

*Amendment  
of part 1  
4/09/2023*

CONSTITUTION  
OF THE  
KENYA JUDICIAL STAFF ASSOCIATION (KJSA)

THE KENYA JUDICIAL STAFF ASSOCIATION (KJSA)

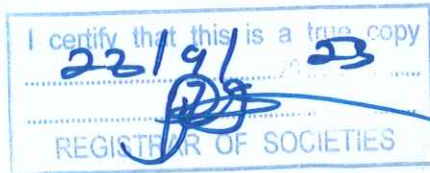
MILIMANI LAW COURTS BUILDING

P.O. BOX 30420-00100

**NAIROBI-KENYA**

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kenyajudicialstaff@gmail.com



**PREAMBLE:**

**WHEREAS**, the **KENYA JUDICIAL STAFF ASSOCIATION** is founded upon principles of social justice and democracy and is dedicated to achievement of greater unity among its members for purposes of improving their terms and conditions of service, standards of living, social responsibility and empowerment, bringing fairness and dignity to the workplace and ensuring socio-economic equity in the judiciary.

**WHEREAS**, the association will act as a bargaining instrument for its members it also wishes to support the transformation of the judiciary, as envisaged in the Constitution, for the purpose of improving the Justice system in Kenya.

**WHEREAS**, for the purpose of establishing and maintaining a forum where members are able to meet, associate and articulate their needs and interests, we the members of **KENYA JUDICIAL STAFF ASSOCIATION** do hereby recognize ourselves as a welfare association and adopt the following articles and voluntarily submit ourselves to be governed by them.

**ARTICLE 1: NAME**

The Association constituted by these Rules and Regulations shall be known as the **"KENYA JUDICIAL STAFF ASSOCIATION (KJSA)"** hereafter referred to as **"The Association"**.

**REGISTERED OFFICE**

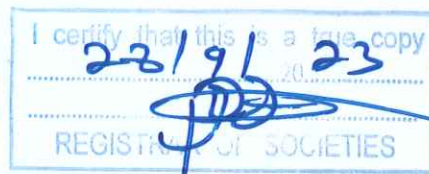
The registered office of the Association shall be at the Milimani Law Courts Building, Nairobi.

The postal address of the association shall be P.O. BOX 30041-00100 Nairobi, Kenya.

**ARTICLE 2: VALUES OF THE ASSOCIATION**

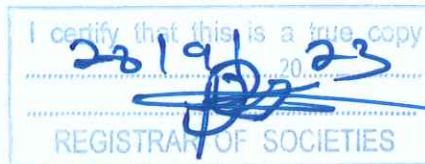
- Independence
- Professionalism
- Integrity
- Democracy
- Accountability
- Equity
- Equality

**ARTICLE 3: AIMS AND OBJECTIVES**



The aims and objectives of the association shall be:

- a) To buttress gender equity and equal opportunities without any form of discrimination on the basis of among others sex, race, tribe, religion or ideology;
- b) To bring together and unite the Judicial Staff of all grades and qualifications in Kenya's Judiciary;
- c) To secure complete organization within the association of all Judicial staff employed in the Judiciary;
- d) To regulate and improve relations among members of the Association, and between the Judicial Service Commission and other relevant stakeholders;
- e) To provide the instrument of co-operation among the Judiciary staff and Judicial officers, the aggregation and articulation of their collective views, interests, opinions and decisions upon matters affecting dispensation of justice;
- f) To participate in all matters aimed at improving delivery of justice in Kenya;
- g) To establish and maintain funds by means of entrance fees, voluntary contributions, subscriptions, levies and by borrowing on such security and such terms as may from time to time be coordinated by the National Executive Committee;
- h) To participate wherever possible with the consideration and formulation of Judicial policies and in the management of the affairs of the Judiciary by seeking effective representation in the Judicial Service Commission and other management committees for the common good of the Judicial staff;
- i) To uphold professional and ethical conduct of the members in order to guarantee and protect the integrity of the Judiciary;
- j) To zealously safeguard and protect the integrity and independence of the Judiciary from any unwarranted interference;
- k) To provide and seek appropriate and adequate training, secure facilities, funding and support for training members in their cadres with a view to promote professional and educational excellence for overall development and performance of Judicial staff;
- l) To co-operate with other organizations on matters of common interest with a view to pursuing common or uniform action when necessary or desirable;



- m) To affiliate with other bodies such as Law Society of Kenya (L.S.K), International Commission of Jurists (I.C.J), Kenya National Commission of Human Rights (K.N.C.H.R), Kenya Magistrates and Judges Association (K.M.J.A), Kenya Women Judges Association (K.W.J.A) among others if necessary with approval of National Executive Committee;
- n) To seek and obtain legal advice and any other assistance on matters affecting the Association, or for promoting the rights of a member or members on matters arising out of the relations with the employer, provided that the National Executive Committee shall have the sole right to decide whether or not such legal advice or assistance is in the best interest of the association or member(s) concerned;
- o) To influence the recruitment, review and promotion of Judicial staff in general and particular on objective and competitive criteria;
- p) To collect and circulate among members of the association such information concerning all matters affecting the association and to print, publish and issue such papers, periodicals, books, circulars and other relevant literature as may seem conducive to any of these objectives;
- q) To provide to members any or all of the following assistance:-Relief in distress, victimization and any assistance to a member's immediate dependents as approved by the National Executive Council;
- r) To acquire either by purchase, lease or otherwise any movable or immovable property or other assets and to sell, let, mortgage or charge or otherwise deal with the dispose of, movable or immovable property belonging to the Association as may be proposed by the National Executive Council and approved by the AGM or SGM; and
- s) To protect the intellectual property rights of its members.

#### **ARTICLE 4: GOVERNANCE**

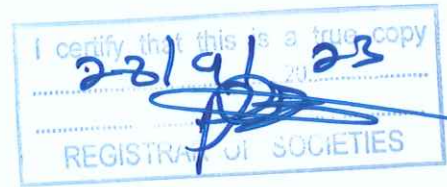
##### **The Association**

- a) The governance of the Association is vested in the body of the members of which it's composed;
- b) It shall be governed in a manner consistent with this constitution and the acceptable tenets; and
- c) It shall be an autonomous and non-political body.

#### **ARTICLE 5: MEMBERSHIP**

- a) One is eligible as KJSA member upon employment in the Judiciary as a judicial staff;

- b) Membership is by,
- i. Filling an appropriate membership form, and
  - ii. Signing a consent for monthly subscriptions;
- c) All members have equal voting rights; and
- d) Every member must pay monthly subscription of Ksh 200.00 each month.



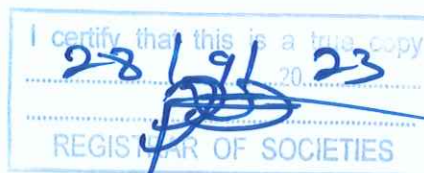
#### **ARTICLE 6:      TERMINATION OF OFFICIAL MEMBERSHIP**

Termination of Official Membership shall be by either of the following:-

- a. Voluntary withdrawal. Judicial staff who elect not to be members of the association shall do so in writing to the Executive Council;
- b. A member of the Association who ceases to be a judicial staff shall automatically cease to be a member of the Association;
- c. Expulsion- Upon being served with a Notice to show cause, a member may be expelled on recommendation by the Council or during the general meeting and it's resolved by the present two thirds majorities in attendance on the grounds that their conduct has contravened or is likely to contravene the provisions of the association's constitution;
- d. The Council upon serving Notice to show cause, has the power to suspend a member until the next general meeting where they will appeal their case.
- e. Death of a member;
- f. Registration by submitting a written letter to the Executive Council which will take effect from the date of the receipt by the secretary of such notice;
- g. A person who voluntarily withdraws, expelled or resigns shall not be entitled to a refund of their subscription or monies contributed during their membership; and
- h. A member who is in arrears of more than six months of the monthly subscription will cease to be a member and their name will be struck off the register however the Council will hold discretion to reinstate such persons after clearance of dues.

#### **ARTICLE 7:      ORGANS OF THE ASSOCIATION**

For the purpose of furthering the work of the Association, there shall be established the following organs of the association:



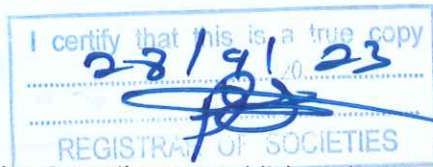
- a) The General Assembly
- b) The National Executive Council
- c) The Secretariat; and
- d) Committees and sub-committees to be established by the National Executive Council.

#### **ARTICLE 8: THE GENERAL ASSEMBLY**

- a) The General Assembly shall be the Supreme governing organ of the Association and shall be composed of all members;
- b) The General Assembly shall be responsible for the general policy and direction of the Association and ensure the proper functioning of the association;
- c) The General Assembly, notwithstanding the generality of the provisions of paragraph b) of this article shall;
  - i. Adopt the agenda for the General Meeting of the Association,
  - ii. Consider the minutes of the previous General meeting,
  - iii. Appoint auditors for the next financial year,
  - iv. Consider the Reports on the programs and activities of the Association,
  - v. Consider the reports of the accounts of the Association,
  - vi. Consider the Budget of the Association,
  - vii. Consider the Annual Audit Report of the Association,
  - viii. Elect office bearers of the Association, and
  - ix. Consider such other business as may arise or be presented.
- d) The General Assembly shall meet at least once every calendar year;
- e) The decisions of the General Assembly shall be binding on all the organs of the Association and on all members to whom they are addressed; and
- f) Subject to the provision of this constitution the General Assembly shall adopt such rules as may be necessary for the transaction of its business.

#### **ARTICLE 9: THE SECRETARIAT**

- a) The Secretariat shall be situated at the Head Office of the Association and shall be responsible for the day-to-day running of the Association.
- b) In the exercise of the Association's legal matters, the Head of the Secretariat or in his absence the Executive Council shall be its lawful representative.

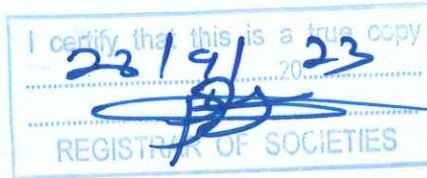


#### **ARTICLE 10: COMMITTEES**

- a) The General Assembly of the National Executive Council may establish such committees of the Association as it may deem necessary, whether permanent or temporary, with such powers and functions as it may determine.
- b) The committees shall meet as often as necessary, for the proper discharge of their functions.
- c) The decisions of such committees shall be by simple majority with President having a casting vote in the event of a tie of votes
- d) Subject to the provisions of this Constitution and the directives of the Assembly or of the Council, each committee shall adopt its own rules of procedure for the transaction of its business. The appointing organ shall clearly state the constitution of such committees and their terms of reference.

#### **ARTICLE 11: OFFICE BEARERS**

- a) The Association shall be governed by the National Executive Council which shall comprise of the following members:-
  - i. The President
  - ii. The Deputy President
  - iii. The Secretary General
  - iv. The Deputy Secretary General
  - v. The Treasurer
  - vi. The Deputy Treasurer
  - vii. The Organizing Secretary
  - viii. The Deputy Organizing Secretary
- b) The National Executive Council shall meet on short notice to discuss matters considered urgent. Decisions made by the National Executive Committee will be sanctioned at the General Assembly.
- c) The National Executive Council shall be elected in accordance with Article 14(b). They shall meet at such time and place resolved but not less than once in a month or as may be desired by the National Executive Council.
- d) The members of the National Executive Council shall be fully paid up members of the association and will be elected during the annual general meeting.
- e) The members of the National Executive Council shall hold office for a period of three years and shall be eligible for re-election.



- f) Any member of the National Executive Committee who ceases to be a member of the association shall cease to be an office bearer forthwith.
- g) The membership of the office bearers may be terminated in the same way as membership under Article 6 and such vacancies will be filled by persons elected during the general meeting resolving the expulsion.
- h) All National Executive Council Members shall be elected at the Annual General Meeting.
- i) All elected members of the National Executive Council shall take office immediately after the Annual General Meeting of the Association that elected them.

#### Duties of the National Executive Council

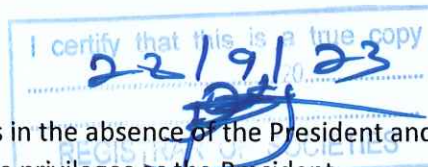
- a. The Council will be responsible for the management of the Association and may give directions to office bearers as to the manner of performing their duties. The council shall have power to appoint such sub-committees as it may deem fit to prepare reports.
- b. Any casual vacancies for members of the council caused by death, resignation shall be filled by the Council until the next annual general meeting.
- c. Monies disbursed on behalf of the Association shall be authorized by the Council.
- d. The quorum for meetings of the Council shall not be less than  $\frac{1}{2}$  of the members.

#### ARTICLE 12: DESIGNATION AND DUTIES OF OFFICERS OF THE ASSOCIATION

##### I. The President shall:

- i. Preside at all conferences and meetings at which he/she is present and enforce observance of the constitution and rules of the staffs and perform such duties as by usage and custom pertains to his/her office;
- ii. Oversee the policy direction of the Association;
- iii. Be responsible for the administration of the Association's staff;
- iv. With the treasurer. Secretariat head, be a signatory to all the Association's accounts;
- v. Act as one of the responsible financial officers of the staffs and co-sign financial instruments;
- vi. Perform any other such duties and functions as may be assigned by the Council or the General Meeting;
- vii. Cast a deciding vote in case of a tie at any meeting; and
- viii. Be the spokesperson of the Association.

##### II. The Deputy President shall:



- i. Preside over conferences and meetings in the absence of the President and whilst so performing such duties, shall have same privileges as the President;
- ii. Perform other duties as delegated by the President or assigned by the General Assembly or Executive Council; and
- iii. If for any reason the President or Deputy President fails to preside over any properly convened and constituted conferences and meetings, the members attending such conferences and meetings shall have the right to appoint an *ad hoc* President.

III. The Secretary General Shall:

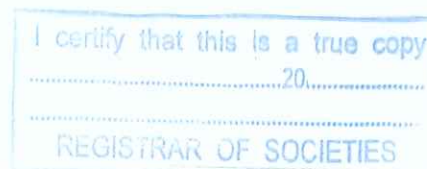
- i. Be responsible for all communication between the Association and the members;
- ii. Be responsible for the general correspondence of the Association;
- iii. Act as the custodian of the seal and constitution of the Association;
- iv. Issue and prepare the agenda of all conferences and meetings and attend all conferences, special conferences and all meetings of the Council and record the minutes of the association;
- v. Maintain the non-financial files and records of the association including membership records;
- vi. Receive, report and respond to correspondence for/on behalf of the Association as directed by National Executive Council;
- vii. Prepare annual reports to the General Assembly;
- viii. Shall assist the President in the administration of the Association;
- ix. In consultation with the President, call meetings of the Council and the General Assembly;
- x. File annual returns with the Registrar of Societies; and
- xi. Perform such duties and functions as may be assigned by the President, the Council or the General Assembly.

IV. The Deputy Secretary shall:

- i. Deputize the secretary in his or her absence and shall have the privileges of the Secretary General while exercising this role; and
- ii. Perform such duties and functions as may be assigned by the President, the Council or the General Assembly.

V. The National Treasurer shall:

- i. Be responsible for the finances of the Association.
- ii. With the President, Secretary General and the Head of the Secretariat, be signatory to all the Association's accounts.
- iii. Present an annual financial report to the General Assembly.
- iv. Initiate and develop fund raising strategies for the Association.
- v. Be responsible for preparation of the budget of the Association.
- vi. Be responsible for the prudent utilization of the funds of the Association.
- vii. Be responsible to ensure the books of accounts are audited.
- viii. Perform such functions and duties as may be assigned by the President, council or General Assembly.





ix. Present audited reports at the AGM.

VI. National Deputy Treasurer shall:

- i. Deputize on the treasurer in his or her absence or when delegated.
- ii. Perform such functions and duties as may be assigned by President, Treasurer, Council or General Assembly.

VII. The National Organizing Secretary shall:

- i. Work under the secretary and shall oversee matters pertaining to mobilization of members and organization of workshops, conferences, education days, national service and general publicity of the Association
- ii. Be responsible for the publications of the Association.
- iii. Foster the good public image of the Association.
- iv. Publicize the objectives and activities of the Association.
- v. Perform such functions and duties as may be assigned by the President, the council or the General Assembly.

VIII. The National Deputy Organizing Secretary

National deputy organizing secretary shall deputize the National Organizing secretary and act for him/her in their absence and have the privileges of the National Organizing secretary when exercising this role.

#### ARTICLE 13: TRUSTEES

- a) All land, buildings and other immovable property and all investments and securities which shall be acquired by the society shall be vested in the names of three (3) Trustees who shall be members of the Association and shall be appointed at an Annual General Meeting for a period of three years. On retirement such trustees shall be eligible for re-election. A general meeting shall have the power to remove any of the trustees and all vacancies occurring by removal, resignation or death shall be filled at the same or next general meeting.
- b) The trustees shall pay all income received from property vested in the trustees to the treasurer. Any expenditure in respect of such property which in the opinion of the Trustees is necessary or desirable shall be reported by the trustees to the National Executive Council which shall authorize expenditure of such monies as it thinks fit.
- c) The trustees shall attend meetings of the National Executive Council.

#### ARTICLE 14: VACATING OF OFFICE AND FILLING OF VACANCIES

- a) A member of the National Executive Council or the entire National Executive Council shall automatically relinquish office.
  - i. An office bearer who ceases to be a member shall cease to be an office bearer forthwith.

- ii. Upon the expiry of the term of office stipulated in the Constitution or upon the assumption of office by new office bearers elected at the Annual General Meeting.
- iii. In the case of an individual officer, written resignation to the President or to the Executive Council
- iv. By death, insanity, bankruptcy or continuous absence from the country for a period of more than 9 months.
- v. By a vote of no confidence by at least two thirds of the voting members present at the General Assembly.

PROVIDED that such a motion for removal by vote of no confidence shall not be passed until the officer sought to be removed or the President in the case of a resolution to remove the entire National Executive Council, has been given a notice of at least 21 days prior to such General Assembly and has been accorded reasonable opportunity to present a defense at such Assembly.

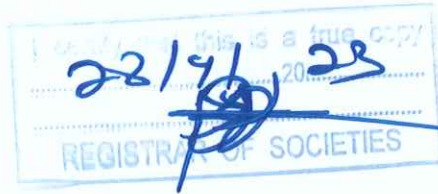
- b) The council shall make rules to provide for vacation of office and filling of vacancies including the procedure on motions for removal of officers of the Association.
- c) Where an office falls vacant by way of a vote of no confidence, the Assembly passing the resolution shall proceed to fill any resultant vacancies in accordance with the procedures under the rules contemplated in article 15(b).  
PROVIDED that the rules made under Article 15(b) shall be in tandem with the rules governing elections of the Association.
- d) Where an office falls vacant for any other reason other than a resolution for removal from office.
  - i. In the case of the President, the Deputy President shall act as President until the next General Assembly during which elections for President shall be conducted.
  - ii. In the case of any other office other than that of the President the Executive Council shall appoint one of its members to act in the vacant office until the next General Assembly during which the vacancy will be filled through elections.
  - iii. In the case of Regional Offices subject to the objects and values of the Association, Article 15(b) will apply.

#### ARTICLE 15: GENERAL MEETINGS

There shall be two types of general meetings:-

- a) Annual General Meeting (AGM)
  - i. The AGM shall be held once a year.
  - ii. Notice and agenda for the AGM shall be circulated to the members at least 21 days before the meeting.
  - iii. The AGM shall receive and approve the audited accounts.
  - iv. The quorum for the AGM shall be two thirds (2/3) of the members present. If the quorum for the AGM is not met, the Secretary shall call for another AGM within sixty days.
  - v. Amending the constitution
  - vi. Motion debated at the AGM shall be adopted by way of voting.





b) Special General Meeting (SGM)

- i. A SGM shall be convened by the secretary on the directions of the Council or at the written request of not less than one third (1/3) of the fully paid up members of the Association, each of which shall be required to sign such requisition.
- ii. A SGM shall have all the powers of the General Assembly and it shall be convened by the secretary by giving a 21 days' notice to all members. Such notice may be determined by the Secretary taking into account the urgency of the issue at hand and as determined by the National Executive Committee.
- iii. The quorum for a SGM shall be two thirds of the members entitled to attend and vote thereat.
- iv. Motion debated at the Special General Meeting shall be adopted by voting by those in attendance
- v. The Special General meeting shall be called to do the following:-
  - Amending the constitution
  - Dismissal of the National Executive Council
  - Dissolving the Association

**ARTICLE 16: PROCEDURE AT MEETINGS**

- a. At all meetings of the Association, the President or in their absence, the Deputy President, or in absence of both, a member selected by the Council shall chair the meeting.
- b. The President may at their discretion limit the number of persons permitted to speak for or against a motion.
- c. Resolutions will be decided through voting.

**ARTICLE 17: AMENDMENT OF THE CONSTITUTION**

- a) Amendments to this constitution must be made with prior consent of the Registrar of Societies.
- b) Amendments to this constitution must be approved by at least two-thirds majority of members present at a general meeting of the Association.
- c) Any member may submit a written proposal to amend the Constitution to the National Executive Council
- d) Proposed amendments shall take effect after elections called under this constitution and must be ratified by the Registrar.

**ARTICLE 18: RIGHTS**

Property in all paper, addresses and reports submitted at any meeting of or organized by or on behalf of the Association shall be vested in the Association and the Association may acquire, lease or in any manner dispose of any movable or immovable property.

#### **ARTICLE 19: USE OF THE NAME OF THE ASSOCIATION**

No member or any other person may organize any activities under the name of the association without the knowledge and authority of the National Executive Council.

#### **ARTICLE 20: AGREEMENTS**

Any agreement shall be validly entered into if signed by, for or on behalf of the Association by three or more of the following: the President, Deputy President, Secretary General, Treasurer and the Head of the Secretariat, PROVIDED that the Executive Council may generally authorize the Head of the Secretariat to enter into such agreements with prior approval or authority of the Executive Council and the Head of Secretariat shall maintain and update records of such agreements.

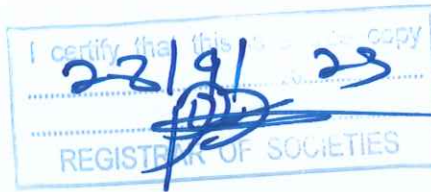
#### **ARTICLE 21: DISPUTE RESOLUTION/ ARBITRATION**

- a) Where circumstances arise, which are not specifically provided for in this Constitution, the Executive Council's interpretation of the spirit of this Constitution shall be considered final.
- b) In the event of dispute arising out of or in connection with the interpretation or implementation of any provision of this Constitution or the By-laws or Regulations thereunder, then the Council shall help interpret and bring the conflicting parties together.
- c) The council may establish the policy and rules for the resolution of disputes.

#### **ARTICLE 22: FINANCE**

- a) Finances of the Association shall be derived from:
  - I. Subscriptions of members.
  - II. Donations and Grants.
  - III. Sale of Publications, memorabilia and souvenirs.
  - IV. Fundraising activities approved by the Executive Council.
  - V. Any other appropriate source approved by the Executive Council.
- b) The funds of the Association shall exclusively be applied for the purposes of the Association under the direction of the Executive Council; in accordance with the approved annual budget by the AGM.
- c) There shall be an Annual budget for the Association which shall be prepared by the Treasurer and the secretariat and the Association shall only incur expense in accordance with the approved budget.
- d) The financial year of the Association shall begin on the 1<sup>st</sup> day of JULY and end on the 30<sup>th</sup> day of JUNE the following year.
- e) For purposes aforesaid, the Treasurer shall cause proper books of account to be kept with respect to:





- I. All sums of money received and expended by the Association and matters in respect of which the receipt and expenditure takes place.
  - II. All sales and purchase of goods, services or service packages by the Association.
  - III. The Assets and Liabilities of the Association.
- f) The Executive council shall present at the Ordinary General Assembly, a full report of the activities of the Association.
- g) The Council shall exercise the oversight over all the financial matters through the Treasurer.
- h) The funds of the Association may only be used for the following purposes
- A. To further the objectives of the association as may be directed by the National Executive Council, special general meeting or annual general meeting.
  - B. All petty expenses for the proper running of the Association's correspondence, travel or others as may be directed by the Council.
  - C. Such other purposes as the National Executive Council, special general meeting, annual general meeting, may direct.
- i) A sum not exceeding ksh.10,000 may be kept by the treasurer for petty disbursements.
- j) The Treasurer shall oversee the keeping of all books of accounts of the Association and manage the Association's funds.
- k) The Association may raise or borrow money on such terms as may be agreed.
- l) The Treasurer shall disburse or invest the funds as directed by the National Executive Council and report as per the approved budget.

#### **ARTICLE 23: AUDITOR**

- a) An auditor shall be appointed for the following year by the annual general meeting. All the association's accounts, records and documents shall be opened to the inspection of the auditor at any time. The Treasurer shall produce an account of their receipts and payments and a statement of assets and liabilities made up to a date which shall not be less than six weeks and not more than three months before the date of the annual general meeting. The Auditor shall examine such annual accounts and statements and either clarify that they are correct, duly vouched and in accordance with the law or report to the society in what respect they are found to be incorrect, unvouched or not in accordance with the law.
- b) A copy of the auditor's report on the accounts and statements together with such accounts and statements shall be furnished to all members. An auditor may be paid such honorarium for his duties as may be resolved by the annual general meeting appointing him.
- c) No auditor shall be an office bearer or a member of the National Executive Council association.

#### **ARTICLE 24: INSPECTION OF ACCOUNTS AND LIST OF MEMBERS**

The books of accounts and all documents relating thereto and a list of members of the Association shall be available for inspection at the registered office of the Association by an officer or member of the Association by giving not less than 21 days' notice in writing to the Association upon payment of nominal fee to be set by the Executive Council.

#### **ARTICLE 25: DISSOLUTION OF THE ASSOCIATION**

- a) The Association shall not be dissolved except by a resolution passed at a general meeting of members by vote of two-thirds of the members present. If no quorum is obtained, the proposal to dissolve the Association shall be submitted to a further general meeting which shall be held one month later. Notice of this meeting shall be given to all members of the association at least 14 days before the date of the meeting. The quorum for this second meeting shall be the number of members present.
- b) Provided, however, that not dissolution shall be effected without prior permission in writing of the Registrar, obtained upon application to him made in writing and signed by three of the office bearers.
- c) When dissolution of the Association has been approved by the Registrar no further action should be taken by the National Executive Council or any office bearer of the association in connection with the aims of the association other than to get in and liquidate for cash all the assets of the association. Subject to payment of all the debts of the association, the balance thereof shall be distributed in such a manner as may be resolved by the meeting at which the resolution for dissolution is passed.

#### **ARTICLE 26: TRANSITION**

The National Executive Committee existing immediately before the effective date shall continue as National Executive Council for the purpose of this constitution for its unexpired term.



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