



**THE REPUBLIC OF KENYA**

LAWS OF KENYA

---

---

**THE CONTEMPT OF COURT ACT**

NO. 46 OF 2016

2016

Published by the National Council for Law Reporting  
with the Authority of the Attorney-General

[www.kenyalaw.org](http://www.kenyalaw.org)



**NO. 46 OF 2016**

**CONTEMPT OF COURT ACT**  
**ARRANGEMENT OF SECTIONS**

**PART I – PRELIMINARY**

*Section*

1. Short title
2. Interpretation
3. Objectives of this Act
4. Contempt of Court

**PART II – JURISDICTION OF COURTS**

5. Jurisdiction of superior Courts
6. Jurisdiction of subordinate courts to punish for contempt of court
7. Summary proceedings
8. Institution of proceedings

**PART III – DEFENCE TO CONTEMPT OF COURT**

9. Defence to Contempt of court
10. The strict liability rule
11. Limitation of scope of strict liability rule
12. Defence to strict liability rule
13. Defence of innocent publication or distribution
14. Fair and accurate report of judicial proceeding not contempt
15. Fair criticism of judicial act not contempt
16. Complaint against presiding officers of subordinate courts not contempt
17. Publication of information relating to proceedings in chambers or in camera not contempt except in certain cases
18. Discussion of public affairs
19. Use of recording devices
20. Sources of information
21. Publication of matters exempted from disclosure in court
22. Other defences not affected

**PART IV – CONTEMPT OF COURT PROCEEDINGS**

23. Trial for contempt of court shall not constitute double jeopardy
24. Power of High Court to punish contempt of subordinate courts
25. Procedure where contempt is in superior court
26. Cognizance of criminal contempt in other cases

**PART V – OFFENCES**

27. Offence of contempt of court
28. Punishment for contempt of court
29. Punishment against management of company
30. Punishment against management of State organ, government department, ministry or corporation

PART VI – MISCELLANEOUS PROVISIONS

31. Revision of order
32. Review of order
33. Appeals
34. Limitations of actions for contempt
35. Proceedings not to issue against a Speaker of Parliament
36. Act to be in addition to and not in derogation of other laws relating to contempt
37. Rules
38. Repeal of Section 5 of Cap. 8
39. Repeal of section 36 of No. 27 of 2015
40. Repeal of section 35 of No. 28 of 2015

SCHEDULES

SCHEDULE — [Section 11(2).]

---

**NO. 46 OF 2016**

**CONTEMPT OF COURT ACT**

[Date of assent: 23rd December, 2016.]

[Date of commencement: 13th January, 2017.]

**AN ACT of Parliament to define and limit the powers of courts in punishing for contempt of court and for connected purposes**

[Act No. 46 of 2016.]

**PART I – PRELIMINARY**

**1. Short title**

This Act may be cited as the Contempt of Court Act, 2016.

**2. Interpretation**

In this Act, unless the context otherwise requires —

**"Chief Justice"** means the Chief Justice appointed under Article 166 of the Constitution;

**"contempt of court"** has the meaning assigned to it under section 4;

**"corporation"** means any corporation, council, board, committee or other body which has power to act under and for the purposes of any written law relating to undertakings of public utility or otherwise to administer funds belonging to or granted by the Government or money raised by rates, taxes or charges in pursuance of any such law;

**"judge"** means any person appointed under Article 166 (1) of the Constitution;

**"judicial officer"** has the meaning assigned to it by Article 260 of the Constitution;

**"Order"** has the meaning assigned to it under section 2 of the Civil Procedure Act;

**"Rules"** means rules made by the Chief Justice pursuant to this Act;

**"State organ"** has the meaning assigned to it by Article 260 of the Constitution;

**"subordinate court"** has the meaning assigned to it by Article 169(1) of the Constitution;

**"superior court"** has the meaning assigned to it by Article 162(1) of the Constitution and includes the Employment and Labour Relations Court and the Environment and Land Court.

**3. Objectives of this Act**

The objectives of this Act are to —

- (a) uphold the dignity and authority of the court;
- (b) ensure compliance with the directions of court;
- (c) ensure the observance and respect of due process of law;