



TRIBUNALS

REGISTRY OPERATIONS MANUAL



Social Transformation
through Access to Justice

TRIBUNALS REGISTRY OPERATIONS MANUAL

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FOREWORD

Tribunals are critical institutions in the justice system. According to Article 159 (1) of the Constitution of Kenya, 2010, judicial authority vests in and is to be exercised by courts and tribunals established by or under the Constitution. Article 169 (1)(d) further defines subordinate courts under the Judiciary to include local tribunals as may be established by an Act of Parliament. They are specialised bodies clothed with judicial power and determine disputes efficiently and in an affordable manner. In Kenya, there are thirty-eight (38) tribunals established by Acts of Parliament which determine disputes from diverse sectors in the society.

Tribunals are part of the doorways of justice available to Kenyans to ventilate their disputes and access justice as a constitutional imperative. Access to justice is a right enshrined in the Constitution and tribunals are enjoined in ensuring that the procedures and processes are well explained, clear and accessible to all litigants.

There is therefore need to document processes, procedures and best practices to guide staff and tribunal members on registry management to enhance access to justice and uphold the rule of law. This Registry Manual will provide a guide on Tribunals registry processes and procedures thus ensuring standardization of Tribunals operations.

The key objectives of the manual are; to document registry process for posterity, to simplify and standardize registry procedures for all tribunals, to guide litigants and staff on registry processes, to highlight the roles of various registry staff for increased accountability and act as an orientation tool for new registry staff.



Hon. Justice Martha K. Koome, EGH

Chief Justice and President of Supreme Court of Kenya





WORD FROM THE CHIEF REGISTRAR

An effective and efficient registry is critical for the expeditious determination of disputes before any Tribunal and in particular registry officials are responsible for creating and maintaining, records that document the operations of the Tribunal. These records provide evidence of the decisions of the Tribunals and thus ensure accountability to the citizenry. Such information must be created, classified and maintained according to generally accepted registry management principles and procedures. This will enhance accountability, achieve the highest degree of integrity and meet the expectations of all parties involved in the litigation process and other users of the records so generated.

Hon. Anne A. Amadi, CBS
Chief Registrar of the Judiciary

ACKNOWLEDGEMENTS



This registry manual is the product of a series of engagements and collaborative efforts between ORT and our stakeholders. I would like to acknowledge the efforts of all those who directly or indirectly contributed to the development of this Registry manual, with a special note of thanks to Tribunals Chairpersons, Tribunal Members, Tribunal CEO's/Secretaries, Court Administrators, staff and all other stakeholders whose presentations and input form the foundation of this manual.

My office is indeed grateful and will remain indebted to you for your effort and commitment in ensuring that there is delivery of quality services. In particular, I would like to express my sincere gratitude to Mr. Benson Letikiki, Geoffrey Sindiga, Timothy Maina, Ben Kaplelach, Sylvester Karia, Caroline Busena, Christine Kanyangi, Francis Otieno, Edwin Chemjor, Ziporah Wambugu, Janet Mwirigi and Fatuma Abdirahman for their tireless efforts in consolidating information which immensely contributed to the final product.

Hon. Ann Asugah
Registrar and Head of Tribunals Secretariat

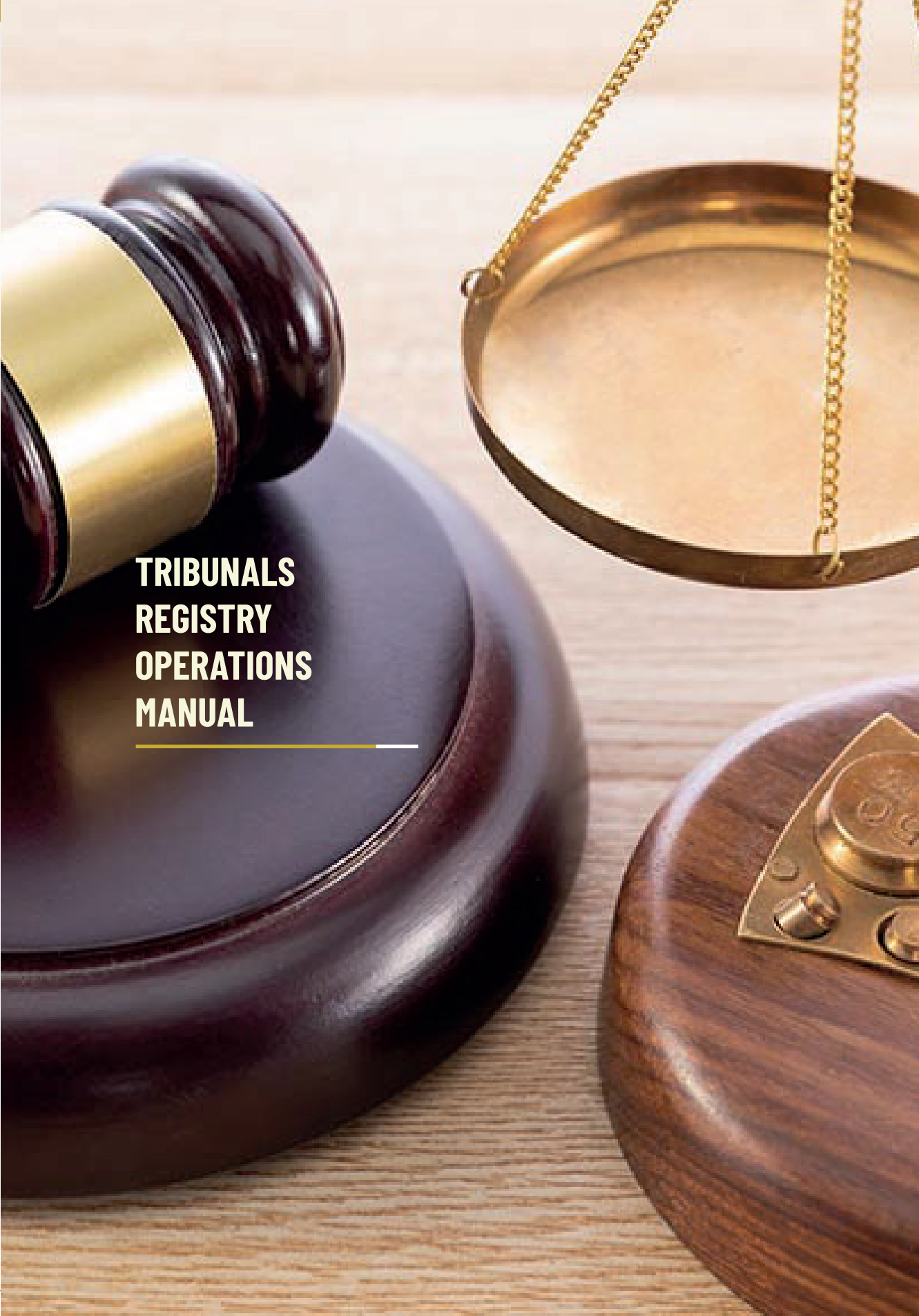
Table of Contents

FOREWORD	III
WORD FROM THE CHIEF REGISTRAR	IV
ACKNOWLEDGEMENTS	V
ABBREVIATIONS & ACRONYMS	VIII
1.0 INTRODUCTION	1
1.1 The Scope and Purpose of the Registry Manual	1
1.2 Application of the Registry Manual	1
1.3 Review of the Registry Manual	2
2.0 GENERAL REGISTRY PRINCIPLES & VALUES	2
3.0 GENERAL PROCESSES IN THE REGISTRY	3
3.1.0 Registration	3
3.1.1 Fees Assessment and collection	3
3.1.2 Filing	4
3.1.3 Bring ups	4
3.1.4 Movement of files	5
3.1.5 Transfer of Files from Tribunal Premises	5
3.1.6 Service of Court Process	5
3.1.7 Request for Proceedings	6
3.1.8 Certificate of Urgency	6
3.1.9 Extraction of Court Orders and Decree	6
3.1.10 Case flow chart	7
4.0 TRIBUNAL SESSIONS	8
4.1.1 Procedures	8
4.1.2 Handling of Exhibits	9
4.1.3 Fixing of Dates	9
5.0 CAUSE LISTING	9
6.0 MODES OF PAYMENT OF COURT FEES	9
7.0 E-FILING AND CASE MANAGEMENT PROCEDURES	10
8.0 REGISTRY OPERATIONS PROCEDURES	10

8.1.1 Filing System Procedure	10
8.1.2 Files Storage Procedure	11
8.1.3 Files Opening Procedure	11
8.1.4 Numbering of Items in Files	11
8.1.5 Distribution and Transfer of Files	11
8.1.6 Files Tracing Procedure	11
8.1.7 Files Control and Protection Procedure	11
8.1.8 Files Disposal Procedure	12
8.1.9 Reproduction of Records	12
8.1.10 Capacity building of registry personnel	12
8.1.11 Mail Management Procedure	12
9.0 RECORDS MANAGEMENT PROCESSES	13
9.1.1 Filing Systems	13
9.1.2 Filing Requirements	13
9.1.3 Perusal of Files	14
9.1.4 Reproduction of Records	14
9.1.5 Accessioning of Archives Files	14
9.1.6 Custody and Safety of files	14
9.1.7 File Audit	15
9.1.8 Tracing and Reconstruction of Missing Files	15
9.1.9 Skeleton Files	16
9.1.10 Records Survey	16
9.1.11 Records Appraisal and Disposal	16
9.1.12 Criteria For Disposal/Destruction of Records	17
10.0 ADMINISTRATION/ COMMUNICATION PROCEDURES	18
10.1 Mail Management	18
10.2 Telephone communication	19
11.0 APPENDICES A	20
12.0 APPENDICES B	24

ABBREVIATIONS & ACRONYMS

BU	Bring Up
ICT	Information & Communication Technology
SMS	Short Text Message
STAJ	Social Transformation through Access to Justice
CTS	Case Tracking System
JFMIS	Judiciary Financial Management Information System

A close-up photograph of a wooden gavel with a brass band and a brass scale of justice on a wooden surface. The gavel is positioned on the left, and the scale is on the right. The text "TRIBUNALS REGISTRY OPERATIONS MANUAL" is overlaid on the gavel.

TRIBUNALS REGISTRY OPERATIONS MANUAL

1.0 INTRODUCTION

Tribunals are specialized dispute resolution institutions established under various statutes to resolve sector specific disputes in a speedy, flexible and cost-effective manner. Every year, Tribunals receive over 4,000 cases. They complement the main stream courts and other multi door approaches to access to justice envisaged in the Judiciary blue print, the Social Transformation through Access to Justice (STAJ) and other Judiciary policies.

The Judiciary through Office of Registrar Tribunals has therefore developed this Registry Operations Manual to document, streamline and standardize procedures and processes in tribunals registries.

The integrity of the Tribunals is measured by the extent to which their structures, systems and processes facilitate fair, transparent and efficient administration of justice in line with the Social Transformation through Access to Justice (STAJ) blueprint.

1.1 The Scope and Purpose of the Registry Manual

The Registry Manual establishes the essential system, procedures, and structures required for the creation and maintenance of authoritative, reliable, and accessible records, in both electronic and physical formats, to facilitate the Tribunal's processes. This manual is a reference for Tribunal staff, especially those in the registry, on creating, classifying, and using files. It covers ensuring file accessibility and security to meet the highest standards of accountability and user satisfaction.

The manual aims to offer clear and consistent operational guidelines for managing Tribunal records and evidence in compliance with applicable laws. Additionally, it seeks to improve efficiency in registry operations, maintain consistent customer experiences, and support effective onboarding and training for new and existing staff. Lastly, it aims to encourage accountability within the secretariat.

1.2 Application of the Registry Manual

This Manual is applicable to all the Tribunals in line with various statutes establishing tribunals, Public Archives and Documentation Service Act, Cap 19, Laws of Kenya; the Records Disposal Act, Cap 14 Laws of Kenya, Public Finance Management Act, 2012 and other relevant Government circulars relating to public records management as well as relevant Judiciary policies.

1.3 Review of the Registry Manual.

The Tribunals Registry Manual shall be reviewed to ensure it remains current with the evolving legal and operational landscape of the tribunals, and where no guidelines exist, seek the advice of the Chief Registrar of the Judiciary.

2.0 GENERAL PRINCIPLES AND VALUES

The management of Tribunals Registries shall be governed by the values and the principles of governance, leadership and integrity as set out under Article 10, Article 232 and Chapter 6 of the Constitution.

The core values to be observed comprise of accountability, integrity, commitment, professionalism, rule of law, fairness, transparency, impartiality and sensitivity to customers' unique needs. The following guidelines will apply in delivering exceptional service in the registries.

General registry Procedures

Working hours

- a. The official working hours shall be from 8.00am to 5.00pm from Monday to Friday except on public holidays or as otherwise directed by the Chief Justice. The staff will be rendering services in shifts during lunch break to enhance access and responsiveness to customer needs.

Service counters

- b. All matters shall be filed through the e-filing portal as provided in the electronic filing practice directions from the Chief Justice.
- c. Where clients are not able to file through e-filing, the registry will assist litigants file their pleading through case tracking system.
- d. In service delivery at registries, priority shall be given to children, elderly, persons living with disabilities and those with special needs.
- e. Tribunals shall develop standard forms for use by and those forms shall be deemed as valid pleadings.

Customer Care Desk

- f. All registries shall maintain complaints register and ensure promptly response to customer complaints but in any event a feedback must be given within 24 hours. If unable to resolve, the complaint shall be escalated to the Court Administrator.

- g. An automated customer service system involving the use of the SMS solution and dedicated email addresses shall be implemented and awareness created to optimize the use by customers.
- h. All registries shall publish their contacts and contact persons on Kenya Law website, Judiciary website and Judiciary social media pages.
- i. Customer feedback collection form shall be used to obtain feedback from customers
- j. [see Appendix B Annexure 1, in addition to Customer request form appearing as Annexure 2].

3.0 GENERAL PROCESSES IN THE REGISTRIES

3.1.0 Registration of cases

- k. The case registration process entails the following steps:
 - a.Claim Submission: Parties may initiate a case by electronically filing their claim or submitting it physically as per existing Practice Directions.
 - b.Document Verification: Staff will ensure all necessary documents are present and complete.
 - c.Court Fee Processing: Court fees will be verified, invoices generated, and receipts issued.
 - d.Pleading Upload (Physical Submissions): For physically submitted documents, pleadings will be uploaded into the electronic case management system.
 - e.Document Timestamping: All documents will be stamped with the date of receipt.
 - f.Case Register Entry: The case will be formally registered in the designated case registry.
 - g.Urgent Case Notification (if applicable): If a newly registered case requires immediate attention, the judicial officer on duty will be informed.
 - h.Secure Filing: New matters will be properly filed away for safekeeping and future reference.

3.1.1 Fees Assessment and collection

Fee Determination: Tribunals shall assess fees based on:

- The prevailing fee schedules issued by the Chief Justice.
- The fee structure outlined within the tribunal's governing statute, unless a valid exemption applies.

Electronic Fee Assessment: Fee assessment shall be conducted electronically through the e-filing system.

Verification and Receipting: Registry staff shall verify the accuracy of all assessed fees.

Transparent Accounting: All collected fees shall be properly receipted and accounted for to ensure financial transparency.

3.1.2 Filing

Case File Organization Procedures

- File Content:
 - Pleadings: All correspondence and pleadings will be chronologically filed on the right-hand side of the file cover, in reverse chronological order (most recent on top).
 - Proceedings: Court proceedings will be filed on the left-hand side of the file cover, also in reverse chronological order.
- Document Security: Tags will be used to securely fasten all documents within the file.
- Pagination and Numbering: Following the judicial officer's review of the file, court assistants will serially number and paginate all proceedings.
- Record Keeping: A summary of the pleadings will be minuted on both the file itself and the designated compliance sheet.

3.1.3 Bring ups

Case File Monitoring and Retrieval (Bring-Up System)

The Bring-Up (BU) system is a critical tool for ensuring timely case file delivery to the High Court when appeals are filed. The registry adheres to the following principles for BU management:

1. Dedicated Bring-Up Register: The registry maintains a dedicated register to track all cases with pending appeals.
2. User-Initiated Requests: Parties requiring a file for appeal purposes must submit a written request detailing the case and the specific need for the file ("bring-up").
3. Centralized Diary System: Registry staff record all such requests in a designated Bring-Up diary, assigning each request to a specific date.
4. Daily Tasks and Responsibilities:
 - Daily Review: Each day, registry staff review the Bring-Up diary for upcoming requests.
 - File Retrieval: Staff retrieves all files listed for Bring-Up on the following day.
 - Movement Tracking: Upon retrieval, the Bring-Up action is documented in the movement register, and the designated files are dispatched to the relevant officers the next working day.
 - Locating Missing Files: If a requested file is unavailable, staff utilize the movement register to locate it.
 - User Coordination: If a file is already in use, the registry officer-in-charge is responsible for notifying both the requesting party and the current user to coordinate access.

5. Pre-Hearing File Delivery: All files scheduled for upcoming hearings are presented to the Chairperson(s) one day before the hearing date, as listed in the Bring-Up diary.

3.1.4 Movement of files

- Each office shall have a serialized file movement register where all interactions with files shall be recorded.
 - All files moved to and from the registry shall be entered in the registry movement register appearing in Appendix A as Annexure 6.
- a. When an action is to be taken in a particular file or request has been made for the file, the registry staff shall record the file in the file movement register and place the file before the responsible officer for action.
 - b. The action officer shall receive and sign for the file in the Movement register and take necessary action.
 - c. Once action is taken, the file shall be released back to the registry and the officer receiving the file shall sign the file movement register indicating the date the file has been returned to the registry.
 - d. The registry staff shall acknowledge receipt by signing and indicating in the file Incoming Register the date when the file is coming back.
 - e. The registry staff shall place the file in the relevant file cabinets/shelves according to the prescribed filing system.

3.1.5 Transfer of Files from Tribunal Premises

- a. Files shall be transferred only by an order of the High Court.
- b. The order of the transfer shall be entered in the main suit register and the Case CTS.
- c. After a file is moved, a skeleton file shall be opened, details of the case captured therein and the skeleton file kept in the shelf.
- d. A new case number shall be assigned to the cases received from other courts.

Transfer of files to Tribunal

- e. A file shall be opened and details of the case captured in the manual register and in the Case Management System.
- f. The institution receiving the file shall acknowledge receipt of the file and notify the Tribunal by a letter or email. The acknowledgement thereof shall be filed in the skeleton file.

3.1.6 Service of Court Process

- a. Advocates, institutions and litigants shall be served through e-filing portal, email or whatsapp.

3.1.7 Request for Proceedings

Parties seeking copies of court proceedings shall submit their request electronically through the E-filing portal or via official email.

The Request Process:

- 1. Request Submission:** All requests for proceedings are logged in a designated proceedings register.
- 2. Staff Allocation:** The court administrator assigns an office administrator to handle the request, which may involve typing the proceedings or utilizing court recording and transcription services.
- 3. Transcript Preparation:** The assigned office administrator is responsible for typing the proceedings or coordinating with transcription services, as needed.
- 4. Proofreading and Correction:** Following the typing process, a court assistant is designated to proofread the transcribed proceedings. Any errors are then communicated to the office administrator for correction.
- 5. Certification and Release:** Upon completion and verification, the proceedings require certification by the chairperson or deputy chairperson before release.
- 6. Fee Payment and Receipt:** Certified proceedings are released to the applicant upon payment of the requisite fees. The applicant acknowledges receipt upon collection.

3.1.8 Certificates of Urgency

Certificate of Urgency shall be given direction within 24 hours and the applications determined within 45 days.

3.1.9 Extraction of Court Orders and Decree

All the Tribunal orders and decrees shall be published to the parties through the case tracking system, except when there is system down time, the Registry shall extract the orders and decree for signing upon request by the parties.

The Court Administrator, shall ensure the official seal of the Tribunal is kept under key and lock at all times.

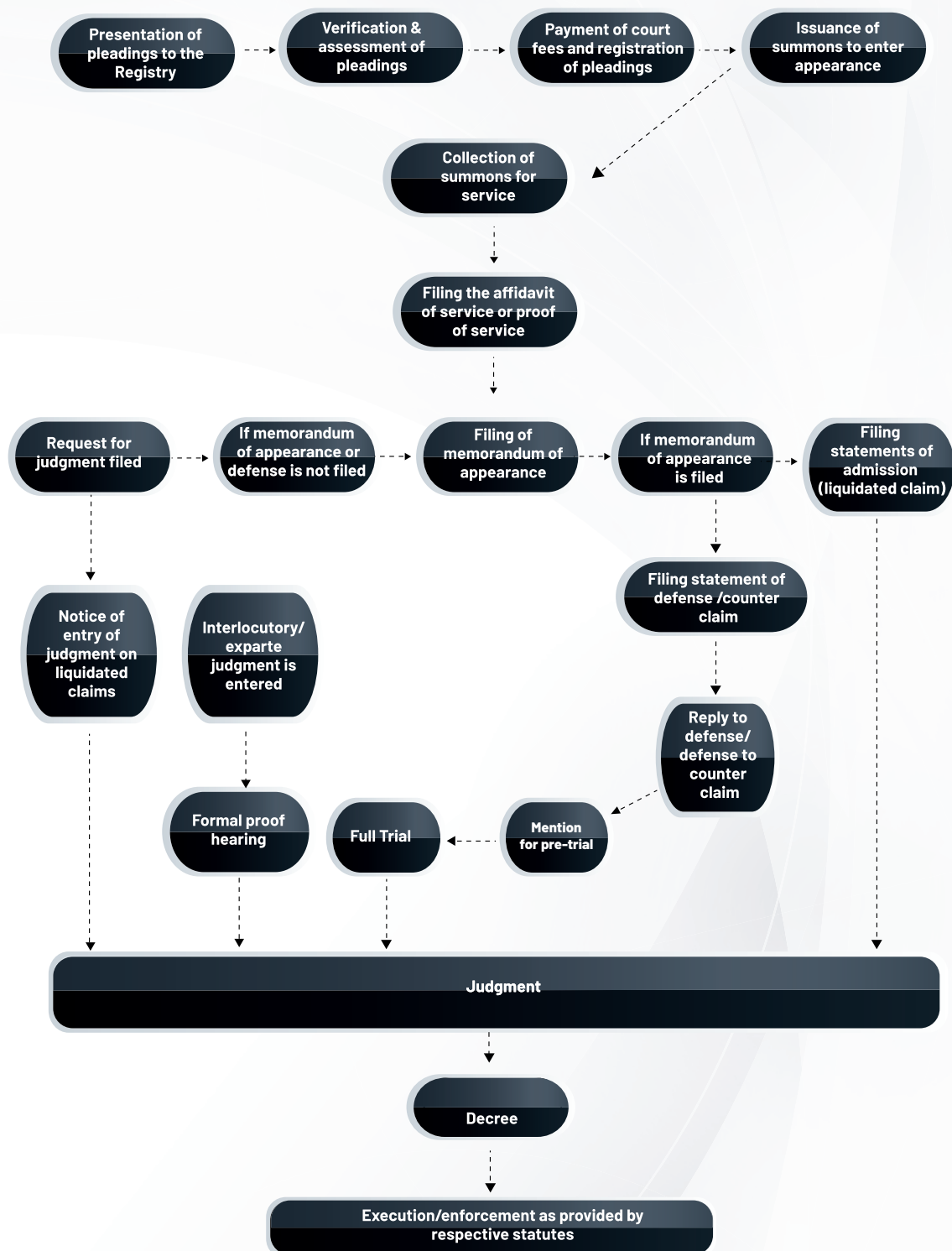
Procedure

- a. After a ruling or judgment is delivered, the Chairperson, Deputy Chairperson or Deputy Registrar shall publish the orders issued by the Tribunal in a prescribed format.
- b. Where orders are extracted off the system, the Deputy Registrar shall ensure that the extracted court orders are a true reflection of the order given by court.

Procedure for Certification

The Tribunal Chairperson, Deputy Chairperson, the Registrar or a Deputy Registrar shall certify all court orders, judgments, rulings or proceedings where a party requests for a certified copy of the orders, judgments, rulings or proceedings.

3.1.10 Case flow chart



4.0 TRIBUNALS SESSIONS

4.1.1 Court Assistant Pre-Hearing and Hearing Day Procedures

1. Case File Preparation (One Day Before Hearing):

- a. Court assistants receive case files scheduled for the upcoming hearing from the registry assistant.
- b. Each file is meticulously reviewed, ensuring proper tagging, pagination, and replacement of worn-out folders. Relevant documents and claims are flagged for easy reference.
- c. All files are recorded in a designated personal diary for tracking purposes.
- d. Following review, the files are arranged per the official cause list and forwarded to the Tribunal Members.

2. Courtroom Preparation (One Day Before Hearing):

- e. Court assistants verify that the courtroom is clean and well-maintained.
- f. They ensure a sufficient supply of writing materials is available for all participants.
- g. All automated court systems are tested and confirmed to be functional in preparation for the hearing.

3. Hearing Day:

- h. At the designated time, court assistants inform the tribunal members that the courtroom is prepared and ready for proceedings.

4. Court Administrator Responsibilities:

- i. In cases where a party requires interpretation services due to language barriers, the court administrator ensures an interpreter is readily available.

5. Post-Hearing Procedures:

- j. Following the hearing's conclusion, court assistants update case outcomes within the Case Tracking System (CTS) and the court diary. Additionally, they sort files requiring specific actions, such as orders, typing, pending rulings/judgments, or panel review.
- k. The court administrator oversees the extraction of granted orders upon application by parties. These extracted orders are then uploaded to the CTS for publication by the judicial officer.
- l. Court assistants return all case files to a designated registry assistant, who verifies their completeness and notes any missing files.

6. Reporting:

- m. To conclude the monthly cycle, court assistants prepare statistical reports based on their activities and submit them to the court administrator for review.

4.1.2 Handling of Exhibits

- a. The Court Assistant shall receive and mark any exhibits produced during the hearing process.
- b. As the exhibits are produced, the Court Assistant shall prepare a list of exhibits and place in the file.
- c. Original documentary exhibits shall be kept in a separate exhibit folder bearing the same number as the claimant's file.
- d. All exhibits shall be listed in the Exhibit Register (Appendix A, Annexure 3) and handed over to the Court Administrator or officer responsible for safe custody.

4.1.3 Fixing of Dates

- e. The Tribunal Members shall allocate hearing dates to enforce active case management.
- f. Where a date has been given by the Tribunal in the course of proceedings, the Court Assistant shall update the master diary instantly and the Case Tracking System.
- g. The parties may take mention dates in the registry by inviting the other party in order to get convenient dates for both parties. Thereafter, the Tribunal members shall give the next date and ensure that the cases are active till the date of judgment.

5.0 CAUSE LISTING

- a. A provisional cause list shall be prepared one week in advance by the Court Assistants and the Tribunal Chairperson or in absence the Deputy/Vice Chair shall approve the same. A copy of the approved cause list shall be posted on the Kenya Law indicating the following:
 - Case Number
 - Parties
 - Date, time and place for hearing
 - Purpose of the listing (e.g., mention, direction, judgment, ruling, notice to show cause, and hearing)
 - The Tribunal members who shall hear the matter.
 - Session.
- b. Addendums in the cause list shall be limited to those authorized by the Chairperson or the Deputy Chairperson in the absence of the Chairperson or the Deputy Registrar.
- c. In case of an addendum, the Court Assistant shall notify the parties whenever matters have been taken out or added in the Cause List.
- d. In case of a postponed sitting, The Tribunal shall issue a signed notice to the parties.
- e. A final cause list shall be posted a day before.

6.0 MODES OF PAYMENT OF COURT FEES

All the assessed fees shall be paid to tribunals designated revenue account.

7.0 E-FILING AND CASE MANAGEMENT PROCEDURES

Tribunals shall leverage on ICT and related technological advancements to increase accountability and efficiency in service delivery through electronic case management system. The computerized case management system will include;

- a. E- case registration
- b. E-communications
- c. E-service
- d. Document Management System
- e. Calendaring and cause listing
- f. Central repository of Tribunal decisions
- g. SMS Enquiry
- h. Audio Visual recording of Tribunal proceedings & transcription

N/B – Tribunal members, staff and litigants shall be guided by the CTS & e-filing guidelines issued by the directorate of ICT from time to time.

8.0 REGISTRY OPERATIONS PROCEDURES

Compliance with Registry's operational procedures is critical for effective functioning of registries. It is imperative for all the Tribunal members and staff to have a thorough understanding of the procedures governing registry operations as described hereunder.

8.1.1 Filing System

To ensure efficient access to case files and facilitate the delivery of justice, a simple filing system will be implemented in accordance with the Judiciary Records Management Procedures. This system will prioritize:

- **Trackability:** Files will be assigned alphanumeric identifiers that incorporate the filing year for easy tracking and retrieval.
- **Organization:** Cases will be segregated by type and filing year to maintain order.
- **Dated vs. Undated:** Files with clear dates will be filed separately from undated files, using designated and well-marked cabinets/shelves for each category.
- **Finalized Cases:** Upon completion and update within the Case Tracking System (CTS) and main case registers, finalized files will be stored in a separate location.

8.1.2 Files Storage

Files shall be stored in shelves consecutively in alpha numerical series in the order and year they were filed.

8.1.3 File Opening

Staff managing the registration process will ensure all documents for new cases comply with the essential legal requirements outlined in the practice and procedure rules before filing. Additionally, color-coded file covers will be used for easy identification.

8.1.4 File Numbering and Pagination

- **Document Order:** All documents within a file will be filed sequentially.
- **Folios:** Folios (numbered reference pages) will be consecutively numbered in reverse order, while proceedings will be paginated with the case number incorporated.

8.1.5 File Distribution and Transfer

- **Daily Return and Sorting:** At the close of each business day, files will be returned to the registry's filing section for sorting and placement in clearly labeled filing shelves. Their physical condition will also be assessed for any necessary repairs.
- **Actionable Files:** Files requiring action will be transferred to the designated officers for handling.
- **File Transfer Procedures:** When a file is authorized for transfer to an institution like the High Court, a skeleton file will be maintained. This transfer requires approval by the court administrator, and a copy of the forwarding letter will be kept in the skeleton file.

8.1.6 File Tracing

- **File Movement Registers:** All sections will maintain file movement registers to track file movement within the system.
- **Missing Files:** If a file remains unavailable for more than 48 hours, the registry in charge will notify the Court Administrator in writing. The Court Administrator will then inform the Chairperson, who shall issue directions.

8.1.7 File Access and Security

Access Requests: Any requests for access to records must be submitted in writing to the Court Administrator, either via a letter or by utilizing a designated customer request form available at the registry. Access to the records storage area will be restricted to authorized personnel.

Storage Area Regulations:

- Lighting matches, smoking, and storing flammable materials or cleaning solutions within the registry are strictly prohibited.
- Frequent inspections will be conducted to identify and promptly repair any water leaks that could damage records.
- Fumigation of the registries will be carried out every four (4) months to ensure pest control.

8.1.8 File Disposal

- **Retention Periods:** Copies of all tribunal records, proceedings, documents, or decisions will be retained for a period specified by law.
- **Appraisal and Disposal:** A process of continuous appraisal and appropriate disposal of case records will be implemented, adhering strictly to established legal procedures outlined in relevant legislation, such as the Public Archives and Documentation Service Act (Cap 19, Laws of Kenya) and The Records Disposal Act (Cap 14 Laws of Kenya). Disposal and retention schedules for all matters will be established based on these legal guidelines.

8.1.9 Reproduction of Records

Tribunal documents shall be photocopied upon written request by litigants.

8.1.10 Capacity building of registry personnel

There shall be continuous capacity assessment and implementation of training programs to build the capacity of all registry personnel on records and registry operations management.

8.1.11 Mail Management

A comprehensive mail management system shall be used to ensure the efficient handling of both incoming and outgoing correspondence.

- **Mail Registers:** Both incoming and outgoing mail are meticulously recorded in designated movement registers. These registers identify the action officer responsible for each item, who will then sign to acknowledge receipt.
- **Incoming Mail Processing:**
 - A dedicated registry assistant receives all incoming mail and logs it within an official incoming mail register (Appendix A, Annexure 4).
 - Electronic mail (e-mail) is also recognized as an official communication channel.
 - All incoming mail, whether physical or electronic, is directed through the designated official email addresses of the tribunal.

- Upon receipt, all physical mail is stamped with the official receiving stamp, which clearly indicates the date, time, and the receiving officer's initials.
- Outgoing Mail Processing:
- A designated registry assistant is responsible for logging all outgoing mail in a separate outgoing mail register (Appendix A, Annexure 5).

(Appendix A as Annexure 5).

9.0 RECORDS MANAGEMENT PROCESSES

Tribunals are responsible for creating and maintaining records that document their transactions. Therefore, a high degree of continuous responsibility and control of records must be exercised by Tribunals staff to guarantee the authenticity and reliability of the records.

9.1.1 Filing Systems

- a. All correspondence, pleadings and proceedings are numbered sequentially, including case number, by indelible ink pen. The system of numbering correspondence and pleadings must be consistent with proceedings being numbered from left to right and pleadings from right to left.
- b. Files are filed in horizontal order and should have a tag for every bundle as may be appropriate.
- c. Storage shelves should be properly marked and labeled to ease retrieval of files from a given series.

9.1.2 Filing Requirements

The registry officers must ensure that

- a. The document belongs to the file selected.
- b. The file reference on the document corresponds with the case number of the file.
- c. All pages of a multiple page document are present.
- d. All attachments (if any) are included.
- e. Members of the public have no access to the registry back office and filing area.
- f. Staff are accommodated in the registry away from the filing area/shelves
- g. The filing shelves are not accessible to staff other than those responsible for filing and retrieval of files
- h. All documents filed are entered into a compliance sheet maintained in every file containing details of the case number, type of document, date filed and signature of the officer receiving the document as appearing in Appendix B annexure 4.

9.1.3 Perusal of Files

- a. Requests for files for perusal are made in writing and acknowledged on receipt by imposing a date stamp.
- b. A request for perusal of files may be made by way of a letter or through a customer request form appearing in **Appendix B as Annexure 9.**
- c. All requests should be entered in a file movement register appearing in Appendix A as **Annexure 6.**
- d. Files shall be perused in the presence of a registry staff no one is allowed to take photos of proceedings and pleadings. Any party who requires copies should apply for typed proceedings or copies of pleadings.

9.1.4 Reproduction of Records

Reproduction (Photocopying, scanning or any other mode) of records shall be undertaken upon written request or by an order of the Court.

Requests for photocopying of court records shall either be made in form of a letter or a prescribed form appearing in Appendix B as Annexure 2.

9.1.5 Accessioning of Archives Files

The archives shall receive files from the Registry which are then entered into an accession register in as shown in Appendix A as Annexure 7.

9.1.6 Custody and Safety of files

- a. Files are stored in appropriate filing shelves and storage cabinets, in areas devoid of humidity, pests and under controlled temperature.
- b. The access to the records storage areas shall be restricted to authorized personnel only and -CCTV cameras installed.
- c. All requests for files from any persons must be in writing and the request shall be part of the correspondence appearing in the file.
- d. Lighting of matches, smoking and storage of inflammable materials or cleaning solutions in the registry/archives are strictly prohibited.
- e. There must be carbon dioxide fire extinguishers in all registries and archives, which shall be inspected regularly and all the staff trained on their use.
- f. There shall be frequent inspection of records storage areas by the Court Administrator to ensure that water leakage is traced in time and repaired to prevent damage.
- g. Fumigation of registries and archives should be carried out every six months or when need arises.
- h. Records must be protected from direct sunlight.

- i. Food or drinks shall NOT be consumed in the filing area.
- j. Electrical equipment must be switched off at the end of the working day.

9.1.7 File Audit

- a. An audit of files shall be carried out by the officer in-charge of the registry or the records management officer at least once a month to ensure that the parameters set out are met; to confirm the location of all files and to ensure that all files not being used by any officer are returned to the registry immediately.
- b. The audit will further ascertain that details of concluded cases and ensure they have been entered into the case register i.e. the decisions, date of such decision and the name of the Tribunal members who made the decision. The brief summary of the judgment should be captured in the register.
- c. The findings of the Audit and all action points shall be presented to the Court Administrator.

9.1.8 Tracing and Reconstruction of Missing Files

If a file is missing, the Registry will take the following steps:

- a. The registry Assistant shall check the file movements register to identify the person in whose possession the file was last recorded and instruct the officer concerned to trace the file.
- b. If the file is not traced, the registry Assistant shall circulate a memo to all staff to check whether the file is in their possession. If the file is not found within 24 hours, the supervisor shall notify the Court Administrator to initiate a special search.
- c. If the file is not traced after the first search, the registry assistant shall write the words 'Original file missing', in pencil, on the relevant case register.
- d. The registry Assistant shall enter the details of the missing file in the register of missing files. And the Court Administrator shall inform the Chairperson that the file is missing.
- e. After a fruitless search of 14 days, the Court Administrator shall issue a certificate to confirm the loss (appearing as Appendix B as Annexure 8) and recommend the reconstruction of the file.
- f. The Tribunal shall make an order for the reconstruction of the file.
- g. The Court Administrator shall inform the parties in writing of the non-availability of the file, with a recommendation for reconstruction.
- h. In the event that a missing file is traced, the date of recovery shall be recorded in the case register and its availability communicated to the parties concerned by the Court Administrator within 24 hours of its tracing.
- i. Once the file is traced it shall be merged with any skeleton file that may have been opened.

9.1.9 Skeleton Files

- a. If action or an application is to be made on a file that is missing, the registry shall ensure that a skeleton file is opened, subject to reconstruction orders being granted and the desired action taken.
- b. A skeleton file is assigned the same number and parties as the original missing file and its existence and movement is recorded in the normal way.
- c. Special printed skeleton file covers are used for reconstructed files. In the absence of printed skeleton file covers, a standard file cover for the Tribunal is used but it must be boldly marked with the word 'SKELETON'.

9.1.10 Records Survey

Before appraisal and disposal of records is carried out, a records survey shall be conducted to ascertain the volume of records to be appraised, the storage areas or rooms the records are kept, conditions of storage, formats of records (paper or electronic), physical characteristics e.g. Maps, sketch plans etc. and a report made on these observations.

9.1.11 Records Appraisal and Disposal

The following steps shall apply in carrying out appraisal of records to determine the archival value and ultimate disposition of records;

- a. The Records Disposal Act Cap 14 of the Laws of Kenya, stipulates that the Tribunal shall ensure that a physical perusal of case files is conducted after conclusion of the case to ascertain whether they qualify for disposal or permanent preservation.
- b. The appraisal will be triggered by maintaining a bring-up register to be informed by the retention and disposal schedule, as provided in the Records Disposal Act, Cap 14 Laws of Kenya.
- c. A draft gazette notice is prepared for the cases destined for disposal and submitted to the Chairperson to facilitate gazetting and publication.
- d. On expiry of three months after gazetting, the Tribunal shall seek leave from the Chief Justice to destroy the records. Thereafter the Court Administrator to the Tribunal shall initiate the destruction of the records, books or papers in respect of which the gazette notice was issued.
- e. All records shall be destroyed in the presence of the Tribunal chairperson or any other authorized officer. The said officer makes an entry in the case register in red with the letter 'D' denoting disposed records and the date of destruction against particulars of each case.
- f. The records destined for destruction shall be captured on case tracking system.

- g. Upon destruction, the Tribunal Court Administrator submits a certificate of destruction in the format provided in the form appearing Appendix B as Annexure 6.
- h. A register is maintained in the archives of all records destroyed as per the certificates of destruction submitted. The register shall contain particulars of the records disposed, the date the authority for disposal was granted by the Chief Justice, the date of destruction, and the date of the certificate of destruction.
- i. The records shall be disposed in accordance with the provisions of the Records Disposal Act (Cap 14 Laws of Kenya), public Archives and documentation Service Act Cap 19 Laws of Kenya and the relevant statute establishing a particular tribunal.

9.1.12 Criteria For Disposal/Destruction of Records

Disposal of records shall be categorized as records for permanent preservation or for disposal/destruction. The following criteria shall govern the selection of records for either preservation or disposal.

NO.	DESCRIPTION OF RECORDS	PERIOD AFTER WHICH THE RECORDS MAY BE DESTROYED
1.	All records rendered illegible or useless by climate, insects, fire or water.	At once
2.	Records in civil proceedings, other than those relating to: -title to immovable property; Succession Causes/ Inheritance/ Right of heirship; Constitutional and Human Rights issues; Rights to water, air, way, light or other easement; Custom of a tribe, community or locality.	12 Years from date of Judgment.
3	Records in criminal where acquittal or discharge has been ordered or fines only imposed, orders for security made or sentences of imprisonment not exceeding one (1) year passed and where accused has been committed for trial and complaints dismissed by a magistrate.	3 years from the date of judgment or final order
4	<ul style="list-style-type: none"> • Police report on death and inquest Miscellaneous police reports • Reports of railway accidents 	3 years from the date of preparation.
5	Judicial returns from magistrate courts	3 years from date of preparation
6	Books of accounts lodged in bankruptcy proceedings where a discharge was granted	3 Years from date of discharge
7	Miscellaneous correspondence regarding dates of trial, service of summons execution of warrants, transfer of proceedings, attendance of witnesses and related correspondence.	3 Years from date of correspondence.
8	Books of accounts and miscellaneous documents, other than records relating to estates of deceased persons which has been distributed and accounts audited.	3 years from date of audit
9	Books of account lodged in connection with bankruptcy proceedings.	12 Years from date of adjudication.

Source: Records Management & Disposal Act, CAP 14 Laws of Kenya

10.0 ADMINISTRATION / COMMUNICATION PROCEDURES

Internal communication shall follow the chain of command.

10.1.1 Mail Management

There are two categories of mails.

Incoming mails

Outgoing mails.

These categories may further be classified as electronic mail, hand mail and posted mail.

There shall be maintained at all times with the tribunal mail register.

(a) Incoming register

(b) Outgoing register

The in charge of the registry shall date stamp, sign and record all official mail in the mail register indicating the following;

- Date received
- From whom
- Subject
- Reference
- To whom addressed
- Date of dispatch
- By whom dispatch
- Signature

Upon recording, the registry in charge shall retrieve the relevant file and place the mail in the respective file. Using the file movement register, place the file before officer responsible for action. Upon action, the registry in charge shall file the incoming mail and return the file to the registry for custody.

Outgoing mails are dropped at the registry. The registry in charge receives the mail and enters the following details in the dispatch register;

- date of dispatch
- reference number
- subject matter
- person to whom it is addressed
- date appearing on the mail
- signature
- All mail shall be delivered before close of business.

10.2 Telephone communication

- a. All telephone calls shall be received in a professional manner.
- b. The person receiving the telephone call shall receive by introducing the organization, the receiving office, their name and ask for the caller's name and how they can be of help.
- c. In the event that the person receiving the call is not in a position to handle an enquiry, the receiving officer shall forward the call to an officer suitable to handle such enquiry.
- d. In the event that an officer is not available, the receiving officer shall inform the caller of this and request if they could take a message.
- e. The person receiving the call must always have a notepad to record the message being conveyed by the person making the call.
- f. When recording a message, the officer shall note; the name of the caller, the organization, the nature of the enquiry, time of the call and the call back number.
- g. When the message is recorded the receiving officer shall ask the caller whether they have any other enquiry and if none they shall thank the caller for calling and shall inform them that the message shall be placed before the relevant officer for action.
- h. Immediately after the call has ended the message that was recorded shall be placed on the relevant officer's desk for action as soon as the officer is back to the office.
- i. For urgent enquiries, the receiving officer shall try to reach the relevant officer by calling them on their mobile phones to relay the message.

11.0 Annexure 1

NAME OF THE TRIBUNAL

CASE REGISTER

[illegible]

Annexure 2

NAME OF THE TRIBUNAL

PROCESS SERVICE REGISTER

[illegible]

Annexure 3

NAME OF THE TRIBUNAL
EXHIBITS REGISTER

S/NO.	CASE NUMBER	EXHIBIT NO.	EXHIBIT TYPE	DATE EXHIBIT PRODUCED	DISPOSAL/ RELEASE ORDERS AND DATE MADE	EXHIBIT RETURNED TO/ COLLECTED BY (NAME, ID NO. & DATE)	REMARKS

Annexure 4

THE NAME OF THE TRIBUNAL
INCOMING MAIL REGISTER

DATE RECEIVED	FROM (SENDER)	SUBJECT	FILE REF/ CASE NO.	SIGNATURE OF RECEIVER	ACTION OFFICER	SIGNATURE OF ACTION OFFICER

Annexure 5

THE NAME OF THE TRIBUNAL
OUTGOING MAIL REGISTER

DATE OF RESPONSE	FROM (SENDER)	SUBJECT	FILE REF OR CASE NO.	SIGNATURE OF OFFICER DISPATCHING	DATE DISPATCHED

Annexure 6

NAME OF THE TRIBUNAL
FILE MOVEMENT REGISTER

DATE	CASE NO	PERSON/ FIRM REQUESTING	NAME OF OFFICER RECEIVING FILE	EMPLOYMENT NO.	PURPOSE/ ACTION	SIGNATURE	DATE RETURNED	REMARKS

Annexure 7

NAME OF THE TRIBUNAL
FILE ACCESSION REGISTER

Date	Case Number	Creating Registry/ Court	Name of Person Receiving File	Date Received	Final Orders & Date in File	Disposal/ Retention Period	Remarks

APPENDICES B

12.0 Annexure 1

NAME OF THE TRIBUNAL

CUSTOMER FEED BACK FORM

DateCustomer Contacts (Optional).....

Case No. (If applicable)

Were you satisfied with our services?

Yes

No

If no, give reasons

.....

.....

.....

Were you served timely?

Yes

No

If not, for how long were you delayed?

.....

.....

.....

.....

Give your recommendations on how we can improve our service delivery.

.....

Annexure 2

NAME OF THE TRIBUNAL

CUSTOMER REQUEST FORM

Date.....Time in..... Time out.....

Name.....

Contact.....email.....

Telephone.....

Case no.....Parties.....

Nature of Request.....

Signature

Remark/Follow up.....

.....

Checked by..... Signature.....

Annexure 3

NAME OF THE TRIBUNAL

MINUTE SHEET

Minute Sheet: Case Number.....				
S/No	Type of Document	Date Filed	Filed by	Name & Signature

Annexure 4

NAME OF THE TRIBUNAL

APPLICATION FOR REFERENCE TO ARCHIVES

By whom

(Address & Telephone No.)

.....

Capacity.....

Description of \Archives and title of case.....

Signature of Applicant.....

Date.....

Order of Keeper of Archives.....

Court Administrator.

Annexure 5

NAME OF THE TRIBUNAL

CERTIFICATE OF DESTRUCTION

I, ofhereby certify that the records as listed in the Kenya Gazette No.....,and the records disposal schedule were destroyed in accordance with the Records Disposal Act Cap 14 Laws of Kenya and the rules and the (Insert the Act establishing the Tribunal) and the Guidelines.

Dated this..... Day of..... 20.....

.....

Chairperson or Court Administrator

Annexure 6

NAME OF THE TRIBUNAL

ATTENDANCE REGISTER

Date	Name	Designation	Signature

Annexure 7

NAME OF THE TRIBUNAL

CERTIFICATE OF CONFIRMATION OF LOSS OF A FILE

Case No.....of

In-Charge filing section.

I confirm that I have made all the efforts to trace the above case file but I can't find it.

Name.....

PJ No.....Date.....

Signature.....

In-Charge Registry

I confirm that I have made all the efforts to trace the above case file but I can't find it.

Name.....

PJ No.....Date.....

Signature.....

Court Administrator.

I certify the loss of the above original case record and the effort made by the registry staff have proved futile. The Case file to be re-constructed.

Name.....

PJ No.....Date.....

Signature.....

Annexure 8

NAME OF THE TRIBUNAL
PERUSAL REQUEST FORM

Date.....

Case No.....

Applicant.....

Respondent.....

Party/Advocate requesting for the file.....

Signature.....Date.....

Officer in-Charge of the Registry

Approved/Not approved.....

Signature.....Date.....

Annexure 9

NAME OF THE TRIBUNAL
COMPLAINT FORM

Personal Details

Name.....

County

Gender

Contact No.....

Email.....

Complaint in summary

.....

.....

What is your Request to the Tribunal?

.....

Signature & Date



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Email: ort@court.go.ke