

CHAPTER 237

THE JUDICIAL SERVICE ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

Section

Title

PART I

PRELIMINARY PROVISIONS

1. Short title.
2. Interpretation.

PART II

THE JUDICIAL SERVICE COMMISSION

3. Appointed member of the Commission.
4. Staff.
5. Oaths.
6. Vacancy in membership.
7. Procedure.
8. Protection of members.
9. Communications of Commission to be privileged.
10. Offence to influence or attempt to influence Commission.

11. Offence of false information to the Commission.
12. Interpretation of "Commission" in sections 10 and 11.
13. Unauthorised disclosure of information prohibited.
14. Prosecutions.

PART III

PROVISIONS RELATING TO THE FUNCTIONS OF THE PRESIDENT

15. Delegation of functions.
16. Advice.
17. Regulations.

PART IV

PROVISIONS RELATING TO THE FUNCTIONS OF THE COMMISSION

18. Delegation of functions.
19. Powers of dismissal and removal.
20. Appeals.
21. Regulations.

PART V

SPECIAL PROVISIONS RELATING TO MAGISTRATES

22. Interpretation.

- 23. Establishment of Special Commission and Boards.
- 24. Appointment and removal, etc., of primary court magistrate.

PART VI

PROVISIONS RELATING TO RETIRING BENEFITS

- 25. Protection of pension rights.
- 26. Power of Commission in relation to pensions, etc.
- 27. Meaning of "public officer".

PART VII

ADMINISTRATION OF THE JUDICIAL SERVICE AND GENERAL PROVISIONS

- 28. Administration.
- 29. Regulations.
- 30. Legal proceedings.
- 31. Regulations.
- 32. Transitional provisions.

SCHEDULES

CHAPTER 237

THE JUDICIAL SERVICE ACT

An Act to make provision relating to the Judicial Service and for related matters.

[9th December, 1962]

[s. 1]

C. A. Act No. 10 of 1962

Acts Nos.

55 of 1963

67 of 1964

26 of 1971

5 of 1974

15 of 1980

12 of 1990

19 of 1992

18 of 1995

29 of 1997

PART I

PRELIMINARY PROVISIONS (ss 1-2)

[PCh237s1]1. Short title

This Act may be cited as the Judicial Service Act.

[PCh237s2]2. Interpretation Act No. 18 of 1995 Sch.

(1) In this Act, unless the context otherwise requires—

"civil servant" has the meaning ascribed to that expression in the Public Service

Act *.

"Code of Judicial Conduct" means the Code of judicial ethics established from time to time for judicial officers;

"Commission" means the Judicial Service Commission established by the Constitution of the United Republic *;

"delegate" means the Commission or a District or a Regional Judicial Board established under subsection (2) and (3), respectively, of section 23 of this Act, and includes a person deputed by such delegate in accordance with the provisions of section 15 to exercise functions delegated to it or by him by the President;

"judicial office" means an office specified in subarticle (2) of Article 113 of the Constitution of the United Republic and an office declared by Parliament to be an office to which that article applies and, for the avoidance of doubt, it is hereby declared that it includes any such office aforesaid notwithstanding that an Act of Parliament makes provision relating thereto inconsistent with the provisions of paragraph (a) or (b) of subarticle (1) of the said Article 113; and "judicial officer" means a person who holds or acts in any such office;

"Minister" means the Minister for the time being responsible for legal affairs.

(2) The Vice-President may exercise on behalf of the President any of the functions conferred on the President by Article 113 of the Constitution of the United Republic *, and any function of establishing or abolishing judicial officers, and any reference to the President in section 9, subsection (4) of section 15, section 16 or section 30 of this Act shall be read and construed as including a reference to the Vice-President.

PART II

THE JUDICIAL SERVICE COMMISSION (ss 3-14)

[PCh237s3]3. Appointed member of the Commission

The provisions of subsections (3) to (6) (inclusive) of section 4 of the Public Service Act *, shall apply mutatis mutandis in relation to a person appointed a member of the Commission under paragraph (c) of subarticle (1) of Article 112 of the Constitution of the United Republic:

Provided that this section shall not apply where the President appoints the Chairman or a member of the Public Service Commission by office as a member under that paragraph.

[PCh237s4]4. Staff

(1) There shall be such offices on the staff of the Commission as the Commission shall, with the approval of the President, establish.

(2) The offices on the staff of the Commission shall be Public Service offices.

[PCh237s5]5. Oaths

(1) The members of the Commission shall, on first appointment, take an oath in the form set out in the First Schedule to this Act.

(2) The Chairman of the Commission may require any member of the staff of the Commission to take, on first appointment, an oath in the form set out in the Second Schedule to this Act.

(3) Where any person required to take an oath under this section has no religious belief or the taking of an oath is contrary to his religious belief, he may make and subscribe a solemn affirmation in the form of the oath appointed, substituting the words

"solemnly and sincerely declare and affirm" for the word "swear" and omitting the words "So help me God".

(4) Every oath or affirmation taken by a member of the Commission shall be administered by a judge of the High Court, and every oath or affirmation taken by a member of the staff of the Commission shall be administered by the Chairman of the Commission.

[PCh237s6]6. Vacancy in membership

Subject to its rules of procedure, the Commission may act notwithstanding any vacancy in its membership or the absence of any member:

Provided that any decision of the Commission shall require the concurrence of a majority of all the members thereof.

[PCh237s7]7. Procedure

Subject to the provisions of this Act and, in relation to any function of the President, to any regulations made by the President, the Commission may regulate its own procedure.

[PCh237s8]8. Protection of members

Every member of the Commission shall have such and the like protection and privilege in case of any action or suit brought against him for any act done or omitted to be done in the bona fide execution of his duties as is by law given to the acts done or words spoken by a judge of the High Court in the exercise of his judicial office.

[PCh237s9]9. Communications of Commission to be privileged

No person shall in any legal proceedings be permitted or compelled to produce or disclose any communication, written or oral, which has taken place between the Commission, or any member or officer thereof, and the President or a delegate, or the Public Service Commission or Police Force and Prisons Service Commission or any member of either such Commission, or any person holding office in the service of the Republic, or between any member or officer of the Commission and the Chairman thereof, or between any members or officers of the Commission, in exercise of, or in connection with the exercise of, the functions of the Commission, unless the Chairman of the Commission consents in writing to such production or disclosure.

[PCh237s10]10. Offence to influence or attempt to influence Commission

Without prejudice to the provisions of any other law, every person who otherwise than in the course of his duty directly or indirectly by himself or by any other person in any manner whatsoever influences or attempts to influence any decision of the Commission shall be guilty of an offence and on conviction shall be liable to a fine not exceeding four thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment:

Provided that nothing in this section shall prohibit any person from giving a certificate or testimonial to any applicant or candidate for any office or from supplying any information or assistance at the request of the Commission.

[PCh237s11]11. Offence of false information to the Commission

Without prejudice to the provisions of any other law, any person who in connection with the exercise by the Commission of its functions or duties wilfully gives to

the Commission any information which he knows to be false or does not believe to be true, or which he knows to be false by reason of the omission of any material particular, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding four thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

[PCh237s12]12. Interpretation of "Commission" in sections 10 and 11

For the purposes of sections 10 and 11, the term "Commission" shall include the Commission, any member of the Commission, any officer of the Commission or any person or body of persons appointed to assist the Commission in the exercise of its functions or duties.

[PCh237s13]13. Unauthorised disclosure of information prohibited

(1) No member of the Commission, nor any officer of the Commission, nor any other person, shall, without the written permission of the Chairman of the Commission, publish or disclose to any person otherwise than in exercise of his official functions the contents of any document, communication or information whatsoever which has come to his notice in the course of his duties in relation to the Commission; and any person who knowingly acts in contravention of the provisions of this subsection shall be guilty of an offence and on conviction shall be liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(2) Any person who knows of any information which to his knowledge has been disclosed in contravention of the provisions of subsection (1) of this section and who

publishes or communicates it to any other person otherwise than for the purpose of any prosecution under this Act or in the course of his official duty, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

[PCh237s14]14. Prosecutions

A prosecution in respect of any offence under this Part of this Act shall not be instituted except with the consent of the Director of Public Prosecutions.

PART III

PROVISIONS RELATING TO THE FUNCTIONS OF THE PRESIDENT (ss 15-17)

[PCh237s15]15. Delegation of functions

(1) The President may, by regulations, delegate the exercise of any of the functions conferred on him by Article 113 of the Constitution of the United Republic *, or any function of establishing or abolishing any judicial office, to the Commission, a judge or a judicial officer.

(2) The President may, by regulations, authorise the Commission or any person to whom he has delegated the exercise of his functions under this section to depute a judge or a judicial officer to exercise on its or his behalf such other functions the exercise of which has been delegated to the Commission or such first mentioned person as may be specified therein.

(3) In any regulations made for the purposes of this section, the President shall specify the offices to which each delegation or authorisation relates.

(4) The President may exercise his functions notwithstanding any delegation or authorisation under this section.

[PCh237s16]16. Advice

The President may refer to the Commission for its advice any matter relating to the exercise of the functions conferred on the President by Article 113 of the Constitution of the United Republic * or any function of establishing or abolishing any judicial office and the Commission shall advise the President on any such matter so referred to it:

Provided that nothing in this section shall preclude the President from seeking advice in respect of any such matter from any other person.

[PCh237s17]17. Regulations

(1) The President may make regulations—

(a) for any matter which, by this Act, may be provided for by regulations of the President;

(b) regulating the performance of the functions conferred on him by Article 113 of the Constitution of the United Republic * and by this Act, and of any function of establishing or abolishing any judicial office, and the exercise of such functions by any delegate.

(2) Without prejudice to the generality of the foregoing provisions of this section, regulations may—

(a) impose duties on any delegate, judge, judicial officer or Public servant;

(b) require persons to attend before the Commission to answer questions relating to the exercise of its functions by the Commission;

- (c) make different provision for different classes of judicial officers.

PART IV

PROVISIONS RELATING TO THE FUNCTIONS OF THE COMMISSION (ss 18-21)

[PCh237s18]18. Delegation of functions Act No. 12 of 1990

(1) Subject to the provisions of this Act the Commission may, by regulations, delegate the exercise of any function conferred on it by Article 112 of the Constitution of the United Republic * other than the power of removal in the public interest referred to in subsection (3) of section 19 of this Act to the District and Regional Boards established respectively under subsections (2) and (3) of section 23 of this Act.

(2) In any regulations made for the purpose of this section, the Commission shall specify the offices to which each delegation applies.

(3) The Commission may exercise any of such functions aforesaid notwithstanding the delegation of the exercise thereof to some other person.

[PCh237s19]19. Powers of dismissal and removal Act No. 12 of 1990

(1) The power to remove judicial officers from office and to terminate appointments of judicial officers shall be exercised in accordance with this section.

(2) A judicial officer shall not be dismissed unless—

(a) a disciplinary charge has been made and proved on a balance of probability against such officer on any or all of the following grounds—

- (i) misconduct incompatible with the holding of judicial office;
- (ii) gross negligence in the discharge of judicial duties;

- (iii) breach of the Code of Judicial Conduct;
- (iv) bad reputation incompatible with the holding of judicial office;
- (b) such officer has had an opportunity to answer a charge under paragraph (a); and
- (c) an inquiry has been held into the charge in accordance with regulations made under subsection (1) of section 21.

(3) [Repealed by Act No. 12 of 1990.]

(4) Nothing in this section shall be construed as restricting—

(a) the compulsory retirement of any person under section 10, or in the circumstances referred to in paragraph (c), (d) or (e) of section 8 of the Public Service Pensions Act *; or

(b) the termination (otherwise than by dismissal) of the service of any judicial officer, other than the substantive holder of a pensionable office, in accordance with the terms of his employment, or the dismissal of any person holding an office the emoluments of which are payable at an hourly or daily rate.

(5) In this section "pensionable office" means an office which is a pensionable office for the purposes of the Public Service Pensions Act *, and "substantive holder" means a person who has been confirmed in his appointment in such office, other than a person serving in such office for a specified term under a contract.

[PCh237s20]20. Appeals

(1) Whenever a Regional Judicial Board or a District Judicial Board exercises any delegated power of reduction in rank (other than a reduction from a rank to which a

person has been appointed on trial), reduction in present salary, removal or dismissal in relation to a judicial officer, such officer may appeal against the decision of such delegate to the Commission, and the Commission may confirm, vary or rescind the decision of such Board.

(2) Regulations of the Commission may provide for appeals in cases other than those referred to in subsection (1).

(3) Where the Commission varies or rescinds any decision removing or dismissing any judicial officer, and does not substitute any other decision removing or dismissing such officer, the variation or rescission shall have effect from the date of the original decision, and such officer shall, unless he shall have ceased to be a judicial officer for any other cause, be deemed to have remained a judicial officer notwithstanding the original decision.

[PCh237s21]21. Regulations Act No. 12 of 1990

(1) The Commission shall make regulations providing for, and for conduct of, disciplinary proceedings.

(2) The Commission may make regulations—

(a) for any matter which by this Act may be provided for by regulations of the Commission;

(b) regulating the performance of the functions conferred on the Commission by Article 113 of the Constitution of the United Republic * and by this Act, and the exercise of such functions by any delegate.

(3) Without prejudice to the generality of the foregoing provisions of this section, regulations may—

- (a) define disciplinary punishments and awards;
- (b) impose duties on any delegate, judge, judicial officer or civil servant;
- (c) require persons to attend before the Commission to answer questions relating to the exercise of its functions by the Commission;
- (d) make different provisions for different classes of judicial officers.

PART V

SPECIAL PROVISIONS RELATING TO MAGISTRATES (ss 22-24) Act No. 29 of 1997

[PCh237s22]22. Interpretation

In this Part—

"Principal Judge" means the Judge of the High Court of the United Republic, designated "Jaji Kiongozi" in Kiswahili appointed under Article 109 of the Constitution of the United Republic *;

"Judge in charge" means the Judge in charge of a High Court Zone;

"Special Commission" means the Commission established by section 23.

[s. 21A]

[PCh237s23]23. Establishment of Special Commission and Boards

(1) There is established a Special Commission for matters relating to primary court magistrates, which shall consist of—

- (a) the Chief Justice, who shall be the Chairman;

(b) the Justice of Appeal who is for the time being member of the Judicial Service Commission;

(c) the Principal Judge; and

(d) two other members appointed by the President.

(2) There shall be established in each Region, a Regional Judicial Board which shall be composed of—

(a) the Regional Commissioner, who shall be the Chairman;

(b) the Resident Magistrate in charge of a Region;

(c) the Regional Administrative Secretary;

(d) three other members, one of them being a Minister of religion, appointed by the Regional Commissioner from among prominent persons in the region, and two other persons who in his opinion, are of proven high integrity, knowledgeable and have the ability necessary to useful participate in the effective discharge of the functions of the Board; and

(e) a judicial officer appointed by the Judge in charge.

(3) The Secretary of the Board shall—

(a) in a Region where there is established an office for the Attorney-General's Chambers, be the State Attorney in charge;

(b) in a region where there is no office of the Attorney-General's Chambers, be the Regional Administrative Secretary.

(4) Where the Secretary of the Board is the Regional Administrative Secretary, he shall establish a system of close consultation, co-ordination and co-operation with the State Attorney in charge of the Zone in which that region is situated.

(5) Every Regional Judicial Board shall—

(a) receive and investigate complaints submitted by members of the public concerning district or resident magistrates in the region and submit reports to the Commission;

(b) carry out inquiries into the conduct of a district or resident magistrate in consequence of a direction so to do given by the Judge in charge, and report back to him or take other appropriate action according to law; and

(c) perform such other functions as the Minister may in writing under his hand to the Chairman, direct.

(6) The quorum at any meeting of the Regional Judicial Board shall be the Chairman and two other members one of whom shall be the Resident Magistrate in charge.

(7) A person complaining against the district or resident magistrate shall file the complaint with the Secretary to the Regional Judicial Board.

(8) The Secretary to the Regional Judicial Board who is not a State Attorney in charge shall, after receiving a complaint under subsection (7), submit that complaint to the State Attorney in charge of the zone in which, that region is situated.

(9) A State Attorney in charge shall, after receiving a complaint under subsections (7) or (8), forward that complaint to the Judge in charge of the zone in which that region

is situated, who after studying to the matter shall send it to the Regional Judicial Board with directions for inquiry or take any other action as shall appear appropriate and just in the circumstances of the case.

(10) The complaint against the Resident Magistrate in charge which is filed with the Judge in charge shall be forwarded to the Principal Judge who shall further transmit it to the Judicial Service Commission for further action.

(11) Where the Chief Justice or the Principal Judge receives any complaint against any Magistrate, and he considers that the public interest requires that Magistrate to cease forthwith to exercise the powers and functions of his office, he may direct that the Judge in charge to suspend that Magistrate from the exercise of those powers and functions provided that inquiry or investigation to his complaint or proceedings for his dismissal are being taken or about to be taken.

(12) The Judge in charge may, on his own motion or on recommendation of the Regional Judicial Board suspend a magistrate pending the continuation and completion of disciplinary proceedings against him in the Regional Judicial Board.

(13) At the end of the inquiry, investigation or disciplinary proceedings against any magistrate, the Regional Judicial Board shall submit a report thereof to the Judge in charge who shall further submit it to the Special Commission.

(14) There shall be established, in each district, a District Judicial Board which shall be composed of—

- (a) the District Commissioner, who shall be the Chairman;
- (b) the District Magistrate or, the Resident Magistrate in charge of the District;

(c) the District Administrative Secretary who shall be the secretary of the Board;

(d) three other members, one of them being a Minister of religion appointed by the District Commissioner from among prominent persons who in his opinion, are of proven high integrity, knowledgeable and have the ability necessary to usefully participate in the effective discharge of the functions of the Board; and

(e) a judicial officer, appointed by the Judge in charge.

(15) The quorum at any meeting of the District Judicial Board shall be the Chairman and two other members one of whom shall be the District Magistrate or the Resident Magistrate in charge.

(16) Every District Judicial Board shall—

(a) receive and investigate complaints submitted by members of the public concerning primary court magistrates in the district and submit reports to the Commission:

(b) carry out inquiries into the conduct of its primary court magistrate in consequence of a direction so to do given by the Judge in charge, and report back to him or take appropriate action according to law; and

(c) perform such other functions as the Minister may direct.

(17) The District Judicial Board may suspend a magistrate pending the continuation and completion of the disciplinary proceedings against him in the District Judicial Board.

(18) At the completion of the disciplinary proceedings against my magistrate, the District Judicial Board, shall submit a report in that respect to the Judge in charge who shall further submit it to the Special Commission.

(19) Upon receipt of the report in pursuance of subsections (13) and (18) the Special Commission shall submit the report to the Minister responsible for legal affairs who shall annually present to the National Assembly a report detailing the activities of the Boards and the Special Commission during the preceding year.

[s. 21B]

[PCh237s24]24. Appointment and removal, etc., of primary court magistrate

(1) For the purposes of the effective performance of the provisions of paragraph (b) of subsection (1) of Article 113 of the Constitution of the United Republic and of the other provisions of this Act, the power to exercise disciplinary control over persons holding or acting in the office of primary court magistrate, to terminate appointments and to remove such persons from office, is hereby vested in the Special Commission.

(2) In relation to the office of primary court magistrate and to persons appointed to hold or act in that office, this Act shall have effect subject to subsection (1) of this section as if—

(a) the Special Commission were empowered to delegate its functions to a Board established under this Part;

(b) the reference to the Judicial Service Commission (other than the references in sections 3; 18 and 23) were references to the Special Commission and the references to functions conferred on the Judicial Service Commission by Article 113 of the Constitution

of the United Republic were references to functions conferred on the Special Commission by this section;

(c) the references to a delegate were references to a board to whom functions are so delegated.

[s. 21C]

[Part IVA]

PART VI

PROVISIONS RELATING TO RETIRING BENEFITS (ss 25-27)

[PCh237s25]25. Protection of pension rights

(1) The law applicable to any benefits to which this section applies shall, in relation to any person who has been granted or is eligible for the grant of such benefits, be that in force at the relevant date or any later law that is not less favourable to that person.

(2) In this section "the relevant date" means—

(a) in relation to the benefits granted before the ninth day of December, 1961, the date on which those benefits were granted; and

(b) in relation to benefits granted or which may be granted on or after the ninth day of December, 1961, to or in respect of a person who was a public officer before that date, the eighth day of December, 1961; and

(c) in relation to any benefits granted to or in respect of any person who became a public officer on or after the ninth day of December, 1961, the date on which he became a public officer.

(3) Where a person is entitled to exercise an option as to which of two or more laws shall apply in his case, the law for which he opts shall, for the purposes of this section, be deemed to be more favourable to him than the other law or laws.

(4) Any benefits to which this section applies (not being benefits that are charged upon some other public fund) shall be a charge on the Consolidated Fund.

(5) The benefits to which this section applies are any benefits payable under any law providing for the grant of any pensions, compensation, gratuities or other like allowances to persons in respect of their service as public officers or to the widows, children, dependants or personal representatives of such persons in respect of such service.

(6) References to the law applicable to any benefits to which this section applies include (without prejudice to their generality) references to any law regulating, for the purpose of determining whether any person is eligible for the grant of such benefits on his retirement from the public service, the circumstances in which he is required or permitted to retire.

[s. 22]

[PCh237s26]26. Power of Commission in relation to pensions, etc.

(1) Where under any law any person or authority has a discretion—

(a) to decide whether or not any benefits to which this section applies shall be granted; or

(b) to withhold, reduce in amount or suspend any such benefits that have been granted,

those benefits shall be granted and may not be withheld, reduced in amount or suspended unless the Commission concurs in the refusal to grant the benefits or, as the case may be, in the decision to withhold them, reduce them in amount or suspend them.

(2) Where the amount of any benefits to which this section applies that may be granted to any person is not fixed by law, the amount of the benefits to be granted to him shall be the greatest amount for which he is eligible unless the Commission concurs in his being granted benefits of a smaller amount.

(3) The Commission shall not concur under subsection (1) or subsection (2) of this section in any action taken on the ground that any person who holds or has held the office of judge has been guilty of misbehaviour unless he has been removed from that office by reason of such misbehaviour.

(4) This section applies to any benefits payable under any law providing for the grant of pensions, compensation, gratuities or other like allowances to persons in respect of their service as public officers or to the widows, children, dependants or personal representatives of such persons in respect of such service.

[s. 23]

[PCh237s27]27. Meaning of "public officer"

In sections 22 and 23, the expression "public officer" means—

(a) in relation to any time or period before the ninth day of December, 1962, a person who was a judge, or a person in relation to whom the Judicial Service Commission established by the Tanganyika (Constitution) Order in Council, 1961, was, in accordance

with any law in force immediately before that date, the appropriate Service Commission for any purpose; and

(b) in relation to any time or period on or after that date, a person who is or was a judge or a judicial officer.

[s. 24]

[Part V]

PART VII

ADMINISTRATION OF THE JUDICIAL SERVICE AND GENERAL PROVISIONS

(ss 28-32)

[PCh237s28]28. Administration Act No. 18 of 1995

(1) Subject to the provisions of any written law, the administration of the judicial service shall be vested in the Chief Justice.

(2) The functions of the Chief Justice under this section may be exercised on his behalf by any judge, judicial officer or civil servant authorised by him.

(3) Nothing in this section shall be construed as precluding the Minister from directing the Commission or any Board, as he deems necessary, to carry out an inquiry into any act, omission or conduct of any judicial officer involving or amounting to the commission of any offence whether or not in the course of exercising his judicial functions.

[s. 25]

[PCh237s29]29. Regulations

(1) The Chief Justice may make regulations for the administration of the judicial service.

(2) Nothing in this section shall restrict any power to make administrative instructions or orders in relation to persons in the service of the Republic.

[s. 26]

[PCh237s30]30. Legal proceedings

(1) No proceedings shall be brought in any court on the ground only that the provisions of this Act (other than subsection (2) of section 19 or Part V thereof) or any regulations made under this Act, have not been complied with:

Provided that nothing in this subsection shall apply to any criminal proceedings for an offence against any provisions of this Act.

(2) The question whether—

(a) the President or the Commission has validly performed any function conferred on him or it by subarticle (1) of Article 113 of the Constitution of the United Republic * or by this Act, or in relation to the establishment of judicial offices; or

(b) any delegate has validly performed any such function the exercise of which has been delegated or deputed to him,
shall not be inquired into in any court:

Provided that where a person has been dismissed, the provisions of this subsection shall not apply in relation to such dismissal unless, prior thereto, there has been a compliance with the provisions of subsection (2) of section 19 of this Act.

[s. 27]

[PCh237s31]31. Regulations

Regulations made under this Act shall be published in the Gazette.

[s. 28]

[PCh237s32]32. Transitional provisions G.N. No. 239 of 1961

Until regulations are made under this Act replacing or modifying the Judicial Service Commission Regulations, those Regulations (other than Parts II and III thereof) shall continue in force and effect in relation to the matters provided therein with such variations as may be necessary to bring the same into accord with the law in force on the ninth day of December, 1962, and as if—

(a) they had been made by the respective authorities having power in that behalf under the provisions of this act;

(b) the President had delegated to the Commission and to the Chief Justice, and as if the Commission had delegated to the Chief and delegated to the Chief Justice, his or, as the case maybe, its functions under subarticle (1) of Article 113 of the Constitution of the United Republic * in accordance with the provisions of such Regulations.

[s. 29]

[Part VI]

FIRST SCHEDULE

OATH OF MEMBER

(Section 5)

I,, having been appointed as Chairman/Member of the Judicial Service Commission, do swear that I will freely and without fear or favour, affection or ill-will, discharge the functions of Chairman/Member of the Commission, and that I will not directly or indirectly reveal any matters relating to such functions to any unauthorised person or otherwise than in the course of duty.

SO HELP ME GOD

Sworn/Declared before me this day of19

Judge of the High Court

SECOND SCHEDULE

OATH OF OFFICER OF THE COMMISSION

(Section 5)

I, being called upon to exercise the functions of an Officer of the Judicial Service Commission, do swear that I will not, directly or indirectly, reveal to any unauthorised person or otherwise than in the course of duty the contents or any part of the contents of any documents, communication or information whatsoever which may come to my knowledge in the course of my duties as an Officer of the Commission or under the provisions of the Judicial Service Act.

SO HELP ME GOD

Sworn/Declared before me this day of,
20.....

Chairman of the Judicial

Service Commission.