



COUNTY GOVERNMENT OF KITUI
THE COUNTY ASSEMBLY
THIRD COUNTY ASSEMBLY - (FOURTH SESSION)
COMMUNICATION FROM THE CHAIR

NO. 12 of 2025

**COMMUNICATION FROM THE CHAIR AS RELATES TO COURT ORDER
ISSUING CONSERVATORY ORDERS ON SELECT AND SECTORAL
COMMITTEES.**

Honourable Members,

As you may recall, during the sitting held on 5th March 2025, I issued a communication regarding a court order issued by the High Court of Kenya at Kitui in Case No. HCCHRPET/E001/2025. The said court order suspended the reconstitution of the Select and Sectoral Committees, which had earlier been reconstituted by this House on 14th February 2025.

Honourable Members,

I informed the House that the Assembly would act swiftly to file an application seeking to vacate the said conservatory orders, which have significantly hampered the operations of this Assembly.

In line with this, we instructed our legal counsel to enter appearance, file the necessary documents, and move the court to set aside the conservatory orders.

On 11th March 2025, our lawyer, acting on instructions, filed a Preliminary Objection alongside the application to vacate the court orders.

Honourable Members,

The Preliminary Objection was raised on points of law, seeking to strike out the Application and Petition dated 28th February 2025, on the following grounds:

1. Lack of Jurisdiction: That this Honourable Court lacks jurisdiction to entertain and/or determine the Application as the subject matter falls squarely under Sections 39 and 40 of the Political Parties Act, pursuant to Article 92(c), (d), and (e) of the Constitution of Kenya, 2010, and Section 38I of the Political Parties Act.
2. Non-exhaustion of Statutory Remedies: That the dispute is premature, given that the petitioner did not exhaust the statutory mechanisms available before approaching this Honourable Court.
3. Statutory Bar: That the suit is barred under Sections 10 and 11 of the County Assemblies Powers and Privileges Act, 2017.

The Court directed that the Preliminary Objection be heard first. Consequently, both parties were instructed to file written submissions within ten days.

On 3rd April 2025, the matter came up for mention, and the Court scheduled the ruling on the Preliminary Objection for 14th May 2025. In the meantime, the interim conservatory orders were extended until the ruling date.

Honourable Members,

This matter serves as a sobering reminder of the significant consequences court actions can have on the operations of the Assembly. As you are aware, the court orders have already impacted the functioning of this House. For instance, we were unable to process the County Fiscal Strategy Paper for the financial year 2025/2026 which is a key document in the budget-making process.

As stipulated in Standing Order 186, the Budget and Appropriations Committee is mandated to serve for a period of three years. The term of the previous committee expired in 2024, and the Assembly, in compliance with this requirement, reconstituted the Committee on 14th February, 2025.

However, following the Court's Conservatory orders setting aside the motion approving the reconstitution of the Assembly Committees, including the Budget and Appropriations Committee, the Assembly is presently incapacitated from discharging critical functions such as budget consideration unless the Court varies or lifts the said orders.

Honourable Members,

In the spirit of mutual respect and commitment to the rule of law, I humbly encourage us all to remain mindful of the potential legal implications our actions may carry, particularly those that might draw judicial attention and inadvertently affect the smooth functioning of our legislative processes.

As we await the court's ruling scheduled for 14th May 2025, let us remain hopeful and united in the expectation that the outcome will allow the Assembly to resume its full legislative and oversight mandate without further interruption.

Thank you,



HON. KEVIN KINENGO KATISYA
SPEAKER, COUNTY ASSEMBLY OF KITUI.

9TH APRIL, 2025