



THE JUDICIARY



PRACTICE DIRECTIONS ON THE UPSCALING OPERATIONS OF THE EMPLOYMENT & LABOUR RELATIONS COURT IN NYERI AND MERU

In accordance to the Chief Justice's Practice Directions to Mitigate COVID-19 dated 16th March 2020 and the Kenya Gazette Notice 2357 of 20th March 2020 issued in Vol. CXXII No. 50 and the circular by the Chief Registrar of the Judiciary on the upscaling of court operations, I hereby give the following directions:

1. Hearing of main suits.

All matters ready for hearing should be listed for mention for certification for hearing subject to the following checklist:

- a) All the necessary witness statements and supporting documents needed at the hearing are on record and served with evidence of such service duly filed.
- b) All pending or intended interlocutory applications such as those seeking amendment of pleadings and preliminary objections have been dealt with.
- c) Any suggestion or discussions for amicable settlement of the case to be confirmed to be either impossible or failed.

Once a matter has been certified ready for hearing and in cases where there are not more than one witness by each party testifying for not more than 30 minutes including cross-examination, parties or their advocates are advised to approach the Court Registry and take a date when an **online hearing** can

be set with the assistance of the Court's ICT team in consultation with the Presiding Judge.

2. Interlocutory applications, Judicial Reviews, Petitions and Economic disputes by Unions (CBA negotiations, recognition, union fee deductions and agency fees etc.)

- These will be dealt with without oral hearing unless a party for reasons to be canvassed through a formal online application (to be vetted for necessity) reasonably demonstrates that oral hearing cannot be dispensed with.
- Applicants in these matters must endeavour in all cases to make their initial case at the point of filing as comprehensive as possible. All the necessary depositions and documents to support a *prima face* case, must be filed with the initial application. This is necessary to avoid subsequent applications to amend or file further affidavits and documents once a response is filed. It will enable the disposal of these matters within a very short period.
- Parties must ensure they adhere strictly to timelines set by the Court as no unnecessary adjournments/adjustments will be tolerated. Where there are interlocutory orders, the Court will not hesitate to discharge the same where it is inevitably clear that the party in whose benefit the order had been made is prolonging the same by seeking unnecessary adjournments/adjustments in the court calendar for online hearing.

3. Judgments and Rulings

- These will in all cases be delivered online on a date to be assigned by the Presiding Judge.

- A PDF copy of the judgment or ruling shall be dated and electronically signed by the Presiding Judge and transmitted to the parties using the email address provided by the parties at the time of filing their pleadings and documents.
- The Court Assistant shall ensure a hard copy of the ruling and judgment is placed in the Court file for record purposes and within 7 days a copy of the original judgment will be emailed to Kenya Law Report as required by law.
- All judgments or rulings that may result in execution before taxation of Bill of Costs shall have an automatic stay of execution for 14 days during which the party in whose benefit the judgment or ruling has been made, shall notify their counterpart. Proof of such notification must be filed before any execution can proceed.

These Practice Directions supplement and are in concurrence with the directions of the Chief Justice and the National Council for Administration of Justice and shall apply to the sub-registries under the supervision of the undersigned, the Presiding Judge Nyeri ELRC.



Nzioki wa Makau

May 4th, 2020