



REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Petition 33 of 2013

ANDREW BARNEY KHAKULA..... PETITIONER

AND

LAW SOCIETY OF KENYA.....1ST RESPONDENT

THE HON ATTORNEY GENERAL2ND RESPONDENT

RULING

1. When this matter came up for hearing today, 15th April 2013, neither the petitioner nor his advocate appeared in court to prosecute the petition. This was despite the fact that the hearing date was taken by consent and the parties directed to file written submissions. They did not comply with the order and I accordingly directed that the matter do proceed for hearing.

2. According to the petition dated 24th January 2013, the petitioner, an Advocate of the High Court, seeks orders that the Law Society of Kenya Dress Code issued by the Council of the Law Society of Kenya on 21st January 2013 be declared unconstitutional on the basis that it violates **Article 47** which guarantees fair administration action.

3. The petition is opposed by the respondents on the basis that the Council of the Law Society is empowered under the provisions of the *Advocates Act (Chapter 16 of the Laws of Kenya)* and the *Law Society of Kenya Act (Chapter 18 of the Laws of Kenya)* to issue regulations and directions regulating the conduct of advocates including the manner of dress in court. In so doing, the duly elected Council of the Law Society acts on behalf of the members.

4. What the petitioner seeks from this court is a review of the Advocates Dress Code which is to give guidance to Advocates concerning matters of dressing for purposes of appearance in Court in Kenya. On the material before the court, I am satisfied that the petition does not disclose a cause of action as he does not state how his rights have been violated or identify the manner in which the dress code infringes on his personal rights and fundamental freedoms.

5. The petition is frivolous and is dismissed with costs to the 1st respondent.

DATED and DELIVERED at NAIROBI this 15th day of April 2013.

D.S. MAJANJA

JUDGE

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Ms Mungai instructed by KTK Advocates for the 1st respondent.

Mr Mohamed, Litigation Counsel, instructed by the State Law Officer for the 2nd respondent.