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For the past 9 years he has taught property law, property law and transactions, professional ethics, gender and maritime law at Moi University and is currently the head of the Department of Clinics and Offices. He has published and edited several books, including Conveyancing: Theory and Practice (2002), The Legal Profession and Constitutional Changes in Kenya (2002), General Introduction to the New Sea Law, 2002, Constitution Of Solutions and Democracy in Kenya (2003) He has published several articles in several of the journals mentioned, including articles on environmental law, property law, legal aid, family law and legal training. Mr. Ojenda, a lawyer for more than 12 years, is currently Chairman of the Law Society of Kenya and Vice-President of the East African Law Society and the Pan-African Lawyers Union. He is also a member of the Legal Education Council. He advised the Njonjo and Ndungu Land Commissions and the HIV/AIDS Task Force. It was also part of the land policy development process for the Ministry of Lands. In addition, Mr. Ojenda presided as a judge at the African Court of Human Rights in Mozambique, Dar es Salaam, South Africa, Ghana, Ivory Coast, Egypt and Zimbabwe. He is also a human rights instructor with Kenya's National Human Rights Commission. He has presented several reports at many national and international conferences, the most recent of which was a presentation made on 7 September 2005 at the International Conference on Human Rights at the University of Johannesburg, where he presented a paper entitled Implementation of a New Partnership for The Development of Africa (NEPAD): Leonard Obura Aloo LL.B. (Nairobi) LL.M. (Commercial Law) (Cape Town), LL.M. (IT and Telecommunications) Lawyer for the Kenya High Court. He is a lawyer practicing in Lecturer in Law at the United States International University, Nairobi, Kenya. He previously worked as a commercial legal services manager for Telkom Kenya Limited, a local fixed-line operator. His research interests are in the areas of international trade law, law, alternative dispute resolution, information technology and telecommunications law. Published November 2006 See update! Table Content Introduction Historical von Kenyan Legal System Constitution Government Executive Legislative Judicial Structure and Jurisdiction of courts Of appeal Court High Court Subservient Courts Sources Kenyan Law Constitution Acts of Parliament Specific acts of the United Kingdom Parliament English Charter of General Application in Force in England 1 August 2, 1897 substance of common law and the doctrine of equality of African customary law Islamic Law International Documents Of The Law Reporting Kenyan laws Published court decisions in the printed form of Internet Legal Information Journals Secondary Legal Information Journals Legal Profession Introduction Kenya is a country East Africa. Until 1895, when Kenya was declared a British protectorate, there was no structured legal system in the country to speak of. The territory was administered through the Imperial British East African Company, which had to fulfill all the obligations made by the British government in accordance with any treaty or agreement concluded with another state... In 1896, the area became known as the East African Protectorate. It was renamed the Kenyan Colony and Protectorate in 1920 and remained so until 1963, when Kenya became an independent state. As a result of the British administration, the Kenyan legal system has largely borrowed funds from the English legal system for more than six decades. The historical background of the British settlement in the East African Protectorate. It was named the Kenyan Colony and Protectorate in 1920 and remained so until 1963, when Kenya became an independent state. As a result of the British administration, the Kenyan legal system has largely borrowed funds from the UK and indirectly in that there were those settlers who came from India, which was already a British colony. Thus there were three sets of people, British, Indians who were considered British citizens and natives. To facilitate governance, British settlers imported laws and regulations from the United Kingdom, and British laws codified in India applied to the East African Protectorate. These laws were applied mainly to settlers earlier this year and were applied without regard to the existing Society. The natives were considered too primitive to understand the intricacies of the law, and thus remained African customary law. Hindus who had emigrated from India also had the right to practice Hindu custom law in the area of personal law, while Muslims and Arabs who were centralized on the coast practiced Muslim law. Thus, there are currently several parallel systems of law. Although the British have tried to phase out laws governing the whole country, the effect of plurality can still be felt and seen in the current Kenyan legal system. Kenya's constitutional system is the highest law in the country, and any other law that is incompatible with the Constitution must, to the extent that this inconsistency, be invalidated. The Constitution of Kenya contains the following parts: Chapter I - Republic of Kenya Chapter II - Executive Chapter III - Parliament Chapter IV - Judiciary Chapter V - Protection of Fundamental Rights and Freedoms Of Individual Chapter VI - Citizenship Chapter VII - Financial Chapter VIII - Head of Public Service IX - Target Land Chapter X - General Chapter XI - Transit Independence Constitution was adopted on December 12, 1963. Since then, the Constitution has been amended several times, and Kenya is currently in the process of revising the Constitution. The powers of the Government are divided into three functions: executive, legislative and judicial. The executive branch consists of the President, vice-president, ministers and assistant ministers who are members of the National Assembly (Parliament). The executive branch implements all laws passed by parliament. Executive power belongs to the president. Kenya has a parliamentary president, where the president is both head of state and government, as well as a member of Parliament. At the same time, the entire Government may be removed from office by law as a result of an unfavourable vote in Parliament. The Cabinet consists of a president, a vice-president and ministers. Its function is to assist and advise the president. Ministers are appointed by the President and are responsible for the department/ministry over which they are required to exercise general guidance and control. The President has the right to dissolve and procomparable Parliament, but he must summon him to the session no later than 12 months after the end of the previous session, if parliament has been dissolved, or three months after the end of this session, if parliament is dissolved. The Legislature has only one chamber. The main function of the legislature is to legislate. The legislature consists of the President and the National Assembly. The National Assembly currently has 224 members, 222 of whom are members of Parliament and 2 former members of the Council, the Attorney-General and the Speaker of the National Assembly. The Speaker presides over Assembly. Most laws in Kenya stem from an act of parliament. They are introduced into Parliament as bills. The bill is due to be published in the Kenya Newspaper fourteen days before its introduction. He then has his first reading, which is a formal reading of the bill's title. This is followed by a second reading, which is an occasion for discussion of the general principles of the bill, after which it is sent to the Committee of the National Assembly to discuss and discuss the detailed provisions. If the Committee submitted a positive report to the Assembly, the bill was in the third and final reading, where the debate, if any, was limited to a general statement or a repetition of objections. If approved, the bill is ready for presidential approval, after which it becomes an act of parliament. The date of the beginning of the Act is either the date it is received by the Consent of the President or the date shortly after it, or it may be put into effect by order of the relevant Minister. Parliament also plays an important but not exceptional role in the financial control of public spending. Parliament's control over income and expenditure is ensured by the establishment of the Consolidated Fund, which must pay all the Government's revenues. However, Parliament may authorize the establishment of other funds for specific purposes, and may also provide that part of the proceeds should not be paid to any established fund, but may be retained by the body that received it, to compensate for the costs associated with that body. Parliament also acts as a control and criticism of the Government, as it may issue a vote of no confidence, which may, depending on the President's decision, either the dissolution of Parliament or the resignation of the Government. The judicial system consists of courts and all members of the courts, including the Chief Justice, the Attorney-General, judges and magistrates. The judicial system identifies disputes between individuals and disputes between individuals and the State. The structure and jurisdiction of the courts is the highest court in Kenya. It has only appellate jurisdiction, both in civil and criminal cases, and does not have inherent jurisdiction. It is chaired by appellate judges appointed by the President. The decisions of the Court of Appeal are binding on all other subordinate courts, including the High Court. The appeals court sits mainly in Nairobi, the capital of Kenya, but is sent under the scheme to other major cities in Kenya to hear appeals. The President of the High Court is judges of Puisse, high court judges appointed by the President. It has unlimited initial jurisdiction in civil matters. In criminal cases, he considers only cases of murder and treason. It also has an appeal in both of them and criminal cases, in that appeals from subordinate courts are preferable to the High Court. The jurisdiction of these courts is determined on a territorial and monetary basis. They are presided over by magistrates. Magistrates' courts are in a hierarchy, with the main magistrate's court being the highest, followed by the Senior Chief Magistrate's Court, the Magistrates' Court of the Chief Magistrate, the Magistrates' Courts of Senior Residents, the Resident Magistrates' Court and the District Magistrates' Courts. The Kadhi courts established under the Kadhi Courts Act (Chapter 11 of Kenya's laws) are presided over by Chief Kadhi or Kadhi. It has jurisdiction to determine matters of Muslim law relating to personal status, marriage, divorce and inheritance in a trial in which all parties practice the Muslim religion. The appeals of the Kadhi courts are filed in the High Court, which sits with Chief Kadhi or two other Kadhi as jurors. The Children's Court, established in 2001, is a special court that deals with cases involving children. It deals with cases involving parental responsibility, childcare, custody and maintenance, protection orders for children, children in need of care and protection. It also dealt with cases in which a person had been charged with a crime under the Children's Act. However, he did not hear cases where a child was charged with murder or shared with adults. Tribunals - These are quasi-judicial bodies set up piecemeal to deal with specific issues. The most notable tribunals are: The Industrial Court - Although it is called a court, it is not part of the structure of the Kenyan court. It is chaired by judges appointed by the President and eight other members appointed by the Minister of Labour. Its function is to resolve trade disputes in general and trade disputes in the area of basic services. Rent Tribunals - They deal with issues relating to the landlord and tenant relationship. The sources of Kenyan law are listed in Section 3 of the Legal Protection Act (Chapter 8 of the Kenyan Laws) and they include: The Constitution is the highest law of the country, prevail over all other forms of law, written and unwritten. If any other law was not consistent with it, the Constitution prevailed and the other law, to the extent of its inconsistency, was invalid. Many parliamentary acts are in accordance with the specific provisions of the Constitution. Acts of Parliament They are adopted by Parliament and also include supporting laws, i.e. laws passed in accordance with the law of Parliament. Specific acts of the United Kingdom Parliament They are cited in the timetable for the Anti-Crime Act and include: Admiralty of Crimes Law, 1849. Evidence Act 1851, sections 7 and 11. Foreign Tribunals Evidence Act, 1856. Year. Evidence Under the Commission Act, 1859. British Law Act, 1859. Admiralty (Colonial Act), 1860. Foreign Law Act, 1861. Transfer Act (Scotland), 1874 Section 51. The Evidence Act submitted by the Commission, 1885. Some acts of the Indian Parliament's Property Transfer Act 1882 of India contain procedural law applicable in cases where the Title Registration Act, the Land Titles Act and the Public Lands Act apply. The English Statute of General Application in the Force in England August 12, 1897 English General Charter, adopted before August 12, 1897 (date of admission), are a law in Kenya if the Kenyan statute, or the last English statute applicable in Kenya, is both repealed by any such law. The General Application Statute, if repealed by a later English law, would still be law in Kenya. The general application statutes include public acts of Parliament, that is, those that apply to residents as a whole and which are not limited in their application to prescribed persons or districts. The statutes also apply in Kenya as they were at the time of admission. Any subsequent amendments to such laws in England have no effect in Kenya. The only way to amend such legislation was for the Kenyan Parliament to amend them to independent legislation. The substance of common law and the doctrine of equality applies to Kenyans only as far as kenya circumstances are concerned, provided qualifications such as these circumstances may be necessary. African custom law applies only in civil cases where one or more parties are exposed or affected by it, to the extent applicable and not contrary to justice and morality or contrary to any other law. African custom law differs from tribe to tribe. Islamic law is a very limited source of law in Kenya. It applies in the Kadhi courts, where all parties practice the Muslim religion, but only with regard to matters of Muslim law relating to personal status, marriage, divorce and inheritance. International documents, although not listed in the Rights Act, are the source of international law in Kenyan law. The Government was a party to a number of international legal instruments, and Kenyans could use them as an additional tool to advance their rights. However, it becomes enforced only in Kenya once they have been incorporated into our domestic legal system through the implementation of legislation. The Reporting Act in the form of a book, the Kenya Act includes more than 500 separate acts of Parliament and a plethora of rules and regulations made under the powers of the laws of Parliament, usually referred to as auxiliary in the form of a booklet, the Law of Kenya works on more than 20,000 pages and is published in more than 500 booklets grouped into 15.15 Kenyan law. They can be purchased from a government bookstore, but the statute is not amended, amendments can be bought or made at any of the High Court libraries in the country. Published court decisions in print The earliest reports of the law in Kenya were published under the quote E.A.L.R. (East African Legal Report) from 1897 to 1905. There are seven volumes, and the reports cover the decisions of all courts of different jurisdictions in the then East African protectorate. Between 1922 and 1956, 21 volumes of the Kenya Law Report (K.L.R) were published. These include only high court decisions. Reports from the Court of Appeal for East Africa (E.A.L.R.) were published between 1934 and 1956. In total, they are twenty-three volumes and report on the decisions of the then Court of Appeal of East Africa and the Privy Council. The East African Legal Reports (E.A.) were submitted in 1957 and were published in nineteen volumes until 1975. They cover the decisions of the Court of Appeal of East Africa and the higher courts of the constituent territories, i.e. Kenya, Uganda, Tanzania, Aden, Seychelles and Somali land. These reports were published after the disintegration of the East African Community. There have been sporadic and temporary attempts to submit legal reports. Six volumes of the New Reports on Kenya's Law were published by the East African Publishing Chamber in limited quantities, covering and including the years 1976-1980. These reports included decisions of the High Court and the Court of Appeal of Kenya. Kenya's appeal reports were later published in two Batterworth volumes between 1982 and 1992. They cover the decisions of the Court of Appeal of Kenya, elected during this period. In 2002, the Kenya Law Reports (KLR) were re-released, with the first volume being KLR under the auspices of the National Legal Accountability Board. The reports cover the decisions of both the High Court and the Court of Appeal of Kenya. The Council has published follow-up volumes every year since 1981. Reports on East African law and reports by the East African Court of Appeal are published as part of a joint partnership between LawAfrica and Butterworth's LexisNexis. The Kenya Online Legal Information Act Reports eKLR website provides up to now the publication of Kenya's laws in the search database. It also includes the Kenya Gazette since 2003. The site also has a digital format of Kenya Law Reports, where you can look for cases since 1974, but the seal is not available after the decision was published in Kenya Law Reports. The site also has bench updates, which are recent decisions of the High Court and Court of Appeal that are not reported. LawAfrica Has East Africa Law Records, LawAfrica Law Records, East African Court of Appeal reports Kenya's laws. It also has Hot Off the Bench, which is an online subscription service that contains recent cases in various courts in the East African region. Kenya's laws provide comprehensive, currently collected laws and supporting wage legislation per minute. Laws valid until January 2006 can be downloaded for free with the option of purchasing updates. The Government of Kenya is the official portal of the Government of Kenya on the Internet and provides links to the websites of various government ministries and other government agencies. Secondary legal information there are a number of legal textbooks written by members of The Kenyan academia, bench and bar over the years. Some important ones include: Ahmednasir, M. Abdullahi. Funeral disputes in modern Kenya: African customary law in the judicial conundrum. Photoforma Ltd., Nairobi, 1999. Kotran, Eugene. Restarting African law: Kenya. Sweet and Maxwell. London 1968. Guy, Y.P. and McAuslan, J.P.W.B. Public right and political change in Kenya. Oxford University, Nairobi, 1970. Harvey, William Burnett. Introduction to the legal system in East Africa. East African Literary Bureau. Nairobi, 1975. Hodgin, R.W. Contract Law in East Africa. Kenya's Literary Bureau. Nairobi, 1975. Kuloba, Richard. Court tips on civil proceedings 2nd ed. Law Africa Publishing Ltd. Nairobi, 2005 Makali, David (ed). Media Law and Practice: Kenyan Jurisprudence. Phoenix Publishers Ltd, Nairobi, 2003. Mwangi, Paul. Black Bar: Corruption and political intrigue in the Kenyan legal fraternity. Oakland Media. Nairobi, 2001. Goola, John Joseph. Business law. The focus of the book. Nairobi, 1999. Goola, John Joseph. Company law. The focus of the book. Nairobi, 1997. Ojwang, J.B. Constitutional Development in Kenya: Institutional Adaptation and Social Change. Actions Press. Nairobi, 1990. Okoth-Ogendo, H.W.O. Crown Tenants: The Evolution of Agricultural Law and Institutions in Kenya. Press Acts, Nairobi, 1991. Onalo, P.L. Land Law and Transportation in Kenya. Heinemann Kenya Limited. Nairobi, 1986. Kenyan law magazines are not very consistently published. Some current magazines include: Society of Lawyers of Kenya Magazine (Published by the Society of Lawyers of Kenya) University of Nairobi Legal Journal Lawyer Magazine (monthly journal on topical legal issues published by Oakland Media Nairobi) The legal profession of Kenya established its own institution for legal education in 1963, shortly before independence - Kenya Law School. Initially, the school was responsible for preparing for the legal profession. In July 1970, the Faculty of Law of the University of Nairobi was established to respond preparation before admission. The second law school was opened at My University in July 1994. The Kenyan Law School is currently engaged in post-secondary training before enrolling in Lawyers in Kenya are known as lawyers. The legal profession consists not only of lawyers, but also of judges, resident magistrates, district magistrates and law professors. The rules governing the admission of lawyers of the High Court of Kenya are contained in the Lawyers Act (cap 16) and the Lawyers' Regulations (admissions). The position that has existed since 1963 is that a person needs a higher legal education to obtain proper qualifications, which is approved by the Council for Legal Education. Additional requirements that must be met before a person can be admitted to Roll Advocates are: He must serve as a student for twelve months with a lawyer who has practiced law in Kenya for at least five years, or in the attorney general's chambers. (The student includes instructions in the proper business, practice and employment of a lawyer) He must pass or be exempt from the qualification exams of the Legal Education Council for admission to the List of Lawyers. (The Board is a professional investigative body for entry into the profession.) After the completion and approval of the Legal Education Board, the complainant then petitions the Chief Justice of Kenya to be appointed as a lawyer by the Kenya High Court. After being admitted to the Bar List, he became an officer of the Kenya High Court. Kenya. introduction to kenyan law and legal system

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