



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
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**In Re The Commission for the Implementation of the Constitution under
Article 163 (5) of the Constitution (Constitutional Application 1 of 2011)
[2011] KESC 2 (KLR) (Constitutional and Human Rights) (5 April 2011) (Directions)**

*In Re The Commission for the Implementation of the Constitution
under Article 163 (5) of the Constitution [2011] eKLR*

Neutral citation: [2011] KESC 2 (KLR)

**REPUBLIC OF KENYA
IN THE SUPREME COURT OF KENYA
CONSTITUTIONAL AND HUMAN RIGHTS
CONSTITUTIONAL APPLICATION 1 OF 2011
PK TUNOI, SEO BOSIRE, EO O'KUBASU, EM GITHINJI & PN WAKI, JJA**

APRIL 5, 2011

**IN THE MATTER OF ADVISORY OPINIONS OF THE
COURT UNDER ARTICLE 163 (6) OF THE CONSTITUTION**

AND

**IN THE MATTER OF SECTION 21 (2) OF THE
SIXTH SCHEDULE OF THE CONSTITUTION**

AND

**IN THE MATTER OF THE COMMISSION FOR THE
IMPLEMENTATION OF THE CONSTITUTION AS THE APPLICATION**

DIRECTIONS

1. This motion on advisory opinion was taken out by the Commission for the Implementation of *the Constitution* (CIC) under article 163(6) of *the Constitution* as read with section 21(2) of the sixth schedule of *the Constitution*.
2. Upon hearing learned counsel for CIC, Mr Regeru who is assisted by Mr Majanja, T Bryant and Ms Thongori;
3. And upon hearing the Attorney General who is represented by Ms Wanjiku Mbiyu;
4. And upon hearing learned counsel Mr Mwenesi who is instructed by the Kenya Magistrates and Judges Association (KMJA);
5. And upon hearing counsel Mr Harun Ndubi who is instructed by the Kenyans for Peace, Truth and justice (KPTJ);



6. We hereby issue the following directions in the matter:

- 1) The motion shall be heard for a period of three consecutive days commencing on 11/4/2011.
- 2) The request by KMJA and KPTJ for a right of audience at the hearing of the motion is hereby granted.
- 3) Due to the urgency of the matter the motion shall be heard by way of written submissions which will be orally highlighted at the hearing.
- 4) Any interested person shall be at liberty to peruse the motion at the Court of Appeal Registry in Nairobi, and at their own costs obtain a copy thereof.
- 5) Any person or group of persons who wish to seek a right of audience before the Court shall file a notice of intention to do so on or before Friday, 8/4/2011.
- 6) Any person or group of persons who may wish to raise any issue of jurisdiction in respect of the motion shall file a notice to that effect on or before 11/4/2011.
- 7) The Application shall forthwith publish the filing of the motion and these directions in three daily newspapers circulating within Kenya.

MADE AND DELIVERED AT NAIROBI THIS 5TH DAY OF APRIL, 2011.

P.K. TUNOI

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JUDGE OF APPEAL

S.E.O. BOSIRE

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JUDGE OF APPEAL

E.O. O'KUBASU

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JUDGE OF APPEAL

E.M. GITHINJI

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JUDGE OF APPEAL

P.N. WAKI

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JUDGE OF APPEAL

I Certify that this is a true copy of the original.

DEPUTY REGISTRAR

