



Muchiri v Ministerial Wildlife Conservation and Compensation Committee (Tribunal Appeal 53 of 2020) [2023] KENET 1253 (KLR) (Environment and Land) (9 November 2023) (Ruling)

Neutral citation: [2023] KENET 1253 (KLR)

**REPUBLIC OF KENYA
IN THE NATIONAL ENVIRONMENT TRIBUNAL - NAIROBI
ENVIRONMENT AND LAND
TRIBUNAL APPEAL 53 OF 2020**

**EMMANUEL MUMIA, CHAIR, WINNIE TSUMA, VICE CHAIR, KARIUKI
MUIGUA, DUNCAN KURIA & RONALD ALLAMANO, MEMBERS**

NOVEMBER 9, 2023

BETWEEN

CATHERINE NJOKI MUCHIRI APPELLANT

AND

**THE MINISTERIAL WILDLIFE CONSERVATION AND COMPENSATION
COMMITTEE RESPONDENT**

RULING

1. On 28th September, 2022, the Tribunal allowed the Intended Appellant/Applicant's Notice of Appeal by setting aside the decision of the Ministerial Wildlife Conservation and Compensation Committee, with costs to the Appellant.
2. The Appellant then submitted her Bill of Costs in accordance with the requirements of Rule 39(1) of the NET Procedure Rules 2003.
3. The record does not reflect the Respondent's response to the aforementioned Bill of Costs.
4. It is important to note that the Appellant herein is not an advocate and was representing themselves. Subsequently it follows that the provisions of section 44 of the Advocates Act and the Advocate (Remuneration) Order, 2014 made therein shall not be applicable in this taxation.

Computation of Costs

5. It thus follows that the costs herein are to only compensate for troubles the Appellant has gone through defending the suit and restoring her position as it were prior to the lodging of the suit. See the case of *Rosemary Wairimu Munene Ex-parte Applicant v Ibururu Party Farmers' Cooperative Society* J.R. No. 4/2014 as cited in the case of Cecilia Karuru Ngayu v Barclays Bank of Kenya & Another [2016] eKLR.



6. The said costs in this instance must be proved by way either by way of receipts of any such proof that shall be sufficient.
7. With regard to our discretion to issue cost orders under Section 129 (3) (c) of the EMCA and Rule 39 of the National Environment Tribunal Procedure Rules, 2003, we have determined the following for each itemized cost listed in the Appellant's Bill of Costs, which is valued at Kshs. 34,400:

Compensation award interest

8. In regards to Item I on compensation award interest, this Tribunal shall not make any orders as the same shall be covered under the respective decree that shall ensue.

Transportation expenses

9. Item 2 seeks for Transport to Nairobi from Narok and Accommodation and breakfast thereof at Kshs 5,000 and Kshs. 5,400 respectively the total is Kshs.10, 400.00 the said amount is reasonable and duly supported and thus hereby taxed as prayed

Accommodation expenses

10. Item 3 (i) seeks for payment to court server to serve mention notice to the Ministry of Wildlife thereof at Kshs. 10,000 the same is supported by sufficient documentation and thus taxed as prayed. Item 3(ii) is also taxed as prayed at Kshs. 10,000. Total amount taxed under item 3 is Kshs. 20,000.

Paperwork and photocopies

11. Item 4 seeks for a sum of Kshs. 4,000 for paperwork, photocopies and phone calls throughout the court process. Having reviewed the documents filed herein the same is reasonable and thus taxed as prayed.

Order

12. The Tribunal makes the following orders:

The Bill of Costs is taxed as follows:

- i. Compensation Award Interest –Kshs.0.0/=
- ii. Travel and accommodation fees- Kshs.10,400/=
- iii. Service, and transport and accommodation fees-Kshs. 20,000/=
- iv. Photocopy-Kshs.4,000/=

Total Sum Kshs. =34,400/=

DATED AND DELIVERED AT NAIROBI, THIS 9TH DAY OF NOVEMBER 2023

EMMANUEL MUMIA - CHAIRMAN

WINNIE Tsuma - VICE-CHAIR

KARIUKI MUIGUA - MEMBER

DUNCAN KURIA - MEMBER

RONALD ALLAMANO - MEMBER

