

No. 30 of 2009.

*District Courts (Amendment) Act 2009.*

Certified on : 21.02.2012



No.        of 2009.

*District Courts (Amendment) Act 2009,*

**ARRANGEMENT OF SECTIONS.**

1. Interpretation (Amendment of Section 1).
2. Appointment of Principal Magistrates (Amendment of Section 1A).
3. Qualifications of citizens for appointment as Principal Magistrates (Amendment of Section 1B).
4. Qualifications of non-citizens for appointment as Principal Magistrates (Amendment of Section 1C).
5. Jurisdiction of Courts (Amendment of Section 20).
6. Civil Jurisdiction (Amendment of Section 21).
7. Repeal and replacement of Section 22B.
8. New Section 24A.

**"24A. GRANTING OF EX PARTE ORDER".**

9. Ex parte order may be set aside (Amendment of Section 25).
10. Venue of Summary Cases (Amendment of Section 122).
11. New Section 171A.

**"171A. REVIEW OF TERM OF IMPRISONMENT IN CRIMINAL MATTERS".**



No.        of 2009.

AN ACT

entitled

*District Courts (Amendment) Act 2009.*

Being an Act to amend the *District Courts Act* (Chapter 40) and for related purposes,

MADE by the National Parliament to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

**1. INTERPRETATION (AMENDMENT OF SECTION 1).**

Section 1 of the Principal Act is amended in the definition of "Magistrate" by repealing the words "Principal Magistrates" and replacing them with the following:-

"District Court Judges".

**2. APPOINTMENT OF PRINCIPAL MAGISTRATES (AMENDMENT OF SECTION 1A).**

Section 1A of the Principal Act is amended –

- (a) in the title of the section by repealing the words "**Principal Magistrates**" and replacing them with the following:-

"**District Court Judges**"; and

- (b) by repealing the words "Principal Magistrates" and replacing them with the following:-

"District Court Judges.".

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**3. QUALIFICATIONS OF CITIZENS FOR APPOINTMENT AS PRINCIPAL MAGISTRATES (AMENDMENT OF SECTION 1B).**

Section 1B of the Principal Act is amended –

- (a) in the title of the section by repealing the words "**Principal Magistrates**" and replacing them with the following:-

"**District Court Judges**"; and

- (b) by repealing the words "Principal Magistrates" and replacing them with the following:-

"District Court Judges".

**4. QUALIFICATIONS OF NON-CITIZENS FOR APPOINTMENT AS PRINCIPAL MAGISTRATES (AMENDMENT OF SECTION 1C).**

Section 1C of the Principal Act is amended –

- (a) in the title of the section by repealing the words "**Principal Magistrates**" and replacing them with the following:-

"**District Court Judges**"; and

- (b) by repealing the words "Principal Magistrate" and replacing them with the following:-

"District Court Judges".

**5. JURISDICTION OF COURTS (AMENDMENT OF SECTION 20).**

Section 20 of the Principal Act is amended in Subsection (1A) by repealing the words "Principal Magistrates" and replacing them with the following:-

"District Court Judges".

**6. CIVIL JURISDICTION (AMENDMENT OF SECTION 21).**

Section 21 of the Principal Act is amended in Subsection (1) in -

- (a) Paragraph (a) by repealing the words and figures "Principal Magistrates – K10,000.00" and replacing them with the following:-

"District Court Judges – K50,000.00"; and

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(b) Paragraph (b) by repealing the figure "K8,000.00" and replacing it with the following:-

"K15,000.00".

**7. REPEAL AND REPLACEMENT OF SECTION 22B.**

Section 22B of the Principal Act is repealed and replaced with the following:-

**"22B. MEDIATION IN CIVIL MATTERS.**

(1) Subject to Subsection (6), the District Court may -

(a) order the parties to mediate before a person or body;  
or

(b) mediate between the parties,

in a complaint of a civil matter before conducting the hearing of the complaint.

(2) A District Court shall not commence hearing of a complaint in a civil matter prior to a mediation referred to in Subsection (1).

(3) A Magistrate approved by the Judicial and Legal Services Commission for the purpose, or a person or body appointed by the District Court, shall mediate between the parties in a matter under Subsection (1) with a view to the just and amicable settlement of the matter.

(4) Subject to Subsection 22C, where after a mediation has failed and on a request by the parties for a mediation to be conducted, a District Court may -

(a) postpone or adjourn the hearing; and

(b) conduct a mediation,

of a complaint in a civil matter where, it considers that by doing so, a just and amicable settlement will be or may be reached by the parties to the case.

(5) Where a settlement has been reached under this section, the District Court may embody it in its decision without further hearing.

(6) A mediation under this section shall not be commenced unless the Chief Magistrate makes rules relating to the practice and procedure relating to mediation in accordance with Section 21A and 278(1)(a) of this Act".

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**8. NEW SECTION 24A.**

The Principal Act is amended by inserting after Section 24, the following new section:-

**"24A. GRANTING OF EX PARTE ORDER.**

An order made when one party does not appear, shall not be granted by the Court unless the Chief Magistrate makes rules relating to the practice and procedure relating to such an order in accordance with Section 21A and 278(1)(a) of this Act."

**9. EX PARTE ORDER MAY BE SET ASIDE (AMENDMENT OF SECTION 25).**

Section 25 of the Principal Act is amended by repealing the words "A conviction" and replacing them with the following:-

"Subject to Section 24A, a conviction".

**10. VENUE OF SUMMARY CASES (AMENDMENT OF SECTION 122).**

Section 122 of the Principal Act is amended in Subsection (5), by repealing the words "Principal Magistrate" and replacing them with the following:-

"District Court Judge".

**11. NEW SECTION 171A.**

The Principal Act is amended by inserting after Section 171, the following new section:-

**"171A. REVIEW OF TERM OF IMPRISONMENT IN CRIMINAL MATTERS.**

(1) Notwithstanding anything in this Act, a term of imprisonment imposed on a defendant in a hearing in a criminal proceeding under Part VII of this Act, may be reviewed by the National Court.

"(2) Where the National Court decides to review a case under Subsection (1), it shall direct the District Court, to forward copies of the information, the depositions, statements and all other documents admitted in evidence and the conviction order to the Registrar of the National Court and the Public Prosecutor.

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- "(3) The National Court, shall review the matter and may -
- (a) affirm, quash or vary the conviction; or
  - (b) remit the case for hearing before the court which made the conviction; or
  - (c) make such further or other orders or otherwise as the case requires.

"(4) Subject to this Act, a defendant under this section can be admitted to bail at any time before the first day of the session at which his term of imprisonment is to be reviewed or before the day to which such a session is adjourned.

"(5) A party under this section shall not seek any redress under any law at any time after the matter is determined for review in accordance with Subsection (2) and before the determination of the review."

I hereby certify that the above is a fair print of the *District Courts (Amendment) Act 2009* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *District Courts (Amendment) Act 2009* was made by the National Parliament on the 19 May 2009.

Speaker of the National Parliament.

