

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 22 (National Assembly Bills No. 4)*



REPUBLIC OF KENYA

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**KENYA GAZETTE SUPPLEMENT**

**NATIONAL ASSEMBLY BILLS, 2020**

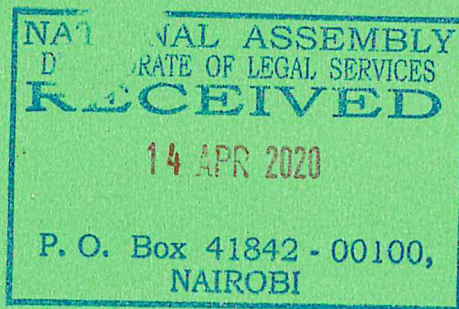
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**NAIROBI, 19th March, 2020**

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the first part of the paper, we will discuss the role of the state in the development of the economy.

In the second part, we will discuss the role of the state in the development of the social system.

In the third part, we will discuss the role of the state in the development of the environment.

In the fourth part, we will discuss the role of the state in the development of the culture.

In the fifth part, we will discuss the role of the state in the development of the education system.

In the sixth part, we will discuss the role of the state in the development of the health system.

In the seventh part, we will discuss the role of the state in the development of the justice system.

In the eighth part, we will discuss the role of the state in the development of the transportation system.

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In the nineteenth part, we will discuss the role of the state in the development of the housing system.

**THE SMALL CLAIMS COURT (AMENDMENT)  
BILL, 2020**

**A Bill for**

**AN ACT of Parliament to amend the Small Claims Court Act**

**ENACTED** by the Parliament of Kenya, as follows—

**1.** This Act may be cited as the Small Claims Court (Amendment) Act, 2020.

Short title

**2.** Section 12 of the Small Claims Court Act, 2016, hereinafter referred to as the “principal Act”, is amended in sub-section (3) by deleting the words “two hundred thousand shillings” and substituting therefor the words “one million shillings”.

Amendment of section 12 of No.2 of 2016.

**3.** Section 20 of the principal Act is amended—

Amendment of section 20 of No.2 of 2016.

(a) by deleting sub-section (2); and

(b) in sub-section (3), by inserting the words “where the representative is not a legal practitioner” immediately after the words “under sub-section (1)”.

**4.** Section 34 of the principal Act is amended by deleting sub-section (3) and substituting therefor the following new sub-section—

Amendment of section 34 of No.2 of 2016.

“(3) The Court may allow up to three adjournments of the hearing of any matter on reasonable grounds which shall be recorded and may, in exceptional circumstances, allow other adjournments.”

## **MEMORANDUM OF OBJECTS AND REASONS**

### **Statement of objects and reasons for the Bill**

The principal object of this Bill is to amend the Small Claims Court Act No. 2 of 2016 in order to promote the effective disposal and management of small claims which affect the small and medium enterprises. The Bill also seeks to align the Small Claims Court Act with Articles 48 and 50 of the Constitution on access to justice and legal representation.

### **Statement on whether the Bill concerns county governments**

This Bill is not a Bill concerning county governments within the meaning of Article 110(1)(a) and the Fourth Schedule to the Constitution.

### **Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms**

This Bill does not delegate legislative powers nor does it limit any fundamental rights and freedoms.

### **Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution**

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 13th March, 2020.

ADEN DUALE,  
*Leader of the Majority Party.*

***Section 12 of No. 2 of 2016 which it is proposed to be amended—***

**Nature of claims and pecuniary jurisdiction**

12. (1) Subject to this Act, the Rules and any other law, the Court has jurisdiction to determine any civil claim relating to—

- (a) a contract for sale and supply of goods or services;
- (b) a contract relating to money held and received;
- (c) liability in tort in respect of loss or damage caused to any property or for the delivery or recovery of movable property;
- (d) compensation for personal injuries; and
- (e) set-off and counterclaim under any contract.

(2) Without prejudice to the generality of subsection (1), the Court may exercise any other civil jurisdiction as may be conferred under any other written law.

(3) The pecuniary jurisdiction of the Court shall be limited to two hundred thousand shillings.

(4) Without prejudice to subsection (3), the Chief Justice may determine by notice in the *Gazette* such other pecuniary jurisdiction of the Court as the Chief Justice thinks fit.

***Section 20 of No. 2 of 2016 which it is proposed to be amended—***

**Representation before the Court**

20. (1) A party to the proceedings shall appear in person or where he or she is unable to appear in person, be represented by a duly authorised representative.

(2) The representative referred to in subsection (1) shall not be a legal practitioner.

(3) A Court shall, before permitting a person to act as a representative under subsection (1), satisfy itself that the person has sufficient knowledge of the case and sufficient authority to bind the party being represented.

***Section 34 of No. 2 of 2016 which it is proposed to be amended—***

**Expeditious disposal of cases**

34. (1) All proceedings before the Court on any particular day so far as is practicable shall be heard and determined on the same day or on a day to day basis until final determination.

(2) Judgment given in determination of any claim shall be delivered on the same day and in any event, not later than three (3) days from the date of the hearing.

(3) The Court may only adjourn the hearing of any matter under exceptional circumstances which shall be recorded.

