

SPECIAL ISSUE

Kenya Gazette Supplement No. 139 (National Assembly Bills No. 49)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2023

NAIROBI, 18th August, 2023

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**THE APPELLATE JURISDICTION (AMENDMENT)
BILL, 2023**

A Bill for

**AN ACT of Parliament to amend the Appellate
Jurisdiction Act**

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Appellate Jurisdiction Short title.
(Amendment) Act, 2023.

2. Section 7 of the Appellate Jurisdiction Act is Amendment of
section 7 of No. 12
of 2012.
amended by deleting the words “provided that in the case
of a sentence of death no extension of time shall be granted
after the issue of the warrant for the execution of that
sentence” appearing immediately after the words, “may
have already expired”.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the Appellate Jurisdiction Act, to remove the prohibition of grant of extension of time for giving notice of intention of appeal in the case of a sentence of death.

Clause 1 of the Bill provides for the short title.

Clause 2 of the Bill provides for the amendment of section 7 of the Act to delete the words, "Provided that in the case of a sentence of death no extension of time shall be granted after the issue of the warrant for the execution of that sentence."

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

The Bill does not delegate legislative powers. It does not limit fundamental rights and freedoms.

Statement that the Bill concerns county governments

The Bill does not affect the functions of the county governments and is not a Bill concerning counties for purposes of the Standing Orders.

Statement that 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 21st June, 2023.

J. OPIYO WANDAYI,
Member of Parliament.

Section 7 of the Appellate Jurisdiction Act which it is proposed to amend—

7. Power of High Court to extend time

The High Court may extend the time for giving notice of intention to appeal from a judgment of the High Court or for making an application for leave to appeal or for a certificate that the case is fit for appeal, notwithstanding that the time for giving such notice or making such appeal may have already expired:

Provided that in the case of a sentence of death no extension of time shall be granted after the issue of the warrant for the execution of that sentence

