

Annex 5:

Submissions made by the Controller of Budget



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REPORT TO THE SENATE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS

PRESENTED BY:

**FCPA Dr Margaret Nyakang'o, CBS
CONTROLLER OF BUDGET**

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1. INTRODUCTION

The Office of the Controller of Budget (OCOB) is established under Article 228 of the Constitution to oversee the implementation of the budgets of the National and County Governments by authorising withdrawals from public funds as established under Articles 204, 206 and 207 of the Constitution of Kenya. Article 228 (5) of the Constitution requires the Controller of Budget (CoB) not to approve any withdrawals from public funds unless satisfied that such withdrawals are authorised by law. The CoB is further guided by public finance principles articulated under Article 201 of the Constitution, which requires public funds to be used prudently and responsibly.

1.1 Functions and Role of the Controller of Budget

- a. **Oversight Role:** The CoB oversees the implementation of national and county governments' budgets per Article 228 (4) of the Constitution. This role involves monitoring the use of public funds and reporting to Parliament on the utilisation.
- b. **Controlling Role:** The COB authorises withdrawals from public funds, namely, the Consolidated Fund (Article 206(4)), County Revenue Fund (Article 207(2)(3)), and Equalization Fund (Article 204(9)). In authorising withdrawals, the CoB must be satisfied that the withdrawal is in accordance with the law and permitted as stipulated under Article 228(5) of the Constitution.
- c. **Reporting Role:** By preparing statutory reports (quarterly, annual and special reports) to the Executive and Legislature on Budget implementation of National and County governments (Article 228(6) and sections 9 & 10 of the CoB Act. Through these reports, the Controller of Budget ensures continuous monitoring of the usage of public funds.
- d. **Advisory Role:** Providing advice to parliament and County Governments on financial matters, including where the Cabinet Secretary responsible for the National Treasury exercises his mandate to stop the transfer of funds to a state organ or public entity.
- e. **Investigation Role:** Conducting investigation through the Controller of Budget's initiative or following a complaint made by a member of the public on budget implementation matters under Article 252(1)(a) of the Constitution.

- f. **Dispute Resolution Role:** Undertaking alternative dispute resolution, namely reconciliation, mediation, and negotiation, to resolve conflicts and issues relating to budget implementation between the national and county governments or between county governments.
- g. **Public Sensitization Role:** disseminating information to the public on budget implementation at both levels of Government (Section 39(9) of the Public Finance Management Act, 2012, hereinafter referred to as the PFM Act”). This is in line with Article 35 of the Constitution, which provides for the right to access information the state holds. This ensures the public is well informed on budget implementation and can actively and effectively participate in the budget process.
- h. **Monitoring Role:** Undertaking monitoring, evaluating, reporting and making recommendations to the National and County Governments on measures to improve budget implementation.
- i. **Enforcement of Budget Ceilings:** Enforcing budgetary ceilings as set by legislation and other institutions mandated to set any such limit as mandated under Section 5(d) of the Controller of Budget Act, 2016

This report is prepared in response to a letter Ref: SEN/DGAC/DEVIR/2025/059 dated 2nd April 2025 from the Office of the Clerk of the Senate, communicating the concern of the Standing Committee on Devolution and Intergovernmental Relations on the reported long-standing dispute in the County Assembly of Nyamira that has allegedly split the Assembly into two factions. The Committee resolved to intervene in the matter and has consequently invited the Controller of Budget to a meeting on Tuesday, 8th April 2025, to inform the Committee on the following:

- i. Whether the Controller of Budget has continued issuing payments to the County Assembly of Nyamira despite the duplication of various offices in the County Assembly;
- ii. How the County budget was passed in light of the two factions in operation;
- iii. Which of the two factions was the Office of the Controller of Budget in consultation with;
- iv. Any steps taken to ensure the matter is resolved; and
- v. Any other information that is necessary to aid the Committee in its investigations into the matter.

2 NYAMIRA COUNTY BUDGET FOR FY 2024/25

2.1 The Original Nyamira County Budget, FY 2024/25

The Nyamira County original FY 2024/25 budget totals Kshs.7.54 billion. This budget comprises Kshs.2.28 billion (30 percent) allocated for development programs and Kshs.5.26 billion (70 percent) for recurrent programs. A summary of the Nyamira County original budget for FY 2024/25 is presented in Table 1.

Table 1: Summary of Nyamira County Original Estimates

County Department	Original Gross Approved Estimates (Kshs.)			
	Recurrent	Development	Total	Percentage of Total
Nyamira County Assembly	709,762,663	186,000,000	895,762,663	11.9
County Executive	497,833,891		497,833,891	6.6
Finance, ICT & Economic Planning	116,792,265	135,853,006	252,645,271	3.3
Agriculture, Livestock and Fisheries	66,606,333	170,434,071	237,040,404	3.1
Environment, Energy, Natural Resources and Mining	60,779,448	214,960,133	275,739,581	3.7
Education & Vocational Training	492,947,178	49,400,000	542,347,178	7.2
Health Services	697,426,355	450,500,000	1,147,926,355	15.2
Lands, Housing, Physical Planning and Urban Development	80,745,805	134,000,000	214,745,805	2.8
Water, Irrigation and Sanitation	48,297,623	45,000,000	93,297,623	1.2
Roads, Transport & Public Works	118,621,356	487,226,439	605,847,795	8.0
Trade, Tourism, Industrialization & Co-operatives Development	71,908,147	15,800,000	87,708,147	1.2
Sports, Gender, Cultures & Social Services	58,675,667	20,500,000	79,175,667	1.0
County Public Service Board	61,123,925		61,123,925	0.8
Public Service Management	448,310,145	45,500,000	493,810,145	6.5
Nyamira Municipality Board	91,876,030	80,817,128	172,693,158	2.3
County Attorney	25,148,539	4,987,040	30,135,579	0.4
Economic Planning, Resource Mobilization & ICT	217,889,016	33,546,994	251,436,010	3.3
Livestock & Fisheries Services	100,644,517	11,000,000	111,644,517	1.5
Primary Healthcare	1,224,548,663	34,600,000	1,259,148,663	16.7
Keroka Municipality Board	15,612,809	163,123,322	178,736,131	2.4
Nyamira Revenue Board	7,722,500	-	7,722,500	0.1
Nyamira Disability Board	6,222,500	-	6,222,500	0.1
Nyamira Investment Cooperation	9,722,500	-	9,722,500	0.1
Nyamira Water & Sanitation Company	30,000,000	-	30,000,000	0.4

County Department	Original Gross Approved Estimates (Kshs.)			
	Recurrent	Development	Total	Percentage of Total
Total	5,259,217,875	2,283,248,133	7,542,466,008	100.0

Source: Nyamira County Original Budget

The Vellum was signed by H.E. Governor Amos Kimwomi Nyaribo, the Clerk of the County Assembly Mr. Duke Onyari, and the Speaker of the County Assembly Hon. Enock Okero on 2nd July 2024 (see Annex I). - *Byac his impeachment? No - impeached 24th Oct.*

The County Executive Committee Member (CECM) of Finance Dr. Geoffrey Morara Nyakoe signed the forwarding letter, on 2nd August 2024 (see Annex II). The County Appropriation Act was assented to on 26th July 2024 and printed on 29th July 2024.

2.2 Nyamira County First Supplementary Budget for FY 2024/25

The County passed the First Supplementary Budget on 26th November 2024, which was gazetted on 27 November 2024. The Supplementary Budget amounts to Kshs.8.10 billion and comprises of Kshs.5.23 billion (65%) for recurrent expenditure and Kshs.2.87 (35%)billion for development expenditure as shown in Table 2.

Table 2: Summary of Nyamira County First Supplementary Budget (Kshs.)

County Department	Approved Supplementary Budget Estimates (Kshs.)			
	Recurrent	Development	Total	Percentage
Nyamira County Assembly	699,762,663	98,000,000	797,762,663	9.85%
County Executive	497,833,891	-	497,833,891	6.14%
Finance, ICT &Economic Planning	116,792,265	425,551,340	542,343,605	6.69%
Agriculture, Livestock and Fisheries	66,606,333	195,434,071	262,040,404	3.23%
Environment, Energy, Natural Resources and Mining	60,779,448	389,457,757	450,237,205	5.56%
Education & Vocational Training	438,966,219	24,200,000	463,166,219	5.72%
Health Services	687,426,355	447,500,000	1,134,926,355	14.01%
Lands, Housing, Physical Planning and Urban Development	80,745,805	346,205,536	426,951,341	5.27%
Water, Irrigation and Sanitation	48,297,623	31,200,000	79,497,623	0.98%
Roads, Transport & Public Works	118,621,356	472,026,602	590,647,958	7.29%
Trade, Tourism, Industrialization &Co-operatives Development	65,908,147	200,472,054	266,380,201	3.29%
Sports, Gender, Cultures & Social Services	67,675,667	12,500,000	80,175,667	0.99%
County Public Service Board	61,123,925	-	61,123,925	0.75%
Public Service Management	473,310,145	42,500,000	515,810,145	6.37%
Nyamira Municipality Board	91,876,030	90,025,768	181,901,798	2.24%
County Attorney	25,148,539	4,987,040	30,135,579	0.37%

County Department	Approved Supplementary Budget Estimates (Kshs.)			
	Recurrent	Development	Total	Percentage
Economic Planning, Resource Mobilization & ICT	230,389,016	31,546,994	261,936,010	3.23%
Livestock & Fisheries Services	100,644,517	11,000,000	111,644,517	1.38%
Primary Healthcare	1,226,102,127	35,000,000	1,261,102,127	15.56%
Keroka Municipality Board	17,112,809	13,000,000	30,112,809	0.37%
Nyamira Revenue Board	7,722,500	-	7,722,500	0.10%
Nyamira Disability Board	6,222,500	-	6,222,500	0.08%
Nyamira Investment Cooperation	8,222,500	-	8,222,500	0.10%
Nyamira Water & Sanitation Company	35,000,000	-	35,000,000	0.43%
Total	5,232,290,380	2,870,607,162	8,102,897,542	100.00%

Source: Nyamira County First Supplementary Budget

The CECM for Finance, Dr. Geoffrey Morara Nyakoe, submitted this Supplementary Budget on 28th November 2024. The Vellum was signed by H.E. Governor Amos Kimwomi Nyaribo, the Speaker of the County Assembly Hon. Enock Okero and the Acting Clerk Mr. Sylvanus Ndemo Nyamora on 26th November 2024. Refer to **Annex III**. The Nyamira County Supplementary Appropriation Act, 2025 was assented to on 26th November 2024, and printed on 27th November 2024. Refer to **Annex IV**. - These dates are after impeachment

2.3 Changes after passage of the Supplementary Budget

The budget estimates were increased by 7.4 percent from Kshs. 7.54 billion in the Original Approved budget to Kshs. 8.10 billion in the First Supplementary Budget for FY 2024/25. The increase is attributable to the inclusion of unspent balances of conditional grants from the previous year, amounting to Kshs. 399.97 million, and own source revenue, which was revised upwards by Kshs. 50 million. Table 3 summarizes the changes in the budget for FY 2024/25 and shows the percentage changes compared to the original budget.

Table 3: Changes in the Budget (Amounts in Million)

County Department	Original Gross Approved Estimates (Kshs. Million)			Approved Supplementary Budget Estimates (Kshs. Million)			% Change from the Original
	Recurrent	Development	Total	Recurrent	Development	Total	
Nyamira County Assembly	709.76	186.00	895.76	699.76	98.00	797.76	-10.9%
County Executive	497.83	-	497.83	497.83	-	497.83	0.0%
Finance, ICT & Economic Planning	116.79	135.85	252.65	116.79	425.55	542.34	114.7%

County Department	Original Gross Approved Estimates (Kshs.Million)			Approved Supplementary Budget Estimates (Kshs.Million)			% Change from the Original
	Recurrent	Development	Total	Recurrent	Development	Total	
Agriculture, Livestock and Fisheries	66.61	170.43	237.04	66.61	195.43	262.04	10.5%
Environment, Energy, Natural Resources and Mining	60.78	214.96	275.74	60.78	389.46	450.24	63.3%
Education & Vocational Training	492.95	49.40	542.35	438.97	24.20	463.17	-14.6%
Health Services	697.43	450.50	1,147.93	687.43	447.50	1,134.93	-1.1%
Lands, Housing, Physical Planning and Urban Development	80.75	134.00	214.75	80.75	346.21	426.95	98.8%
Water, Irrigation and Sanitation	48.30	45.00	93.30	48.30	31.20	79.50	-14.8%
Roads, Transport & Public Works	118.62	487.23	605.85	118.62	472.03	590.65	-2.5%
Trade, Tourism, Industrialization & Co-operatives Development	71.91	15.80	87.71	65.91	200.47	266.38	203.7%
Sports, Gender, Cultures & Social Services	58.68	20.50	79.18	67.68	12.50	80.18	1.3%
County Public Service Board	61.12	-	61.12	61.12	-	61.12	0.0%
Public Service Management	448.31	45.50	493.81	473.31	42.50	515.81	4.5%
Nyamira Municipality Board	91.88	80.82	172.69	91.88	90.03	181.90	5.3%
County Attorney	25.15	4.99	30.14	25.15	4.99	30.14	0.0%
Economic Planning, Resource Mobilization & ICT	217.89	33.55	251.44	230.39	31.55	261.94	4.2%
Livestock & Fisheries Services	100.64	11.00	111.64	100.64	11.00	111.64	0.0%
Primary Healthcare	1,224.55	34.60	1,259.15	1,226.10	35.00	1,261.10	0.2%
Keroka Municipality Board	15.61	163.12	178.74	17.11	13.00	30.11	-83.2%
Nyamira Revenue Board	7.72	-	7.72	7.72	-	7.72	0.0%
Nyamira Disability Board	6.22	-	6.22	6.22	-	6.22	0.0%

County Department	Original Gross Approved Estimates (Kshs.Million)			Approved Supplementary Budget Estimates (Kshs.Million)			% Change from the Original
	Recurrent	Development	Total	Recurrent	Development	Total	
Nyamira Investment Cooperation	9.72	-	9.72	8.22	-	8.22	-15.4%
Nyamira Water & Sanitation Company	30.00	-	30.00	35.00	-	35.00	16.7%
Total	5,259.22	2,283.25	7,542.47	5,232.29	2,870.61	8,102.90	7.4%

Source: Nyamira County Treasury

3 EXCHEQUER ISSUES TO THE COUNTY GOVERNMENT OF NYAMIRA

3.1 Summary of Exchequer Issues to the County Government of Nyamira as of 31st March 2025

As of 31 March 2025, total exchequer issues amounted to Kshs.3.53 billion, which represents 44 percent of the approved budget. Exchequer issues comprised Kshs.2.92 billion for recurrent expenditure and Kshs.615.89 million towards payment of development expenditure activities, as shown in Table 2 below.

Table 2: Exchequer Issues to Nyamira County Government as of 31st March 2025
(Amounts in Kshs.Million)

County Department	Recurrent Budget Allocation	Development Budget Allocation	Total Budget Allocation	Exchequer Issues- Recurrent Expenditure	Exchequer Issues- Development Expenditure	Total Exchequer Issues	% of Exchequer Issues to Budget Allocation
Nyamira County Assembly	699.76	98	797.76	263.87	30.62	294.49	37
County Executive	497.83	-	497.83	166.44	-	166.44	33
Finance, ICT & Economic Planning	116.79	425.55	542.34	104.7	192.46	297.15	55
Agriculture, Livestock and Fisheries	66.61	195.43	262.04	55.22	25	80.22	31
environment, Energy, Natural Resources and Mining	60.78	389.46	450.24	60.17	22.5	82.67	18
Education & Vocational Training	438.97	24.2	463.17	256.98	-	256.98	55
Health Services	687.43	447.5	1,134.93	571.99	-	571.99	50
Lands, Housing, Physical	80.75	346.21	426.95	63.39	-	63.39	15

County Department	Recurrent Budget Allocation	Development Budget Allocation	Total Budget Allocation	Exchequer Issues- Recurrent Expenditure	Exchequer Issues- Development Expenditure	Total Exchequer Issues	% of Exchequer Issues to Budget Allocation
Planning and Urban Development							
Water, Irrigation and Sanitation	48.3	31.2	79.5	33.74	-	33.74	42
Roads, Transport & Public Works	118.62	472.03	590.65	65.92	291.18	357.09	60
Trade, Tourism, Industrialization & Co-operatives Development	65.91	200.47	266.38	37.16	54.13	91.29	34
Sports, Gender, Cultures & Social Services	67.68	12.5	80.18	39.69	-	39.69	49
County Public Service Board	61.12	-	61.12	33.93	-	33.93	56
Public Service Management	473.31	42.5	515.81	311.27	-	311.27	60
Nyamira Municipality Board	91.88	90.03	181.9	41.36	-	41.36	23
County Attorney	25.15	4.99	30.14	12.7	-	12.7	42
Economic Planning, Resource Mobilization & ICT	230.39	31.55	261.94	91.54	-	91.54	35
Livestock & Fisheries Services	100.64	11	111.64	57	-	57	51
Primary Healthcare	1,226.10	35	1,261.10	633.78	-	633.78	50
Keroka Municipality	17.11	13	30.11	-	-	-	0
Nyamira Revenue Board	7.72	-	7.72	7.04	-	7.04	91
Nyamira Disability Board	6.22	-	6.22	-	-	-	0
Nyamira Investment Cooperation	8.22	-	8.22	2.9	-	2.9	35
Nyamira Water & Sanitation Company	35	-	35	4.47	-	4.47	13
Total	5,232.29	2,870.61	8,102.90	2,915.26	615.89	3,531.13	44

3.2 Exchequer Issues to the County Assembly of Nyamira

The approved budget for the County Assembly of Nyamira amounts to Kshs.797.76 million, comprising Kshs.699.76 million for recurrent expenditures and Kshs.98 million for development expenditures.

Exchequer issues to the County Assembly as of 31st March 2025 amount to Kshs.294.49 million, which translates to 37 per cent of the approved budget for the County Assembly. Exchequer releases comprise Kshs.263.87 million for recurrent expenditures and Kshs.30.62 million for development expenditures, as summarized in Table 4.

Table 4: Exchequer Releases to the County Assembly of Nyamira as of 31st March 2025

S/N o	Date Requested (Form A)	Requisition Reference Number	Amount Requested	Purpose Of The Request
1	Thursday, August 22, 2024	NYM/CA/REC/VOL.7(1)	33,141,038.00	Salaries
2	Thursday, September 12, 2024	NYM/CA/DEV/VOL.7(1)	28,000,000.00	Development Pending Bills
3	Tuesday, September 24, 2024	NYM/CA/DEV/VOL.7(2)	2,615,445.00	Development Expenditure
4	Friday, September 27, 2024	NYM/CA/REC/VOL.7(3)	19,717,798.00	O&M Expenses – Suppliers
5	Friday, September 27, 2024	NYM/CA/REC/VOL.7(4)	33,251,050.00	Salaries
6	Thursday, October 24, 2024	NYM/CA/REC/VOL.7(5)	33,200,000.00	Salaries
7	Monday, November 4, 2024	NYM/CA/REC/VOL.7(6)	9,718,000.00	O&M Expenses – Suppliers
8	Monday, November 4, 2024	NYM/CA/REC/VOL.7(7)	10,000,000.00	Medical Insurance
9	Sunday, November 10, 2024	NYM/CA/REC/VOL.7(3)	10,000,000.00	O&M Expenses – Suppliers
10	Tuesday, November 26, 2024	NYM/CA/REC/VOL.7(8)	33,150,000.00	Salaries
11	Tuesday, January 7, 2025	NYM/CA/REC/VOL.7 (9)	33,205,300.00	Salaries
12	Wednesday, January 22, 2025	NYM/CA/REC/VOL.7(13)	32,690,000.00	Salaries
13	Monday, February 10, 2025	NYM/CA/REC/VOL.7(14)	15,800,000.00	O&M Expenses
Total Requested and Approved Amount			294,488,631.00	

4 LEADERSHIP DISPUTES IN THE COUNTY ASSEMBLY OF NYAMIRA

Initial Leadership Disputes:

1. On 8th October 2024, Hon.Enock Okero was suspended as Speaker of the County Assembly. He later filed a court case challenging his suspension.
2. On 16th October 2024, the County Assembly proceeded with an impeachment vote, removing Hon. Okero from office.
3. Gazette Notice No. 14050 (24th October 2024) confirmed the impeachment of Hon. Okero, while Gazette Notice No. 13376 (9th October 2024)

indicated the appointment of new County Assembly Service Board (CASB) members.

Emergence of Conflicting Leadership Claims:

4. Hon. Okero challenged his removal, asserting that court orders had barred any interference with his role as per the court order issued on 11th October 2024 in HCCHRPET/E008/2024.
5. The Assembly, through its Acting Clerk, issued Gazette Notice No. 14230 dated 26th October 2024, appointing Mr. Sylvanus Ndemo Nyamora as Acting Clerk.
6. Meanwhile, Mr. Duke Onyari, who was removed from office, maintained that he was the legitimate Clerk.

Legal Challenges and Pending Court Cases:

7. Several court cases have since been filed regarding the legitimacy of appointments and leadership disputes, namely:
 - a. HCJR/E007/2024 – County Assembly of Nyamira vs. Enock Okero (Judicial Review on the impeachment and gazettements).
 - b. HCCHRPET/E008/2024 – Enock Okero vs. Nyamira County Assembly & Others (Challenge against impeachment).
 - c. HCCC/E050/2025 (Milimani High Court) – County Assembly of Nyamira vs. Central Bank of Kenya (Financial dispute regarding access to funds). Refer to Annex V.

5 STEPS TAKEN TO ENSURE THE MATTER IS RESOLVED

This office sought clarification on the legitimate holders of the office of the Speaker and Clerk due to the ongoing disputes through various letters dated:

- a. A letter dated 10th December 2024 to the Ag. Clerk Duke Onyari requesting him to:
 - i. Clarify leadership structure
 - ii. Immediate compliance with court orders
 - iii. Confirm the validity of the appointments of the board members

- b. A letter dated 24th March 2025 addressed CECM-Finance seeking for clarification of who is the legitimate speaker and clerk of the County Assembly. Refer to Annex VI.
- c. A letter dated 2nd April 2025 to M.N Advocates updated Mr.Ndubi on who is responsible for overseeing the county's financial matters, including identifying the legitimate accounting officer.

There are no court orders prohibiting the Controller of Budget from disbursing funds, and therefore, requisitions for withdrawal of funds from the County Revenue Fund continue to be considered in line with the law and set out Exchequer Guidelines.

The Controller of Budget relies on the following legal provisions in addressing the financial matters of Nyamira County:

- a. Section 103 of the Public Finance Management Act, 2012 establishes the County Treasury for each County Government while Section 104(1) of the Public Finance Management Act, 2012 indicates that the County Treasury shall monitor, evaluate and oversee the management of public finances and economic affairs of the county government. County Government in this instance denotes the County Executive and the County Assembly as stated in Article 176(1) of the Constitution.
- b. Section 109(6) of the Public Finance Management Act, 2012, states that the County Treasury shall obtain the written approval of the Controller of Budget before withdrawing money from the County Revenue Fund. This means that the Controller of Budget can only receive requisitions from the County Treasury. The County Treasury consolidates requests for funding from all departments, including the County Assembly, and forwards the requisition to the Controller of Budget. Consequently, the onus is on the County Executive Committee Finance to clarify the Accounting Officer from whom the request for funding was received.
- c. It is, therefore, the responsibility of CECM-Finance to provide clarifications on financial matters, including the identification of the legitimate accounting officer of the County Government.

6 CONCLUSION

This matter remains highly contentious, with multiple pending court cases affecting the governance and financial operations of the Nyamira County

Assembly. Given the legal complexities, this Office maintains that clarification of the legitimate Accounting Officer is the responsibility of the County Treasury.

A handwritten signature in dark ink, appearing to read 'Margaret Nyakang'o', with a stylized flourish at the end.

FCPA Dr Margaret Nyakang'o CBS
CONTROLLER OF BUDGET

Annexes

Annex I: Vellum of the Original Nyamira County Budget for FY 2024/25



REPUBLIC OF KENYA
COUNTY GOVERNMENT OF NYAMIRA
THE COUNTY ASSEMBLY
OFFICE OF THE SPEAKER



P.O Box 590-10500, Nyamira

Website: www.nyamiraassembly.go.ke

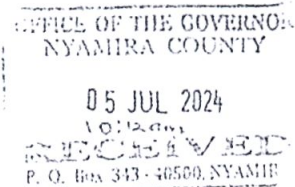
E-mail: info@nyamiraassembly.go.ke

When replying please quote our reference

2nd July, 2024

Our Ref: CAN/SPK/GVN/2024/JULY - 1

H.E HON. AMOS KIMWOMI NYARIBO,
THE GOVERNOR,
COUNTY GOVERNMENT OF NYAMIRA.



Your Excellency,

THE NYAMIRA COUNTY APPROPRIATION BILL, 2024

Pursuant to Section 24 of the County Governments Act (2012).

The County Assembly, in its Sitting of Tuesday, 2nd July, 2024, considered and passed the above captioned Bill with amendments.

Pursuant to Section 24 of the County Governments Act (2012), we hereby forward the Vellum Copy of the Nyamira County Appropriation Bill, 2024 together with the Schedule of amendments for your Assent.

Thank you.

02 JUL 2024

HON. ENOCK OKERO
SPEAKER
COUNTY ASSEMBLY OF NYAMIRA.

No.2



THE REPUBLIC OF KENYA
THE COUNTY GOVERNMENT OF NYAMIRA

HIS EXCELLENCY THE GOVERNOR
HON. AMOS KIMWOMI NYARIBO,

I assent

An ACT of the County Assembly of Nyamira to authorize the issue of a sum of money out of the County Revenue Fund and its application towards the services of the year ending 30th June 2025 and to appropriate that sum for public services and purposes.

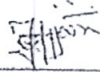
Governor

26th / July / 2024
Date Month

The Nyamira County Appropriation Bill, (No.2), 2024

THE NYAMIRA COUNTY APPROPRIATION BILL (No.2), 2024

I certify that this printed impression is a true copy of the Bill passed by the County Assembly,
on the 2nd July, 2024 with amendments. The Schedule of amendments is hereto attached.

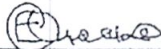


Clerk of the County Assembly.

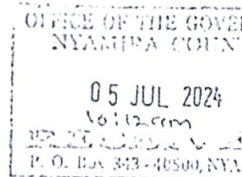
2nd /July/2024

Presented for assent in accordance with the provisions of the Constitution of Kenya and the
County Governments Act, 2012 on the 2nd JULY, 2024 at the hour
of.....

02 JUL 2024



Speaker of the County Assembly.



The Nyamira County Appropriation Bill, (No.2), 2024

Annex II: Forwarding letter to the Controller of Budget of the Nyamira County Budget for FY 2024/25

REPUBLIC OF KENYA

Mobile: 0733 242222/0733 515222
Email: info@nyamira.go.ke
Website: <http://nyamira.go.ke>

P.O. Box 434 - 40500
NYAMIRA



COUNTY GOVERNMENT OF NYAMIRA
DEPARTMENT OF FINANCE, ICT AND ECONOMIC PLANNING



Gen. Ref: CGN/FRP/BUDGET/VOL IS (009)

Date: 2nd August 2024

Controller of Budget
BIMA House 12th floor Harambee Avenue
P.O BOX 35616-00100
Nairobi

Dear Madam

RE: NYAMIRA COUNTY PROGRAMME BASED BUDGET 2024/2025:

The above subject refers.

Following the approval of the Nyamira County Programme Based Budget estimates for the financial year 2024/2025 we hereby submit the said document for your further necessary action.

Sincerely,

SIGNATURE.....

DUKE ONYARI
AG. CLERK, COUNTY ASSEMBLY



SIGNATURE.....

DR. GOREFFREY MORARA NYAKOL
CEC, FINANCE ICT AND PLANNING



Copy to:

H.E. THE GOVERNOR,
NYAMIRA COUNTY

**Annex III: Vellum of the Supplementary Nyamira County Budget for
FY 2024/25**

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF NYAMIRA

HIS EXCELLENCY THE GOVERNOR

AMOS KIMWOMI NYARIBO

I assent to

The ACT of the County Assembly of Nyamira to authorize the issue of a sum of money out of the County Revenue Fund and its application towards the services of the year ending on the 30th June 2025 and to appropriate that sum for public services and purposes.



GOVERNOR.

26th /November/ 2024.

The Nyamira County Supplementary Appropriation Bill, 2024

THE NYAMIRA COUNTY SUPPLEMENTARY APPROPRIATION BILL, 2024.

I certify that this printed impression is a true copy of the Bill passed by the County Assembly on 26th November 2024



[Signature] 26/November/2024
Clerk of the County Assembly.

Presented for assent in accordance with the provisions of the Constitution of Kenya and the County Governments Act, 2012 on the 26th NOVEMBER, 2024 at the hour of 1550HRS



[Signature]
Speaker of the County Assembly

The Nyamira County Supplementary Appropriation Bill, 2024

**Annex IV: Forwarding Letter to the Controller of Budget of the
Nyamira County Supplementary Budget for FY 2024/25**



KENYA

REPUBLIC

COUNTY GOVERNMENT OF NYAMIRA

DEPARTMENT OF FINANCE, ICT & ECONOMIC PLANNING

Mobi: 0715027272/0715272121
Web: <http://www.nyamira.go.ke>
Email: info@nyamira.go.ke
Other reply please quote our reference

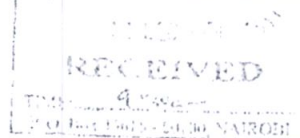
P.O. BOX 431 40500
NYAMIRA, KENYA Email

REF: NCG/F&P/COB/VOLIII/(53)

OFFICE OF THE CONTROLLER
OF BUDGET
REGISTRY

28th November, 2024

The Controller of Budget
Office of the Controller of Budget
Bima House 12th floor
P.O. Box 35616-00100
NAIROBI



RE: SUBMISSION OF FIRST SUPPLEMENTARY BUDGET 2024/2025 DOCUMENTS

Enclosed herein find the stated documents

1. Nyamira County Supplementary Appropriation Act
2. The General Warrant
3. Vellum
4. Hansard Report
5. First Supplementary Budget Program Based Budget 2024/2025
6. Hyperion IFMIS report
7. Cash Flow projections

Thank you.

Dr. Geoffrey Morara Nyakoe
County Executive Committee Member - Finance, ICT and Economic Planning
County Government of Nyamira



REPUBLIC OF KENYA
COUNTY GOVERNMENT OF NYAMIRA



DEPARTMENT OF FINANCE, ICT & ECONOMIC PLANNING

Mobile: 0738727272/0735232323
Website: <http://www.Nyamira.go.ke>
Email: info@nyamira.go.ke
When replying please quote our reference

P.O. BOX 434 -40500
NYAMIRA, KENYA

REF: NCG/F&P/COB/VOL.III/(001)

3rd April, 2025

The Controller of Budget
Office of the Controller of Budget
Bima House 12th floor
P.O. Box 35616-00100
NAIROBI

RE: LEADERSHIP DISPUTES AND OPERATIONS OF THE COUNTY ASSEMBLY OF NYAMIRA

Reference is made to your letter Ref: COB/NYA/002/3/1(25) and dated 24th March, 2025 on the above subject.

Upon perusal of the Orders of the Court dated 11th October, 2024 and 28th October, 2024 in *Nyamira HCCHR PET/011/2024*, the Order dated 30th January, 2025 in *Nyamira HCJR/E007/2024* and the Order dated 6th February, 2025 in *Nyamira HCCHR PET/E001/2025*, we note that the court has been consistent that at the time of the purported impeachment of the incumbent speaker of the County Assembly of Nyamira, there were conservatory orders in place restraining anyone from interfering with the incumbent speaker's discharge of his duties. This is further buttressed by the Order dated 6th February, 2025 whereby injunctive Orders were issued restraining the allegedly new speaker elect from purporting to act and or discharge duties as a speaker of the County Assembly of Nyamira.

Though there are no express Orders directing the incumbent speaker to assume the office of speaker, the above Orders are by implication recognizing the incumbent speaker as having not ceased to hold office. The Court in the Ruling dated 4th November, 2024 in *Nyamira HCCHR PET No: E008 of 2024* at paragraph 34 stated as follow;

"I find that the act of removing the Petitioner/Applicant from office as Speaker of the County Assembly whether through suspension or impeachment, with the full knowledge of the existence of the conservatory orders, amounted to interference with the discharge of his duties as the speaker. I therefore find that the Respondents are guilty of blatant disobedience of the said orders, a conduct which this Court cannot countenance."

*DL's
please note and
your records*

*NB/
Name me a
copy*

This finding ultimately means that the incumbent speaker never ceased to hold office. The foregoing position is further supported by the Court's observation in the Ruling dated 30th January, 2025 in *Nyamira HCJR/E007/2024* where the Court stated as follows;

"It is not disputed that on 11th October, 2024 this court issued conservatory orders directing the parties to maintain status quo pending the hearing and determination of an Application filed in Nyamira Petition No. E008 of 2024 wherein the Exparte Applicant is also a party. To my mind, the effect of the said conservatory orders was to stop subsequent actions against the holder of the office of the speaker of the County Assembly including removing from office by way of impeachment."

As regards the Clerk of the County Assembly of Nyamira, the Court in the Order dated 30th January, 2025 set aside the orders issued on 29th November, 2024 which had the effect of staying the operation of the gazette notices numbers 14229 & 14230 dated 29th October, 2024 and 26th October, 2024 respectively, which were published on 31st October, 2024. In the gazette notice No. 14230, one Silvanus Ndemo Nyamora was appointed the acting Clerk of the County Assembly of Nyamira and thus the effect of setting aside the order that had stayed the operation of the gazette notice No.14230 imply that Silvanus Ndemo Nyamora remains as an acting Clerk of the Assembly.

Further, the Court in *NYAMIRA HCCHR PET. No. E004 of 2025* gave orders to the effect that the Ag. Clerk Mr. Silvanus Ndemo Nyamora be allowed to the interim introduce other signatories, authorizer and endorser's level to the Nyamira county Assembly Bank Accounts being Account No.1000239751, 1000326905 and 1000343559 to the Central Bank of Kenya and the Director Banking services, CBK to enable payment of salaries for MCAs, members of staff, ward office staff, KRA Tax, statutory deductions and payment of essential service providers to avert imminent collapse and closure of the operations and affairs of the Nyamira County Assembly. This means that the court recognizes the role the said Silvanus Ndemo Nyamora plays in the Assembly till further orders of the court.

In summary, the sum effect of these Court orders is the recognition that Mr. Enock Okeru and Mr. Silvanus Ndemo Nyamora are the Speaker and Acting Clerk of the County Assembly of Nyamira Respectively.

Hopefully you have been adequately guided.



Jones Moko Onwenga
County Executive Committee Member - Finance, ICT and Economic Planning
County Government of Nyamira



CC. H.E The Governor

County Government of Nyamira

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NYAMIRA
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION
PETITION NO. E008 OF 2024

ENOCK OKERO OGORI-----PETITIONER/APPLICANT

=VRS=

NYAMIRA COUNTY ASSEMBLY-----	1 ST RESPONDENT
CLERK – NYAMIRA COUNTY ASSEMBLY-----	2 ND RESPONDENT
KENNEDY ATUTI-----	3 RD RESPONDENT
DUKE MASIRA-----	4 TH RESPONDENT
GEORGE ABUGA-----	5 TH RESPONDENT
JULIUS NYANGENA-----	6 TH RESPONDENT
SAMUEL OGETO-----	7 TH RESPONDENT
JOSIA MANGERA-----	8 TH RESPONDENT

AND

NYAMIRA COUNTY ASSEMBLY
SERVICE BOARD-----INTERESTED PARTY

RULING

Background

1. The Petitioner filed a Petition dated 10th October 2024 seeking, *inter alia*, the following orders: -

a. A DECLARATION that the Respondents in purporting to remove the petitioners from office in the manner pleaded herein acted in contravention of Articles: 1(1); 3; 10; 22; 23; 27; 28; 41(1); 47; 48; 50; 124; 159; 165; 178(3) and 258 of the Constitution of Kenya, 2010; Article 14 of the International Covenant on Civil and Political Rights and Sections: 3; 4; 6; 7

general damages for violation of the Petitioner's rights.

e. AN ORDER for compensation of the Petitioner by way of

Standing Orders:

Orders No. 33; 45; 60 and 65 of the Nyamira County Assembly Governments Act [Cap. 265 – Laws of Kenya] and Standing Orders No. 33; 45; 60 and 65 of the Nyamira County Assembly

2010 read in conjunction with section 11 of the County one articulated under Article 178 of the Constitution of Kenya. Assembly Speaker in a manner and procedure other than the from attempting to remove the Petitioner from office as County

d. ORDERS of permanent injunction restraining the Respondents

hereby quashed.

and void and thus of no consequence and the same be and is as County Assembly Speaker is unconstitutional, unlawful, null and ipso facto, constructively remove the Petitioner from office made on 8th October 2024 purporting to indefinitely suspend

c. A DECLARATION that the resolution by the 1st Respondent

fair administrative action:

violated the Petitioners' rights to due process, fair hearing and remove the Petitioner from office in the manner pleaded herein

b. A DECLARATION that the Respondents acts purporting to

fairness:

contravention of fundamental rules of natural justice and 65 of the Nyamira County Assembly Standing Orders and in [Cap. 265 – Laws of Kenya]: Standing Orders No. 33; 60 and Kenya]: Sections: 8; 9 and 11 of the County Governments Act and 11 of the Fair Administrative Action Act [Cap. 71 – Laws of

2. Concurrently with the Petition, the Petitioner also filed an Application, under Certificate of Urgency, seeking the following orders: -

- 1) *Spent.*
- 2) *THAT, pending hearing and determination of the application herein, this Honourable Court be pleased to issue interim conservatory orders staying the effect and implementation of the purported resolution of the 1st Respondent passed on 8th October 2024 purporting to suspend the Petitioner/Applicant from discharging his functions and duties as speaker of the 1st Respondent;*
- 3) *THAT, Pending the hearing and determination of the application herein, the Honourable Court be pleased to, issue interim temporary injunctive orders restraining the Respondents and the interested party or any other person acting on their behalf or otherwise, from stopping, barring or otherwise interfering with the Petitioner/Applicant discharge of his functions and duties as speaker of the 1st Respondent;*
- 4) *THAT, Pending the hearing and determination of the instant Application, the Honourable Court be pleased to issue interim conservatory orders staying any steps, resolutions and decisions of the Respondents and the interested party, from removing or replacing the Petitioner/Applicant as County Assembly speaker of the 1st Respondent;*
- 5) *THAT, pending hearing and determination of the Petition herein, this Honourable Court be pleased to issue interim conservatory orders staying the effect and implementation of the purported resolution of the 1st Respondent passed on 8th October 2024 purporting to suspend the Petitioner/Applicant*

from discharging his functions and duties as speaker of the 1st Respondent;

6) *THAT, Pending the hearing and determination of the Petition herein, the Honourable Court be pleased to, issue interim temporary injunctive orders restraining the Respondents and the interested party or any other person acting on their behalf or otherwise, from stopping, barring or otherwise interfering with the Petitioner/Applicant discharge of his functions and duties as speaker of the 1st Respondent;*

7) *THAT, Pending the hearing and determination of the instant Petition, the Honourable Court be pleased to issue interim conservatory orders staying any steps, resolutions and decisions of the Respondents and the interested party, from removing or replacing the Petitioner/Applicant as County Assembly speaker of the 1st Respondent;*

8) *THAT, the Honourable Court be pleased issue such other Orders as are just and expedient to preserve the substratum of and secure the ultimate just determination of the instant application and petition;*

9) *Costs of this Application be borne by the Respondents.*

3. When the matter first came up for directions on 11th October 2024, under certificate of urgency, this court issued conservatory orders in terms of prayers No. 2 and 3 of the Application in order to preserve the substratum of the Application and directed the Applicant to serve the pleadings on the Respondents and the Interested Party. The matter was then listed for mention on 14th October 2024 for further directions.
4. At the mention on 14th October 2024, counsel for the Respondents informed the Court that he had filed a Notice of Preliminary Objection

(PO) challenging this Court's jurisdiction to entertain the Petition. Counsel for the Petitioner however indicated that he was yet to be served with the PO. Parties were then directed to file and exchange submissions on the PO after which the matter was listed for mention on 23rd October to confirm compliance with the said directions.

5. When the matter came up for mention on 23rd October 2024, Counsel for the Petitioner informed this Court that the Conservatory Orders issued on 11th October 2024 had been disobeyed and that he had filed an Application dated 22nd October 2024 (Contempt Application) seeking, *inter alia*, an Order of Committal of the Respondents to Civil Jail for Contempt of Court. He urged this court to determine the Contempt Application first while counsel for the Respondents was of the view that the PO should be determined first as it touches on the court's jurisdiction.
6. In a ruling delivered on the same date (23rd October 2024) this court held that the contempt application would be determined first upon noting, among other factors, that a party found guilty of contempt would ordinarily not be entitled to audience before the same court. The court then directed parties to file and exchange pleadings on the contempt application after which the matter was listed for further mention for directions on 28th October 2024.
7. When the matter came up for mention on 28th October 2024, counsel informed this court that they had all complied with the directions on the filing of submissions on the PO and contempt application. Counsel for the Petitioner however informed the court that they were unable to proceed with the case as the Respondents had gone ahead and impeached the Petitioner despite the existence of the conservatory orders. They urged the court to grant the prayers sought in the

Contempt Application in light of the continued disobedience of the conservatory orders. Mr. Mokua, learned counsel for the Respondent, on his part, submitted that the conservatory orders had not been disobeyed and maintained that the said orders only stayed the Petitioner's suspension but did not stop his impeachment.

8. In line with this court's orders of 23rd October 2023, I will deliver a ruling on the contempt application first and depending on the outcome thereof, deliver the ruling on the PO.

Contempt Application

9. Vide the Application dated 22nd October 2024, the Petitioner/Applicant seeks the following orders: -

- 1) *THAT, the Honourable Court do issue a notice/summons upon the 2nd, 3rd, 4th, 5th, 6th, 7th, 8th and 9th Respondents to attend this Court in person and show cause why they should not be cited for contempt against orders issued on 11th October 2024.*
- 2) *THAT, this Honourable Court finds the 2nd, 3rd, 4th, 5th, 6th, 7th, 8th and 9th Respondents herein in contempt of Court for disobeying the Court order made on 11th October 2024.*
- 3) *THAT, the Honourable Court do order that 2nd, 3rd, 4th, 5th, 6th, 7th, 8th and 9th Respondents herein be committed to civil jail for a period to be determined until the contempt is purged.*
- 4) *THAT, Costs of this Application be borne by the Respondents.*

10. The Application is supported by the Petitioner's affidavit and is premised on main ground that this court issued conservatory orders on 11th October 2024 which orders were served upon all the Respondents but that in blatant disregard of the said orders the 2nd, 3rd, 4th, 5th, 6th,

7th, 8th and 9th Respondents proceeded to occupy the Assembly with goons in a bid to block him from accessing his chambers. The Applicant contends that having been barred from accessing his chambers, the Respondents proceeded to conduct the house business on 17th October 2024 and moved a motion for his removal from the office of the Speaker despite the existence of the conservatory orders.

11. The Petitioner filed a further affidavit dated 26th October 2024 wherein he avers that Respondents' Replying affidavit sworn on 25th October 2025 wherein he states that the averments contained in the said replying affidavit are misplaced as the deponent did not demonstrate that he had been authorized by the other Respondents to swear the replying affidavit on their behalf. He maintains that the court order of 11th October 2024 had been disobeyed by all the Respondents who proceeded to conduct impeachment proceedings against him following the contested resolution to suspend him from office.
12. The Applicant further states that the Respondents have gone ahead to advertise a vacancy in the office of the speaker in clear violation of the conservatory orders issued on 11th October 2024.
13. The Respondents opposed the application through the replying affidavit of the Acting Clerk of Nyamira County Assembly, Mr. Duke Onyari, who avers that he is authorized by all the Respondents to swear the affidavit in opposition to the application. He states that none of the Respondents have disobeyed the court order as alleged by the applicant and adds that the Contempt Application does not meet the threshold of proof expected in such an application.
14. The Acting Clerk states that the conservatory orders were not extended on 14th October 2024 when the matter came up for mention and confirms that the Respondents and other members of the County

Assembly of Nyamira were at the County Assembly on 15th October 2024. He states that the photographs that the Applicant has relied on in his affidavit are inadmissible in evidence for lack of Certificate of Electronic Record. He contends that the conservatory orders issued on 11th October 2024 did not expressly bar the Respondents from removing the Applicant from office.

15. He blames the Applicant for the chaos that erupted at the County Assembly precincts on 15th October 2024 and attached video clips depicting the events of the said day. He states that the Applicant was duly served with the motion for his impeachment but did not attend the proceedings at the County Assembly on 17th October 2024. He contends that the suspension of the Applicant is different from his removal from office and that the court did not issue any order to stop the Members of the County Assembly from tabling and debating the removal motion. He adds that a copy of the County Assembly Hansard was not presented before this court to show the person who presided over the County Assembly sittings and that the motion was moved by one Hon. Thomas Vincent Benecha who is not a party to these proceedings.
16. The Application was canvassed by way of written submissions which I have considered. The parties raised several issues for determination, namely; the admissibility of the photographs attached to the Applicant's affidavit in support of the Application, the import and validity of the replying affidavit sworn without the written authority of the respondents, and most importantly, whether the Respondents are in contempt of the Court Orders issued on 11th October 2024.
17. The Respondents argued that the photographs attached to the Applicant's replying affidavit are not admissible for lack of Certificate

of Electronic Records. The Applicant did not address the issue of the said certificate. The issue of certificate for electronic evidence is now a prerequisite in our legal system when a party seeks to rely on electronic evidence. In this case, I note that since it was not disputed that chaos erupted in the County Assembly on the date in question I find that failure to avail the said certificate is not fatal to the application.

18. Turning to the claim that the deponent of the replying affidavit did not demonstrate that he had the Respondents' authority to swear the said affidavit on their behalf, I find that while this is a valid concern considering the nature of the instant application, the said deponent was still qualified to swear the said affidavit by virtue of the position as the clerk of the Nyamira County Assembly.
19. On whether the Respondents disobeyed the court order, the Applicant submitted that the Respondents were required to comply with the orders issued on 11th October 2024 since the said orders had not been reviewed, vacated or set aside. The Applicant maintained that the Respondents openly disregarded the said orders without any lawful justification. Reference was made to the decision in *Siokwei Tarita Limited vs. The Commission of University Education & Another [2017] eKLR* and *Republic vs. County Government of Kitui Ex Parte Fairplan Systems Limited [2022] eKLR*, where it was held that Court orders are not made in vain and are meant to be complied with; that if for any reason a party has difficulty in complying with the said orders, they were expected to come back to court and explain the difficulties they faced in complying with the order and that once a Court order was made in a suit, it remained valid unless set aside on review or on appeal.
20. The Respondents, on the other hand, reiterated the averments made in the replying affidavit and submitted that the Applicant has not made

out a case for the granting of the orders sought in the Contempt Application. It was submitted that the Application does not meet the test for disobedience of a civil order and that unreasonable non-compliance, provided it is bona fide, does not constitute contempt.

21. It was the Respondents' case that there was no evidence to show that they were in contempt.
22. It was not disputed that this court issued conservatory orders on 11th October 2024 which orders were in the following terms: -

"2. THAT, pending hearing and determination of the application herein, this Honourable Court be pleased to issue interim conservatory orders staying the effect and implementation of the purported resolution of the 1st Respondent passed on 8th October 2024 purporting to suspend the Petitioner/Applicant from discharging his functions and duties as speaker of the 1st Respondent;

3. THAT, Pending the hearing and determination of the application herein, the Honourable Court be pleased to, issue interim temporary injunctive orders restraining the Respondents and the interested party or any other person acting on their behalf or otherwise, from stopping, barring or otherwise interfering with the Petitioner/Applicant discharge of his functions and duties as speaker of the 1st Respondent."

23. It was also not disputed that the said order was served on the Respondents who instructed the law firm of Mokua Ndubi & Co Advocates to act for them in the matter.
24. Article 23 of the Constitution grants this Court the authority to issue conservatory in any proceedings brought under Article 22 thereof where a party institutes a suit claiming that a right or fundamental

freedom in the Bill of Rights has been denied violated or infringed or is threatened. The said Article stipulates as follows: -

23. Authority of courts to uphold and enforce the Bill of Rights

(3) In any proceedings brought under Article 22, a court may grant appropriate relief, including—

(a) a declaration of rights;

(b) an injunction;

(c) a conservatory order;

(d)

25. The principles governing the granting of conservatory orders and their import/purpose thereof were stated by the Supreme Court in the case of *Gatirau Peter Munya vs. Dickson Mwenda Kithinji & 2 others* [2014] eKLR where it was held that a conservatory order aims at preserving the substratum of a suit and that the ultimate beneficiary of a conservatory order is the court granting it and not the parties in whose favour the same is issued. Similarly, in *Judicial Service Commission vs. Speaker of the National Assembly & Another* [2013] eKLR it was held:

“Conservatory orders in my view are not ordinary civil law remedies but are remedies provided for under the Constitution, the Supreme law of the land. They are not remedies between one individual as against another but are meant to keep the subject matter of the dispute in situ. Therefore, such remedies are remedies in rem as opposed to remedies in personam. In other words, they are remedies in respect of a particular state of affairs as opposed to injunctive orders which may only attach to a particular person.”

26. In *Invesco Assurance Co. Ltd vs. MW (Minor suing thro' next friend and mother (HW))* [2016] eKLR a conservatory order was defined as follows:

"5. A conservatory order is a judicial remedy granted by the court by way of an undertaking that no action of any kind is taken to preserve the subject until the motion of the suit is heard. It is an order of status quo for the preservation of the subject matter."

27. In *Samuel M. N. Mweru & Others vs. National Land Commission & 2 Others* [2020] eKLR Mativo J. (as he then was) highlighted the parameters for establishing if a party is guilty of contempt of court as follows: -

"40. It is an established principle of law that in order to succeed in civil contempt proceedings, the applicant has to prove: -

- (i) the terms of the order,*
- (ii) Knowledge of these terms by the Respondent,*
- (iii) Failure by the Respondent to comply with the terms of the order.*

*Upon proof of these requirements the presence of wilfulness and bad faith on the part of the Respondent would normally be inferred, but the Respondent could rebut this inference by contrary proof on a balance of probabilities. Perhaps the most comprehensive of the elements of civil contempt was stated by the learned authors of the book *Contempt in Modern New Zealand* who succinctly stated:-*

"There are essentially four elements that must be proved to make the case for civil contempt. The applicant must prove to the required standard (in civil contempt cases which is higher than civil cases) that:-

(a) The terms of the order (or injunction or undertaking) were clear and unambiguous and were binding on the defendant;

(b) The defendant had knowledge of or proper notice of the terms of the order;

(c) The defendant has acted in breach of the terms of the order; and

(d) The defendant's conduct was deliberate..."

28. In the present case, a perusal of the pleadings reveals that the Applicant instituted the instant petition citing the violation of his constitutional rights to fair administrative action, access to justice and fair hearing under Articles 47, 48 and 50 of the Constitution respectively. As can be noted from the prayers sought in the Petition, the particulars of which I have already highlighted hereinabove in this ruling, the Petitioner was apprehensive that the Respondents had embarked on a journey to remove him from his office, as the Nyamira County Assembly, in violation of his rights under the Constitution. The Applicant stated that a resolution had already been passed, on 8th October 2024, to indefinitely suspend him from office in an unconstitutional manner.
29. It is against the above backdrop that this court granted the conservatory orders on 11th October 2024 pending the hearing and determination of the application, in order to preserve the substratum of the matter. Needless to say, the conservatory orders were meant to halt whatever actions the Respondents intended to take against the Applicant and to allow him to continue discharging his functions as the Speaker of the County Assembly pending the outcome of the Application.
30. I find that the orders issued on 11th October 2024 were clear, straightforward and unambiguous and that the Respondents, who were

the intended recipients of the said Orders, were fully aware of their existence as their advocate appeared in court on 14th October 2024 when they did not challenge the said orders or ask the court to vacate them but merely concentrated on persuading the court to determine their Preliminary Objection.

31. It has also come out clearly, from the parties' pleadings, that the Respondents eventually conducted proceedings that culminated in the removal of the Applicant from the office of the County Assembly Speaker and that a vacancy in the said office was advertised by the 2nd Respondent.
32. The Respondents admitted that they participated in proceedings that resulted in the Petitioner/Applicants' impeachment despite being aware of the existing Court Orders but justified their actions by arguing that they were merely discharging their mandate when the motion impeachment motion was presented by a different person. The Respondents justified their decision to remove the Applicant from office by arguing that the impugned conservatory orders were only in respect to suspension of the Applicant from office as the court did not issue any orders stopping the tabling and debating of the motion for his removal.
33. My finding is that the Respondents' argument and explanation for their actions portrays them as parties who were hellbent on removing the Applicant from office and that they therefore deliberately chose to disobey/ignore/disregard clear court orders by adopting a selective interpretation of the said orders to suit their own actions. A simple reading of the said orders shows that the intention of the court was to stay the implementation a resolution to suspend the Applicant from discharging his functions and duties as speaker of the 1st Respondent; and to restrain the Respondents and the interested party from stopping,

barring or otherwise interfering with the Petitioner/Applicant discharge of his functions and duties as speaker of the 1st Respondent.

34. I find that the act of removing the Petitioner/Applicant from office as Speaker of the County Assembly whether through suspension or impeachment, with the full knowledge of the existence of the Conservatory Orders, amounted to interference with the discharge of his duties as the Speaker. I therefore find that the Respondents are guilty of blatant disobedience of the said Orders, a conduct which this court cannot countenance.

35. Contempt of court orders not only turns the court processes and orders into a mockery but is also an assault on the court's authority. It is trite that this authority is derived from the Constitution and Statute and thus binding upon every citizen, without exception, based on the assurance that court decisions will and must be enforced. In other words, contempt of court goes to the root of the integrity of the justice system and, if left unchecked, may result in an erosion of the entire administration of justice thus leading to anarchy. In *Nthabiseng Pheko vs. Ekurhuleni Metropolitan Municipality & Another* CCT 19/11(75/2015), Nkabinde, J. observed that:-

"The rule of law, a foundational value of the constitution, requires that the dignity and authority of the courts be upheld. This is crucial, as the capacity of courts to carry out their functions depends upon it. As the constitution commands, orders and decisions issued by a court bind all persons to whom and organs of state to which they apply, and no person or organ of state may interfere in any matter, with the functioning of the courts. It follows from this that disobedience towards courts orders or decisions risks rendering our courts impotent and judicial authority a mere mockery. The

effectiveness of court orders or decisions is substantially determined by the assurance that they will be enforced."

36. Similarly, in *Canadian Metal Co. Ltd vs. Canadian Broadcasting Corp* (N0.2) [1975] 48 D.L.R.(30), it was held thus:-

"To allow court orders to be disobeyed would be to tread the road toward anarchy. If orders of the court can be treated with disrespect, the whole administration of justice is brought into scorn... if the remedies that the courts grant to correct... wrongs can be ignored, then there will be nothing left for each person but to take the law into his own hands. Loss of respect for the courts will quickly result into the destruction of our society."

37. Stemming from the principles outlined in the above cited cases, it cannot be gainsaid that obedience to court orders is a grave matter and that the sacrosanct authority of our courts is to be jealously guarded through the courts' ability to enforce their decisions in order to maintain their dignity and respect. This means that parties who disobey court orders must be called to account by requiring them show cause why they must not be punished for such contempt. I find guidance in James Francis Oswald, *Oswald's Contempt of Court: Committal, Attachment, and Arrest upon Civil Process* (Butterworth & Company, 1910 at page 9 where it is stated that: -

"Punishing through contempt of court is the means by which courts sanction non-compliance with its orders, judgments and decrees, and a court of justice without power to vindicate its own dignity, to enforce obedience to its mandates, to protect its officers, or to shield those who are entrusted to its care, would be an anomaly which could not be permitted to exist in any civilized community. Without such protection, courts of justice would soon lose their hold upon

the public respect, and the maintenance of law and order would be rendered impossible.”

38. For the reasons that I have stated in this ruling, I find that the Contempt Application is merited and I therefore allow it by issuing summons to 2nd – 8th Respondents to show cause why they should not be committed to civil jail for such contempt.
39. Mention on 7th November for Notice to Show Cause and ruling on the Preliminary Objection.
40. It is so ordered.

Ruling dated, signed and delivered virtually via Microsoft Teams this 4th day of November 2024.

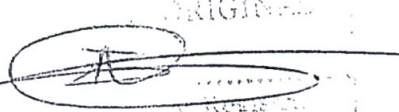

W. A. OKWANY
JUDGE

In the Presence of: -

Mr. Ombui Ratemo & Mr. Bonuke for the Petitioner

Mr. Ndubi for the Respondents

C/A – Anita


ORIGINAL
11/11/24



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYAMIRA

COURT NAME: NYAMIRA LAW COURT

CASE NUMBER: HCJR/E007/2024

CITATION: COUNTY ASSEMBLY OF NYAMIRA VS ENOCK OKERO OGORI

RULING

1. This ruling is in respect to the Application dated 1st December 2024 wherein the Respondent/Applicant, **Enock Okero Ogori**, seeks the following orders: -
2. **SPENT**
3. **SPENT**
4. ***THAT the Honourable Court be pleased to set aside, vacate, vary and discharge the Orders granted ex-parte on 29th November 2024.***
5. ***THAT costs of and incidental to this Application be in the cause.***

1. The Application is brought under Section 80 of the Civil Procedure Act, Order 45 of the Civil Procedure Rules as read with Articles 19, 23, 47, 48, 50 and 159 of the Constitution. It is predicated on the grounds of the face of the Application and is supported by the Respondent's affidavit wherein he avers that; he was the current legitimate and lawful Speaker of the Nyamira County Assembly, having obtained conservatory orders on 11th October 2024 restraining anyone from interfering with the discharge of his duties; that the Applicant filed JR E005 of 2024 seeking to quash Gazette Notices Nos. 14229, 14230 and 14273 of 2024 and the present Application with the full knowledge that they addressed the same subject matter; that substantive orders were made against him contrary to the rules of natural justice on the right to be heard; that there is potential risk of conflicting court orders being issued by different courts and that the filing of the present Application constitutes an abuse of judicial processes since it amounts forum shopping through multiplicity of suits.
2. The Applicant further avers that the granting of leave to institute JR proceedings against him through the Court orders of 29th November 2024 automatically ousted the Court's orders issued on 11th October 2024 and that had the Court been made aware of the existence of JR E005 of 2024, it would not have issued the impugned orders at the *ex-parte* stage because of the *sub-judice* rule. He states that there is an error apparent on the face of the record as the Court issued substantive *ex-parte* orders without hearing the Respondent's case.
3. The *ex-parte* Applicant filed the Application at the Court of Appeal, Mr. Duke Onyari in

response to the Application. The said deponent avers that the Application is incurably defective for failure to annex the Orders sought to be stayed, varied or vacated. He further states that judicial review proceedings are *sui generis* in nature and that the court therefore lacks the jurisdiction to entertain the present Application and that there is no court order or subsequent gazette notice revoking Gazette Notice No. 14050 of 2024 that gazetted the Respondent's impeachment.

4. He faults the Respondent for abusing the court processes by filing multiple petitions in three different courts but adds that there is no risk of conflicting orders because JR E005 of 2024 has since been withdrawn.
5. The Respondent/Applicant filed a further affidavit dated 14th December 2024 in which he avers that this court is clothed with the jurisdiction to hear the Application as there is no provision requiring that the Order sought to be vacated be annexed to the Application. He further avers that the Notice of Withdrawal of suit filed in JR E005 was cleverly filed on 29th November 2024 at 11.11 a.m. in bad faith without the leave of court. He also states that any issues relating to competence of the appointees listed under Gazette Notice 14273 could only be dealt with in a different forum because Judicial Review proceedings deals with the procedure of administrative decisions and not their merits.
6. The Application was canvassed by way of written submissions which I have considered.

Analysis and Determination.

1. I have considered the pleadings filed herein and the parties' rival submissions. I find that the main issue for my determination is the Application is merited.
2. The court's power to review its own decisions is provided for under **Section 80 of the Civil Procedure Act and Order 45 Rule 1 of the Civil Procedure Rules** which stipulate as follows:-

80. Any person who considers himself aggrieved-

1. by a decree or order from which an appeal is allowed by this Act, but from which no appeal has been preferred; or
2. by a decree or order from which no appeal is allowed by this Act,

May apply for a review of judgement to the court, which passed the decree or made the order, and the court may make such order thereon as it thinks fit.

Order 45 Rule 1 (1) Any person considering himself aggrieved-

1. By a decree or order from which an appeal is allowed, but from which no appeal has been preferred; or
2. By a decree or order from which no appeal is hereby allowed, and who from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or the order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree or order, may apply for review of judgement to the court which passed the decree or made the order without unreasonable delay.
3. I note that impugned orders granted the ex parte Applicant leave to institute Judicial Review proceedings against the Respondent which leave was also to operate as stay of the impugned Gazette Notices.
4. In **Judicial Commission of Inquiry to the Goldenberg Affair vs. Job Kilach Civil Appeal No.77 of 2003** the Court of Appeal rendered itself as follows:-



"The next point to make is that although appeal does lie to this court against an ex-parte order made by a judge of High Court.....nevertheless in his judgment in that case, Sir Donalds on MR [1983] 3 All E.R. 589 at page 593 said:

"I have said ex-parte orders are essentially provisional in nature. They are made by the judge on the basis of evidence and submissions emanating from one side only. Despite the fact that the Applicant is under duty to make full disclosure of all relevant information in his possession whether or not it assists his application this is no basis for making a definite order and every judge knows this. He expects, at a later stage, to be given opportunity to review his provisional order in the light of evidence and argument adduced by the other side and in so doing he is not hearing an appeal from himself and in no way feels inhibited from discharging or varying his original order. This being the case it is difficult if not impossible to think of circumstances in which it would be proper to appeal to this court against an ex-parte order without just giving the High Court judge an opportunity of reviewing it in light of argument from the defendant and reaching a decision." [emphasis added]

1. Similarly, in ***Republic vs. Vice Chancellor Moi University & 3 others Ex-Parte Benjamin J. Gikenyi Magare [2018] eKLR*** H. Omondi J. (as she then was) held as follows when faced with a similar Application to vacate stay orders issued in a judicial review application: -

To request the court to re-look at the background leading to the issuance of stay, is in my view, not asking the court to sit on appeal on orders of a court of equal status. It is simply telling the court to reconsider the orders issued in light of the fact that the beneficiary of those orders concealed or did not disclose all the material facts prevailing. All the other issues raised will be better addressed at the hearing of the main motion."

1. My understanding of the above decisions is that the court's hands are not tied when it comes to reviewing *ex-parte* orders made in Judicial Review proceedings. This is to say that the law permits the court to vary its decisions particularly where the circumstances warrant review/variation, such as where the *ex-parte* Applicant has concealed some facts which may have been relevant in making a decision at that preliminary *ex-parte* stage. I find that this court has the jurisdiction to hear and determine the Application for review and to grant any appropriate orders even if the Applicant may have already filed a substantive motion.
2. It was not disputed that on 11th October 2024 this court issued conservatory orders directing the parties to maintain status quo pending the hearing and determination of an Application filed in Nyamira Petition No. E008 of 2024 wherein the *ex-parte* Applicant is also a party. To my mind, the effect of the said conservatory orders was to stop any subsequent actions against the holder of the office of the Speaker of the County Assembly including, removing from office by way of impeachment.
3. Flowing from the above position, it is clear that the Applicant/Respondent did not disclose the existence of conservatory orders in Petition No. E008 of 2024 when it appeared before the Court at Kisii on 29th November 2024. It is also clear that the *ex-parte* Applicant did not disclose the existence of the earlier Judicial Review that they filed in JR E005 of 2024 over the same subject matter, being the impugned gazette notices.
4. It is therefore clear that the Court granted the orders of 29th November 2024 without the benefit of the full set of facts and background of the case. The effect of the leave granted herein operating as a stay of the impugned Gazette Notices automatically had the effect of conflicting with the said existing conservatory orders. It is on this basis that I find that it would have been prudent for the Applicants to disclose all material facts to the Court to enable it make a proper decision. Failure to disclose all the material fact paint the *ex-parte* applicant in bad light and portray it as a party who was driven by mischief with the intention of



circumventing the judicial process that was already in motion.

5. The ripple effect of the impugned orders, as has been seen, is the potential embarrassment that may be caused to the Court with the ensuing confusion arising from conflicting orders. A very untidy scenario has thus been created where on one hand the Speaker has conservatory orders to remain in office and conduct his duties which include issuance of gazette notices and on the other hand, the said gazette notices are put on hold following the non-disclosure of material facts.
6. I find the Supreme Court decision of *Kaluma vs. NGO Co-ordination Board & 5 others* (Application E011 of 2023) [2023] KESC 72 (KLR) (Civ) (12 September 2023) (Ruling), relevant in this regard, where the apex court outlined the circumstances under which it could review its own decisions as follows: -

“(a) The judgment, ruling or order is obtained through fraud, deceit or misrepresentation of facts;

(b) The judgment, ruling or order is a nullity by virtue of being made by a court which was not competent;

(c) The court was misled into giving judgment, ruling or order under the belief that the parties have consented; and

(d) The judgment, ruling or order was rendered on the basis of repealed law or as a result of a deliberate concealment of a statutory provision.”

1. It is my finding that the circumstances in the present case fall under the first scenario, where the Court issued the ex-parte orders based on a misrepresentation of facts or lack of full disclosure. This therefore calls for this Court to review its previous orders.
2. Turning to the claim that the instant JR Application offends the *subjudice* doctrine, I note that it was not disputed that the Applicants had previously filed a Judicial Review Application No. E005 of 2024 wherein they sought to quash the Gazette Notices No. 14229 and 14230 of 2024 on the basis that the Respondent had issued them after he had been impeached from office. I find that even though the Applicants/Respondents (County Assembly) argued that the said Judicial Review Application did not challenge the third Gazette Notice No. 14273 of 2024, such an argument does not vitiate the fact that they filed two similar Applications at different times in respect to the same subject matter.
3. It is my view that the substratum of the Application in JR E005 of 2024 speaks to the same issue in the present Application JR E007 of 2024 which is primarily to nullify any gazette notices issued by the Respondent/Applicant (Speaker) after his alleged impeachment. I find that JR E007 of 2024 was filed after JR E005 of 2024 in contravention with the Res Sub-Judice Rule.
4. The Res Subjudice rule is codified under Section 6 of the Civil Procedure Act as follows: -

“No court shall proceed with the trial of any suit or proceeding in which the matter in issue is also directly and substantially in issue in a previously instituted suit or proceeding between the same parties, or between parties under whom they or any of them claim, litigating under the same title, where such suit or proceeding is pending in the same or any other court having jurisdiction in Kenya to grant the relief claimed.”

1. The Supreme Court further expounded on this rule in the case of *Kenya National Commission on Human Rights vs. Attorney General; Independent Electoral & Boundaries Commission & 16 others* (Interested Parties), as follows: -



"[67] The term 'sub-judice' is defined in Black's Law Dictionary 9th Edition as: "Before the Court or Judge for determination." The purpose of the sub-judice rule is to stop the filing of a multiplicity of suits between the same parties or those claiming under them over the same subject matter so as to avoid abuse of the Court process and diminish the chances of courts, with competent jurisdiction, issuing conflicting decisions over the same subject matter. This means that when two or more cases are filed between the same parties on the same subject matter before courts with jurisdiction, the matter that is filed later ought to be stayed in order to await the determination to be made in the earlier suit. A party that seeks to invoke the doctrine of res sub-judice must, therefore, establish that there is more than one suit over the same subject matter, that one suit was instituted before the other, that both suits are pending before courts of competent jurisdiction, and lastly; that the suits are between the same parties or their representatives."

1. I have considered the Applicant/Respondents claim that they had withdrawn the Application in JR E005 of 2024. I find that this claim was not proved as the exparte applicant did not demonstrate that it obtained the of the court to withdraw the said JR. It is my finding that the filing a multiple suits with the intention of obtaining a favourable outcome not only amounted to the undesirable act of forum shopping but also constituted outright abuse and mockery of the judicial processes and systems. (See *Purity Moraa Kirere vs. The Senate and 8 Others* Petition No. 4 of 2024).
2. For the reasons that I have stated in this ruling, I find that the Respondent/Applicant has made out a case for the setting aside of the Orders issued on 29th November 2024. Consequently, I allow the Application dated 1st December 2024 in the following terms:
3. ***That the ex-parte orders granted on 29th November 2024, specifically in respect to the stay of the gazette notices, are hereby set aside.***
4. ***Since this is a Public Interest matter where there are other pending matters, I make no orders as to costs.***
5. It is so ordered.

Ruling dated, signed and delivered virtually at Nyamira via Microsoft Teams this 30th day of January 2025.

SIGNED BY: HON. LADY JUSTICE WILFRIDA A. OKWANY



THE JUDICIARY OF KENYA.

NYAMIRA HIGH COURT

HIGH COURT CIVIL

DATE: 2025-02-04 12:23:34+03

..D





IN THE HIGH COURT OF KENYA AT NYAMIRA
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION
PETITION NO. E011 OF 2024

1. VINCENT MARIITA OMAO-----PETITIONER

=VRS=

- | | |
|--|----------------------------|
| 1. NYAMIRA COUNTY ASSEMBLY----- | 1 ST RESPONDENT |
| 2. CLERK -NYAMIRA COUNTY ASSEMBLY----- | 2 ND RESPONDENT |
| 3. KENNEDY ATUTI----- | 3 RD RESPONDENT |
| 4. DUKE MASIRA----- | 4 TH RESPONDENT |
| 5. GEORGE ABUGA----- | 5 TH RESPONDENT |
| 6. JULIUS NYANGENA----- | 6 TH RESPONDENT |
| 7. SAMUEL OGETO----- | 7 TH RESPONDENT |
| 8. JOSIA MANGERA----- | 8 TH RESPONDENT |
| 9. THADDEUS NYABARO----- | 9 TH RESPONDENT |

AND

- | | |
|---|----------------------------------|
| 1. ENOCK GORI OKERO----- | 1 ST INTERESTED PARTY |
| 2. NYAMIRA COUNTY ASSEMBLY SERVICE BOARD----- | 2 ND INTERESTED PARTY |
| 3. LAMECK SIKWEYA----- | 3 RD INTERESTED PARTY |
| 4. JOEL OMBONGI----- | 4 TH INTERESTED PARTY |

ORDER

This matter coming up for mention for directions / orders before Hon. Lady Justice W. A. Okwany on 28th October 2024 AND UPON oral submissions by Counsel for both parties: -

IT IS HEREBY DIRECTED AS FOLLOWS: -

1. The status quo currently obtaining in respect to the filling of the vacancy in the office of the Speaker of Nyamira County Assembly be maintained till 1/11/2024 10:30 am.

DATED and SIGNED this 28th day of October 2024.

HON. W. A. OKWANY

JUDGE

GIVEN under my HAND and SEAL of this Honourable Court on this 28th day of October 2024.



HON. B. OKONG'O
DEPUTY REGISTRAR
NYAMIRA HIGH COURT
NYAMIRA HIGH COURT DEPUTY REGISTRAR

Date:..... Sign:.....

PENAL NOTICE: This is a lawful order, if any party duly served, fails to comply he/she shall be cited with court contempt and shall therefore be liable for imprisonment for a term not exceeding 6 (six) months.



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GAZETTE NOTICE NO. 14223

THE LAND REGISTRATION ACT

(No. 3 of 2012)

REGISTRATION OF INSTRUMENTS

WHEREAS Fort Properties Limited, is the registered proprietor of all that piece of land known as subdivision No. 761 H.M.N., situate in the district of Mombasa, containing 7.10 acres or thereabouts, and whereas the Environment and Land Court at Mombasa in Civil Suit No. 195 (O.S.) of 2012 has issued a decree of specific performance for the transfer of the property in favour of (1) Morris Malagho, (2) Godfrey Opiyo Ojiambo, (3) Jones Mwadime Gare, (4) William Odhiambo Oyuga, (5) Evan Malecha Sunza, (6) Khamis Mangi Yaa, (7) Edward Mwashindo Francis, (8) Alice Mangi Wughimbi, (9) Herman Githinji Kiarie, (10) Mwandau Wughanga Mwadime, (11) Herman Githinji Kiarie, (12) William Otiemo Okwany, (13) Suleiman Yunis Musa, (14) Chibo Janji Munga, (15) Dedan Mwangi, (16) Gift Baraka Mwakina, (17) Silvester Mwangolo Nguzo, (18) Eli Mwallengo Mwakio, (19) Patrick Ouma Alex, (20) Lilian Aoko Onyango, (21) Esha Abdulla Mohamed, (22) Bi Umi Ishé, (23) William Tundu Kabomui, (24) George Kennedy Oching Otieno, (25) Kenneth Vulimu Kiziri, (26) Charles Momanyi, (27) Chausiku Omar Hamisi, (28) Karisa Kitisao Rimba, (29) Patrick Momanyi, (30) Oliphe Shilisila Isoka, (31) Christine Wawuda Simba, (32) Minor Chondo Ziroh, (33) Uchi Kombo Ndegra, (34) Mejuma Mwenyekamoyo, (35) Ali Amani Kakwilo, (36) Evans Odhiambo, (37) Manam Said Juma, (38) Ali Rashid Juma, (39) Fatma Kassim Athuman, (40) Athumani Kassim, (41) Nyakundi Naomi Wanjiku, (42) Zaina Ali Juma, (43) Jonathan Hare, (44) Khahaso Ngamba, (45) Said Athman Said, (46) Mumba Sirva Kadenge, (47) Grace Halima Mzungu, (48) Amos Ziro Shehe, (49) Mejuma Mwenyekamoyo, (50) Idres Anyanzwa, (51) Khadija Abdillahi, (52) Abdulla Mwenyekamoyo, (53) Mwakombo Abdillahi, (54) James Ondiek, (55) Dacan Oluwado, (56) Swaleh Matano, (57) Francisca Muene Musyoka, (58) Victoria Ongeru, (59) Shako Aggrey, (60) Godfrey Ojiambo, (61) Danson Mwangome, (62) Jonathan Sawadi Musembi, (63) Wycliffe W. Wokuba, (64) Rehema Haji Idi, (65) Mohammed Hamisi, (66) Clifton Odhiambo Ogalloh, (67) Abdulla Raziki Kizuka, (68) Omar Raziki Kizuka, (69) Mwaisha Abdalla, (70) Chengo Wabuya, (71) Decne Kai Musuhiri, (72) Abubakar Ali Mole, (73) Marium Mharak Ali, (74) Eunice Odhiambo, (75) Rashid Mazera, (76) Lucas Mbari Munga, (77) Anderson Mwanumba, (78) Ramadhan Said Bohero, (79) Khaleb A. Mtengo, (80) Michael Mbogho, (81) Nuru Kache Mohamed, (82) Sikukuu Ali Mwinyi, (83) Mercy Kathure, (84) Fabian Wilson Wanjere, (85) Esther Sidi Kadzecha, (86) Khalid A. Mtengo, (87) Hapsa Athman Juma, (88) Elijah Kangu Mgindo, (89) Bitumu Idd Omar, (90) Abdulrahman Abdillahi, (91) Kaingo Mibujini Kithi, (92) Sadara Ayub Haruna, (93) Isabella Mechoi Kirigha, (94) Gilbert Mwakamba Nyangala, (95) Shaiya Samuel Kibe, (96) Fatma Raya Athumani Chumanga Chiro, (97) Francis Maura Mbugua, (98) Faris Anyanzwa, Kahasu Ngamba, (99) Fredrick Nzoloka Mbonoka, (100) Mariam Saidi Juma, (101) Nassibu Mohamed Bakari, (102) Aisha Mahafudh Awadh, and upon such registration the land title deed earlier issued to the said Fort Properties Limited, shall be deemed cancelled and of no effect.

Dated the 1st November, 2024

MIR/6539830

G. O. NYANGWESO,
Land Registrar, Mombasa District.

GAZETTE NOTICE NO. 14229

THE CONSTITUTION OF KENYA
COUNTY ASSEMBLY OF NYAMIRA

ALTERNATIVE AREAS OF COUNTY ASSEMBLY SITTINGS

PURSUANT to Article 126 (1) the general public is hereby notified that in the quest to promote Bunge Mashinani, effective from the 31st October, 2024, the Nyamira County Assembly sittings will also be done at the following premises adhering to the existing County Assembly Calendar:

1. Masaba North Sub-county offices
2. Nyamira North Sub-County office
3. Manga Sub-County Offices
4. Borabu Sub-County Offices

Dated the 29th October, 2024.

PTG 873/24-25

Speaker, County Assembly of Nyamira.

GAZETTE NOTICE NO. 14230

THE CONSTITUTION OF KENYA
THE COUNTY GOVERNMENTS ACT
(No. 17 of 2012)
THE COUNTY ASSEMBLY SERVICES ACT
(No. 24 of 2017)

APPOINTMENT

IN EXERCISE of the powers conferred by section 12 (7) (b) of the County Governments Act and section 21 of the County Assembly Services Act, 2017 Nyamira County Assembly Service Board, vide minute MIN 6/CAN/CASB/26/10/2024 has appointed —

SILVANUS NDEMIO NYAMORA

to be the Ag. Clerk of the County Assembly of Nyamira and consequently the Secretary of the Nyamira County Assembly Services Board, effective the 28th of October, 2024.

Dated the 26th October, 2024.

ENOCK OKERO.