

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
JUDICIAL REVIEW DIVISION
JUDICIAL REVIEW MISC. APPLICATION. NO. E365 OF 2025

**IN THE MATTER OF THE CONTRAVENTION OF ARTICLES
1,2,3,10,19,20,21,22,23,24,27(1), 47,73, 159, 165, 232, 258, 259 AND 260 OF THE
CONSTITUTION OF KENYA, 2010**

-AND-

IN THE MATTER OF THE PUBLIC NOTICE DATED 18TH NOVEMBER, 2025

-AND-

**IN THE MATTER OF THE DRAFT PRIVATE SECURITY (FIDELITY FUND
OPERATIONS) REGULATIONS 2025**

-AND-

**IN THE MATTER OF THE DRAFT PRIVATE SECURITY (GENERAL)
REGULATIONS, 2025**

-AND-

**IN THE MATTER OF THE DRAFT PRIVATE SECURITY (GENERAL)
REGULATIONS, 2025**

-AND-

**IN THE MATTER OF THE DRAFT PRIVATE SECURITY (PROCEDURE FOR THE
APPOINTMENT OF MEMBERS OF THE BOARD) REGULATIONS, 2025**

-AND-

**IN THE MATTER OF THE DRAFT PRIVATE SECURITY (USE OF ANIMALS IN
PRIVATE SECURITY SERVICES) REGULATIONS, 2025**

-BETWEEN-

SECURITY ACADEMY.....EX-PARTE APPLICANT

-VERSUS-

**THE CABINET SECRETARY FOR THE MINISTRY OF INTERIOR
AND NATIONAL ADMINISTRATION.....1ST RESPONDENT**

PRIVATE SECURITY REGULATORY AUTHORITY.....2ND RESPONDENT

NATIONAL ASSEMBLY.....3RD RESPONDENT

THE NATIONAL TREASURY.....4TH RESPONDENT

THE HONOURABLE ATTORNEY GENERAL.....5TH RESPONDENT

-AND-

KENYA NATIONAL PRIVATE SECURITY

WORKERS UNION.....1ST INTERESTED PARTY

LAW SOCIETY OF KENYA.....2ND INTERESTED PARTY

RULING

1. I have considered the application dated 19th November, 2025 filed under certificate of urgency. I am satisfied that the application is urgent as the respondents are to start conducting public participation of the Regulations from 21.11.2025, following the notice issued on 18th November, 2025. I certify the application as urgent.
2. On whether I should grant leave to apply for judicial review orders, the ex parte applicant is a security guard. He seeks leave of this Court to apply for Judicial Review orders challenging what he considered to be a short notice issued in the MYGOV Publication on 18th November, 2025, by the respondents, intending to conduct public participation on the Regulations affecting the private security sector. on 21st November, 2025 and 24th November, 2025 in various parts of the country.
3. The applicant claims that the notice issued only two days ago is too short and that therefore not all persons interested in the regulations will have the opportunity to participate in the process. In my view, and without delving

into the merits of the intended motion, I am satisfied that the application raises an arguable case. It is not frivolous or hopeless.

4. I grant leave to the applicant to initiate Judicial Review proceedings as sought in the chamber summons dated 19th November, 2025. The substantive motion to be filed and served within five (5) days of today and in a fresh file.
5. On the prayer for stay of the public participation process yet to be commenced in a day's time. I note that the notice was issued on 18/11/2025 in MYGOV publication and that if this court declines a stay sought, these proceedings will be rendered nugatory, should the substantive motion succeed since the process which is impugned would have been completed and therefore the applicant will be rendered a mere pious explorer in the judicial process.
6. Accordingly, I hereby order that the leave so granted shall operate as stay of the implementation of the public participation notice issued and published on 18th November, 2025 in MYGOV publication, as sought in prayer 3 of the chamber summons, until the substantive motion is filed, heard and determined.
7. This file is closed. I so order

Dated, Signed & Delivered at Nakuru this 20th Day of November, 2025

**R.E. ABURILI
JUDGE**

ORIGINAL