

SPECIAL ISSUE

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REPUBLIC OF KENYA

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NATIONAL ASSEMBLY BILLS, 2025

NAIROBI, 19th June, 2025

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THE ADVOCATES (AMENDMENT) BILL, 2025

A Bill for

AN ACT of Parliament to amend the Advocates Act

ENACTED by the Parliament of Kenya as follows—

1. This Act may be cited as the Advocates (Amendment) Act, 2025.

Short title.

2. Section 17 of the Advocates Act is amended by—

Amendment of
s. 17 of Cap.
16.

(a) deleting subsection (1) and substituting therefor the following new subsection—

(1) The President may grant a letter of conferment of the rank and dignity of Senior Counsel to an advocate of irreproachable professional conduct who—

(a) has held office as—

- (i) Speaker or Deputy Speaker of a House of Parliament;
- (ii) Chief Justice, Deputy Chief Justice, president of the Court of Appeal or principal Judge of the High Court;
- (iii) Attorney-General or Solicitor-General;
- (iv) Director of Public Prosecutions;
- (v) chairperson of the committee of a House of Parliament responsible for constitutional matters and legal affairs;
- (vi) president of the Council of the Society; or

(b) has rendered exemplary service to the legal and public service in Kenya.

(b) in subsection (3), by inserting the words “under subsection 1(b)” immediately after the word “grant”.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the objects and reasons for the Bill

The principal object of this Bill is to amend section 17 of the Advocates Act (Cap. 16) to provide for the conferment of the rank of Senior Counsel to Advocates of the High Court of Kenya who have served in constitutional and statutory positions of leadership in the country.

These positions include a Speaker or a Deputy Speaker of a House of Parliament, the Chief Justice, Deputy Chief Justice, president of the Court of Appeal, principal Judge of the High Court, Attorney-General, Solicitor-General, Director of Public Prosecutions, chairperson of a committee of Parliament responsible for constitutional and legal affairs, and the president of the Council of Law Society of Kenya.

Conferment of the rank and dignity of Senior Counsel is a recognition given to experienced senior legal practitioners who have demonstrated competence, excellence and contributed to the development of the law. The qualifications, skills and qualities required for appointment or election to the positions specified in the Bill make such persons fit for conferment of the rank and dignity of Senior Counsel.

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

The Bill neither delegates legislative power nor limits rights and fundamental freedoms.

Statement on whether the Bill concerns county governments

The Bill does not concern county governments in terms of Article 110 of the Constitution.

Pursuant to Article 186(3), the regulation of practice of professionals is a function that has not been assigned by the Constitution or national legislation to a county government. Therefore, this is a function of the national government.

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 17th June, 2025.

GEORGE GITONGA MURUGARA,
*Chairperson, Departmental
Committee on Justice and Legal Affairs.*

Section 17 of Cap. 16 which it is proposed to amend—

Senior Counsel

17. (1) The President may grant a letter of conferment to any person of irreproachable professional conduct who has rendered exemplary service to the legal and public service in Kenya conferring upon him the rank and dignity of Senior Counsel.

(2) A person shall not be eligible to be a Senior Counsel unless —

- (a) he is a duly enrolled advocate of the High Court of not less than fifteen years' standing; or
- (b) being a person to whom section 10 applies, he holds, and has held for a continuous period of not less than fifteen years, one or other of the qualifications specified in section 13(1).

(3) The grant shall be made not less than sixty days upon receipt of a list of names submitted by the Committee on Senior Counsel through the Chief Justice.





