

**THE STATUTE LAW (MISCELLANEOUS  
AMENDMENTS) (COURT OF APPEAL) ACT, 1977**

**No. 14 of 1977**

*Date of Assent: 25th October, 1977*

*Date of Commencement: 28th October, 1977*

**An Act of Parliament to make amendments to the Statute Law to facilitate the setting up a separate Court of Appeal for Kenya**

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

Short title.

**1.** This Act may be cited as the Statute Law (Miscellaneous Amendments) (Court of Appeal) Act, 1977.

Amendment of written laws.

**2.** The several written laws specified in the first column of the Schedule to this Act are hereby amended, in relation to the provisions thereof specified in the second column of the Schedule, in the manner specified in relation thereto in the third column of that Schedule.

**SCHEDULE**

(s. 2)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
The Interpretation and General Provisions Act (Cap. 2).	s. 3 (1)—the definition of “judge”	Delete and substitute—“judge” means a judge of the High Court or a judge of the Court of Appeal, and includes a Commissioner of Assize and any person appointed temporarily to be or to act as a judge of the High Court or of the Court of Appeal;.
The Judicature Act (Cap. 8).	The long title (in two places) and ss 3(1) and 3(2)	After the words “High Court”, whenever they occur, add “, the Court of Appeal”.
	<b>s. 2</b>	Delete and substitute—
	Interpretation.	<b>2.</b> In this Act, “judge” means the Chief Justice or a puisne judge appointed under section 61 of the Constitution or a judge of appeal appointed under section 64 of the Constitution and includes acting appointments.

1977 *Statute Law (Miscellaneous Amendments)*  
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## SCHEDULE—(Contd.)

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>
	s. 5 (1)	After the words "High Court" in the first line add the words "and the Court of Appeal".
	s. 7	Delete and substitute— Numbers of puisne judges and judges of appeal. 7 (1) For the purposes of section 60 (2) of the Constitution, the number of puisne judges of the High Court shall be nineteen. (2) For the purposes of section 64 (2) of the Constitution the number of judges of appeal shall be four.
	s. 8	Delete and substitute— Precedence of puisne judges and of judges of Appeal 8 (1) The puisne judges shall rank among themselves according to the priority of their respective appointments as puisne judges: Provided that— (i) persons appointed to act as puisne judges who were previously puisne judges shall rank according to the date of their original appointment as puisne judges; (ii) the President if he is of the opinion that there are sufficient reasons for so doing, may determine the precedence of puisne judges irrespective of the priority of their respective appointments. (2) The judges of appeal shall rank among themselves according to the priority of their respective appointments as judges of appeal: Provided that— (i) persons appointed to act as judges of appeal who were previously judges of appeal shall rank according to the date of their original appointment as judges of appeal;

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**SCHEDULE—(Contd.)**

<i>Written Law</i>	<i>Provision</i>	<i>Amendment</i>				
		(ii) the President, if he is of the opinion that there are sufficient reasons for so doing, may determine the precedence of judges of appeal irrespective of the priority of their respective appointments.				
	s 9	Delete the word "seventy" and substitute "seventy-four".				
<b>The Civil Procedure Act</b> (Cap. 21).	PART VIII (heading)	Delete the words "FOR EAST AFRICA"				
	s. 66	Delete the words "for East Africa."				
	s. 81 (1)	After the words and comma "High Court," insert "a judge of the Court of Appeal,".				
	s. 86 (1)	After the words "High Court" insert "and of the Court of Appeal".				
	s. 86 (3)	After the words "High Court" insert "and to the Court of Appeal".				
<b>The Promissory Oaths Act</b> (Cap. 100)	First Schedule— first column of item dealing with "President and Justice of Appeal for the Court of Appeal for Kenya, Chief Justice and Puisne Judge".	Delete first column of item and substitute— <table border="0" style="margin-left: 20px;"> <tr> <td>Chief Justice</td> <td rowspan="3" style="font-size: 3em; vertical-align: middle;">}</td> </tr> <tr> <td>Judge of Appeal, other than a person who has held office as a puisne judge</td> </tr> <tr> <td>Puisne Judge</td> </tr> </table>	Chief Justice	}	Judge of Appeal, other than a person who has held office as a puisne judge	Puisne Judge
	Chief Justice	}				
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