



**THE NATIONAL ASSEMBLY (FOURTH SESSION)**

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**CONVEYANCE OF PUBLIC PETITION**

(No. 22 of 2020)

**REGARDING PROPOSAL TO AMEND SECTIONS OF THE  
CIVIL PROCEDURE ACT AND THE LAW OF  
SUCCESSION ACT**

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**Honourable Members,** Standing Order 225(2)(b) requires the Speaker to report to the House any Petition, other than those presented by a Member. I therefore wish to report to the House that my Office has received a Petition from Messrs Ephantus Nyaga Nyaga, Francis Nyaga Njeru, Elias Ileri and Isaiah Njiru Njeru of P.O. Box 56 Runyenjes calling for *amendment to section 2 of the Civil Procedure Act and section 3 of the Law of Succession Act to allow a court to, within six months, appoint an administrator or legal representative where a party to a suit is deceased.*

In their Petition, **Honourable Members,** the petitioners argue that the current legal framework does not permit a person/ a party to represent the estate of a deceased person unless he or she has received a grant of letters of administration whose timeline is currently not specified. The petitioners aver that this situation stalls progress on property disputes before courts following demise of the owner or administrator of an estate who is party to the case. Consequently, civil cases involving the deceased person's property drag in courts perpetually after the sued or suing party fail to replace the deceased as legal administrator or fail to pursue legal remedy in the appointment of an administrator.


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Further, **Honourable Members**, the petitioners reveal that they are themselves victims of the aforementioned laws and are additionally aware of numerous families that are affected by the said legal bottlenecks.

It is on this premise, **Honourable Members**, that the petitioners seek the intervention of this August House in amending the Civil Procedure Act and the Law of Succession Act to allow a court to, within six months, appoint an administrator or legal representative where a party to a suit is deceased.

**Honourable Members**, pursuant to the provisions of Standing Order 227, this Petition therefore stands committed to the Departmental Committee on Justice and Legal Affairs. The Committee is requested to consider the Petition and report its findings to the House and to the petitioners in accordance with Standing Order 227(2).

**I thank you!**



A handwritten signature in black ink, appearing to read 'Justin B.N. Muturi', is written over a horizontal line. A vertical line extends downwards from the signature, passing through the text below.

**THE HON. JUSTIN B.N. MUTURI, EGH, MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**

**Wednesday, August 5, 2020**