



REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Petition 206 of 2013

ATHLETICS KENYA.....PETITIONERS

AND

PERMANENT SECRETARY

MINISTRY OF YOUTH AFFAIRS AND SPORTS.....1ST RESPONDENT

THE HON. ATTORNEY GENERAL.....2ND RESPONDENT

RULING

1.I have considered this matter in the light of courts obligation to promote Alternative Dispute Resolution under **Article 159 (2)(c)**. The parties have now agreed on a schedule of elections.

2.The respondent wishes to file an affidavit so that the issue of compliance with the Constitution and Statues can be dealt with. In my view, the overriding consideration is that the petitioner is a society with members who must be permitted to exercise their constituent rights to determine the officials of the body through elections. After the body has been reconstituted, the members shall take steps necessary to ensure that their governing instruments are consistent with the Constitution and relevant statutes.

3. In line with the parties agreement, I order that these proceedings be terminated on the following terms;

(a) The petitioner's elections shall be held as follows;

(1) County elections to be conducted on 30th April 2013.

(2) Regional elections to be conducted on 7th May 2013.

(3) National elections to be conducted on 14th May 2013.

(b)The respondent shall facilitate the said elections consistent with its statutory or legal authority.

(c) In light of this order, the case in Milimani CMCC No. 1868 of 2013 shall be terminated.

(d)There shall be no order as to costs.

DATED and DELIVERED at NAIROBI this 25th day of April 2013

D.S. MAJANJA
JUDGE