



REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Petition 507 of 2012

TABITHA WAIRIMU WANJIRUPETITIONER

AND

MINISTER FOR PUBLIC WORKS1ST RESPONDENT

HON ATTORNEY GENERAL2ND RESPONDENT

RULING/DIRECTIONS

1. I am not prepared to issue conservatory orders at this stage as it may lead to a situation where the Board of the National Construction Authority is stopped from implementing its mandate. Furthermore, the nominating body may not be represented during this period pending the hearing and determination of the suit which would undermine the Authority's work.

2. I am cognisant of the fact that the issues of appointment to such bodies raise important matters and in review of the *National Construction Authority Act (Act No. 41 of 2011)* it is proper that the following parties be joined as interested parties;

- (1) Architectural Association of Kenya
- (2) Institution of Engineers of Kenya
- (3) Institution Quantity Survey of Kenya
- (4) Law Society of Kenya
- (5) Kenya Federation of Master Builders
- (6) Kenya Association of Building and Civil Engineering Contractors
- (7) Road and Civil Engineering Contractors Association

3. These are the bodies entitled to nominate members to the Board of the Authority under Part I and II of the First Schedule to the Act.

4. In view of the aforesaid I hereby direct as follows;

- (1) The interested parties named in paragraph 2 above shall be served with the petition and a copy of these directions.

- (2) The respondents and interested parties shall be at liberty to file and serve their replying affidavits within 15 days of service.
- (3) The petitioner shall be at liberty to respond thereto within 7 days of service.
- (4) Mention on 13th December 2012 for further orders directions.

DATED and **DELIVERED** at **NAIROBI** this 8th day of November 2012

D.S. MAJANJA

JUDGE

COURT – Directions/Ruling read in open court.

D.S. MAJANJA

JUDGE

Mr Kamotho instructed by Makumi, Mwangi and Wang'undo and Company Advocates for the petitioner.

Mr Nguyo, Litigation Counsel, instructed for the State Law Office for the respondents.