

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI 3 of 626
HCCHRPET E228 OF 2023

KENYA HUMAN RIGHTS COMMISSION 1ST PETITIONER
KATIBA INSTITUTE 2ND PETITIONER
THE INSTITUTE FOR SOCIAL
ACCOUNTABILITY (TISA)..... 3RD PETITIONER
TRANSPARENCY INTERNATIONAL KENYA 4TH PETITIONER
INTERNATIONAL COMMISSION
OF JURIST – KENYA (ICJ KENYA)..... 5TH PETITIONER
SIASA PLACE..... 6TH PETITIONER
TRIBELESS YOUTH 7TH PETITIONER

VERSUS

NATIONAL ASSEMBLY..... 1ST RESPONDENT
ATTORNEY-GENERAL..... 2ND RESPONDENT
LAW SOCIETY OF KENYA.....INTERESTED PARTY

Notice of Motion

TAKE NOTICE that this court will be moved on ____ July 2023 at 9:00 am or per the cause list for the hearing of the Petitioners’ application for orders that:

- a. This application be and is certified urgent;
- b. This petition be and is consolidated with Petition E181 of 2023 (Okoiti v CS National Treasury)
- c. The court does *suo moto* or otherwise certify the petitions as raising substantial questions of law for the CJ to appoint an expanded bench of judges.

WHICH APPLICATION is made on the grounds that:

1. This Petition concerns the National Assembly’s passage of the Finance Act, 2023. The petition also questions the National Assembly’s violation of Articles 10, 118, and 201 of the Constitution by imposing regressive tax measures that burden low-income earners excessively, thus threatening their right to life and livelihoods under Articles 26 and 43.

2. Petitioners further contend that the Finance Act, 2023 concerns county government in functions like housing but was never passed by the Senate.
3. Broad sections of the Finance Act, 2023 commenced on 1 July 2023, but conservatory orders have been issued in Petition E181 of 2023 (Okoiti v CS National Treasury and Planning) listed for directions on 5 July 2023. This petition raises common factual and legal questions with the earlier petition.
4. Although this is an ideal scenario for consolidation, the earlier petition could proceed without recourse to the petitioners. The urgency is plain.

Dated 04/07/2023 in Nairobi

OchielJD

Ochiel Dudley
Advocate for the Petitioners

Drawn and filed by

Ochiel Dudley

House No. 5, The Crescent, off Parklands Road

P. O. Box 26586-00100, Nairobi

litigation@katibainstitute.org

ochieljd@katibainstitute.org

+254731 740 766