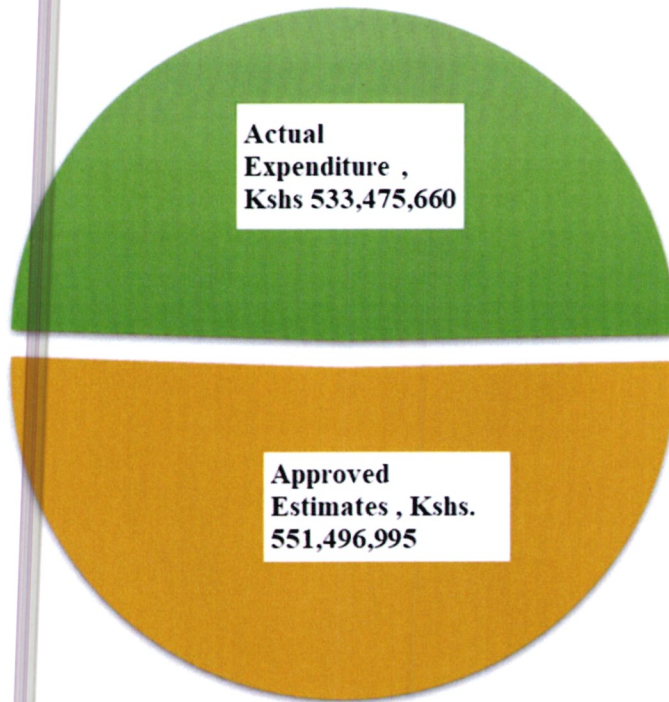


Figure 5-3: Budget Performance for Use of Goods and Services in the FY 2022/23

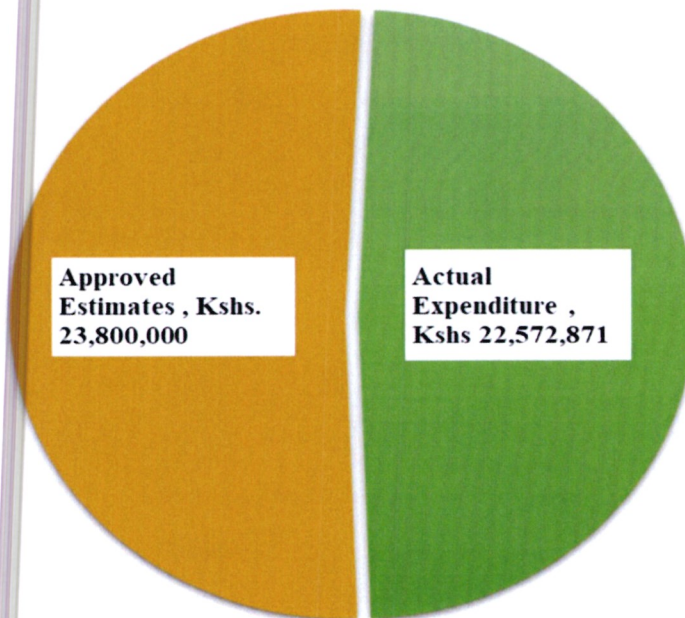


Figure 5-4: Budget Performance for Social Security Benefits in the FY 2022/23

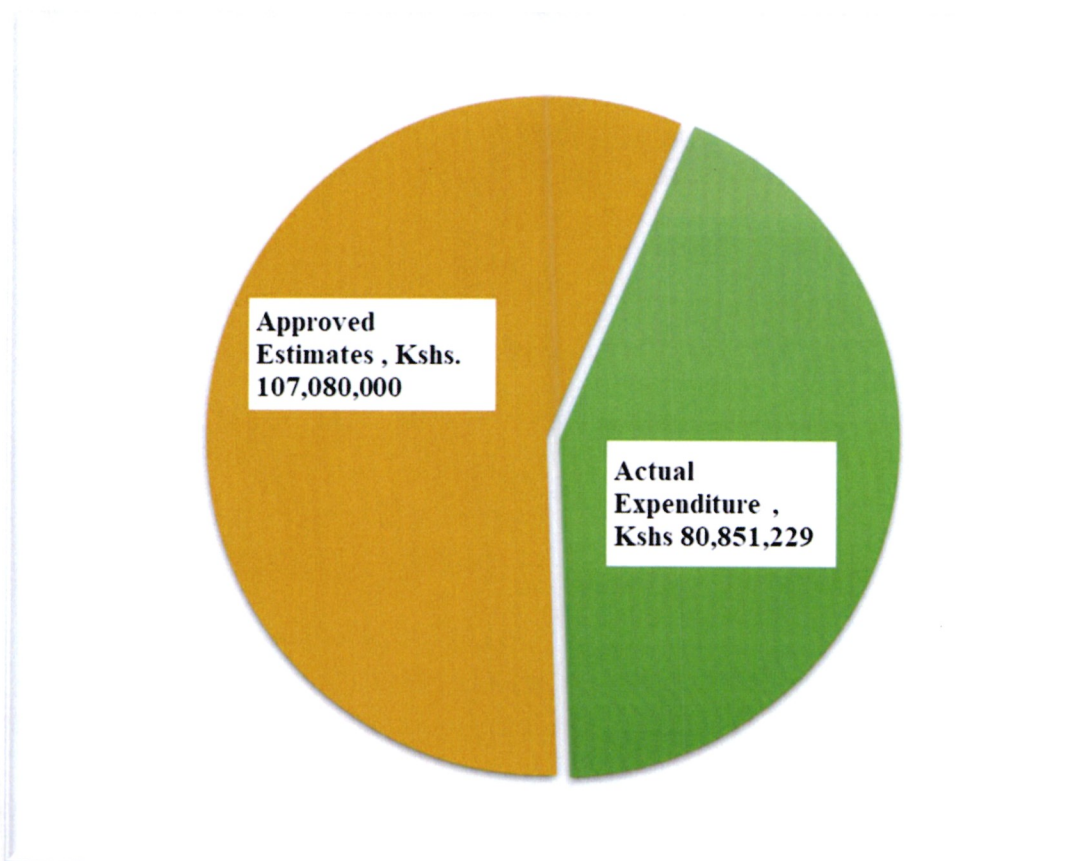


Figure 5-5: Budget Performance for Acquisition of Assets in the FY 2021/22

Out of the Recurrent Expenditure of Kshs.838 million, Kshs.201 million representing 24 per cent was used for compensation of employees 63 per cent on operations and maintenance respectively. Under the operations and maintenance expenditure, 63 per cent relates to the use of goods and services, 3 per cent for acquisition of assets while 10 per cent on social security benefits relates to payment of gratuity for staff of the Secretariat whose contract ended.

Figure 3-6 presents the actual expenditures by economic classification for the period under review.

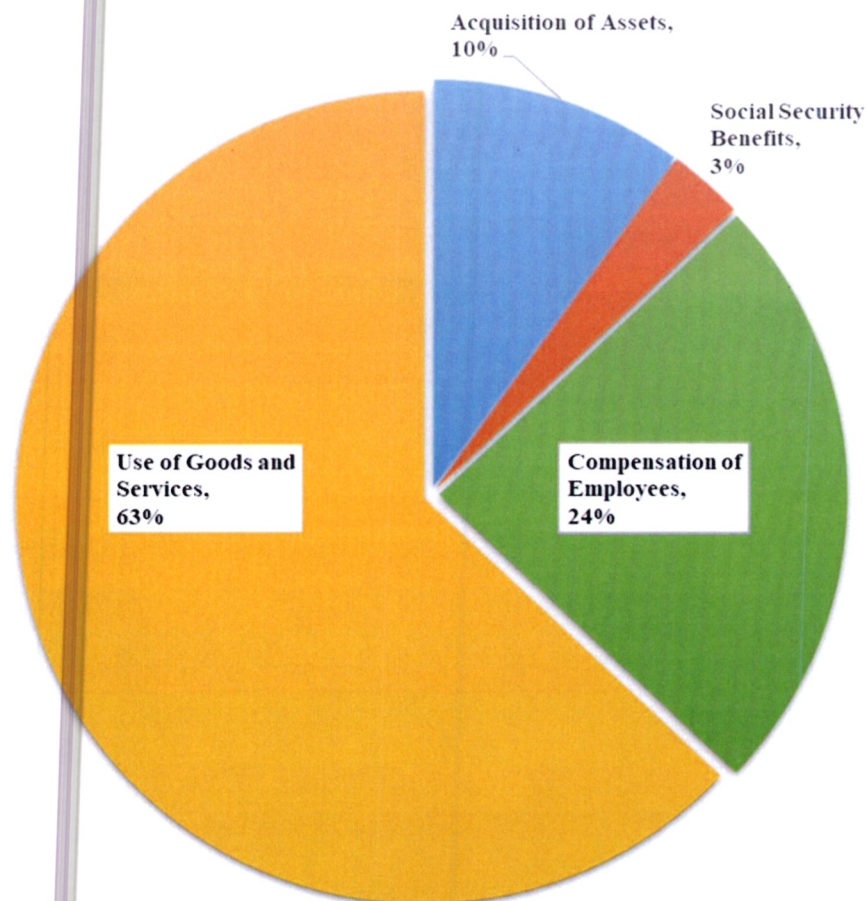


Figure 5-6: Summary of Expenditure by Economic Classification

5.2 Budget Performance by Sub Programmes

The Commission discharges its functions through one budget programme; General Administration, Planning and Support Services. The programme is divided into two sub-programmes namely: Administration and Judicial Services and Judicial Training. The expenditure for the 2022/23 fiscal year for each of the sub-programmes are as shown in Figure 4-7.

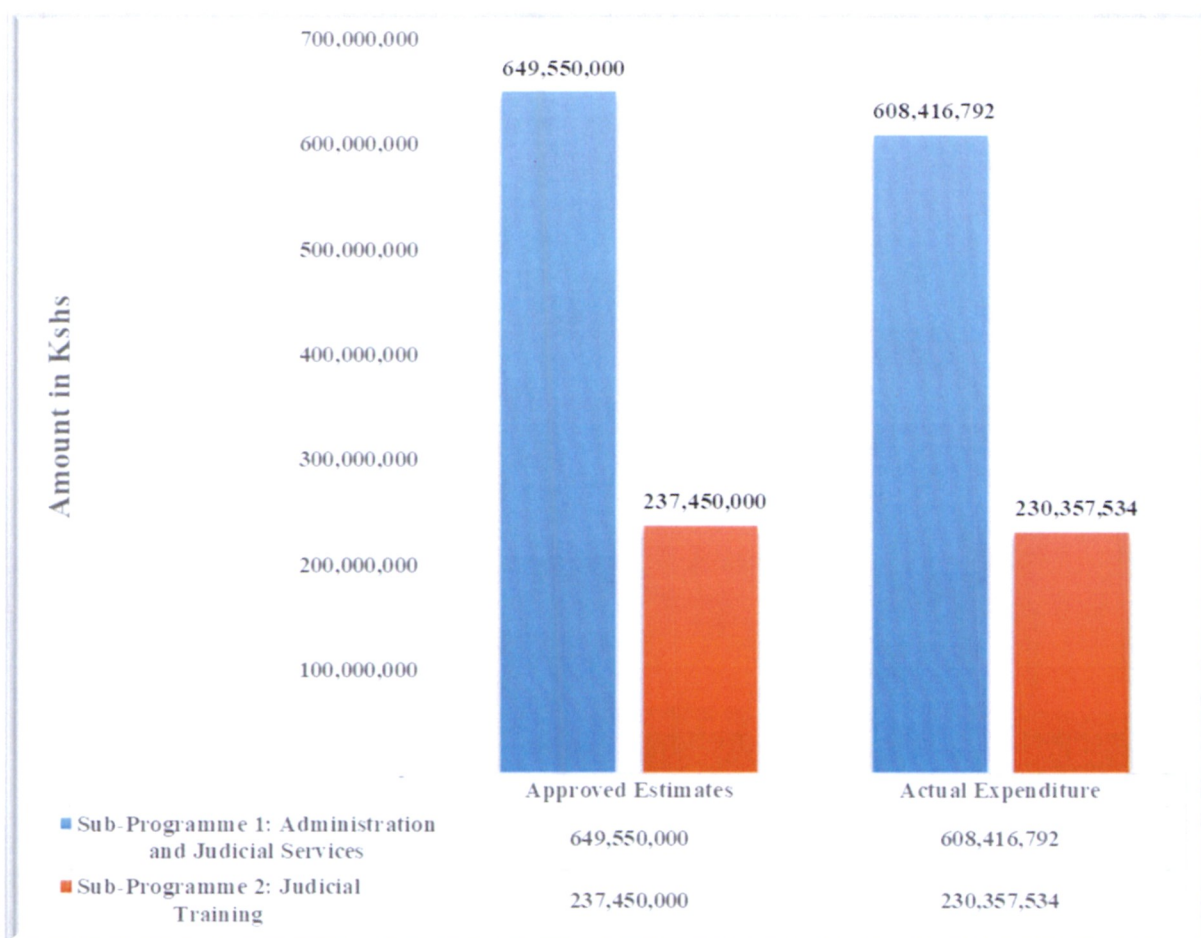


Figure 5-7: Summary Budget Performance 2022/23 FY by Sub Programmes

5.3 Emerging Issues

i) Automation

There is need for the Commission to harness the benefits that will accrue with the adoption of automated systems. The Commission therefore requires additional resources to fully automate its processes.

ii) Small Claims Court

The successful operationalization of this court has increased access to justice especially in commercial matters. In compliance with the Small Claims Act, there is need for the Commission to employ Adjudicators to preside over these Courts.

iii) Sexual and Gender Based Violence (SGVB)

The Commission approved the setting up of the Sexual and Gender-Based violence courts for purposes of dealing with the related offences with urgency, sensitivity and therefore

preserving the dignity of the victims and enhance fair trial within the tenets of the Constitutions.

The Hon Chief Justice Commissioned four specialized Courts that deal with sexual and gender-based violence cases in Siaya, Kisumu, Kibra and Makadara Law Courts in the year under review.

The Commission plans to roll out SGBV Courts in all the stations in the coming Financial Year.

5.4 Challenges, Recommendations and Way forward

5.4.1 Challenges

i). Inadequate Budgetary Allocation

The Commission could not implement a number of activities due to budgetary constraints. Out of a budget projection of 1.4 Billion, the Commission was allocated Kshs 887 Million leaving it with a budget deficit of Kshs 600 Million representing a 39% funding gap.

The Commission also provides oversight on the implementation of the Judiciary programmes. During the period under review, the Judiciary programme on Dispensation of Justice received 0.6 per cent which is against the globally recommended 2.5 % of the National Budget to Judiciaries which hampered the administration of Justice. The Commission, therefore, advises the need to enhance allocation to the Judiciary to 2.5 per cent of the National Budget to support administration of Justice in Kenya effectively as per the international best practices.

ii). Delay in enactment of legislation proposed by the Judicial Service Commission

During the reporting period, the Commission made proposals in enactment of various legislations namely; Tribunals Bill and Judges retirement Bill. The delay in review and approval of the proposed legislation hampered the effective administration of justice, independence of the Judiciary and the Judges' welfare.

iii). Lack of Infrastructure by the Kenya Judiciary Academy

The Commission was allocated 55 acres in Ngong by the National Government to construct a Centre of Excellence Training Institute for Judges, Judicial Officers and Judicial Staff. Once complete, the facility will host Kenya Judiciary Academy offices, lecture rooms, courts, and accommodation facilities among other utilities. This will reduce the cost of training for the Judiciary as well as save on the cost of leasing office space for the Academy.

The project is estimated to cost Ksh 10 billion. In order to save on the cost of training and leasing, the commencement and completion of the infrastructure ought to be fast-tracked.

5.4.2 Recommendations

i). Enhancement of the Commission's Budget

To effectively discharge its mandate, there is a need for enhancement of the Commission's annual budget as per the Medium-Term Expenditure Framework proposals. During the period under review, the Dispensation of Justice Programme received **0.6 per cent** allocation which is not adequate to effectively facilitate the administration of Justice.

The Commission, therefore, recommends the allocation of 2.5 per cent of the National Budget to support the administration of Justice in Kenya effectively as per the international best practices.

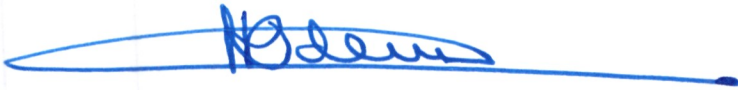
ii). Allocation of Resources to complete Kenya Judiciary Academy Project

We recommend the GOK to consider allocating special funds to fast-track the completion of the project. This will save the commission cost on training and the lease of office space.

iii). Legal Reforms

There is need to fast-track the enactment of the tribunal's bills and the Judges Retirement Bill into law.

In conclusion, it is evident that while significant strides have been made to enhance the administration of justice in Kenya, there remain critical areas that require attention. The path to a more effective administration of justice in Kenya requires a coordinated and sustained effort which can be achieved through adequate funding, partnerships and linkages.



Paul N. Maina, OGW, 'ndc'(K)

For: Secretary

JUDICIAL SERVICE COMMISSION.

6.0 STATEMENT OF PERFORMANCE AGAINST PREDETERMINED OBJECTIVES FOR THE FY2022/23

6.1 Introduction

The Commission under Article 171 of the Constitution of Kenya, 2010, has the mandate of promoting and facilitating the independence and accountability of the Judiciary and the efficient, effective and transparent administration of justice. To ensure smooth execution of this mandate, the Commission executed Strategic Plan 2022-2027 through its annual workplans in a view of attaining the objectives of the strategy whose key strategic outcomes endeavour the realization of the Commission's mandate and support the wider government agenda. These strategic outcomes are:

- i).* Efficient, Effective, Accountable, and Transformative Administration of Justice
- ii).* Motivated, Professional, Dynamic, Responsive Judges, Judicial Officers, and Judicial Staff
- iii).* Sustainable funding and sound financial management for the JSC and the Judiciary
- iv).* Increased public confidence and trust in the JSC and the Judiciary
- v).* Strengthened Institutional Capacity of the JSC

6.2 Efficient, Effective, Accountable, and Transformative Administration of Justice

In order to achieve the planned strategic outcome of Efficient, Effective, Accountable, and Transformative Administration of Justice, the Commission undertook a number of activities as detailed below:

6.2.1 Petitions Against Judges.

Under Article 168 (2) of the Constitution, the Commission is mandated to initiate on its own motion or receive and process Petitions for removal of a Judge from office which is geared towards ensuring high standards of performance, integrity, accountability, and professionalism.

In the pursuit of that mandate, the Commission during the year under review processed a total of 118 petitions, seventy-five (75) of which were brought forward from the previous financial year and forty-Three (43) received in the year. Out of the 118 Petitions, the Commission processed and concluded Seventy-Seven (77) petitions as indicated in Table 6-1.

Table 6-1: Summary of Petitions against Judges in the FY 2022/23

S/No	Details	2022/2023	2021/2022
1.	Petitions pending carried forward.	75	7
2.	Petitions received during the year.	43	143
3.	Total Petitions handled.	118	150
4.	Petitions concluded.	77	75
5.	Petitions Carried forward.	41	75

6.2.2 Disciplinary matters against Judicial Officers and Staff.

In the year under review, the Commission received and processed Thirty-two (32) disciplinary cases. Seven (7) cases were against judicial officers, nineteen (19) were against judicial staff and Six (6) were appeals /Reviews as shown in Table 6-2.

Table 6-2: Disciplinary Matters against Judicial Officers and Staff during FY 2022/2023

S/No	Decision	No. of Cases	
		Judicial Officers	Judicial Staff
1.	Reinstatement	5	-
2.	Dismissal	2	19
3.	Appeals/reviews disallowed	-	6

6.2.3 Litigation involving the Commission.

At the beginning of the period, 95 matters were carried forward from the previous Financial Year. During the period under review, 30 new matters were filed bringing the total matters handled to 125 out of which 16 were concluded.

Table 6-3 below highlights litigation involving the Commission in the reporting period.

Table 6-3: Pending Litigation Matters

S/No	Description	2022/2023	2021/2022
1.	Matters brought forward	95	85
2.	Matters filed in the period	30	28
3.	Total cases in the period	125	113
4.	Matters concluded in the period	16	18
5.	Pending matters at the end of the year	109	95

At the end of the reporting period, 109 matters were pending in various stages in Court. The matters are classified as tabulated in Table 6-4 below.

Table 6-4: Pending Matters

S/No	Description	2022/2023	2021/2022
1.	Employment/Labour related matters	74	72
2.	Constitutional Petitions	30	36
3.	Judicial Review	3	3
4.	Civil matters	2	2
	Total	109	113

During the reporting period, employment/labour-related matters had the highest pending matters at 67 per cent followed by constitutional petitions at 27 per cent. Out of the seventy-four (74) Employment & Labour Matters, sixty (60) were matters arising from disciplinary cases while fourteen (14) were matters arising from Employment & Labour issues.

6.2.4 Establishment of Sexual and Gender-Based Violence (SGBV) Courts

The Commission approved the setting up of the Sexual and Gender-Based violence courts for purposes of dealing with the related offences with urgency, sensitivity and therefore preserving the dignity of the victims and enhance fair trial within the tenets of the Constitutions.

As a result, the Hon Chief Justice launched the first ever-special Sexual and Gender-Based Violence Courts at Shanzu Law Courts, Mombasa for handling of sexual violence cases in the FY 2021/22.

Subsequently, in 2022/23 financial year, the Hon Chief Justice Commissioned four other specialized Courts that deal with sexual and gender-based violence cases in Siaya, Kisumu, Kibra and Makadara Law Courts.



Hon. Chief Justice and Chair of JSC, Deputy Chief Justice, Hon. Judges and Judicial Officials during the launch of Specialized Sexual and Gender-Based Violence Court at Kibera Law Courts, Nairobi on 26th June 2023

6.2.5 Tribunal's Bill 2023

Article 1(3)(c) of the Constitution provides that the sovereign power of the people is delegated to the Judiciary and Independent tribunals.

Article 169(1) (d) of the Constitution provides that subordinate courts include Magistrates Courts, Kadhis Courts, Courts Martial and any other courts or local tribunals as may be established by an act of Parliament and gives powers to Parliament to enact legislation conferring jurisdiction, functions, and powers to the courts.

Whereas some tribunals have transited to the Judiciary, others are still housed in their respective ministries, thereby negatively impacting the administration of justice.

To this end, in collaboration with other stakeholders, the Commission developed the Tribunal's Bill with a view to transiting all the tribunals to the Judiciary and forwarded the same to Parliament for enactment. On 27th June 2023, Cabinet approved the Tribunals Bill thereby giving Parliament the greenlight to enact the same into law.

6.2.6 Small Claims Court

During the reporting period, the Commission facilitated the setting up of Small Claims Court in Meru, Kisumu and Siaya Law Courts to enhance access to Justice.

6.2.7 Court Annexed Mediation (CAM)

The Commission facilitated the introduction of the Court Annexed Mediation (CAM) in the Judiciary in line with Article 159 (2) (c) of the Constitution to alleviate the problem of case backlog and to promote alternative forms of dispute resolution.

During the reporting period, the Court Annexed Mediation was rolled out at Limuru Law Courts, Murang'a Law Courts, Iten and Bungoma Law Courts. A total of 195 matters were referred to CAM out of which 183 agreements were reached representing 94 per cent releasing a total of **Kshs. 1,649,193,067** back into the economy.

5.2.8 Development of Policies

One of the ways the Commission executes its mandate is the enactment of policies to govern operations in the Judiciary and to guide the general administration of justice. Enacted policies also serve as critical tools for monitoring and evaluation, a key component of oversight.

The Commission in the year under review developed Training and Development Policy and Internship and Attachment Policy

6.2.9 Leveraging on ICT as an enabler of Justice- Digital Strategy

Under Section 3 of the Judicial Service Act, the Commission and the Judiciary are required to apply modern technology in their operations. The application of technology is one of the ways of enhancing efficiency and expeditious disposal of cases leading to a reduction of backlog.

In line with the statutory requirement, the Commission is keen on entrenching technology through the automation of all court processes and has in its engagement with Parliament and the Executive emphasized the need for increased funding for the Commission and Judiciary to support its digital strategy.

The Commission has identified the areas of focus in the digital strategy agenda for the Judiciary and the Commission to include virtual court sessions, e-filing, case tracking and automated feedback and update mechanism to litigants, digitising case management and digital transcription of proceedings among others.

To achieve this, the Commission is in the process of revising the ICT Policy and Strategy for the Judiciary to align it with emerging technological advancements.

6.3 Motivated, Professional, Dynamic, Responsive Judges, Judicial Officers, and Judicial Staff.

One of the key roles of the Commission in promoting and facilitating the efficient, effective and transparent administration of Justice is the strengthening of the judiciary's institutional capacity by ensuring that it has optimum number of Judges, judicial officers and staff. The Commission also has a duty to ensure that it puts in place mechanisms that will guarantee motivated, professional, dynamic and responsive Judges, Judicial Officers, and Judicial Staff. In pursuit of this cardinal duty, the JSC undertook the following activities during the year under review:

6.3.1 Appointments

During the year under review, the Commission facilitated the appointment of a total of 27 Judges. In the same period, 20 Judicial Officers and 436 judicial staff were appointed with an aim of strengthening the human capacity of the Judiciary in various departments and Tribunals for enhancement of service delivery.

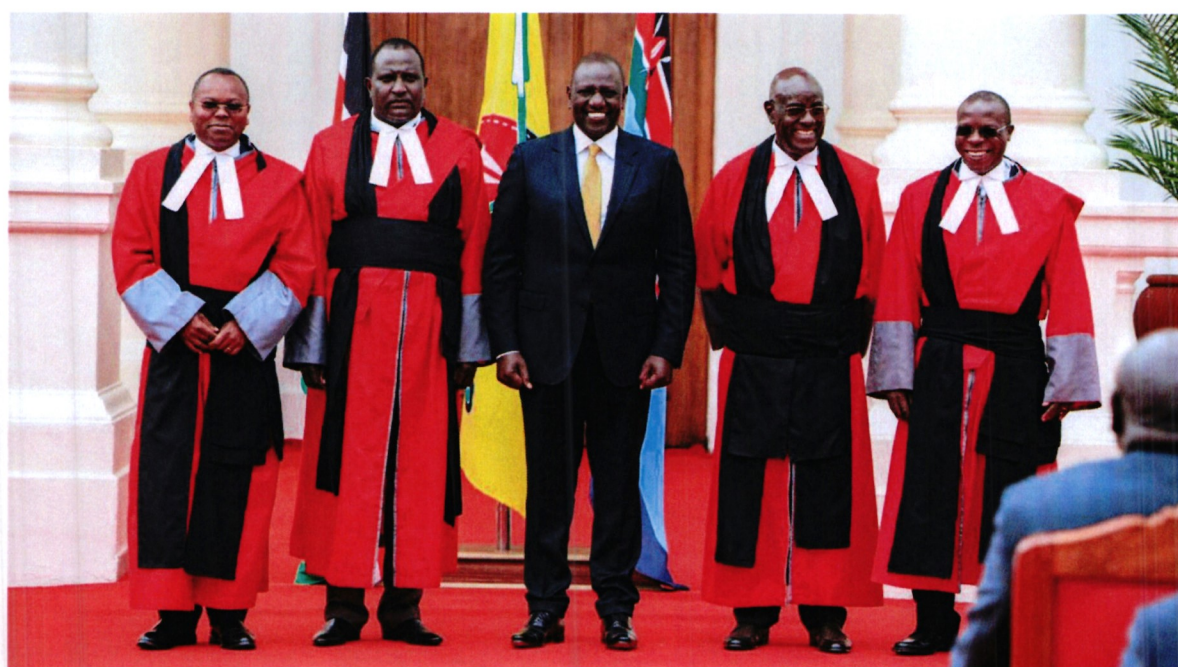
a) Appointment of Judges

The Commission has a constitutional mandate to recommend persons for appointment as Judges. The procedure for the appointment of Judges is set out in the Constitution and the First Schedule of the Judicial Service Act.

Table 6-5 shows various judges that were recruited in the reporting period.

Table 6-5: Appointment of Judges

S/No.	Position	Nominated for appointment	Gender	
			Male	Female
1.	Judges of Court of Appeal	7	4	3
2.	Judges of the High Court	20	12	8
	Total	27	16	11



b) Appointment of Judicial Officers

The Judicial Service Act 2011 defines a judicial officer as a Registrar, Deputy Registrar, Magistrate, Kadhi or the Presiding officer of any other court or local tribunal as may be established by an Act of Parliament.

In the Financial Year 2022/2023, the Commission appointed 20 members to various Tribunals through a competitive process to facilitate dispensation of justice as indicated in Table 6-6.

Table 6-6: Appointments in Tribunals

S/No	Tribunal	Total No. Appointed	Gender	
			Male	Female
1.	Chairperson, Financial Centre Tribunal	1	1	0
2.	Chairperson, National Examinations Appeal Tribunal	1	1	0

S/No	Tribunal	Total No. Appointed	Gender	
			Male	Female
3.	Chairperson, Land Acquisition Tribunal	1	1	0
4.	Member Financial Centre Tribunal	4	1	3
5.	Member Political Parties Disputes Tribunal – Advocate	1	1	0
6.	Member Political Parties Disputes Tribunal Expert	1	1	0
7.	Member Tax Appeals Tribunal -Expert	7	5	2
8.	Member Tax Appeals Tribunal -Advocate	5	3	2
9.	Member Sports Disputes Tribunal	1	1	0
10.	Secretary Sports Disputes Tribunal	1	0	1
Total		20	12	8

c) Appointment of Judicial Staff

The Judicial Service Act defines a judicial staff as persons employed in the Commission and Judiciary but without power to make judicial decisions.

During the year under review, the Commission competitively appointed 428 judicial staff to various positions in the Judiciary and the Commission.

The appointed staff are as distributed in Table 6-7.

Table 6-7: Appointments in the Judiciary

S/No	Judiciary Positions	Total No. Appointed
1.	Director ICT in the Judiciary	1
2.	Deputy Director, Systems Engineering	1
3.	Deputy Director, ICT Operations	1
4.	Legal Editor - Supreme Court of Kenya	1
5.	Statistician II	1
6.	Court Administrator	1
7.	Court Assistants	252
8.	Account Assistants	70
9.	Senior Legal Researchers	15
10.	Legal Researchers	36
11.	ICT Assistants	31
12.	Senior ICT Officer - Research and Development (JSG 4)	1
13.	Senior ICT Officer - Software Engineering (JSG 4)	1
14.	Senior ICT Officer- Help Desk Administrator (JSG 4)	1
15.	ICT Officer I - Software Programming (JSG 5)	5
16.	ICT Officer I - Database Administrator (JSG 5)	1
17.	ICT Officer I - ICT Security (JSG 5)	1
18.	ICT Officer I - Research & Development (JSG 5)	1

S/No	Judiciary Positions	Total No. Appointed
19.	ICT Officer II - Software Programming (JSG 6)	5
20.	ICT Officer II - Database Administrator (JSG 6)	1
21.	ICT Officer II - System Administrator (JSG 6)	1
	Total	428

6.3.2 Promotions

The Commission is alive to the fact that employee promotion encourages and increases their interest in the role, and consequently increases their overall performance. The end result is retention, which brings down the costs related to high turnover and low-quality work due to shrunken morale.

In the year under review, the Commission promoted one hundred and forty-six (146) judicial officers as shown in 6-8.

Table 6-8: Promoted Judicial Officers

S/No.	Position	Total Promotions	Promoted	
			Male	Female
1.	Senior Principal Magistrate	51	27	24
2.	Senior Principal Kadhi	1	1	0
3.	Principal Magistrate	90	31	59
4.	Principal Kadhi	3	3	0
5.	Senior Resident Magistrate	1	0	1
Total		146	62	84

6.3.3 Training and Capacity Building for Judges, Judicial Officers and Staff

Article 172(1)(d) of the Constitution mandates the Judicial Service Commission to “Prepare and implement programmes for the continuing education and training of judges and judicial officers”. This function of the JSC is performed through the **Kenya Judiciary Academy (KJA)**. The Academy executes this role in part through various training programs and seminars, public lectures, research, and other forms of discourse targeting Judges and Magistrates.

6.3.4 Development and Implementation of the Training Master Calendar

The key driver to the execution of the KJA mandate is the Master calendar. The calendar is needs-driven and takes into consideration the KJA Training Curriculum and consultations with different Courts. The calendar also considers policy guidelines and observations made by the Commission as well as contemporary emerging issues in different areas of the law. Training

for judges and judicial officers is therefore guided by the approved master calendar to ensure efficient utilization of resources and also to maintain objectivity.

In the year under review, the Judges and Judicial Officers were required to enroll for a minimum of at least one (1) mandatory training programme. The enrollment is based on programmes available within a given time frame and the focal area for capacity building.

A total of 65 training programmes were organised and implemented during the year. The focus was on training the Judges and Magistrates gazetted to handle election petitions. The training also covered members of the Political Parties Dispute Tribunal (PPDT). This is bearing in mind that 2022 was an election year and the need to prepare judges and judicial officers on arising petitions was pertinent.

The Academy leveraged on information technology in most of its trainings to reach out to more trainees. For example, the training on Judgment writing held in collaboration with Judicial Institute for Africa [JIFA] was one of its kind. It was self-paced with group discussions and assignments in between which allowed the participants to put into practice the learning areas under supervision of the tutors though virtually.

a) Capacity Building for Judges

During the year under review, the Academy conducted twelve (12) programmes in various thematic areas targeting Judges as shown in Table 6-9.

Table 6-9: Training programmes conducted for Judges during the financial year 2022-2023.

NO.	Activity	Date	Activity	Target Group	No. of Judges	Gender	
						Male	Female
1.	Induction for the Newly Appointed Court of Appeal Judges	1 st - 4 th Aug 2022	Induction for the Newly Appointed Court of Appeal Judges	Judges	6	3	3
		19 th - 22 nd Sep 2022	Induction for the Newly Appointed Court of Appeal Judges	Judges	4	4	0
2.	Induction for the Environment and Land Court Judges	19 th - 22 nd Sep 2022	Induction for the Environment and Land Court Judges	Judges	2	1	1
3.	Induction for the newly appointed High Court Judges	13 th - 16 th Dec 2022	Induction for the newly appointed High Court Judges	Judges	20	11	9
4.	Elections Dispute Resolution Briefing for the Elections Bench	26 th - 27 th Sep 2022	Elections Dispute Resolution Briefing for the Elections Bench	Judges	40	24	19
5.	Workshop for ELRC Judges	18 th -19 th Oct 2022	Workshop for ELRC Judges	Judges	20	10	10

NO.	Activity	Date	Activity	Target Group	No. of Judges	Gender	
						Male	Female
6.	AJS Training for the Environment and Land Court Judges	13 th – 15 th Dec 2022	AJS Training for the Environment and Land Court Judges	Judges	51	28	23
7.	Judgment Writing Clinic (virtual session) for Judges	20 th -23 rd Feb 2023	Judgment Writing Clinic (virtual session) for Judges	Judges	20	10	10
8.	EDR Training/ Briefing Session for Judges of the Court of Appeal	23 rd -24 th Feb 2023	EDR Training/ Briefing Session for Judges of the Court of Appeal	Judges	25	13	12
9.	Training on Remote Judging	2 nd - 3 rd Nov 2022	Training on Remote Judging	Judges	16	9	7
10.	Emerging Issues in Tax Law	31 st Jan – 4 th Feb 2023	Emerging Issues in Tax Law	Judges	32	17	15
11.	CJE for ELRC Judges	29 th March, - 1 st April, 2023	CJE for ELRC Judges	Judges	20	10	10
12.	Uniformity in Resentencing Post <i>Muruatetu</i> : Emerging Jurisprudence and Best Practices for Judges	12 th – 14 th April 2023	Uniformity in Resentencing Post <i>Muruatetu</i> : Emerging Jurisprudence and Best Practices for Judges	Judges	26	15	11

b) Capacity Building for Judicial Officers

Nine (9) programmes were implemented for judicial officers as indicated in Table 6-10 below:

Table 6-10: Training programmes implemented for judicial officers during the financial year 2022 -2023.

S/No.	Date	Activity	Target Group	No of Pax	Gender	
					Male	Female
1.	26 th -28 th Oct 2022	Enabling Environment for Existing Digital & Emerging Technologies; Opportunities and Challenges	Magistrates/Registrars	30	9	21
2.	2 nd - 3 rd Nov 2022	Training on Remote Judging (Virtual)	Magistrates	35	15	20
3.	29 th - 30 th Sep 2022	Elections Dispute Resolution Briefing for the Elections Bench	Magistrates	63	40	23
4.	5 th -7 th Oct 2022	Contemporary issues in Criminal Justice Procedure	Magistrates	30	9	21
	12 th -14 th Oct 2022	Reforms for Magistrates	Magistrates	30	21	9
5.	1 st - 3 rd Dec 2022	Inaugural Annual Small Claims Court Symposium	Adjudicators	26	7	19

S/No.	Date	Activity	Target Group	No of Pax	Gender	
					Male	Female
6.	1st -3rd Feb 2023	Annual Colloquium for Magistrates and Kadhis, session I & II	Magistrates, Kadhis, Registrars	531	233	288
7.	8th -10th Feb 2023					
8.	27th Feb-1st Mar 2023	Training of Judicial officers on emerging issues in Environmental and Land Law	Magistrates	37	15	22
9.	21st – 24th May, 2023	EDR Debrief for Magistrates Gazetted to hear Election Offences and Election Petitions in 2022 General Elections – Session 1 & 2	Magistrates	40	26	14
	24th – 27th May, 2023			50	31	19

c) Capacity Building for Law Clerks and Legal Researchers

Law Clerks and Legal Researchers form an integral part in the justice dispensation circle. Two (2) programmes were implemented for the Law Clerks and Legal Researchers during the year under review to enhance their efficiency. The programmes are indicated in Table 6-11.

Table 6-11: Training programmes implemented for Law Clerks and Legal researchers during the financial year 2022-2023

S/No.	Date	Activity	Target Group	No of Pax	Gender	
1.	9 th – 11 th Dec 2022	Induction for Supreme Court Law Clerks	Law Clerks	22	15	7
2.	26 th – 28 th April 2023	Legal Researchers' Training on the Maputo Protocol	Legal Researchers	35	9	26
	23 rd – 26 th May 2023	Legal Researchers' Training on the Maputo Protocol and Regional Instruments Cohort 11	Legal Researchers	35	6	29

During the year under review, the Academy organised and held a regional symposium on Greening the Judiciaries in Africa.

d) Regional symposium on Greening the Judiciaries in Africa:

Africa Judicial Education Network on Environmental Law [AJENEL] was established to

- Strengthen awareness among Judges and Judicial officers on existing environmental challenges and the growing jurisprudence in the field of environmental law.
- Strengthen the capacities of Judicial officers in identifying and responding to the main needs of Justice seekers on environmental Justice, leading to more responsive institutions.

- Strengthen the capacity of Judicial officers to manage environmental litigation.

The network is composed of thirty-two African Judiciaries with the secretariat being domiciled in Kenya.

The Academy in conjunction with the AJENEL Board hosted the Regional Symposium on Greening the Judiciaries in Africa between 3rd to 5th May, 2023 in Nairobi. The symposium was officially opened by his H.E Dr. William Samoei Ruto, EGH, President of the Republic of Kenya and in attendance were 26 Chief Justices from Africa, regional Heads of Judiciary Training Institutes and over 500 participants attending either in person or virtually. The theme of the Symposium was ‘Strengthening the Role of Judiciaries in Addressing Climate change in Africa’.

6.4 Increased public confidence and trust in the JSC and the Judiciary JSC Stakeholder Engagement

The National values and principles of governance under Article 10 of the Constitution bind all State organs to involve the public in the execution of their mandate. It is in this regard that the Commission held meetings with diverse stakeholders, including the public to gather insights on enhancing the administration of justice.

The Judicial Service Commission held the following engagements during the period under review:

1. JSC Courtesy Call on His Excellency President of the Republic of Kenya
2. Constitutional Commissions & Independent Offices
3. Engagement with the National Assembly
4. Consultative meeting with Salaries and Remuneration Commission
5. Head of Stations Forum
6. Consultative meeting with Heads of Various Courts



His Excellency President William Ruto and Deputy President Rigathi Gachagua pose for a photo with Members of the Commission at State House, Nairobi.



Deputy Chief Justice and Vice President of the Supreme Court Hon. Lady Justice Philomena M. Mwilu and Honourable Members of the Commission pose for a photo with the other participants during the 10th Head of Stations Forum in Nanyuki.

6.5 Strengthened Institutional Capacity of the JSC

The Commission plays a pivotal role in the enhancement of access to justice and therefore Strengthening the institutional capacity of the Judicial Service Commission is not only a means to enhance the efficiency and credibility of the judiciary but also a vital step toward upholding the rule of law and ensuring access to justice for all members of society. The Commission does this through continuous training to the members and secretariats, recruitments, and technological integration among other robust administrative support activities. During the period under review, the Commission was engaged in the following activities to strengthen institutional capacity.

6.5.1 Recruitment

In the year under review, the Commission recruited four (4) officers to support various departments and units as shown in Table 6-12.

Table 6-12: Table Recruitment in the Financial Year 2022/2023

S/No.	Position	Total No. Appointed	Gender	
			Male	Female
1.	Director of Human Resource Management	1	1	0
2.	Deputy Director, Public Affairs and Corporate Communications JSC	1	0	1
3.	Deputy Director, ICT JSC	1	1	0
4.	Senior Monitoring and Evaluation Officer	1	1	0
	Total	4	3	1

6.5.2 Training and Professional Development Programmes for JSC Secretariat and Kenya Judiciary Academy Staff

The Commission continues to design training and development initiatives that aim to improve the job performance of employees. The programs typically involve advancing the employees' knowledge and skill sets and instilling greater motivation to enhance job performance.

In this regard, the JSC in the year under review conducted various programmes for its staff, which included Management Development, Professional Development and Experiential learning through team building activities. Table 6-13 shows various training programmes undertaken by the Secretariat.

Table 6-13: Training and Professional Development Programmes undertaken by JSC Secretariat and Kenya Judiciary Academy Staff

S/No	Title of the Course/ Programme	Institution	Target	Date	No. of Staff Trained	Gender	
						Male	Female
1.	Strategic Leadership Development Programme (SLDP)	Kenya School of Government (KSG)	Secretariat		4	2	2
2.	Senior Management Course (SMC)	KSG	Secretariat		1	1	0
3.	Effective Report Writing & Minute Taking	Eastern and Southern Africa Management Institute (ESAMI)	Secretariat		1	1	0
4.	Communication Skills and Effective Report Writing Skills	Africa School of Management	Secretariat	May 23 rd to 3 rd June 2023	1	0	1
5.	Public Relations and Customer Care Course	KSG	Secretariat		1	1	0
6.	Records Digitization Programme	Africa School of Management	Secretariat	23 rd May to 10 th June 2023	1	0	1
7.	Corporate Governance Training	University of Iowa, United State of America	Secretariat	11 th November to 24 th November 2022	3	2	1
8.	Executive Leadership Summit	ICPAK	Secretariat	17 th June – 2 nd July 2023	3	1	2
9.	Board Induction, Leadership and Public Finance Management Seminar	ICPAK	Secretariat	24 th July – 5 th August, 2022	3	1	2
10.	Revitalizing HR: Inspire, innovate & integrate	Institute of Human Resource Management (IHRM)	Secretariat		3	1	2
11.	6 th National Lady Accountants Conference	ICPAK	Secretariat		5	1	3
12.	Professional Training		Secretariat		2		
13.	Group Training for the Secretariat Staff	Internal	Secretariat				
14.	HR for Non- HR Training	IHRM	KJA Staff	7 th -11 th Nov 2022	1	0	1
15.	Annual ICPAK Conference	ICPAK	KJA Staff	7 th -11 th Nov 2022	2	2	0

S/No	Title of the Course/ Programme	Institution	Target	Date	No. of Staff Trained	Gender	
						Male	Female
16.	Certified Human Resource Business Partner (CPD Conference)	IHRM	KJA Staff	7 th -11 th Nov 2022	1	0	1
17.	Public Sector Accountants Conference	ICPAK	KJA Staff	23 rd - 29 th Oct 2022	3	2	1
18.	Annual ICT Professionals Conference		KJA Staff	5 th - 9 th Dec 2022	2	0	2
19.	1 st Annual International Conference on Monitoring and Evaluation		KJA Staff	26 th – 28 th April, 2023	1	1	0
20.	Training session on AJS for Kenya Judiciary Academy staff	Internal	KJA Staff	6 th -10 th June, 2023	35	21	14



The Kenya Judiciary Academy staff during training on AJS

6.5.3 Budgeting Process

Table 6-14 below presents resource requirement and budgetary allocation for the Commission for the last 10 years.

Table 6-14: Analysis of Resource requirements vs Allocation (Amount in Kshs Million)

Financial Year	2013/14	2014/15	2015/16	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Resource Requirement	936	1,058	1,642	845	929	1,267	1,358	1,458	1,619
Resource Allocation	474	438	472	408	501	531	577	887	896
Resource Gap	462	620	1,170	437	428	736	781	571	723
% of allocation	51%	41%	29%	48%	54%	42%	42%	61%	55%

A critical analysis of table 2.2 shows that whereas the Commission Budgetary allocation increased in the 2022/2023 by Ksh 310 million from the previous year's allocation of **Ksh 577 million**, it also reveals that the budget allocation for the last decade has consistently fallen short of the Commissions resource requirement.

6.5.4 Technological Integration

In the year under review, the Commission designed and developed Enterprise Resource Planning (ERP) with a total of 11 modules that includes: Human Resource, Finance & Accounts, Supply Chain Management, Audit, Monitoring & Evaluation, Records Management, Complaints & Litigation Management and ICT Helpdesk. The ERP system will help addressing the commissions Automation and digitization.

6.5.5 Progress on the Attainment of Strategic Objectives

The Commission development objectives were made specific, measurable, achievable, realistic and time-bound (SMART) and converted into development outcomes. Attendant indicators were identified for reasons of tracking progress and performance measurement: Table 6-15 below shows the progress on attaining the stated objectives:

Table 6-15: Summary of Progress on Attainment of Strategic Objectives

Program	Strategic Objective	Outcome	Indicator	Performance for FY 2022/23	Comments
General Administration planning and support services	To improve the efficiency, effectiveness and accountability in administration of Justice	Improved Judicial accountability	No. of petition against Judges processed	The Commission received a total of 118 petitions and concluded 77 (65.3 %)	The processing of the 34.7 % petitions is ongoing and will be concluded in the FY 2023/24
			No. of Disciplinary matters against Judicial Officers and Staff	The Commission received and processed 32 disciplinary cases (100 %)	
		Enhanced access to justice	No. of Sexual and Gender-Based Violence (SGBV) Courts established	The Commission facilitated the setting up of 4 SGBV Courts	
			No. of Small claims court established	The Commission facilitated the setting up of 3 Small Claims Court	
			No. of Courts that have adopted Court Annexed Mediation	The Commission facilitated the adoption of Court Annexed Mediation (CAM) in 4 Court Stations	
	To mobilise sustainable funding for the JSC and the Judiciary	Enhanced funding to the Commission and the Judiciary	% of national budget allocated to support Administration of Justice	The administration of Justice was allocated 0.68 % of the National Budget against the target of 0.8%	Underfunding of the JSC and the Judiciary affects dispensation of justice
			Operational Judiciary Fund	The Judiciary Fund was operationalised with effect from July 2022	
	To increase public confidence and trust in the JSC and the Judiciary	Increased public confidence and trust in the JSC and the Judiciary	Number of stakeholder engagements	The Commission held 10 stakeholder forums	
	To strengthen the Institutional Capacity of the JSC	Strengthened Institutional Capacity of the JSC	No. of Staff Appointed	The commission appointed 4 staff	
			No. of Staff trained	38 staff were trained by the commission.	
	To attract, retain and capacity build judges,	Motivated, Professional, Dynamic,	No. of Judges recommended	The Commission recommended 27 Judges for appointment	

Program	Strategic Objective	Outcome	Indicator	Performance for FY 2022/23	Comments
	judicial officers and judicial staff	Responsive Judges, Judicial Officers, and Judicial Staff	for appointment		
No. of Judicial Officers Appointed			The Commission appointed 20 Judicial officers.		
No. of Judicial Staff Appointed			428 Judicial Staff were appointed		
Training programmes for Judges, Judicial officers and Judicial Staff implemented		No. of training programmes organized for Judges	The Commission implemented 12 training programmes for Judges		
		No. of training programmes organized for Judicial Officers	The Commission implemented 9 training programmes for Judicial Officers		
		No. of training programs organized for legal researchers and law Clerks.	The Commission implemented 2 training programmes for legal Researchers and Law Clerks		

7.0 MANAGEMENT DISCUSSION AND ANALYSIS

7.1 Judiciary Fund

The Judiciary Fund is established under Article 173 of the Constitution which requires that the approved estimates of expenditure of the Judiciary to be a direct charge on the consolidated fund. The detailed framework for the regulation and operationalization of the fund is provided under the Judiciary Fund Act (No 16 of 2016) and the Judiciary Fund Regulations, 2019.

The Judiciary fund was operationalised from 1st July 2022 following fruitful engagements with the National Treasury, the Central Bank of Kenya and the Controller of Budget. The Fund has allowed greater control of the monies allocated to the Judiciary and further enabled half-year access to the operations and maintenance budget thus improving budget execution and service delivery.

The Commission recommends full operationalization of the Fund to comply with section 7 of the Judiciary Fund Act.



The Chief Registrar of the Judiciary, Anne Amadi, receiving instruments operationalising the Judiciary Fund from Michael Rundu Eganza, Director - Banking and Payment Services at the Central Bank of Kenya

7.2 Percentage of National Budget Allocated to Support Administration of Justice

The Judiciary has been receiving 0.6 per cent of the National Budget which falls short of the international standard of 2.5 per cent. The report on **Judicial Reforms of July 2010** reinforced this observation by observing that

To enhance the independence, operation autonomy, efficiency in the governance and management of the Judiciary, it is recommended that the annual budget allocation to the Judiciary be augmented to a minimum of 2.5 per cent of the National Budget provided that this percentage may be increased in future to cater for the Judiciary needs.

The comparative analysis of the National Budget and proportionate allocation Judiciary and the Commission in the past five years is presented in Table 7-1 below;

Table 7-1: Five-year comparisons Between National Budget and Judiciary Budget

S/No	Financial Year	National Budget	Judiciary Allocation	Judiciary % Allocation
1	2018/2019	2,556.6	14.2	0.6
2	2019/2020	2,800.0	16.9	0.6
3	2020/2021	2,890.0	16.9	0.6
4	2021/2022	3,030.0	17.6	0.6
5	2022/2023	3,300.0	21.2	0.6

7.3 Commission Budgeting Process

Budgeting in the Commission is anchored under Article 173(3) of the Constitution which stipulates that the Secretary shall prepare estimates for each financial year and submit them to the National Assembly for approval.

A functional Commission is critical to ensure that the Judiciary is accountable for the resources channelled to the dispensation of justice programme. This means that spending on the Judicial Service Commission is an investment decision both for justice and for the economy. It is therefore imperative that as the Judiciary budget is enhanced the Commission budget should equally be enhanced to ensure that adequate oversight mechanisms are employed for enhanced and accountable service delivery to the citizenry.

7.4 Budget Performance for the Financial Year 2022/23

The Commission was allocated Gross Recurrent Estimates of Kshs. 887 million comprising of Kshs. 650 million for Administration and Judicial Services Sub-Programme and Kshs. 237 million for Judicial Training Sub-Programme. The overall absorption of the voted funds in 2022/23 fiscal year was 94 per cent illustrating Commission's commitment to implement planned programmes within the set timelines and allocated ceilings.

7.4.1 Comparative Analysis on Budget Performance in the Last Five Financial Years

The Budgetary allocation for the Commission has increased in the past five years from Kshs. 408.8 million in the FY 2018/2019 to Kshs. 887 million in the financial year 2022/2023 transforming to 117.4 percentage increase.

The increase was occasioned by the commitment of the government to enhance the Commission and the Judiciary budget by Ksh. 3 billion annually for the next five years in line with the Bottom-up Economic Transformation Agenda (BETA). Figure 7-1 below illustrates the budget performance status for the past five financial years, presenting data for the final budget and the actual Exchequer received

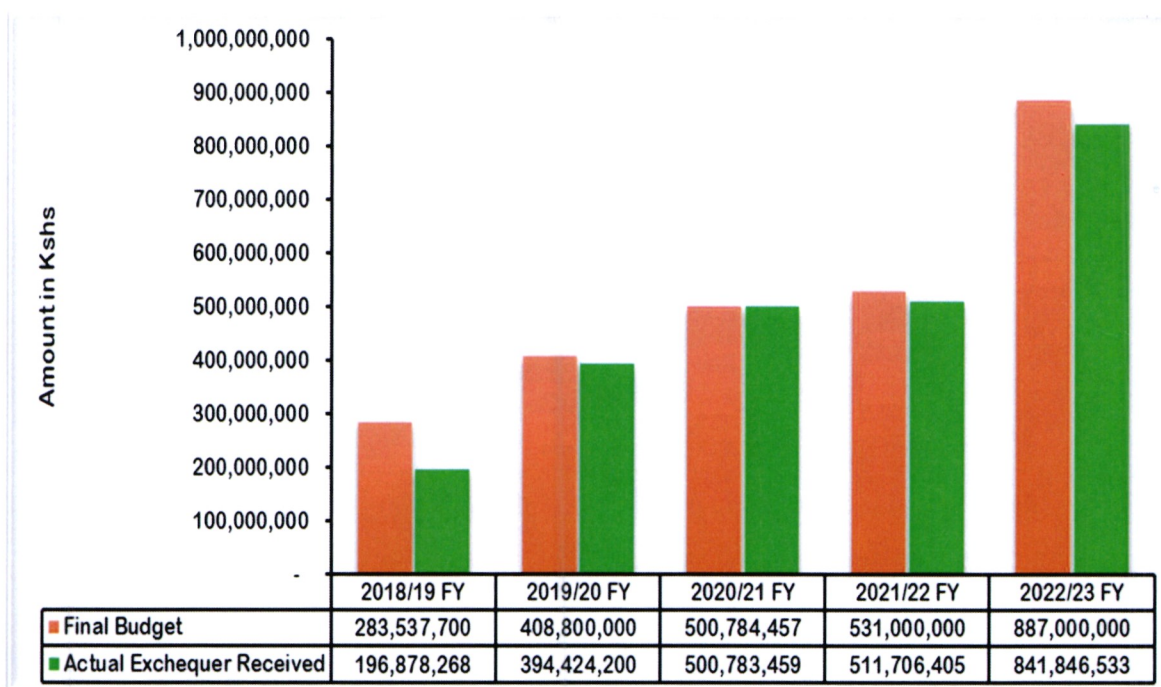


Figure 7- 1: Graphical representation of the final budget and the actual exchequer received trend for the past five financial years

The Commission has improved its operations having launched and is currently implementing the 2022- 2027 Strategic Plan. The expenditure on the other hand increased from Kshs. 394 million to Kshs. 831 million with corresponding absorption rates of 93 and 94 per cent in the Financial Years 2018/2019 and 2022/2023 respectively.

The sustained high absorption rates across the period were due to the adoption of best management practices in the execution of the commission mandate. Figure 7-2 below shows expenditure trend over the last five financial years

Figure 7-2: A graphical representation of budget allocation against expenditure trend over the last five financial years

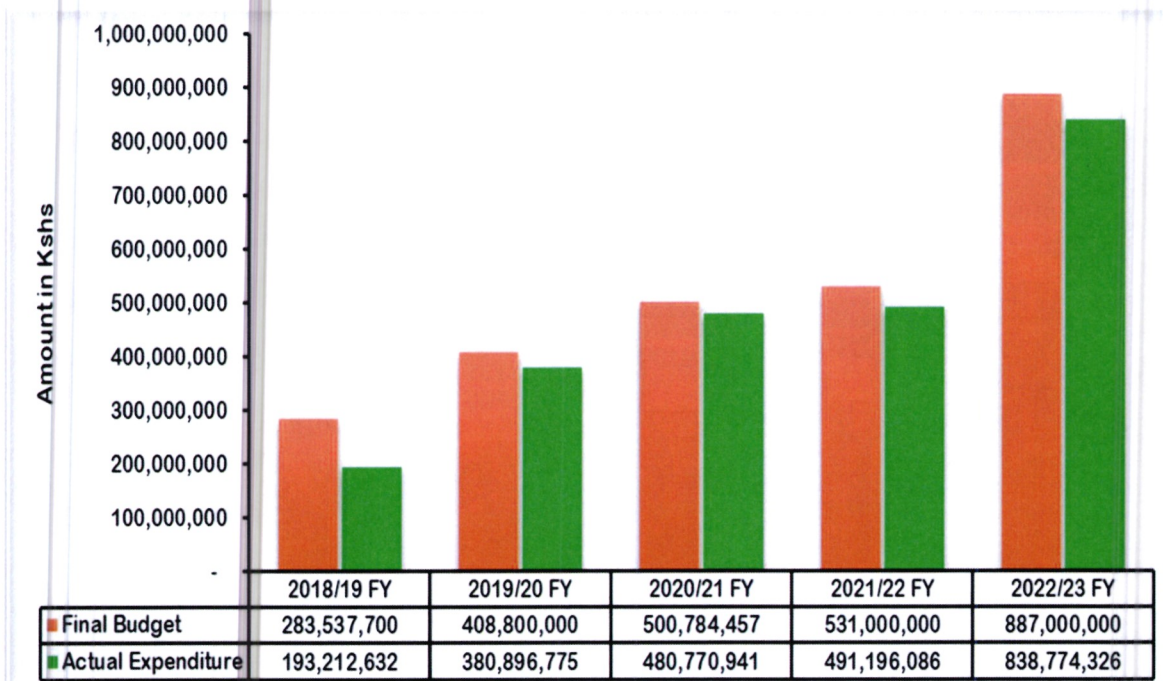


Figure 7-2: Comparison of the Final Budget and Actual Expenditure trends for the past five Financial Years.

The Commission’s approved annual budget allocation and actual expenditure comparative analysis for the past five years is shown in graph below.

*JUDICIAL SERVICE COMMISSION
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Table 7-2: Approved Annual Budget Allocation and Actual Expenditure Comparative Analysis for the Past Five Years

Receipt/ Expense Item	FY2022-2023		FY2021-2022		FY2020-2021		FY2019-2020		FY2018-2019	
	Final Annual Budget	Actual Cumulative to 30th June	Final Annual Budget	Actual Cumulative to 30th June	Final Annual Budget	Actual Cumulative to 30th June	Final Annual Budget	Actual Cumulative to 30th June	Final Annual Budget	Actual Cumulative to 30th June
RECEIPTS										
Exchequer releases	887,000,000	841,846,533	531,000,000	511,706,405	500,784,457	500,783,459	408,800,000	394,424,200	283,537,700	196,978,268
TOTAL RECEIPTS	887,000,000	841,846,533	531,000,000	511,706,405	500,784,457	500,783,459	408,800,000	394,424,200	283,537,700	196,978,268
PAYMENTS										
Compensation of Employees	204,623,005	201,874,567	160,254,213	154,701,249	142,819,999	142,818,872	-	-	-	-
Use of goods and services	551,496,995	533,475,660	313,284,064	298,724,410	280,516,770	272,827,678	372,034,452	348,417,815	254,542,100	180,550,460
Social Security Benefits	23,800,000	22,572,871	7,147,981	7,144,981	3,871,932	3,609,589	4,650,000	4,650,000	5,560,000	2,650,500
Acquisition of Assets	107,080,000	80,851,229	50,313,742	30,625,446	73,575,756	61,514,802	32,115,548	27,828,960	23,435,600	10,011,672
TOTAL PAYMENTS	887,000,000	838,774,326	531,000,000	491,196,086	500,784,457	480,770,941	408,800,000	380,896,775	283,537,700	193,212,632
SURPLUS/ DEFICIT		3,072,207		20,510,319		20,013,516		27,903,225		90,325,068
ABSORPTION %		95		93		96		93		68

7.5 Commission and Committee Meetings

During the reporting period, there were a total of 16 Full JSC meetings with 137 committee meetings a decline from 165 meetings in the previous financial year.

JSC Human resource meetings had the highest number of meetings (19) where the outcome of the meetings included appointment, promotions and processing of disciplinary matters. Other meetings that were held included Ad hoc Committees selection interviews, panel and stakeholders' engagement. Figure 7-3 provides a summary of the meetings for the last two years

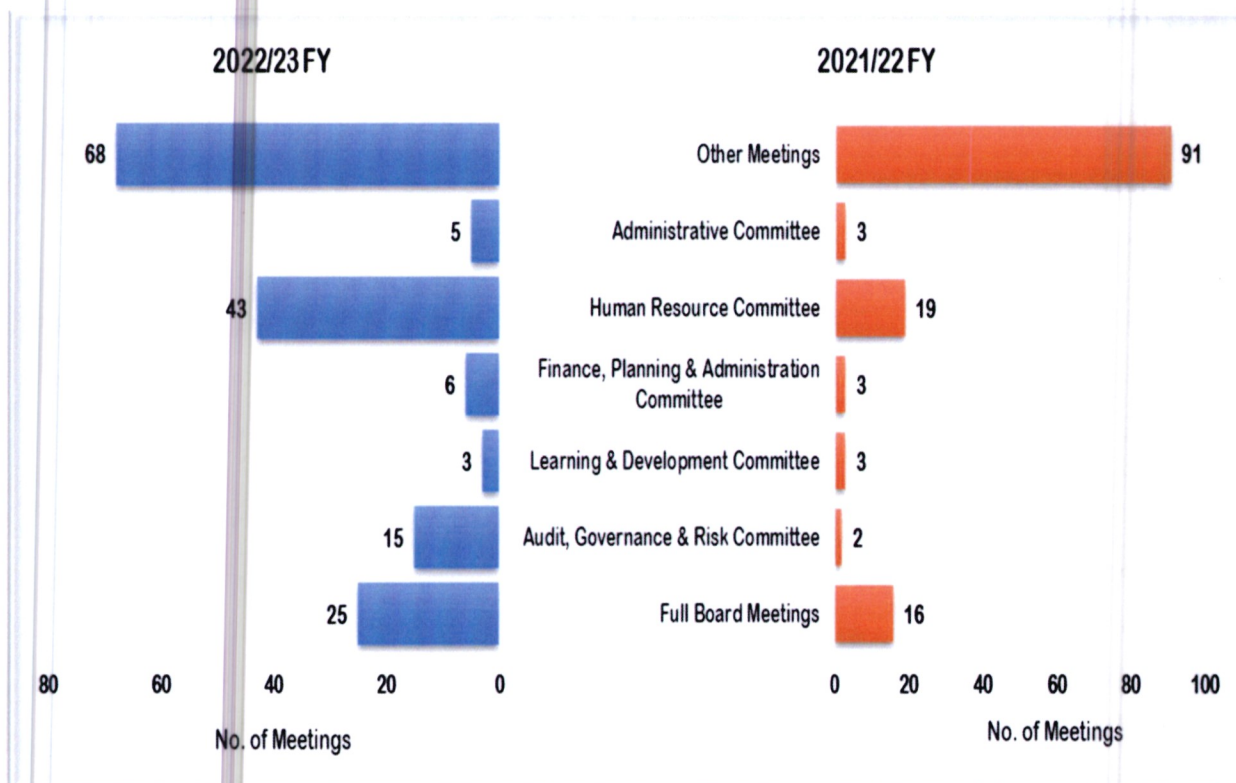


Figure 7-3: Commission meetings in the FY 2022/2023

8.0 ENVIRONMENTAL AND SUSTAINABILITY REPORTING

The Commission recognizes that social safeguard policies are essential tools to prevent and mitigate undue harm to people within our work areas. The institution targets to have a holistic look at all policies that aims at achieving sustainable and healthy effects to the citizenry and to the internal stakeholders as well.

a) Sustainability strategy and profile

The Sustainable Development Goals are a global call to action to end poverty, protect the earth's environment and climate, and ensure that people everywhere can enjoy peace and prosperity. In this regard, the Commission has encouraged members of staff to be innovative in-service delivery and this has resulted to various innovative solutions including IT that have been developed by the internal staff leading to improved operational efficiency for example the E-learning platform.

The Commission Secretariat and the Academy share personnel in areas of shared services such as Accounting and Supply Chain Management. This has resulted to minimised costs in terms of the Commission's wage bill.

b) Environmental performance /climate change/ mitigation of natural disasters

Savings have been realized on stationery and other related overhead costs, occasioned by the use of digital systems. The turnaround times have been reduced, thus improving the service delivery to the citizens.

The commission has embraced the following ICT solutions

- i)* E- Learning platform
- ii)* Online job application
- iii)* Virtual meetings and trainings
- iv)* E-board
- v)* Enterprise Resource Planning (ERP)

The Commission is committed to environmental preservation, and this has been partly achieved by focus on green procurement. This means that as various goods are procured the Commission has end result in mind such that the waste out of it is environmentally friendly in terms of its disposal.

In order to cultivate environmental conversation culture, the Commission has embraced continuous staff sensitization to promote a culture of reducing, re-using, and recycling of waste.

c) Employee Welfare

The Commission has an elaborate recruitment policy that provides for a structured framework for the management of human resource processes of recruitment, selection, appointment, development and promotions. The following are the welfare programmes the Commission has put in place for its employees:

- i) Staff Mortgage and car loan Scheme:** The Commission has an established Mortgage scheme for its staff. The scheme is aimed at providing an opportunity for staff to purchase either houses or land for construction of their residences, this is in line with the government programme of providing its citizens with affordable housing.

The car loan scheme provides the staff opportunity to purchase private motor vehicle at affordable interest rate and repayment period.
- ii) Staff Capacity building:** The Commission recognizes the importance of training and development to enhance productivity and efficiency. Towards realization of this, the Commission undertook capacity building programmes and facilitated staff to attend professional development courses, seminars and workshops. These training interventions are aligned with the organization's performance management systems.
- iii) Staff Occupational and Safety:** The Commission is committed to providing and maintaining working conditions, equipment and systems of work, that are safe and healthy for all employees, visitors and other persons at or near its premises and operational areas. The Commission has ensured that the offices have functional and duly serviced equipment as per the requirement of the Occupational Safety and Health Act of 2007, (OSHA.). The Commission acquired offices at C.B.K Pension towers 12th, 13th and 14th to ensure adequate working space.
- iv) Staff medical Scheme:** The Commission has an established staff medical scheme that caters for both inpatient and outpatient services for staff and immediate family members.
- v) Club Membership Policy:** Recognizing the need for a healthy and agile human resource, the Commission approved and implemented Club Membership policy.
- vi) Operational practices:** The Commission has cultivated good working relations with its suppliers through the Supply Chain Management unit. This is evidenced by timely payment of bills, prompt response to supplier queries and adherence to terms and

conditions of the contracts. All contracts are observed to completion and no queries have been received from the Public Procurement Regulatory Authority as a result of supplier dissatisfaction from engagement with the Commission.

vii) Community Engagements: The Commission undertakes Corporate Social Responsibility (CSR) activities with the aim of enhancing its relationship with stakeholders and the community. During the year under review, the Commission did not carry out any CSR activity.

9. STATEMENT OF MANAGEMENT RESPONSIBILITIES

Section 81 (1) of the Public Finance Management Act, 2012 requires that, at the end of each financial year, the Accounting Officer for a National Government Entity shall prepare financial statements in respect of that entity. Section 81 (3) requires the financial statements so prepared to be in a form that complies with relevant accounting standards as prescribed the Public Sector Accounting Standards Board of Kenya from time to time.

The Accounting Officer in charge of the Judicial Service Commission is responsible for the preparation and presentation of the entity's financial statements, which give a true and fair view of the state of affairs of the entity for and as at the end of the financial year (period) ended on June 30, 2023. This responsibility includes: (i) maintaining adequate financial management arrangements and ensuring that these continue to be effective throughout the reporting period, (ii) maintaining proper accounting records, which disclose with reasonable accuracy at any time the financial position of the entity, (iii) designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements, and ensuring that they are free from material misstatements, whether due to error or fraud, (iv) safeguarding the assets of the entity; (v) selecting and applying appropriate accounting policies, and (vi) making accounting estimates that are reasonable in the circumstances.

The Accounting Officer in charge of the Judicial Service Commission accepts responsibility for the entity's financial statements, which have been prepared on the Cash Basis Method of Financial Reporting, using appropriate accounting policies in accordance with International Public Sector Accounting Standards (IPSAS). The Accounting Officer is of the opinion that the Judicial Service Commission's financial statements give a true and fair view of the state of entity's transactions during the financial year ended June 30, 2023, and of the Judicial Service Commission's financial position as at that date. The Accounting Officer in charge of the Judicial Service Commission further confirms the completeness of the accounting records maintained for the Judicial Service Commission, which have been relied upon in the preparation of the Judicial Service Commission's financial statements as well as the adequacy of the systems of internal financial control.

The Accounting Officer in charge of the Judicial Service Commission confirms that the entity has complied fully with applicable Government Regulations and the terms of external financing covenants (where applicable), and that the Judicial Service Commission's funds received during the year under audit were used for the eligible purposes for which they were intended and were properly accounted for. Further the Accounting Officer, confirms that the Judicial Service Commission's financial statements have been prepared in a form that complies with relevant accounting standards prescribed by the Public Sector Accounting Standards Board of Kenya.

JUDICIAL SERVICE COMMISSION

Annual Report and Financial Statements for the year ended 30th June 2023

Approval of the financial statements

The Judicial Service Commission's financial statements were approved and signed by the Accounting Officer on 20th December 2023.



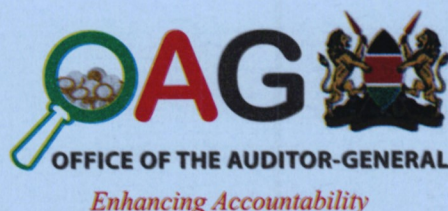
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Paul N. Maina, OGW, 'ndc'(K)
For: Secretary
Judicial Service Commission



.....
CPA Rebecca J. Kiplagat
Director Finance &
Administration
ICPAK Membership No.
5533

REPUBLIC OF KENYA

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Anniversary Towers
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NAIROBI

REPORT OF THE AUDITOR-GENERAL ON JUDICIAL SERVICE COMMISSION FOR THE YEAR ENDED 30 JUNE, 2023

PREAMBLE

I draw your attention to the contents of my report which is in three parts:

- A. Report on the Financial Statements that considers whether the financial statements are fairly presented in accordance with the applicable financial reporting framework, accounting standards and the relevant laws and regulations that have a direct effect on the financial statements.
- B. Report on Lawfulness and Effectiveness in Use of Public Resources which considers compliance with applicable laws, regulations, policies, gazette notices, circulars, guidelines and manuals and whether public resources are applied in a prudent, efficient, economic, transparent and accountable manner to ensure Government achieves value for money and that such funds are applied for the intended purpose.
- C. Report on Effectiveness of Internal Controls, Risk Management and Governance which considers how the entity has instituted checks and balances to guide internal operations. This responds to the effectiveness of the governance structure, the risk management environment, and the internal controls, developed and implemented by those charged with governance for orderly, efficient and effective operations of the entity.

An unmodified opinion does not necessarily mean that an entity has complied with all relevant laws and regulations, and that its internal controls, risk management and governance systems are properly designed and were working effectively in the financial year under review.

The three parts of the report are aimed at addressing the statutory roles and responsibilities of the Auditor-General as provided by Article 229 of the Constitution, the Public Finance Management Act, 2012 and the Public Audit Act, 2015. The three parts of the report, when read together constitute the report of the Auditor-General.

REPORT ON THE FINANCIAL STATEMENTS

Opinion

I have audited the accompanying financial statements of Judicial Service Commission set out on pages 1 to 24, which comprise of the statement of financial assets and financial liabilities as at 30 June, 2023, and the statement of receipts and payments, statement of cash flows, and the statement of comparison of budget and actual amounts and a

Report of the Auditor-General on Judicial Service Commission for the year ended 30 June, 2023

summary of significant accounting policies and other explanatory information in accordance with the provisions of Article 229 of the Constitution of Kenya and Section 35 of the Public Audit Act, 2015. I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purpose of the audit.

In my opinion, the financial statements present fairly, in all material respects, the financial position of the Judicial Service Commission as at 30 June, 2023 and of its financial performance and its cash flows for the year then ended, in accordance with the International Public Sector Accounting Standards (Cash Basis) and comply with the Public Finance Management Act, 2012 and the Judicial Service Act, 2011.

Basis for Opinion

The audit was conducted in accordance with International Standards of Supreme Audit Institutions (ISSAIs). I am independent of the Judicial Service Commission Management in accordance with ISSAI 130 on Code of Ethics. I have fulfilled other ethical responsibilities in accordance with the ISSAI and in accordance with other ethical requirements applicable to performing audits of financial statements in Kenya. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Emphasis of Matter

Pending Bills

Note 27.2 to the financial statements reflects pending accounts payable amount of Kshs.3,007,852. However, this amount was not settled in the year under review but instead carried forward to financial year 2023/2024 due to inadequate exchequer allocations. Failure to settle bills in the year to which they relate adversely affect the implementation of the subsequent year's budgeted programmes as the pending bills form a first charge for that year's budget provision.

My opinion is however, not modified in respect of this matter.

Key Audit Matters

Key audit matters are those matters that, in my professional judgment, are of most significance in the audit of the financial statements. There were no key audit matters to report in the year under review.

REPORT ON LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC RESOURCES

Conclusion

As required by Article 229(6) of the Constitution, based on the audit procedures performed, I confirm that, nothing has come to my attention to cause me to believe that public resources have not been applied lawfully and in an effective way.

Basis for Conclusion

The audit was conducted in accordance with ISSAI 4000. The standard requires that I comply with ethical requirements and plan and perform the audit to obtain assurance about whether the activities, financial transactions and information reflected in the

financial statements are in compliance, in all material respects, with the authorities that govern them. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

REPORT ON EFFECTIVENESS OF INTERNAL CONTROLS, RISK MANAGEMENT AND GOVERNANCE

Conclusion

As required by Section 7(1)(a) of the Public Audit Act, 2015, based on the audit procedures performed, I confirm that, nothing has come to my attention to cause me to believe that internal controls, risk management and overall governance were not effective.

Basis for Conclusion

The audit was conducted in accordance with ISSAI 2315 and ISSAI 2330. The standards require that I plan and perform the audit to obtain assurance about whether processes and systems of internal controls, risk management and overall governance were operating effectively, in all material respects. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

Responsibilities of Management and Commissioners

Management is responsible for the preparation and fair presentation of these financial statements in accordance with International Public Sector Accounting Standards (Cash Basis) and for maintaining effective internal controls as Management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error and for its assessment of the effectiveness of internal controls, risk management and overall governance.

In preparing the financial statements, Management is responsible for assessing the Commission's ability to continue to sustain its services, disclosing, as applicable, matters related to sustainability of services and using the applicable basis of accounting unless Management is aware of the intention to terminate the Commission or to cease operations.

Management is also responsible for the submission of the financial statements to the Auditor-General in accordance with the provisions of Section 47 of the Public Audit Act, 2015.

In addition to the responsibility for the preparation and presentation of the financial statements described above, Management is also responsible for ensuring that the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities which govern them, and that public resources are applied in an effective way.

Those charged with governance are responsible for overseeing the Commission's reporting process, reviewing the effectiveness of how the Management monitors compliance with relevant legislative and regulatory requirements, ensuring that effective processes and systems are in place to address key roles and responsibilities in relation to governance and risk management, and ensuring the adequacy and effectiveness of the control environment.

Auditor-General's Responsibilities for the Audit

The audit objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion in accordance with the provisions of Section 48 of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISSAIs will always detect a material misstatement and weakness when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

In addition to the audit of the financial statements, a compliance audit is planned and performed to express a conclusion about whether, in all material respects, the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities that govern them and that public resources are applied in an effective way, in accordance with the provisions of Article 229(6) of the Constitution and submit the audit report in compliance with Article 229(7) of the Constitution.

Further, in planning and performing the audit of the financial statements and audit of compliance, I consider internal controls in order to give an assurance on the effectiveness of internal controls, risk management and overall governance processes and systems in accordance with the provisions of Section 7(1)(a) of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. My consideration of the internal controls would not necessarily disclose all matters in the internal controls that might be material weaknesses under the ISSAIs. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions.

Because of its inherent limitations, internal controls may not prevent or detect misstatements and instances of non-compliance. Also, projections of any evaluation of effectiveness to future periods are subject to the risk that controls may become inadequate because of changes in conditions, or that the degree of compliance with the policies and procedures may deteriorate.

As part of an audit conducted in accordance with ISSAIs, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Management.

- Conclude on the appropriateness of the Management's use of the applicable basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Commission's ability to continue to sustain its services. If I conclude that a material uncertainty exists, I am required to draw attention in the auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my audit report. However, future events or conditions may cause the Commission to cease to continue to sustain its services.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Obtain sufficient appropriate audit evidence regarding the financial information and business activities of the Commission to express an opinion on the financial statements.
- Perform such other procedures as I consider necessary in the circumstances.

I communicate with the Management regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that are identified during the audit.

I also provide the Management with a statement that I have complied with relevant ethical requirements regarding independence and communicate with them all relationships and other matters that may reasonably be thought to bear on my independence and where applicable, related safeguards.



FCPA Nancy Gathungu, CBS
AUDITOR-GENERAL

Nairobi

19 January, 2024

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JUDICIAL SERVICE COMMISSION

Annual Report and Financial Statements for the year ended 30th June 2023

11. STATEMENT OF RECEIPTS AND PAYMENTS FOR THE YEAR ENDED 30TH JUNE 2023

Description	Note	FY 2022-2023	FY 2021-2022
		Kshs	Kshs
RECEIPTS			
Exchequer releases	1	841,846,533	583,591,923
TOTAL RECEIPTS		841,846,533	583,591,923
PAYMENTS			
Compensation of Employees	2	201,874,567	158,737,501
Use of goods and services	3	533,475,660	393,936,671
Social Security Benefits	4	22,572,871	1,162,858
Acquisition of Assets	5	80,851,229	23,488,043
TOTAL PAYMENTS		838,774,326	577,325,073
SURPLUS/(DEFICIT)		3,072,207	6,266,850

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The Commission financial statements were approved on

20th December 2023 and signed by:



.....
Paul N. Maina, OGW, 'ndc'(K)
For: Secretary
Judicial Service Commission

.....
CPA Rebecca J. Kiplagat
Director Finance &
Administration
ICPAK Membership No. 5533

12. STATEMENT OF FINANCIAL ASSETS AND FINANCIAL LIABILITIES AS AT 30TH JUNE 2023

Description	Note	FY 2022/2023	FY 2021/2022
		Kshs	Kshs
FINANCIAL ASSETS			
Cash and Cash Equivalents			
Bank Balances	6A	6,316,969	8,234,445
Cash Balances	6B	2,917,327	1,436,294
Total Cash and cash equivalent		9,234,296	9,670,739
Accounts Receivables		0	0
TOTAL FINANCIAL ASSETS		9,234,296	9,670,739
FINANCIAL LIABILITIES			
Accounts Payables	7	6,162,088	2,869,031
NET FINANCIAL ASSETS		3,072,207	6,801,708
REPRESENTED BY			
Fund balance b/fwd	8	6,801,709	20,757,772
Prior period adjustment	9	(6,801,709)	(20,222,913)
Surplus/Deficit for the period		3,072,207	6,266,850
NET FINANCIAL POSITION		3,072,207	6,801,709

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The Commission financial statements were approved on

20th December 2023 and signed by:

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 Paul N. Maina, OGW, 'ndc'(K)
 For: Secretary
 Judicial Service Commission


.....
 CPA Rebecca J. Kiplagat
 Director Finance &
 Administration
 ICPAK Membership No. 5533

13. STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30TH JUNE 2023


Description	Notes	FY 2022/2023	FY 2021/2022
Receipts for operating income		Kshs	Kshs
Exchequer Releases	1	841,846,533	583,591,923
		841,846,533	583,591,923
Payments for operating expenses			
Compensation of Employees	2	201,874,567	158,737,501
Use of goods and services	3	533,475,660	393,936,671
Social Security Benefits	4	22,572,871	1,162,858
		757,923,097	553,837,030
Adjusted for:			
Adjustments during the period			
Decrease/(Increase) in Accounts receivable:		0	0
Increase/(Decrease) in Accounts Payable:	10	3,293,057	1,875,724
Prior Period Adjustments	9	(6,801,709)	(20,222,913)
Net cash flow from operating activities		80,414,785	11,407,704
CASHFLOW FROM INVESTING ACTIVITIES			
Acquisition of Assets	5	(80,851,229)	(23,488,043)
Net cash flows from Investing Activities		(80,851,229)	(23,488,043)
NET INCREASE IN CASH AND CASH EQUIVALENT		(436,444)	(12,080,339)
Cash and cash equivalent at BEGINNING of the period	8	9,670,739	21,751,079
Cash and cash equivalent at END of the period		9,234,296	9,670,739

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The Commission financial statements were approved on

20th December 2023 and signed by:



 Paul N. Maina, OGW, 'ndc'(K)
 For: Secretary
 Judicial Service Commission



 CPA Rebecca J. Kiplagat
 Director Finance &
 Administration
 ICPAK Membership No. 5533

JUDICIAL SERVICE COMMISSION
Annual Report and Financial Statements for the year ended 30th June 2023

14. STATEMENT OF COMPARISON OF BUDGET AND ACTUAL AMOUNTS FOR FY2022/23

Receipt/Expense Item	Original annual Budget a	Adjustments b	Final Annual Budget c=a+b	Actual Cumulative to date (30th June, 2023) d	Budget Utilization Difference	% of Utilization e=d/c %
RECEIPTS						
Exchequer releases	587,000,000	300,000,000	887,000,000	841,846,533	45,153,467	95
TOTAL RECEIPTS	587,000,000	300,000,000	887,000,000	841,846,533	45,153,467	95
PAYMENTS						
Compensation of Employees	187,723,005	16,900,000	204,623,005	201,874,567	2,748,438	99
Use of goods and services	318,676,995	232,820,000	551,496,995	533,475,660	18,021,335	97
Social Security Benefits	12,000,000	11,800,000	23,800,000	22,572,871	1,227,129	95
Acquisition of Assets	68,600,000	38,480,000	107,080,000	80,851,229	26,228,772	76
TOTAL PAYMENTS	587,000,000	300,000,000	887,000,000	838,774,326	48,225,674	95
SURPLUS/ DEFICIT	0	0	0	3,072,207	(3,072,207)	

a) Variance Analysis

- i. The under absorption on acquisition of assets was generally due to the restricted access to the IFMIS system which delayed processing of payments.
- ii. Bills processed and not paid due to lack of funding as at the end of the financial year accounted for as pending bills stood at Ksh. 3,007,852.30.

b) Adjustments within the year

- i. The difference between original budget and final budget was occasioned by additional resources of Kshs. 300 million that were approved for the Commission during Supplementary Estimate No 1. The additional resources were meant to bridge the funding deficit in the Commission programmes.

*JUDICIAL SERVICE COMMISSION
Annual Report and Financial Statements for the year ended 30th June 2023*

The Commission financial statements were approved on 20th December 2023 and signed by:



.....
Paul N. Maina, OGW, 'ndc' (K)
For: Secretary
Judicial Service Commission



.....
CPA Rebecca J. Kiplagat
Director Finance &
Administration
ICPAK Membership No. 5533

JUDICIAL SERVICE COMMISSION
Annual Report and Financial Statements for the year ended 30th June 2023

(a) Statement of Comparison of Budget and Actual Amounts: Recurrent for FY202/2023

Receipt/Expense Item	Original annual Budget	Adjustments	Final Annual Budget	Actual Cumulative to date (30th June, 2023)	Budget Utilization Difference	% of Utilization
	a	b	c=a+b	d		e=d/c %
RECEIPTS						
Exchequer releases	587,000,000	300,000,000	887,000,000	841,846,533	45,153,467	95
TOTAL RECEIPTS	587,000,000	300,000,000	887,000,000	841,846,533	45,153,467	95
PAYMENTS						
Compensation of Employees	187,723,005	16,900,000	204,623,005	201,874,567	2,748,438	99
Use of goods and services	318,676,995	232,820,000	551,496,995	533,475,660	18,021,335	97
Social Security Benefits	12,000,000	11,800,000	23,800,000	22,572,871	1,227,129	95
Acquisition of Assets	68,600,000	38,480,000	107,080,000	80,851,229	26,228,772	76
TOTAL PAYMENTS	587,000,000	300,000,000	887,000,000	838,774,326	48,225,674	95
SURPLUS/ DEFICIT	0	0	0	3,072,207	(3,072,207)	

a) Variance Analysis

- i. The under absorption on acquisition of assets was generally due to the restricted access to the IFMIS system which delayed processing of payments.
- ii. Bills processed and not paid due to lack of funding as at the end of the financial year accounted for as pending bills stood at Ksh. 3,007,852.30.

b) Adjustments within the year

- i. The difference between original budget and final budget was occasioned by additional resources of Kshs. 300 million that were approved for the Commission during Supplementary Estimate No 1. The additional resources were meant to bridge the funding deficit in the Commission programmes.

*JUDICIAL SERVICE COMMISSION
Annual Report and Financial Statements for the year ended 30th June 2023*

The Commission financial statements were approved on 20th December 2023 and signed by:



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Paul N. Maina, OGW, 'ndc' (K)
For: Secretary
Judicial Service Commission



.....
CPA Rebecca J. Kiplagat
Director Finance &
Administration
ICPAK Membership No. 5533

JUDICIAL SERVICE COMMISSION

Annual Report and Financial Statements for the year ended 30th June 2023

(b) Statement of Comparison of Budget and Actual Amounts: Development for FY2022/23

The Commission didn't have any development project in the FY under review

(c) Budget Execution by Programmes and Sub-Programmes for FY2022/2023

Programme/Sub-programme	Original Budget	Adjustments	Final Budget	Actual on comparable basis	Budget utilization difference
	2022/2023		2022/2023	2022/2023	% of Utilization
	a	b	c=a+b	d	e=d/c %
	Kshs	Kshs	Kshs	Kshs	Kshs
General Administration, Planning and Support Services Programme	587,000,000	300,000,000	887,000,000	838,774,326	48,225,674
Administration and Judicial Services	411,000,000	238,550,000	649,550,000	608,416,792	41,133,208
Judicial Training	176,000,000	61,450,000	237,450,000	230,357,534	7,092,466

15. NOTES TO THE FINANCIAL STATEMENTS

1. Statement of Compliance and Basis of Preparation

The financial statements have been prepared in accordance with Cash-basis International Public Sector Accounting Standards (IPSAS) as prescribed by the Public Sector Accounting Standards Board (PSASB) and set out in the accounting policy note below. This cash basis of accounting has been supplemented with accounting for;

- a) receivables that include imprests and salary advances and
- b) payables that include deposits and retentions.

The financial statements comply with and conform to the form of presentation prescribed by the PSASB. The accounting policies adopted have been consistently applied to all the years presented.

2. Reporting Entity

The financial statements are for the Judicial Service Commission. The financial statements encompass the reporting entity as specified under Section 81 of the PFM Act 2012. The Commission did not have any development projects in the period under review.

3. Reporting Currency

The financial statements are presented in Kenya Shillings (Kshs), which is the functional and reporting currency of the Government and all values are rounded to the nearest Kenya Shilling.

Significant Accounting Policies

The accounting policies set out in this section have been consistently applied by Judicial Service Commission for all the years presented.

a) Recognition of Receipts

The Judicial Service Commission recognises all receipts from the various sources when the event occurs, and the related cash has been received.

(i) Transfers from the Exchequer

Transfers from the exchequer are recognized in the books of accounts when cash is received. Cash is considered as received when payment instruction is issued to the bank and notified to the Commission.

(ii) Miscellaneous Receipts

These include Appropriation-in-Aid and relates to receipts such as proceeds from disposal of assets and sale of tender documents. These are recognised in the financial statements the time associated cash is received. The Commission did not have any Appropriation-in-Aid during the year.

b) Recognition of payments

The Judicial Service Commission recognises all payments when the event occurs, and the related cash has been paid out by the Commission.

i) Compensation of Employees

Salaries and wages, allowances and statutory contribution for employees are recognized in the period when the compensation is paid.

ii) Use of Goods and Services

Goods and services are recognized as payments in the period when the goods/services are paid for. Such expenses, if not paid during the period where goods/services are consumed, shall be disclosed as pending bills.

iii) Acquisition of Fixed Assets

The payment on acquisition of property plant and equipment items is not capitalized. The cost of acquisition and proceeds from disposal of these items are treated as payments and receipts items respectively. Where an asset is acquired in a non-exchange transaction for nil or nominal consideration and the fair value of the asset can be reliably established, a contra transaction is recorded as receipt and as a payment. A fixed asset register is maintained and a summary provided for purposes of consolidation. This summary is disclosed as an **annexure 3** to the financial statements.

c) Cash and Cash Equivalents

Cash and cash equivalents comprise cash on hand and cash at bank, short-term deposits on call and highly liquid investments with an original maturity of three months or less, which are readily convertible to known amounts of cash and are subject to insignificant risk of changes in value. Bank account balances include amounts held at the Central Bank of Kenya and at KCB Bank Kenya at the end of the financial year. A bank account register is maintained, and a summary

provided for purposes of consolidation. This summary is disclosed as a **Note 6** to the financial statements.

d) Restriction on Cash

Restricted cash represents amounts that are limited/restricted from being used to settle a liability for at least twelve months after the reporting period. This cash is limited for direct use as required by stipulation. Amounts maintained in deposit bank accounts are restricted for use in refunding third party deposits and retentions. As of 30th June 2023, this amounted to Kshs 6,162,088.40 compared to Kshs 2,859,030.90 in prior period as indicated on **Note 6 (a)**. There were no other restrictions on cash during the year.

e) Imprests and Advances

For the purposes of these financial statements, imprests and advances to authorised public officers and/or institutions which were not surrendered or accounted for at the end of the financial year are treated as receivables. This is in recognition of the government practice where the imprest payments are recognized as payments when fully accounted for by the imprest or Authority to Incur Expenditure (AIE) holders. This is an enhancement to the cash accounting policy. Other accounts receivables are disclosed in the financial statements.

f) Third party deposits and retention

For the purposes of these financial statements, deposits and retentions held on behalf of third parties have been recognized on an accrual basis (as accounts payables). This is in recognition of the government practice of retaining a portion of contracted services and works pending fulfilment of obligations by the contractor and to hold deposits on behalf of third parties. This is an enhancement to the cash accounting policy adopted for National Government Ministries and Agencies. Other liabilities including pending bills are disclosed in the financial statements.

g) Pending Bills

Pending bills consist of unpaid liabilities at the end of the financial year arising from contracted goods or services during the year or in past years. As pending bills do not involve the payment of cash in the reporting period, they recorded as 'memorandum' or 'off-balance' items. When the pending bills are finally settled, such payments are included in the Statement of Receipts and Payments in the year in which the payments are made.

h) Budget

The budget is developed on a comparable accounting basis (cash basis except for imprest and deposits and retentions, which are accounted for on an accrual basis), the same accounts classification basis, and for the same period as the financial statements. The original budget was approved by Parliament in June 2022 for the period 1st July 2022 to 30th June 2023 as required by Law and there were two (2) supplementary adjustments to the original budget during the year.

A comparison of the actual performance against the comparable budget for the financial year under review has been included in the financial statements. Government Development Projects are budgeted for under the MDAs but receive budgeted funds as transfers and account for them separately. These transfers are recognised as inter-entity transfers.

i) Comparative Figures

Where necessary, comparative figures for the previous financial year have been amended or reconfigured to conform to the required changes in presentation.

j) Subsequent Events

There have been no events after the financial year end with a significant impact on the financial statements for the year ended 30th June 2023.

k) Prior Period Adjustment

During the year, errors that have been corrected are disclosed under note 10 explaining the nature and amounts.

l) Related Party Transactions

Related party means parties are related if one party has the ability to:

- a) Control the other party or*
- b) Exercise significant influence over the other party in making financial and operational decisions, or if the related party entity and another entity are subject to common control.*

Related party transaction is a transfer of resources or obligations between related parties regardless of whether a price is charged.

m) Contingent Liabilities

Pursuant to Section 148 (9) of the PFM Act regulations 2015 requires the Accounting officer of a Judicial Service Commission to report on the payments made, or losses incurred, by the Commission to meet contingent liabilities during the Financial Year

Given the Commission mandate, its corporate nature and role in the administration of justice, the Commission is involved in litigation either suing or being sued in its corporate name. At the beginning of the period, 95 matters were carried forward from the previous Financial Year. During the period under review, 30 new matters were filed bringing the total matters handled to 125 out of which 16 were concluded. At the end of the reporting period, 109 matters were pending at various stages in Court.

Upon analysis of the matters the Commission did not recognise a contingent liability but disclosed the same in its performance review. The Commission did not therefore have any contingent liability in the year under review.

Note 7 and **Annexure 7** of this financial statement is a register of the contingent liabilities in the year.

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Notes to the Financial Statements

1. Exchequer releases

Item Description	FY2022/2023	FY2021/2022
	Kshs	Kshs
Exchequer Releases/ Provisioning Account for Q1	116,807,505	103,646,413
Exchequer Releases/ Provisioning Account for Q2	204,218,336	200,429,018
Exchequer Releases/ Provisioning Account for Q3	76,114,655	149,856,734
Exchequer Releases/ Provisioning Account for Q4	444,706,037	129,659,759
TOTAL	841,846,533	583,591,923

The increase in exchequer releases is occasioned by additional allocation of Ksh. 300 million during Supplementary Estimate Number 1 to support BETA

2. Compensation to Employees

Description	FY 2022/2023	FY 2021/2022
	Kshs	Kshs
Basic salaries of permanent employees	104,967,742	80,352,289
Basic wages of temporary employees	5,999,376	4,270,302
Personal allowances paid as part of salary	77,470,659	65,182,326
Pension and other social security contributions	13,436,790	8,932,585
Total	201,874,567	158,737,501

The increment was occasioned by annual salary drift, staff salary alignment and promotions

Notes to the Financial Statements (Continued)

3. Use of Goods and Services

Description	FY 2022/2023	FY 2021/2022
	Kshs	Kshs
Utilities, Supplies and Services	456,720	
Communication, Supplies and Services	11,951,224	12,535,320
Domestic Travel and Subsistence, and Other Transportation Costs	100,452,447	102,456,388
Foreign Travel and Subsistence, and other transportation costs	46,447,952	13,059,944
Printing Advertising and Information Supplies and Services	10,958,805	10,279,801
Rentals of Produced Assets	46,969,047	40,026,432
Training Expenses	145,896,579	41,110,130
Hospitality Supplies and Services	61,756,819	62,726,420
Board Allowance	54,663,233	62,602,000
Specialised Materials and Supp	438,675	102,850
Office and General Supplies and Services	6,889,579	8,963,465
Fuel Oil and Lubricants	8,174,002	5,180,900
Other Operating Expenses	30,780,581	28,934,254
Routine Maintenance - Vehicles	7,294,637	5,641,319
Routine Maintenance - Other Assets	345,360	317,448
Total	533,475,660	393,936,671

The increase in expenditure under foreign travel and training was occasioned by capacity building programmes that were conducted by the Commission in line with its constitutional mandate of preparing Continuous Judicial Education for judges and judicial officers. Increased expenditure under Rentals was occasioned by the relocation of the Commission to its new office premises at CBK Pension towers to meet space requirement for efficient service delivery.

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4. Social Security Benefits

Item Description	FY2022/2023	FY2021/2022
	Kshs	Kshs
Government Pension and Retirement Benefits	22,572,871	1,162,858
Total	22,572,871	1,162,858

The payments relate to payments to members and staff of the Commission whose contracts ended during the year under review. The significant increase was occasioned by the exit of three commissioners whose terms ended in the FY 2022/23.

5. Acquisition of Assets

Non-Financial Assets	FY 2022/2023	FY 2021/2022
	Kshs	Kshs
Refurbishment of Buildings	33,030,575	14,871,173
Purchase of Vehicles and Other Transport Equipment	12,780,000	
Purchase of Office Furniture and General Equipment	19,122,101	8,616,870
Purchase of Specialized Plant, Equipment and Machinery	15,918,552	
Total	80,851,229	23,488,043

The refurbishment expenditure relates to partitioning of the office space for the Commission and the Kenya Judiciary Academy while office furniture relates to supply of various office equipment.

6. Cash and Bank Accounts

Description	FY2022/2023	FY2021/2022
	Kshs	Kshs
Bank Accounts (Note 6 A)	6,316,969	8,234,445
Cash on hand (Note 6 B)	2,917,327	1,436,294
Total	9,234,296	9,670,739

Notes to the Financial Statements (Continued)

6A: Bank Accounts

Name of Bank, Account No. & Currency	Amount in bank account currency	Indicate whether recurrent, Development, deposit e.t.c	FY 2022/2023	FY 2021/2022
			Kshs	Kshs
Central Bank of Kenya, 1000181273, Recurrent, KShs	KES	Reccurent	154,881	5,375,415
Central Bank of Kenya, 1000492775, Deposit, KShs	KES	Deposit	6,162,088	2,859,031
KCB Bank, 1266450971, Reccurent, Kshs,	KES	Reccurent	-	-
Total			6,316,969	8,234,445

6B: Cash on hand

Description	FY2022/2023	FY2021/2022
	Kshs	Kshs
Cash in hand – Held in domestic currency	2,917,327	1,436,294
Total	2,917,327	1,436,294

Detailed Cash is as follows:

Description	FY2022/2023	FY2021/2022
	Kshs	Kshs
Rec-Judicial Service Commission - banking after NT sweep off of the exchequer balances.	2,917,327	1,436,294
Total	2,917,327	1,436,294

The cash balances relate to imprest balances that were banked directly to the bank after the exchequer balances were swept off. The same will be surrendered to the consolidated account. Extracts of the bank statements with the bankings are available for verification

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Notes to the Financial Statements (Continued)

7: Third party deposits and retention

Description	FY 2022/2023		FY 2021/2022	
	Kshs		Kshs	
Retention	6,162,088		2,859,031	
Total	6,162,088		2,859,031	
Ageing analysis:	FY 2022/2023		FY 2021/2022	
Under one year	3,303,057	53 %	Amount	% of the Total
1-2 years	2,859,031	47 %	2,859,031	100 %
Total	6,162,088		2,859,031	100 %

The amounts relate to retention monies for contractors and the same will be refunded upon completion and certification of work done.

8: Fund Balance Brought Forward

Description	FY 2022/2023	FY 2021/2022
	Kshs	Kshs
Bank accounts	8,234,445	21,551,079
Cash in hand	1,436,294	200,000
Accounts Payables	(2,869,031)	(993,307)
Total	6,801,709	20,757,772

The fund balance comprises of the bank account and cash balances carried forward as at 30th June, 2021 while the accounts payable relates to contractors' retention fund.

9: Prior Year Adjustments

Description of the error	Balance b/f	Adjustments	Adjusted **
	FY 2021/2022 as per audited financial statements	during the quarter relating to prior periods	Balance b/f
	Kshs	Kshs	Kshs
Bank account Balances	8,234,445	(5,375,415)	2,859,031
Cash in hand	1,436,294	(1,436,294)	
Accounts Payables	(2,869,031)	10,000	(2,859,031)
Total	6,801,708	(6,801,709)	

The adjustment during the period relates to un-utilised exchequer recovered by the National Treasury.

10: Increase/ (Decrease) in Retention and Third-Party Deposits

Description	FY 2022/2023	FY 2021/2022
	Kshs	Kshs
Accounts payable as at 1 st July 2022	2,869,031	2,547
Closing accounts payables as at Sep/Dec/March/ June 2023	6,162,088	2,869,031
Change in payables	3,293,057	2,866,484

Related Party Disclosures

Related party disclosure is encouraged under Non-mandatory section of the cash basis (IPSAS). Related parties to the Judicial Service Commission comprised of key management personnel that include the Commissioners and Secretary to the Commission.

Other Important Disclosures

27.1 Related party transactions:

Description	FY 2022/2023	FY 2021/2022
	Kshs	Kshs
Key Management Compensation	54,663,233	62,602,000
Transfers to Related Parties		
Total Transfers to Related Parties	-	-

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Description	FY 2022/2023	FY 2021/2022
	Kshs	Kshs
Purchase of Goods and Services		
Purchase of Electricity from KPLC	456,720	-
Rent paid to Govt. Agencies	37,452,758	28,458,796
Training Fees paid to Govt Agencies	485,800	171,680
Conference Facilities hired from Govt. Agencies	9,138,240	9,526,780
Others (Specify)	-	-
Total Goods and Services paid to Govt. Agencies	47,533,518	38,157,256
Transfers from Related Parties		
Transfers from the Exchequer	841,846,533	583,591,923
Total Transfers from Related Parties	841,846,533	583,591,923

The payment of Ksh. 54,663,223 is as enumerated below and relates to the Commissioner's allowances for the period July, 2022 to June 2023 with the comparative figures for the period to June 2022.

COMMISSIONERS EXPENSES		
MONTH	ALLOWANCES	
	FY2022/2023	FY2021/2022
Jul-22	8,775,000.00	6,425,000.00
Aug-22	2,670,000.00	5,130,000.00
Sep-22	4,590,000.00	5,150,000.00
Oct-22	7,633,548.39	2,990,000.00
Nov-22	5,720,000.00	4,900,000.00
Dec-22	3,160,000.00	5,175,000.00
Jan-23	2,790,000.00	3,250,000.00
Feb-23	6,020,892.86	6,085,000.00
Mar-23	3,390,483.87	6,265,000.00
Apr-23	3,420,000.00	6,378,000.00
May-23	3,903,308.00	4,780,000.00
Jun-23	2,590,000.00	6,074,000.00
TOTALS	54,663,233.12	62,602,000.00

JUDICIAL SERVICE COMMISSION

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The Table below details the Commissioners who served during the year under review with the respective dates of appointment.

S/NO	NAME	DESIGNATION	DATE OF APPOINTMENT
1.	Hon. Lady Justice Martha K. Koome Chief Justice / President, Supreme Court of Kenya and Chairperson, Judicial Service Commission	Chairperson, Judicial Service Commission	19-May-21
2.	Hon. Commissioner Macharia Njeru Advocate of the High Court	Vice Chairperson	13-May-19
3.	Hon. Commissioner Prof. Olive M. Mugenda, CBS	Member	02-Mar-18 to 1-Mar-2023
4.	Hon. Commissioner Justice Mohamed Warsame, Judge of the Court of Appeal	Member	29-Jan-2019
5.	Hon. Commissioner Justice (Rtd) P. Kihara Kariuki, EGH, Attorney General	Member	28-Mar-18 to 25-Oct-2022
6.	Hon. Commissioner Patrick Gichohi, CBS	Member	02-Mar-18 to 1-Mar-2023
7.	Hon. Commissioner Felix Koskei	Member	02-Mar-18 to 29-Oct-2022
8.	Hon. Commissioner Justice David Majanja, Judge of the High Court	Member	14-May-19
9.	Hon. Commissioner Ms Everlyne S. A. Olwande, Chief Magistrate	Member	15-May-21
10.	Hon. Commissioner Ms. Jacqueline Ingutiah	Member	16-Mar-2022
11.	Hon. Commissioner Justice Mohammed Ibrahim, Judge of the Supreme Court of Kenya	Member	2-June-2022
12.	Hon. Commissioner Justin B. N. Muturi, EGH	Member	Nov-2021
13.	Hon. Commissioner Caroline Nzilani Ajuoga	Member	15-June-2023
14.	Hon. Commissioner Isaac Kiprono Rutto, EGH	Member	15-june-2023

Other important disclosures (continued)

27.2 Pending Accounts Payable (See Annexure 1)

Description	Balance b/f	Cumulative additions for the period	Paid during the period	Balance c/f
	FY 2021/2022			for the period
	Kshs			Kshs
Construction of civil works	3,088,500.00	-	1,846,250.00	- **
Supply of goods	173,220.00	684,725.00	173,220.00	684,725.00
Supply of services	15,520,214.42	2,323,127.30	15,140,214.42	2,323,127.30 ***
Total	18,781,934	3,007,852.30	17,159,684.42	3,007,852.30

- i. ** Ksh. 1,242,250 under construction of civil works not payable after the valuation of works were done
- ii. *** Ksh. 380,000/- under supply of services not payable after valuation of work done.

Other important disclosures (continued)

27.3 Contingent Liabilities

Contingent liabilities	Insert Current FY 2022/2023	Insert Comparative FY
	Kshs	Kshs
Court case against Judicial Service Commission	Nil	Nil
Total	Nil	Nil

(The Commission did not have any contingent liability in the Financial Year)

Notes to the Financial Statements (Continued)

27.8 Progress on follow up of Prior Years Auditor-General’s recommendations.

The following is the summary of issues raised by the Auditor-General during the prior year and management comments that were provided. management comments that were provided.

Reference No. on the external audit Report	Issue / Observations from Auditor	Management comments	Status: (Resolved / Not Resolved)	Timeframe: (Put a date when you expect the issue to be resolved)
Other matters	Pending Bills: According to Annex 1 to the Financial Statements, the Commission had Pending Bills totalling to Kshs 18,781,934 as at 30 th June 2022 which were not settled in 2021/22 but were carried instead forward to 2022/23 due to inadequate exchequer allocation	In line with the directive from The National Treasury pending bills were dully processed as a first charge to the FY 2022/23 and were settled in full.	Resolved	

Guidance Notes:

- (i) Use the same reference numbers as contained in the external audit report.
- (ii) Obtain the “Issue/Observation” and “management comments”, required above, from final external audit report that is signed by Management.
- (iii) Before approving the report, discuss the timeframe with the appointed focal persons within your entity responsible for implementation of each issue.
- (iv) Indicate the status of “Resolved” or “Not Resolved” by the date of submitting this report to National Treasury.



.....
 Paul N. Maina, OGW, 'ndc'(K)
 For: Secretary
 Judicial Service Commission



.....
 CPA Rebecca J. Kiplagat
 Director Finance &
 Administration
 ICPAK Membership No. 5533

JUDICIAL SERVICE COMMISSION
Annual Report and Financial Statements for the year ended 30th June 2023

16. ANNEXES

Annex 1 - Analysis of Pending Accounts Payable

Supplier of Goods or Services	Date Invoiced/ Contracted	Particulars	Original Amount	Balance at the beginning of the year	Addition During the year	Amount paid During the year	Outstanding Balance	Comments
				a	b	c	d=a+b-c	
Supply of goods								
Niulain Enterprises	14/08/2023	64	684,725				684,725	
Sub-Total			684,725				684,725	
Supply of services								
Premier Safaris (K) Ltd	20.06.2023	TIN205616	42,385				42,385	
Total Kenya	30.06.2023	FA23/234943	25,847				25,847	
Naivasha Country Hotel Ltd	13.06.2023	44077	750,000				750,000	
Stantech Motors Ltd	04.05.2023	0253395INV	491,376				491,376	
Stantech Motors Ltd	20.01.2023	02-52381-INV	66,584				66,584	
The Kyaka Hotel	30.06.2023	105672	499,848				499,848	
Premier Safaris (K) Ltd	30.06.2023	TIN204928TIN204936	252,600				252,600	
Stantech Motors Ltd	30.06.2023	51309	20,068				20,068	
Standard Group Ltd	30.06.2023	80123747/1	174,419				174,419	
Sub-Total			2,323,127				2,323,127	
Grand Total			3,007,852				3,007,852	

Annex 2 – Summary of Fixed Asset Register

Asset class	Historical Cost b/f	Additions during the year	Disposals during the year	Transfers in/(out) during the year	Historical Cost c/f
	Kshs	(Kshs)	(Kshs)	Kshs	FY 2022/2023 Kshs
Land – Title # NGONG/NGONG/100133 22.32 HA.	-	-	-	-	-
Buildings and structures	42,067,917	33,030,575	-	-	75,098,492
Transport equipment	43,954,560	12,780,000	-	-	56,734,560
Office equipment, furniture and fittings	47,847,659	19,122,101	-	-	66,969,760
ICT Equipment	5,472,067		-	-	5,472,067
Machinery and Equipment	6,761,629	15,918,552	-	-	22,680,181
Total	146,103,832	80,851,229	-	-	226,955,061

The commission was allocated by the National Government a total of 22.32 HA land in Ngong for construction of Kenya Judiciary Academy as per title Ngong/Ngong/100133. The Commission will engage a valuer to determine the value

(NB: The balance as at the end of the year is the cumulative cost of all assets bought and inherited by the Ministry, Department or Agency. Additions during the year should tie to note 18 on acquisition of assets during the year. Ensure this section is complete and covers all the entity's assets. Ensure the complete fixed asset register is separately prepared as per circular number 5/2020 and follow up reminder of circular No.23/2020 of The National Treasury)

Annex 10- Reports Generated from IFMIS

IFMIS financial reports to be presented on request.