

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MOMBASA

MISC. APPLICATION NO. 335 OF 2000

REPUBLICPROSECUTOR

VERSUS

1) THE COMMISSIONER OF CUSTOMS & EXCISE

2) THE MINISTER OF FINANCE

3) INSPECTION CONTROL SERVICES (ICS).....RESPONDENTS

EX-PARTE: THE CHAIRMAN, SECRETARY AND TREASURER

OF THE ASSOCIATION OF CLEARING, WAREHOUSING AND

FREIGHT FORWARDERS OF KENYA(ACWFFK)

R U L I N G:

After the application here for leave under O 53 r 3 to file Notice of Motion for Prohibition and Mandamus was granted, applicant now wants that leave to prohibit Inspection Control Services ICS from stamping any of that Import Declaration Documents and to be ordered to vacate their office. The order of Stay in this context means that ICS should not stamp any of the import declaration documents.

Before this order is made, I think the court is entitled to know whether any difficult problems may arise by so making it, whether collection of revenue may be affected, whether it will require supervision by court as to its compliance or whether administrative chaos may result. These are areas of Judicial consideration not only in giving substantive remedy but also during leave and granting stay. The application will be refused but can be served on Respondent for inter partes argument before this court.

Dated at Mombasa this 21st day of December, 2000.

A.I. HAYANGA

J U D G E

Read in Chamber to Mr. Omondi for applicant.

A.I. HAYANGA