



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION
PETITION NO.385 OF 2013

BETWEEN

CEREAL GROWERS ASSOCIATION.....1ST PETITIONER
HUGO WOOD.....2ND PETITIONER

AND

COUNTY GOVERNMENT OF NAROK.....1ST RESPONDENT
COUNTY GOVERNMENT OF NAIROBI.....2ND RESPONDENT
COUNTY GOVERNMENT OF NYERI.....3RD RESPONDENT
COUNTY GOVERNMENT OF MURANG'A.....4TH RESPONDENT
COUNTY GOVERNMENT OF TRANS NZOIA.....5TH RESPONDENT
COUNTY GOVERNMENT OF UASIN GISHU.....6TH RESPONDENT
COUNTY GOVERNMENT OF NANDI.....7TH RESPONDENT
COUNTY GOVERNMENT OF NAKURU.....8TH RESPONDENT
MINISTRY OF AGRICULTURE, LIVESTOCK
& FISHERIES.....9TH RESPONDENT
MINISTRY OF DEVOLUTION AND PLANNING.....10TH RESPONDENT
THE NATIONAL TREASURY.....11TH RESPONDENT

RULING

1. On 11th September 2014, I delivered a Judgment in which I partly orders as follows;

“An order is hereby issued directing the 1-8th Respondents to stop the levying/charging of Agricultural Produce Cess or related tax in their areas of jurisdiction until such time as they would have enacted a supportive legal framework or until they produce evidence of such a legal framework within the next 30 days.”

2. Subsequently, the following County Governments filed evidence of the fact that they had indeed enacted a Legal framework to regulate the levying/charging of Agricultural Produce Cess;
 - i. Narok
 - ii. Nairobi City
 - iii. Nandi
3. The above being the case, it follows that the Judgment above no longer binds the said County Governments and to that extent the Judgment is hereby reviewed and any orders issued against the 1st, 2nd and 7th Respondents is hereby set aside. For avoidance of doubt the Judgment as against the 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th and 11th Respondents remains and in enforceable.
4. Orders accordingly.

DATED, DELIVERED AND SIGNED AT NAIROBI THIS 13TH DAY OF FEBRUARY, 2015.

ISAAC LENAOLA

JUDGE

In the presence of:

Kariuki – Court clerk

Mr. Macharia holding brief for Mr. Wakhokho for 4th Respondent

Miss Kamau for 1st Petitioner

Mr. Muthomi holding brief for Mr. Oonge for 2nd Respondent

Mr. Terer for 7th Respondent

No appearance for Petitioner

Order

Ruling duly read.

ISAAC LENAOLA

JUDGE