

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

No. 18 of 2025

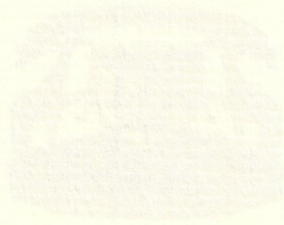
**COMMUNICATION FROM THE CHAIR AS RELATES TO THE LAPSE OF
CONSERVATORY COURT ORDERS RELATING TO THE RECONSTITUTION
OF SELECT AND SECTORAL COMMITTEES.**

Honourable Members,

As you may recall, during the sitting held on 5th March 2025, I informed this House of a conservatory order issued by the High Court of Kenya at Kitui in Petition No. HCCHRPET/E001/2025. The effect of that order was to suspend the reconstitution of Select and Sectoral Committees, as previously approved by this House on 14th February 2025.

Honourable Members,

Subsequently, on 8th April 2025, I further notified the House that our legal counsel, acting on instructions, had on 11th March 2025 filed a Preliminary Objection together with an application seeking to set aside the conservatory orders. I also indicated that the ruling on the Preliminary Objection had been scheduled for 14th May 2025.



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

No. 18 of 2023

COMMUNICATION FROM THE CHAIR AS RELATED TO THE LAME OF
CONSERVATORY COURT ORDERS RELATING TO THE RECONSTRUCTION
OF SELECT AND REGIONAL COMMITTEES

Honourable Members

As you may recall, during the sitting held on 2nd March 2023, I informed the
House of a conservatory order issued by the High Court of Kenya (HC/HK/2023) in
Petition No. HC/HK/2023. The effect of that order was to suspend
the constitution of Select and Regional Committees as previously approved
by this House on 14th February 2023.

Honourable Members

Subsequently, on 8th April 2023, I further notified the House that our legal
counsel, acting on instruction, had on 17th March 2023 filed a Petition
in the High Court of Kenya (HC/HK/2023) seeking to set aside the conservatory
order. I also indicated that the notice on the Petition had been
served on 14th May 2023.

Honourable Members,

On 19th May 2025, the Office of the Clerk received a legal opinion from our advocate on record confirming that the High Court, presided over by Hon. Lady Justice L. Gitari, had delivered its ruling on 14th May 2025 in the aforementioned matter. The Court issued the following orders:

1. That the Preliminary Objection lacks merit and is hereby dismissed;
2. That the application dated 28th February 2025 shall be canvassed by way of written submissions;
3. That the Petitioner shall file and serve submissions within seven (7) days;
4. That the Respondent shall file and serve submissions within seven (7) days of service;
5. That the matter shall be mentioned on 23rd June 2025 for further directions.

Honourable Members,

The legal opinion further clarified that the conservatory orders issued on 3rd March 2025, which were intended to remain in force for fourteen (14) days, were not extended by the Court. As a result, those orders have since lapsed by operation of the law and are no longer in effect.

Honourable Members,

This legal opinion was referred to the Kitui County Assembly Service Board (KCASB), which deliberated on the matter. The Board concurred with the legal opinion and resolved that the Assembly should revert to the resolution of the House passed on 14th February 2025, pending the full hearing and determination of the petition.

On May 2012, the Office of the Clerk received a legal opinion from the Attorney General regarding the legal status of the petition. The opinion stated that the petition was valid and that the Court should grant the petition. The Court then issued the following order:

1. That the Petitioner's Application for a writ and a writ of habeas corpus be granted.
2. That the Respondent shall file and serve a written answer within seven (7) days of the date of the order.
3. That the Respondent shall file and serve a written answer within seven (7) days of the date of the order.

The Court then issued the following order:

1. That the matter shall be resolved on 22nd June 2012 at 10:00 AM.

Honorable Member,

The legal opinion further clarified that the constitutional matter was not on the agenda of the Court, which was intended to remain in force for fifteen (15) days. The Court then issued the following order:

As a result, the Court has decided to grant the petition and the writ of habeas corpus. The Court has also decided to grant the writ of habeas corpus and the writ of habeas corpus.

Honorable Member,

The legal opinion was referred to the Board of Directors of the County Board of Directors, which deliberated on the matter. The Board then issued the following order:

The Board has decided to grant the petition and the writ of habeas corpus. The Board has also decided to grant the writ of habeas corpus and the writ of habeas corpus.

In addition, I shared the same legal opinion with the County Assembly Business Committee, which also deliberated on the matter extensively and equally concurred with the legal advice. The Committee endorsed that the Select and Sectoral Committees should be operationalized in accordance with the resolution of the House dated 14th February, 2025.

It is important to underscore, however, that should the Court ultimately rule in favour of the Petitioners, there remains a possibility that the appointments to various committees may be subject to reversal.

Honourable Members,

In summary, there is currently no interim court order restraining or limiting the operations of this House with respect to the reconstitution of its committees. Accordingly, the House reaffirms and reverts to its earlier resolution of 14th February, 2025. This means that all Select and Sectoral Committees reconstituted on that date stand as duly constituted and fully operational, unless and until otherwise directed by this House or a competent legal authority.

Thank you,



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

28TH MAY, 2025


In addition, I shared the same legal opinion with the County Assembly's Legal Committee, which also deliberated on the matter extensively and equally consulted with the legal advice. The Committee endorsed that the said and National Committee should be operationalized in accordance with the resolution of the House dated 17 February 2022.

It is important to underscore, however, that should the Court ultimately rule in favour of the Parliament, there remains a possibility that the arrangements to various committees may be subject to revision.

Honourable Member,

In summary, there is currently no internal court order restraining or blocking the operations of the House with respect to the reconstitution of its committees. Accordingly, the House retains and reverts to its earlier resolution of 14 February 2022. This means that all Select and Subject Committees reconstituted on that date stand as duly constituted and fully operational, valid and until otherwise directed by this House as a competent legal authority.

Thank you.



HON. KEVIN KINEWO KATIRYA
SPEAKER, COUNTY ASSEMBLY OF ELDORET
25th MAY 2022