



**Kenya Aviation Workers Union v Registrar of Trade Unions & another (Civil Appeal 23 of 2017) [2023] KECA 183 (KLR) (17 February 2023) (Judgment)**

Neutral citation: [2023] KECA 183 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT NAIROBI  
CIVIL APPEAL 23 OF 2017  
DK MUSINGA, K M'INOTI & GWN MACHARIA, JJA  
FEBRUARY 17, 2023**

**BETWEEN**

**KENYA AVIATION WORKERS UNION ..... APPELLANT**

**AND**

**REGISTRAR OF TRADE UNIONS ..... 1<sup>ST</sup> RESPONDENT**

**AVIATION & AIRPORT SERVICES WORKERS UNION ..... 2<sup>ND</sup> RESPONDENT**

*(Appeal from the judgment and decree of the Employment & Labour Relations Court at Nairobi (Nduma, J.) dated 2nd December 2016 in ELRCC JR No. 1 of 2014)*

**JUDGMENT**

1. On November 20, 2013, the 1<sup>st</sup> respondent (the Registrar of Trade Unions), registered the appellant, (Kenya Aviation Workers Union (KAWU)) as a trade union in the aviation industry. The 2<sup>nd</sup> respondent, Aviation & Airport Services Workers Union, which was already registered as a trade union in the same industry, was aggrieved and took out judicial review proceedings in the Employment and Labour Relations Court at Nairobi for among others, an order of certiorari to quash the registration of the appellant.
2. The application was heard and allowed by Nduma, J in a judgment dated December 2, 2016. The appellant was aggrieved and filed the present appeal.
3. At the hearing of the appeal, Mr Ngatia, learned SC, leading Mr Kyobika, learned counsel for the appellant, informed the Court that the 2<sup>nd</sup> respondent had already been wound up as a trade union and was no longer in existence. This fact was confirmed Ms Oyugi, learned counsel for the 1<sup>st</sup> respondent. In the circumstances, Ms Oyugi indicated that the 1<sup>st</sup> respondent did not oppose the appeal because there were no longer two trade unions in the same industry.



4. We have carefully considered this appeal. The documents availed to the Court indicate that on June 29, 2019 the 2<sup>nd</sup> respondent held a special delegates conference at Cabanas Hotel, Nairobi, and passed a resolution to dissolve itself as a trade union. That dissolution was confirmed by the Registrar of Trade Unions vide a letter dated July 8, 2019. We have also seen a Notice of Dissolution (Form P) duly signed by the Registrar of Trade Unions on July 8, 2019 certifying that the dissolution of the 2<sup>nd</sup> respondent is duly registered pursuant to section 29 of the [Labour Relations Act](#).
5. In view of the dissolution of the 2<sup>nd</sup> respondent and the fact that the 1<sup>st</sup> respondent does not oppose the appeal because there is no other registered trade union in the aviation industry or sector, we allow this appeal and direct each party to bear its own costs. It is so ordered.

**DATED AND DELIVERED AT NAIROBI THIS 17<sup>TH</sup> DAY OF FEBRUARY, 2023**

**D K. MUSINGA, P.**

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**JUDGE OF APPEAL**

**K. M'INOTI**

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**JUDGE OF APPEAL**

**G. W. NGENYE-MACHARIA**

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**JUDGE OF APPEAL**

*I certify that this is a true copy of the original*

*Signed*

**DEPUTY REGISTRAR**

