



LEGAL NOTICE NO.

THE JUDICIAL SERVICE ACT
(*Cap. 8A*)

**THE JUDICIAL SERVICE (PETITION FOR REMOVAL OF A JUDGE) (PROCEDURE)
REGULATIONS, 2026**

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IN EXERCISE of the powers conferred by section 47(1) and section 47(2)(c) of the Judicial Service Act, the Judicial Service Commission makes the following Regulations—

**THE JUDICIAL SERVICE (PETITION FOR REMOVAL OF A JUDGE) (PROCEDURE)
REGULATIONS, 2026**

PART I—PRELIMINARY

Citation. **1.** These Regulations may be cited as the Judicial Service (Petition for Removal of a judge) (Procedure) Regulations, 2026.

Interpretation. **2.** In these Regulations, unless the context otherwise requires—

Cap. 8A. “Act” means the Judicial Service Act;

 “Chairperson” includes the Vice Chairperson or any other member of the Commission when discharging the functions of the Chairperson;

 “chairperson of the Panel” means the chairperson appointed under regulation 6;

L.N.102/ 2020. “Code of Conduct and Ethics” means the Judicial Service (Code of Conduct and Ethics) Regulations;

 “Commission” means the Judicial Service Commission established by Article 171 of the Constitution;

 “Commission initiated removal” means the removal of a judge from office initiated by the Commission on its own motion in accordance with Article 168 of the Constitution;

 “judge” means the presiding officer of a superior court;

 “Panel” means a Panel of the Commission constituted under regulation 6;

 “person” includes a company, association or other body of persons whether incorporated or unincorporated;

 “petition” means a written communication made by any person to the Commission under Article 168 of the Constitution seeking removal of a judge from office;

 “petitioner” means any person who lodges a petition to the Commission;”

Cap. 79. “protected person” means a person who has been placed under protection in accordance with the provisions of sections 3(2), (5) and (9) of the Witness Protection Act;

“Secretary” means the secretary to the Commission appointed in accordance with the Constitution and includes the Deputy Chief Registrar or any other member of staff of the Commission when discharging the functions of the secretary; and

“superior courts” means the courts referred to under Article 162 of the Constitution.

Object of the Regulations. 3. The object of these Regulations is to give effect to Article 168 of the Constitution.

Scope of Regulations. 4. These Regulations shall apply to—

- (a) Commission initiated removal of a judge from office in accordance with Article 168(2) of the Constitution; and
- (b) petitions lodged by a person to the Commission for removal of a judge from office in accordance with Article 168(2) of the Constitution.

General principles. 5. In applying these Regulations, the Commission shall—

- (a) uphold the independence of the Judiciary while ensuring accountability to established standards of judicial conduct specified under the Code of Conduct and Ethics and other relevant laws;
- (b) ensure Commission-initiated removal and a petition are conducted in a confidential, transparent, procedurally fair, expeditious, and efficient manner;
- (c) respect and promote the dignity of all participants throughout the proceedings; and
- (d) observe the rules of natural justice.

PART II— PANEL OF THE COMMISSION

Constitution of a Panel

6. (1) Pursuant to section 19 (4) of the Act, the Commission shall constitute a Panel to consider Commission initiated proceedings or a petition against a judge.

(2) The Panel shall comprise of a Chairperson and atleast four members drawn from the membership of the Commission.

Functions of the Panel.

7. The Panel shall—

- (a) consider the Commission initiated proceedings and a petition lodged against a judge;
- (b) conduct investigations into any motion or petition referred to it by the Commission;
- (c) hear and determine issues arising from the motion or petition referred to it by the Commission; and
- (d) prepare and submit a report of the Panel's findings and recommendations to the Commission.

Powers of the Panel.

8. The Panel shall have the following powers—

- (a) receive evidence;
- (b) summon and examine witnesses; and
- (c) require production of documents or other relevant material.

Quorum

9. The quorum for the Panel shall be three members.

Proceedings of the Panel.

10. A Panel shall conduct its proceedings in accordance with these Regulations.

PART III—PROCEDURE FOR COMMISSION INITIATED REMOVAL OF A JUDGE FROM OFFICE

Commission initiated removal.

11. (1) The Commission may, on its own motion, initiate the removal of a judge from office in accordance with Article 168(2) of the Constitution.

(2) The initiation of the removal of a judge under subregulation (1) shall be based on information which may disclose any ground for removal of a judge as contemplated under Article 168(1) of the Constitution.

(3) Upon receipt of the information under subregulation (1), the Commission shall register and assign a reference number to the information.

Preliminary
evaluation and
investigation.

12. (1) Upon receipt of the information under regulation 11 (2), the Commission shall conduct a preliminary evaluation and carry out investigations.

(2) Preliminary evaluation and investigation by the Commission may include —

- (a) review of information to ascertain credibility, relevance and sufficiency of the information received by the Commission;
- (b) confirmation that the motion relates to grounds for removal specified under Article 168 (1) of the Constitution;
- (c) request for documents or records from the relevant parties;
- (d) review of documents, information or records from relevant sources;
- (e) summon any public officer or other person to appear before it or to produce any document, evidence or information; or
- (f) record statements from all persons of interest.

(3) Upon undertaking preliminary evaluation and investigation, the Commission shall—

- (a) close the motion and record the reasons for the closure; or
- (b) admit the information.

(4) Closure of a motion under subregulation (3) (a), shall not prevent the Commission from acting on any new information that subsequently comes to the knowledge of the Commission which may disclose any ground for removal of a judge as contemplated under Article 168(1) of the Constitution.

(5) Where the Commission admits the information in accordance with subregulation (3) (b), the Commission shall within thirty days, frame the allegations constituting the grounds for removal of a judge pursuant to Article 168(1) of the Constitution.

Service.

13. (1) The Commission shall within seven days from the date of framing allegations constituting grounds for removal, serve the judge with—

- (a) the framed allegations;
- (b) witness statements; and
- (c) any other relevant documents and information.

(2) Service under subregulation (1) shall be effected—

- (a) personally, on the judge;
- (b) by electronic means to the judge; or
- (c) through the judge's authorized representative or agent.

(3) The judge shall within twenty-one days from the date of service, respond to the framed allegations.

Further evaluation

14. (1) Upon receipt of the response under subregulation 13 (3), the Commission shall, within twenty-one days, further evaluate the motion taking into consideration—

- (a) the response; and
- (b) any other relevant documents and information.

(2) Upon further evaluation of the motion, the Commission shall dismiss the motion, where the information does not disclose a ground for removal and notify the judge of the Commission decision within seven days.

(3) Where the Commission determines that the motion may disclose a ground for removal or where the judge fails to respond, the Commission shall admit the motion for hearing and notify the judge of the decision within seven days.

(4) Upon admission of the motion for hearing, the judge shall within twenty-one days file the following documents—

- (a) a list of witnesses and particulars of the witnesses;
- (b) witness statements;
- (c) a list and bundle of documents; and
- (d) any other relevant information.

Pre-hearing
conference.

15. (1) The Commission shall convene a pre-hearing conference, within fourteen days after the expiry of the period of filing of documents to—

- (a) confirm compliance with regulation 14 (4);
- (b) fix a hearing date; and
- (c) give such further directions.

(2) The judge may attend the pre-hearing conference in person or through an advocate.

(3) Any preliminary objections shall be raised at the pre-hearing conference.

(4) Upon fixing of the date for the hearing, the Commission shall cause a hearing notice of not less than fourteen days to be served upon the judge and any other witness.

Preliminaries at
the hearing.

16. The Commission shall ensure that—

- (a) appropriate special measures and strategies are in place in cases where vulnerable and protected persons are involved;
- (b) hearings or pre-hearings involving protected witnesses shall be conducted in closed session or in camera; and
- (c) documents, information and transcripts of the virtual proceedings involving protected persons are stored securely including through digital encryption.

Consequences of non-attendance.

17. Where the judge fails to attend a hearing, the Commission or the Panel may—

(a) adjourn the hearing; or

(b) proceed to consider the allegations on merit.

Procedure at the hearing.

18. (1) The Chairperson shall read out a summary of the allegations constituting the grounds for removal and call upon the judge to respond to the framed allegations.

(2) Where the judge admits the allegations constituting the grounds for removal, the Commission shall consider the motion against the judge.

(3) Where the judge denies the allegations constituting the grounds for removal, the Commission shall proceed with the hearing of the motion.

(4) The procedure under this regulation shall with necessary modifications apply to hearings conducted by the Panel.

The Commission's case

19. (1) The Counsel for the Commission shall lead the case.

(2) A witness in support of the Commission's motion shall take an oath or solemn affirmation before giving evidence and may produce any document or exhibit in support of the motion.

(3) The judge may cross-examine any witness presented by the Commission in person or through an advocate.

(4) A member of the Commission or Panel may seek clarification from the witness on the evidence adduced.

(5) The Counsel for the Commission may re-examine the witness.

(6) Upon conclusion of the re-examination of the witness under subregulation (5), the Commission or Panel shall declare the Commission's motion closed.

Procedure at the hearing of the judge's response.

20. (1) The judge shall take an oath or solemn affirmation before giving evidence and may produce documents or exhibits in response to the motion.

- (2) Counsel for the Commission may cross-examine the judge.
- (3) The Commission or Panel may seek clarification from the judge on any issue arising from the evidence.
- (4) The judge may be re-examined, if represented by an advocate.
- (5) A witness of the judge shall take an oath or solemn affirmation before giving evidence and may produce documents or exhibits.
- (6) Counsel for the Commission may cross-examine a witness of the judge.
- (7) A member of the Commission or Panel may seek clarification from a witness on the evidence adduced.
- (8) A witness of the judge may be re-examined and thereafter the Commission or Panel shall declare the judge's motion closed.
- (9) The judge may elect not to testify during the hearing, in which event the Commission or Panel shall be entitled to consider the evidence available and make appropriate findings.
- (10) At the close of the hearing, the Chairperson or the chairperson of the Panel shall give directions on the filing of submissions.

Decision of the
Commission.

- 21.** (1) Where the motion is heard by the Commission, it shall prepare a report of its findings within fourteen days after the filing of submissions and make its determination at its next sitting.
- (2) Where the motion is heard by a Panel, it shall prepare and submit a report of its findings and recommendations to the Commission within fourteen days after filing of submissions.
- (3) If the Commission is satisfied that the motion does not disclose a ground for removal of the judge from office, it shall dismiss the motion.
- (4) If the Commission is satisfied that the motion discloses a ground for removal of the judge from office, the Commission shall send the petition with recommendation of the Commission to the President in accordance with Article 168(4) of the Constitution.
- (5) The Commission shall within seven days of making the decision—

- (a) inform the judge of the date for the delivery of the Commission's decision;
- (b) inform the judge of the decision of the Commission; and
- (c) submit a report of the Commission's findings to the judge.

(6) The decision of the Commission shall be unanimous or shall be determined by a majority of the members.

Anonymous petitions.

22. The provisions of this part shall apply to petitions lodged anonymously with the Commission.

PART IV—PROCEDURE FOR LODGING A PETITION TO THE COMMISSION

Lodging of a petition.

23. (1) A person may, in writing, lodge a petition to Commission in accordance with the Article 168 (2) and (3) of the Constitution.

(2) A petition under subregulation (1) shall relate to the removal of a judge from office on any of the following grounds contemplated under Article 168 (1) of the Constitution—

- (a) inability to perform the functions of office arising from mental or physical incapacity;
- (b) a breach of a code of conduct prescribed for judges of the superior courts by an Act of Parliament
- (c) bankruptcy
- (d) incompetence; or
- (e) gross misconduct or misbehaviour.

Content of a petition.

24. (1) A petition shall contain the following information—

- (a) particulars of the petitioner including name, contact details of the postal address, telephone number, email address and physical address; and
- (b) particulars of the judge to whom the petition relates including the judge's name and judicial office location.

(2) A petition shall be accompanied by—

- (a) grounds for removal of the judge and facts in support thereof;
- (b) documents in support of the petition, if any;
- (c) the petitioner's list of witnesses and their written statements, if any; and
- (d) any other information which the petitioner finds relevant to the petition.

(3) There shall be no fee charged to lodge a petition.

Acknowledgment
of a petition.

25. Upon receipt of the petition, the Commission shall—

- (a) endorse the date and time of receipt of the petition;
- (b) assign the petition a reference number; and
- (c) acknowledge receipt of the petition in writing within seven days from the date of receipt.

Register of
petitions.

26. (1) The Commission shall keep and maintain an up-to-date register of petitions.

(2) An entry into the register of petitions shall state the particulars of the petitioner and the particulars of the judge to whom the petition relates.

Preliminary
evaluation and
investigations.

27. (1) The Commission shall within thirty days from the date of receipt of the petition, undertake a preliminary evaluation and conduct investigations on the petition.

(2) Preliminary evaluation and investigations by the Commission may include —

- (a) review of the petition to ascertain credibility and relevance;
- (b) confirmation that the petition constitutes a ground for removal as specified under Article 168 (1) of the Constitution;

(c) request for documents, information or records from relevant sources;

(d) review of documents, information or records from relevant sources;

(3) If satisfied that the petition does not disclose a ground for removal, the Commission shall—

(a) dismiss the petition; and

(b) inform the petitioner of the Commission's preliminary evaluation findings within fourteen days from the date of the Commission's decision.

(4) Where the Commission is satisfied that the petition may disclose a ground for removal of a judge in accordance with Article 168(1) of the Constitution, the Commission shall within fourteen days—

(a) serve the petition upon the judge either in person, or by electronic means or through an authorized representative or agent; and

(b) notify the petitioner of the decision requiring the judge to respond to the petition.

(5) The judge may respond to the petition within twenty-one days from the date of service of the petition by the Commission.

(6) Upon receipt of the response, the Commission shall, within fourteen days, serve the petitioner with a copy of the response.

(7) The petitioner may file a rejoinder to the response referred to under subregulation (5) within fourteen days of service of the response.

Further evaluation
of the petition.

28. (1) Upon receipt of the response and any rejoinder, the Commission shall, within twenty-one days, further evaluate the petition.

(2) If the Commission finds that the response is satisfactory, it shall dismiss the petition and notify the parties of its decision, in writing, within seven days.

(3) If the Commission finds that the response is not satisfactory, it shall admit the petition for hearing and notify the parties of its decision, in writing, within seven days.

(4) Where the judge fails to respond to the petition, the Commission shall admit the petition for hearing and shall, within seven days of expiry of twenty-one days under regulation 27 (5), notify the parties of the Commission's decision in writing.

Summoning of witnesses.

29. (1) The Commission may, on its own motion, summon any person or persons to record a statement, produce any document or testify before it and the person so summoned shall be obliged to attend and to testify or produce any documents.

(2) Upon recording of any witness statement or receiving any document, the Commission shall within seven days serve the petitioner and the judge.

(3) The Commission shall ensure the witness statements or documents of protected persons shall be redacted to protect any identifying information before serving the petitioner, the judge or any other interested party.

Filing and service of documents.

30. Upon admission of the petition for hearing, the parties shall, within fourteen days, file and serve the following documents—

- (a) a list of witnesses and particulars of the witnesses;
- (b) witness statements;
- (c) a list and bundle of documents; and
- (d) any other information relevant to the petition.

Application of certain regulations.

31. Regulation 15 and 16 shall with necessary modifications apply to this Part.

Attendance by petitioner.

32. Where only the petitioner attends the hearing, the Commission or Panel may—

- (a) postpone the hearing; or
- (b) proceed to hear the petition on merit where the notice was duly served upon the parties.

Attendance by a judge.

33. (1) Where only the judge attends, the Commission or Panel may—

- (a) postpone the hearing;
- (b) consider the petition on merit; or
- (c) dismiss the petition.

(2) Where only the judge attends and admits any ground in the petition, the Commission or Panel shall consider the petition against the judge to the extent of the admission.

Non-attendance by petitioner and judge.

34. Where both the petitioner and judge fail to attend the hearing, the Commission or Panel may—

- (a) postpone the hearing;
- (b) consider the petition on merit; or
- (c) dismiss the petition.

(4) The Commission may reinstate a petition dismissed for non-attendance, upon application in writing by the petitioner and on good cause being shown.

(5) A judge shall have a right to be heard on an application for reinstatement of a petition under this regulation.

Procedure at hearing of the petitioner's motion.

35. (1) The petitioner shall take an oath or solemn affirmation before giving evidence and may produce the documents or exhibits in support of the petition.

(2) The Chairperson or chairperson of the Panel shall invite the judge to cross-examine the petitioner either in person or through petitioner's advocate after the evidence petitioner.

(3) A member of the Commission or Panel may seek clarification from the petitioner on the evidence adduced.

(4) The petitioner may be re-examined if represented by an advocate.

(5) The petitioner's witnesses shall take an oath or solemn affirmation before giving evidence and may produce the documents or exhibits in support of the petition.

(6) The judge in person or through their advocate, shall be invited to cross-examine the petitioner's witnesses.

(7) A member of the Commission or Panel may seek clarification from the petitioner's witness on the evidence adduced.

(8) The petitioner or the petitioner's advocate may re-examine the witness and thereafter the Commission or Panel shall declare the petitioner's case closed.

Procedure at the hearing of the Commission witness.

36. (1) A witness of the Commission shall take an oath or solemn affirmation before giving evidence and may produce documents or exhibits.

(2) The witness shall be led in evidence by Counsel for the Commission.

(3) The petitioner and the judge shall be invited to cross-examine the witness either in person or through their advocate.

(4) A member of the Commission or Panel may seek clarification from the witness on the evidence adduced

(5) The witness may be re-examined by counsel for the Commission.

Procedure at the hearing of the judge's response.

37. (1) The judge shall take an oath or solemn affirmation before giving evidence and may produce documents or exhibits in response to the petition.

(2) The Chairperson or the chairperson of the Panel shall invite the petitioner, either in person or through their advocate, to cross-examine the judge after the evidence of the judge.

(3) A member of the Commission or Panel may seek clarification from the judge on any issues arising from the evidence adduced.

(4) The judge may be re-examined if represented by an advocate

(5) A witness of the judge shall take an oath or solemn affirmation before giving evidence and may produce documents or exhibits.

(6) The petitioner shall be invited to cross-examine a witness of the judge in person or through their advocate.

(7) A member of the Commission or Panel may seek clarification from a witness of the judge on the evidence adduced.

(8) A witness of the judge may be re-examined and thereafter the Commission or Panel shall declare the judge's case closed.

(9) The judge may elect not to testify during the hearing, in which event the Commission or Panel shall be entitled to consider the evidence available and make appropriate findings.

(10) At the close of the hearing, the Commission or Panel shall give directions on the filing and service of submissions.

Determination of
the Commission.

38. (1) Where the petition is heard by the Commission, it shall prepare a report of its findings and reasons, within fourteen days after the filing of submissions and make its determination.

(2) Where the petition is heard by a Panel, the Panel shall prepare and submit its recommendations to the Commission within fourteen days after filing of submissions.

(3) Where the Commission is satisfied that the petition does not disclose a ground for removal of the judge from office, the Commission shall dismiss the petition.

(4) Where the Commission is satisfied that the petition discloses a ground for removal of the judge from office, the Commission shall send the petition to the President in accordance with Article 168(4) of the Constitution.

(5) The Commission shall inform the parties of the date for the delivery of its decision.

(6) The Commission shall communicate its decision and forward the report of its findings to the parties.

(7) The decision of the Commission shall be unanimous or shall be determined by a majority of the members.

PART V—MISCELLANEOUS PROVISIONS

Procedural technicalities.

39. (1) The Commission shall not be bound by the strict rules of evidence.

(2) A petition or motion shall not be defeated due to procedural technicalities that do not occasion a miscarriage of justice.

(3) A clerical mistake in any document, recording, direction, order or decision of the Commission or an error arising in a document due to an accidental slip or omission may be corrected under the hand of the Chairperson.

Power of the Commission.

40. Pursuant to Articles 252 (1) (a) of the Constitution as read together with section 42 of the Act, the Commission may conduct investigations and summon any person to appear before the Commission to produce any document or thing or information that may be considered relevant for purposes of investigations.

Record of proceedings.

41. (1) The Commission shall keep a record of all proceedings under these Regulations.

(2) The Commission shall upon verification, share the record of proceedings with the requesting party, within fourteen days from the date of the request for a record of proceedings.

Withdrawal of a petition.

42. (1) A petitioner may withdraw a petition at any time but before the final decision is made by the Commission or Panel.

(2) An application for withdrawal of a petition shall be in writing and supported by an affidavit.

(3) In considering the application for withdrawal of a petition, the Commission shall act in the public interest, and nothing shall bar the Commission from proceeding with any such petition on its own motion.

Report on removal from office

43. The Commission shall publish an annual report on Commission initiated removal and petitions, on the Commission's website.

Extension of time.

44. The Commission may on application by any party or on the Commission's own motion extend the time specified under these Regulations for doing any act or taking any proceedings.

Electronic
submission.

45. Petitions lodged with the Commission or any documents required to be submitted to the Commission under these Regulations may be lodged or submitted electronically.

Mode of
attendance
hearings at

46. Pre-hearing and hearings under these Regulations may be attended physically or virtually.

Use of technology.

47. The Commission may use technology to facilitate proceedings under these Regulations.

Access to
Information
Cap. 7M

48. Any person may apply to the Commission for access to information held by the Commission in connection with proceedings under these Regulations, in accordance with the Access to Information Act.

Personal Data.
Cap. 411C

49. The processing of personal data under these Regulations shall be in compliance with the Data Protection Act.

Made on the....., 2026.

MARTHA KOOME,

Chairperson,

Judicial Service Commission.