



REPUBLIC OF KENYA



JUDICIARY ENVIRONMENT AND LAND COURT NEW DIVISIONS: USER OPERATIONS GUIDELINES



Social Transformation
through Access to Justice

JUDICIARY ENVIRONMENT AND LAND COURT

NEW DIVISIONS: USER OPERATIONS

GUIDELINES

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CONCEPTUALIZATION

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FOREWORD



The Environment and Land Court is a specialized judicial institution, and one of the salient creatures of the 2010 Constitution. Envisioned to safeguard the environment and protect the invaluable resource of land, the Court stands out as a testament to Kenya's commitment to environmental conservation, protection of land rights, and sustainable development.

Over the years, the Environment and Land Court has played a crucial role in addressing disputes related to environmental conservation and land matters in Kenya. However, it has become evident that an increasing number of cases brought before the court pertain to land issues, rather than environmental concerns. The low numbers of environment matters was highlighted by stakeholders of the court during the celebration of the Court's ten years Anniversary Conference themed, ***ELC@10: Looking back and moving forward on environment and land justice in Kenya.***

In response to this significant disparity, the Environment and Land Court recognized the need for strategic restructuring, and approached the Chief Justice with the idea of creating the two divisions of the Court, one dealing with land and related issues and another dealing with environment and planning. The Chief Justice acceded to this request. On 26th January, 2023, the Chief Justice established the Environment

and Planning Division and the Land Division of the Environment and Land Court. The divisions became operational on 1st July 2023.

As we embark on this journey together, the Court, through these divisions, is committed to upholding the rule of law, protect the environment, and ensure equitable and sustainable land use practices. These User Guidelines play an integral role in achieving these objectives. We encourage all court users of the Environment and Land Court to familiarize themselves with the guidelines to facilitate a seamless and effective legal process.

Hon. Justice Oscar Angote, MBS
Presiding Judge
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ACKNOWLEDGEMENT



The journey towards the development of the ELC New Divisions: User Operations Guidelines was facilitated by the invaluable contribution and input of internal and external stakeholders of the Environment and Land Court. While all the contributors may not be individually acknowledged, we truly appreciate the essential roles played by each of them in the preparation of this critical document.

We recognize the leadership and support of the Honorable Chief Justice and President of Supreme Court of Kenya, through the guiding vision of the Judiciary, 'Social Transformation through Access to Justice.' The Honorable Chief Justice has also been the guiding force behind the establishment of the Environment and Land Court Divisions and these Guidelines, with the aim of enhancing the specialization and efficiency of the court.

My sincere gratitude also goes to the Presiding Judge of the Environment & Land Court, Hon. Mr. Justice O. Angote, who provided overall leadership and guidance to the process of establishment of the ELC Divisions and to the Technical Team. We additionally recognize the contribution made by all the Judges, DRs and staff of the ELC Court participated in the validation of these Guidelines. Furthermore, as a court, we are grateful to the Chief Registrar of the Judiciary, Hon. Anne Amadi for her unwavering support and facilitation.

I must commend the members of the Technical Team who dutifully gave of their time and expertise in the preparation of these Guidelines. This team was comprised of Deputy Registrars of the Environment and Land Court and Judicial staff from the Directorates of ICT, DPOP, DPAC and the Environment and Land Court in general.

Our fervent thanks also go to the DPAC team led by Ms. Catherine Wambui for their industry and technical support in the editing and designing of these Guidelines.

The Food and Agriculture Organization has been a committed partner of the Environment and Land Court and has walked with us through this journey of establishing the ELC Divisions. We are indebted to them for their technical and financial support that facilitated the development of these User Guidelines.

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Hon. Rose Makungu
Registrar
Environment and Land Court

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ACRONYMS

CTS	Case Tracking System
DCRT	Daily Court Returns Template.
ELC	Environment and Land Court
STAJ	Social Transformation Through Access to Justice

DEFINITION OF TERMS

Adjudicate: Make a formal determination on a disputed matter.

Backlog: Cases that are over 3 years old.

Cause of Action: The facts which enable a person to determine the nature of the case.

Choses in Action: Personal rights over a property which can only be enforced by an action in court without taking physical possession.

Data Collection: Gathering, measuring and analyzing data collected in the DCRT and CTS.

Climate Change: Long term shifts in weather patterns due to natural changes or man-made activities.

Case Tracking System (CTS): An automated Registry System.

Disputes: A disagreement or issue giving rise to a legal proceeding.

Division: The Environment & Planning Division and the Land Division of the Environment & Land Court.

E-filing: The process of electronically filing documents in the Court.

Enforceable Interests in Land: Rights that one holds or owns in land.

Instruments transferring and dealing with interests in land: Formal document dealing with transactions relating to land.

International Instruments: International Conventions, Resolutions, Circulars and documents giving effect to the Conventions.

Jurisdiction: Authority of the Court to hear cases within its geographical boundaries.

Land: Includes the surface of the earth and the subsurface rock; any body of water on or under the surface; marine waters in the territorial sea and exclusive economic zone; natural resources completely contained on or under the surface; and the air space above the surface.

Land-use planning: the process of designating, regulating, evaluating, zoning and organizing the present and future use and development of land in all its geographical areas and its resources to secure the physical, economic and social efficiency, health and well-being of urban and rural communities

Legal & Legislative Framework: The Constitution, Statutes, Regulations, By-laws and any other law.

Natural resources: the physical non-human factors and components, whether renewable or non-renewable, including sunlight; surface and groundwater; forests, biodiversity and genetic resources; and rocks, minerals, fossil fuels and other sources of energy.

Pleadings: Formal documents of the cause of action or defense filed in court.

Quasi-judicial bodies: Public bodies, administrative officers and commissions vested with power to hear and determine disputes.

Real property: Land and anything attached to it, including man-made objects that can be removed from the land.

Registry Operations Manual: A document that provides clarity on the operations of Environment & Land Court Registries.

Registry Procedures: Rules, processes and guidelines in connection to the Registries.

Relief: The redress or assistance a party seeks from the court.

Scope: The extent or area in regard to the matter.

Statute: A written law that has been passed by Parliament or County Assembly.

Sustainable Development- Human development goals meeting with natural systems so as to provide natural resources and ecosystem services.

Chapter 1

Background

1.1. Introduction

The Constitution of Kenya established the Environment and Land Court to adjudicate disputes related to the environment, use and occupation of and title to land. The Environment and Land Court Act, Act No. 19 of 2011 was enacted in 2011 to give effect to Article 162(2)(b) of the Constitution. Section 4 the ELC Act provides that the Court is a superior court of record with the status of the High Court and shall have and exercise jurisdiction throughout Kenya.

Since its inception in 2012, the Environment and Land Court has operated as one unit handling both Environment and Land cases. In response to the needs of its stakeholders and in line with the Chief Justice's Social Transformation Through Access to Justice (STAJ) Vision, there was a proposal by the Presiding Judge ELC for the separation of the court into two Divisions that is, the Environment and Planning Division and the Land Division.

The proposal to establish the two divisions of the court was approved by the Honourable Chief Justice. There is now established the Environment & Planning Division and the Land Division of the Environment & Land Court with specific Judges deployed to the specific divisions. The rationale for the creation of these two Divisions is to encourage filing of environmental matters which are significantly fewer than land disputes, and to deal with emerging environmental planning and management issues such as Climate Change and sustainable development concerns.

The creation of these Divisions will enhance the effectiveness and efficiency of the Environment and Land Court through implementing a specialized approach to dispute resolution. This manual gives an overview of the definition of the Environment and Land Cases, Registry Procedures and ancillary information on the two Divisions.

1.2. Introduction

The purpose of these User Operations Guidelines is to guide the internal and external ELC Stakeholders through the process of creating and establishing the Environment and Planning Division and the Land Division within the court. These guidelines give definitions of Environment and Planning Cases and Land Cases, highlight the changes in filing and the roles of key personnel in the administrative processes in the registry. This is aimed at streamlining processes and preventing bottlenecks in the creation of the two ELC Divisions.

1.3. Objectives

The main objectives of these user guidelines are:

- a) To increase the efficiency and effectiveness of the court.
- b) Standardization of the processes and procedures.
- c) To act as a reference for training and induction of new court users.

1.4. Scope of the User Guidelines

These user guidelines provide for the case types, filing procedure and case processes of the environment and planning cases as well as land cases at the Environment and Land Court.

1.5. Reference Documents

The guidelines should be read together with the ELC Registry Operations Manual as well as policy documents and other registry operation manuals of the Judiciary.

1.6. Transition Clause

Following the establishment of the two divisions at the ELC, these transitional directions shall be observed:

- 1) From July 1, 2023 parties shall be required to file cases and appeals as either Environment and Planning cases (EPC) or Land cases (LC) in all courts.
- 2) All Environment and Land Court Cases (ELC) filed by June 30, 2023 shall proceed as ELC matters before the respective Judges handling them until their determination.
- 3) At Milimani ELC, the cases shall be filed in the respective divisions and heard by the Judges deployed therein.
- 4) In other courts, all matters, irrespective of whether they are Environment and Planning Cases or Land Cases, shall be handled by the ELC Judges at the Station.
- 5) ELC cases at the Magistrates Court should be classified as either Environment and Planning Matters or Land matters.

Chapter 2

Environment and Planning Cases

2.1 Definition of Environment and Planning Case

These are disputes concerning the environment and environmental rights including climate change, environment planning, developmental planning, environmental protection, conservation, pollution control, natural resource management, and sustainable development.

2.2 Scope of Environment and Planning Division in ELC

The scope of disputes to be filed in the Environment and Planning Division relate to the following:

- 1) Environmental Protection
- 2) Climate Change Issues
- 3) Mining and Minerals
- 4) Other Natural Resources
- 5) Issues relating to private, public and community land and contracts on matters of environment and planning.
- 6) Choses in action.
- 7) Land Use Planning.
- 8) Constitutional rights and freedoms.
- 9) Appeals, applications and references from the Magistrates court, tribunals, and quasi-judicial bodies (See Appendix 'I' on Tribunals)

Chapter 3

Land Cases

3.1 Definition of a Land Case

These are disputes relating to ownership, acquisition, possession, rights, boundaries, or other legal issues concerning land. Such land may be public, private or community owned.

3.2 Scope of Land Division in ELC

The scope of disputes to be filed in the Land Division relate to the following:

- 1) Land title, tenure, boundaries, rates, rents and valuation.
- 2) Compulsory acquisition.
- 3) Land administration and management.
- 4) Issues relating to private, public and community land and contracts
- 5) Choses in action.
- 6) Instruments granting enforceable interest in land.
- 7) Constitutional rights and freedoms.
- 8) Immoveable property under the Waqf Act
- 9) Appeals and references from the Magistrates court, tribunals and quasi-judicial bodies (See Appendix 'I' on Tribunals)

Chapter 4

Registry Procedures

These procedures are applicable to all disputes filed in the Environment and Land Court, whether filed as Environment and Planning Cases or Land Cases.

4.1 Case Types and Case Codes

Disputes filed at the ELC shall be filed in the following case types:
(See Appendix B on Case Types)

- Judicial Review
- Petitions
- Originating Summons
- Miscellaneous Applications
- Appeals
- Civil Suits
- Reference
- Originating Notice of Motion

Table 1.1: New Case Codes at ELC – Land Division

Sn	Case Type	Case Types Court
1.	ELCLC	ELC Land Case
2.	ELCLA	ELC Land Appeal
3.	ELCLJR	ELC Land Judicial Review
4.	ELCLMISC	ELC Land Miscellaneous Application
5.	ELCLPET	ELC Land Petition
6.	ELCLOS	ELC Land Originating Summons
7.	ELCLREF	ELC Land Reference
8.	ELCLOM	ELC Land Originating Notice of Motion

Table 1.2: New Case Codes at ELC – EP Division

Sn	New Case Codes	Case Types for E & P
1.	ELCEPC	ELC Environment and Planning Case
2.	ELCEPA	ELC Environment and Planning Appeal
3.	ELCEPJR	ELC Environment and Planning Judicial Review
4.	ELCEPMISC	ELC Environment and Planning Miscellaneous Application
5.	ELCEPPET	ELC Environment and Planning Petition
6.	ELCEPOS	ELC Environment and Planning Originating Summons
7.	ELCEPOM	ELC Environment and Planning Originating Notice of Motion

4.2 Registry processes

4.2.1 Filing

During registration of matters, parties shall present either of the following pleadings:

- Complaint
- Judicial Review Application
- Miscellaneous Application
- Originating Summons
- Petition
- Memorandum of Appeal
- Originating Notice of Motion

To identify whether it is an environment and planning or a land case, one must look at:

A. The Cause of Action

- For Land matters, this includes cases dealing fraudulent registration of land, double allocations of land, trespass to land, etc (See Chapter 2 on Land)
- For Environment and Planning matters, this includes illegal mining, environmental degradation, dumping of waste and pollution, etc (See Chapter 3 on Environment and Planning)

B. The Reliefs Sought

- interim or permanent preservation orders including injunctions.
- prerogative orders.
- award of damages.
- compensation.
- specific performance.
- restitution.
- declarations.
- evictions.
- costs.

C. The jurisdiction of the court must also be considered. (See Appendix A on Jurisdiction of ELC Courts)

4.2.2. Court Fees

After registration requisite court fees shall be paid.

Fees shall be as per the gazetted court fees schedule. (See Appendix H on Fees)

Dates shall thereafter be given.

4.2.3 Issuance and Service of Summons

Summons to enter appearance shall be issued and service undertaken in line with Order 5 of the Civil Procedure Rules, 2010. Litigants and advocates shall be notified of the new dates as and when issued by the court. The service of court summons and other court processes will be effected electronically or physically, where applicable.

4.2.4 Case management Conference

Within sixty days of filing a suit, the suit shall be set down for a case management conference to confirm compliance with the provisions of Order 11 of the Civil Procedure Rules, 2010.

Following confirmation, the matter shall be fixed for mention before a judge for fixing a hearing date.

4.2.5 Hearing

Judges shall determine all applications that arise and substantively hear and determine the case to its conclusion.

Hearings may be conducted virtually and/or in open court.

4.2.6 Court Decisions

Judges shall deliver the rulings and judgements within the prescribed periods.

4.2.7 Post Judgment

Where there is a Request for Judgment in Default of Appearance:

Parties shall write a letter requesting an ex-parte judgment with a return of service, attaching returned served summons and pleadings, and a copy of the process server's current license.

The matter shall be set down for pre-trial or directions and hearing.

Where Final Judgment has been entered or matter has been finalised before an Order/Decree:

Further Court filing fees shall be assessed and a court fee certificate issued

A signed Judgment or Ruling will then be issued.

4.2.8 Execution of Decree/Order

- Copy of the signed Decree or Order;
- Application for Execution;
- Warrant for Eviction or Giving Vacant Possession to the Court Bailiff
- In the case of Execution by the Court of instruments dealing with Interests in Land an Order directing the Deputy Registrar to execute the documents or instruments be issued.

4.2.9 Costs

Assessment or Taxation of Costs is done by the Deputy Registrar once a Party has lodged their Party & Party Bill of Costs and a Notice of Taxation issued by the Registry.

4.2.10 Records Management

The Records Management process shall be as provided in the ELC Registry Manual

Chapter 5

Roles and Responsibilities

5.1 Roles of the Deputy Registrar

- 1) Resolving any issues brought regarding the Environment & Planning or Land Divisions and cases.
- 2) Referring a matter to the judge for direction on matters erroneously filed in the wrong division.
- 3) Offer guidance to court administrators and court assistants on correct filing to their respective decisions.

5.2 Roles of the Court Administrator

- 1) Ensuring new registers are kept, maintained and updated according to the respective division- environment & planning cases and land cases.
- 2) Supervision of document differentiation and ensure they are filed in the correct division.
- 3) Ensuring proper filing of documents to their correct folders that is Sky Blue - Environment and Planning and Jungle Green - Land Cases
- 4) Receiving and addressing complaints
- 5) Electronic archiving of wrongly filed matters (circumstances in which files can be archived).

5.3 Roles of the Court Assistant

- 1) Receive and verify that documents have been filed to the correct division.
- 2) Update registers for the Environment & Planning and Land cases.
- 3) Refer complaints to the Deputy Registrar in regard to new divisions.
- 4) Create awareness of the creation of the new divisions and answer any queries in relation.
- 5) Ensure court documents are well filed, organized, and well maintained in their respective division.

Note: These roles shall be in addition to those currently in the High Court Manual

Appendices

A. Environment and Land Court Jurisdiction

SN	COURT	COUNTY NAME	COUNTY NUM	COURT NAME
1.	Mombasa ELC	Mombasa	1	Mombasa Magistrates Court
2.	Kwale ELC	Kwale	2	Kwale Magistrates Court
3.				Msambweni Magistrates Court
4.	Malindi ELC	Kilifi	3	Kaloleni Magistrates Court
5.				Kilifi Magistrates Court
6.				Malindi Magistrates Court
7.				Mariakani Magistrates Court
8.		Tana River	4	Garsen Magistrates Court
9.				Hola Magistrates Court
10.		Lamu	5	Lamu Magistrates Court
11.				Mpeketoni Magistrates Court
12.	Voi ELC	Taita Taveta	6	Taveta Magistrates Court
13.				Voi Magistrates Court
14.				Wundanyi Magistrates Court
15.	Garissa ELC	Garissa	7	Dadaab Magistrates Court
16.				Garissa Magistrates Court
17.		Wajir	8	Wajir Magistrates Court
18.		Mandera	9	Mandera Magistrates Court
19.	Isiolo ELC	Isiolo	11	Isiolo Magistrates Court
20.		Marsabit	10	Marsabit Magistrates Court
21.				Moyale Magistrates Court
22.	Meru ELC	Meru	12	Githongo Magistrates Court
23.				Maua Magistrates Court
24.				Meru Magistrates Court
25.				Nkubu Magistrates Court
26.				Tigania Magistrates Court
27.	Chuka ELC	Tharaka-Nithi	13	Chuka Magistrates Court
28.				Marimanti Magistrates Court

SN	COURT	COUNTY NAME	COUNTY NUM	COURT NAME
29.	Embu ELC	Embu	14	Embu Magistrates Court
30.				Runyenjes Magistrates Court
31.				Siakago Magistrates Court
32.	Kitui ELC	Kitui	15	Kitui Magistrates Court
33.				Kyuso Magistrates Court
34.				Mutomo Magistrates Court
35.				Mwingi Magistrates Court
36.	Machakos ELC	Machakos	16	Kangundo Magistrates Court
37.				Kithimani Magistrates Court
38.				Machakos Magistrates Court
39.				Mavoko Magistrates Court
40.	Makueni ELC	Makueni	17	Kilungu Magistrates Court
41.				Makindu Magistrates Court
42.				Makueni Magistrates Court
43.				Tawa Magistrates Court
44.	Nyandarua ELC	Nyandarua	18	Engineer Magistrates Court
45.				Nyahururu Magistrates Court
46.				OI Kalou Magistrates Court
47.	Nyeri ELC	Nyeri	19	Karatina Magistrates Court
48.				Mukurwe-ini Magistrates Court
49.				Nyeri Magistrates Court
50.				Othaya Magistrates Court
51.	Kerugoya ELC	Kirinyaga	20	Baricho Magistrates Court
52.				Gichugu Magistrates Court
53.				Kerugoya Magistrates Court
54.				Wanguru Magistrates Court
55.	Muranga ELC	Murang'a	21	Kandara Magistrates Court
56.				Kangema Magistrates Court
57.				Kenol Magistrates Court
58.				Kigumo Magistrates Court
59.				Muranga Magistrates Court
60.	Thika ELC	Kiambu	22	Gatundu Magistrates Court
61.				Githunguri Magistrates Court
62.				Kahawa Magistrates Court
63.				Kiambu Magistrates Court
64.				Kikuyu Magistrates Court
65.				Limuru Magistrates Court
66.				Ruiru Magistrates Court
67.				Thika Magistrates Court

SN	COURT	COUNTY NAME	COUNTY NUM	COURT NAME
68.	Kitale ELC	Trans Nzoia	26	Kitale Magistrates Court
69.		Turkana	23	Kakuma Magistrates Court
70.				Lodwar Magistrates Court
71.		West Pokot	24	Kapenguria Magistrates Court
72.	Eldoret ELC	Uasin Gishu	27	Eldoret Magistrates Court
73.	Iten ELC	Elgeyo Marakwet	28	Iten Magistrates Court
74.		Baringo	30	Kabarnet Magistrates Court
75.			30	Eldama Ravine Magistrates Court
76.	Kapsabet ELC	Nandi	29	Kabiyet Magistrates Court
77.			29	Kapsabet Magistrates Court
78.			29	Tinderet Magistrates Court
79.	Nanyuki ELC	Laikipia	31	Nanyuki Magistrates Court
80.				Rumuruti Magistrates Court
81.		Samburu	25	Maralal Magistrates Court
82.	Nakuru ELC	Nakuru	32	Molo Magistrates Court
83.				Naivasha Magistrates Court
84.				Nakuru Magistrates Court
85.	Narok ELC	Narok	33	Narok Magistrates Court
86.	Kilgoris ELC			Kilgoris Magistrates Court
87.	Kajiado ELC	Kajiado	34	Kajiado Magistrates Court
88.				Loitoktok Magistrates Court
89.				Ngong Magistrates Court
90.	Kericho ELC	Kericho	35	Kericho Magistrates Court
91.		Bomet	36	Bomet Magistrates Court
92.				Sotik Magistrates Court
93.	Kakamega ELC	Kakamega	37	Butali Magistrates Court
94.				Butere Magistrates Court
95.				Kakamega Magistrates Court
96.				Mumias Magistrates Court
97.	Vihiga ELC	Vihiga	38	Hamisi Magistrates Court
98.				Vihiga Magistrates Court
99.	Bungoma ELC	Bungoma	39	Bungoma Magistrates Court
100.				Kimilili Magistrates Court
101.				Sirisia Magistrates Court
102.				Webuye Magistrates Court
103.	Busia ELC	Busia	40	Busia Magistrates Court
104.				Malaba Magistrates Court
105.				Port Victoria Magistrates Court

SN	COURT	COUNTY NAME	COUNTY NUM	COURT NAME
106.	Siaya ELC	Siaya	41	Bondo Magistrates Court
107.				Madiany Magistrates Court
108.				Siaya Magistrates Court
109.				Ukwala Magistrates Court
110.	Kisumu ELC	Kisumu	42	Kisumu Magistrates Court
111.				Maseno Magistrates Court
112.				Nyando Magistrates Court
113.				Tamu Magistrates Court
114.				Winam Magistrates Court
115.	Homa Bay ELC	Homabay	43	Homabay Magistrates Court
116.				Mbita Magistrates Court
117.				Ndhiwa Magistrates Court
118.				Oyugis Magistrates Court
119.	Migori ELC	Migori	44	Kehancha Magistrates Court
120.				Migori Magistrates Court
121.				Rongo Magistrates Court
122.	Kisii ELC	Kisii	45	Kisii Magistrates Court
123.				Ogembo Magistrates Court
124.	Nyamira ELC	Nyamira	46	Keroka Magistrates Court
125.				Manga Magistrates Court
126.				Nyamira Magistrates Court
127.	Milimani ELC	Nairobi	47	Milimani Commercial Magistrates Court
128.				Nairobi City Court

B. Case Types for ELC

Table 1.1: Old Case Codes at ELC

SN	OLD CODES	CASE TYPES COURT
1.	ELCC	ELC Civil Suit
2.	ELCA	ELC Appeal
3.	ELCJR	ELC Judicial Review
4.	ELCMISC	ELC Miscellaneous Application
5.	ELCPET	ELC Petition
6.	ELCOS	ELC Originating Summons
7.	ELCREF	ELC Reference

Table 1.2: New Case Codes at ELC – EP Division

SNN	NEW CASE CODES	CASE TYPES FOR E & P
1.	ELCEPC	ELC Environment & Planning Case
2.	ELCEPA	ELC Environment & Planning Appeal
3.	ELCEPJR	ELC Environment & Planning Judicial Review
4.	ELCEPMISC	ELC Environment & Planning Miscellaneous Application
5.	ELCEPPET	ELC Environment & Planning Petition
6.	ELCEPOS	ELC Environment & Planning Originating Summons
7.	ELCEPOM	ELC Environment & Planning Originating Notice of Motion

Table 1.3: New Case Codes at ELC – Land Division

SN	CASE TYPE	CASE TYPES COURT
1.	ELCLC	ELC Land Case
3.	ELCLA	ELC Land Appeal
4.	ELCLJR	ELC Land Judicial Review
5.	ELCLMISC	ELC Land Miscellaneous Application
6.	ELCLPET	ELC Land Petition
7.	ELCLOS	ELC Land Originating Summons
8.	ELCLREF	ELC Land Reference
9.	ELCLOM	ELC Land Originating Notice of Motion

C. Case Activities

- Case Management Conference
- Certificate of urgency
- Contempt proceedings
- Examination of Directors
- Directions
- Request for interlocutory judgement
- Entry of consent
- Hearing- Main Suit
- Hearing of application
- Judgment
- Mention
- Registration/Filing-Application
- Registration/Filing-New Case
- Ruling
- Site visits
- Mediation / AJS screening

- Taxation / Assessment of Costs
- Registrar/ Deputy Registrar Actions
- Reactivation
- Referral to mediation
- Sentencing
- Admission of Appeal
- Issuance of summons
- Notice To Show Cause (Dismissals)
- Highlighting of Submissions

D. Case Outcomes

Case Outcomes that Close a Case

- Application Withdrawn - Case Closed
- Abated
- Sentenced
- Consent recorded - case closed
- Consolidated- case closed
- Suit Dismissed
- File transferred
- Judgment delivered
- Matter Withdrawn
- Matter Settled
- Full Settlement reached
- Ruling delivered- case closed
- Struck out
- Appeal Rejected
- Appeal Dismissed
- Application Allowed- Case Closed
- Application Dismissed - Case Closed

Case Outcomes that do not close a case:

- Adjournment
- Case Registered/Filed
- Case partly heard
- Certified urgent
- Consent recorded
- Consolidated
- Hearing date set
- Judgment date given

- Directions given
- Matter referred for arbitration
- Matter referred for mediation
- Matter referred to AJS
- Mention date set
- Not certified urgent
- Oral submissions made
- Partial settlement reached
- Mediation - No Agreement
- Mediation - Non-Compliance
- Mediation - Terminated
- Mediation - Mediator Assigned
- Mediation - Direction Given
- Mediation - Partial Settlement
- Ruling date given
- Ruling delivered
- Case Heard*
- Expert Report Filed
- Expert Report Produced
- Directors Examined
- Interlocutory Judgment Entered
- Directors Not Examined
- Application Registered/Filed
- Taxation Date Set
- Certificate of Taxation Issued
- Warrants of Arrest Issued
- Warrants of Attachment Issued
- Correspondence Issued
- Ruling arrested
- Site Visit Ordered
- Site Visit Conducted
- Site Visit Report Filed
- Ruling delivered - Case Reopened
- Certified Copy (ies) of Proceedings Issued
- Certified Copy (ies) of Ruling Issued
- Certified Copy (ies) of Judgment Issued

- Order(s) Issued
- Decree Issued
- Summons Issued
 - » *Last Submission(s) made*
- Referred to Mediation
- Mediation - Matter Mentioned
- Mediation - Full Settlement
- Case Reinstated
- Appeal Admitted
- Further Hearing Date Set
- Application Allowed
- Application Dismissed
- Default judgement entered

E. Mapping Outcomes to Case Activities

SN	CASE ACTIVITY (COMING FOR)	POSSIBLE OUTCOMES
1.	Case Management Conference	a) Consent recorded b) Consent recorded - case closed c) Directions given d) File transferred e) Hearing date set f) Matter referred for arbitration g) Matter referred for mediation h) Matter referred to AJS i) Mention date set j) Partial settlement reached k) Full Settlement reached
2.	Certificate of Urgency	a) Certified urgent b) Directions given c) File transferred d) Hearing date set e) Mention date set f) Not certified urgent g) Order(s) Issued
3.	Contempt Proceedings	a) Dismissed b) Summons Issued c) Sentenced
4.	Examination of Directors	a) Directors Examined b) Directors Not Examined

SN	CASE ACTIVITY (COMING FOR)	POSSIBLE OUTCOMES
5.	Directions	a) Adjournment b) Directions given c) Dismissed d) File transferred e) Hearing date set f) Matter referred for arbitration g) Matter referred for mediation h) Matter referred to AJS i) Mention date set j) Summons Issued
6.	Request for Interlocutory Judgement	a) Directions given b) Judgment delivered c) Interlocutory Judgment Entered
7.	Entry of Consent	a) Consent recorded b) Consent recorded - case closed c) Hearing date set d) Mention date set e) Partial settlement reached f) Full Settlement reached
8.	Execution Proceedings	a) Application Withdrawn - Case Closed b) Consent recorded c) Consent recorded - case closed d) Hearing date set e) Mention date set f) Order(s) Issued
9.	Hearing- Main Suit	a) Adjournment b) Consent recorded c) Consent recorded - case closed d) Dismissed e) Hearing date set f) Matter Withdrawn g) Mention date set
10.	Hearing of Application	a) Adjournment b) Application Withdrawn - Case Closed c) Consent recorded d) Consent recorded - case closed e) Directions given f) Dismissed g) Hearing date set h) Matter referred for arbitration i) Matter referred for mediation j) Matter referred to AJS k) Mention date set l) Ruling date given m) Ruling delivered n) Ruling delivered- case closed o) Application Allowed p) Application Allowed- Case Closed q) Application Dismissed - Case Closed r) Application Dismissed
11.	Judgment	a) Adjournment b) Judgment delivered
12.	Admission of Appeal	a) Appeal Admitted b) Appeal Rejected
13.	Issuance of summons	a) Summons Issued

SN	CASE ACTIVITY (COMING FOR)	POSSIBLE OUTCOMES
14.	Notice To Show Cause (Dismissals)	a) Dismissed b) Hearing date set c) Mention date set
15.	Highlighting of Submissions	a) Adjournment b) Judgment date given c) Ruling date given
16.	Mention	a) Consent recorded b) Consent recorded - case closed c) Consolidated d) Consolidated- case closed e) Directions given f) Judgment date given g) Hearing date set h) Mention date set i) File transferred j) Partial settlement reached k) Full Settlement reached l) Matter referred for arbitration m) Matter referred for mediation n) Matter referred to AJS o) Ruling date given p) Mediation - Full Settlement q) Mediation - Partial Settlement r) Mediation - No Agreement s) Mediation - Non-Compliance
17.	Registration/Filing-Application	a) Application Registered/Filed
18.	Registration/Filing-New Case	b) Auto populated in CTS
19.	Taxation / Assessment of Costs	a) Application Withdrawn - Case Closed b) Consent recorded - case closed c) Ruling date given d) Ruling delivered- case closed e) Struck out f) Taxation Date Set
20.	Reactivation	a) Directions given b) Ruling delivered- case closed c) Ruling delivered - Case Reopened
21.	Referral to Mediation	a) Directions given b) Mention date set c) Referred to Mediation
22.	Sentencing	a) Sentenced
23.	Ruling	a) Adjournment b) Ruling delivered c) Ruling delivered- case closed
24.	Site visits	a) Adjournment b) Mention date set c) Site Visit Report Filed
25.	Mediation / AJS screening	a) Matter referred for arbitration b) Matter referred for mediation c) Matter referred to AJS

SN	CASE ACTIVITY (COMING FOR)	POSSIBLE OUTCOMES
26.	Registrar/ Deputy Registrar Actions	a) Certificate of Taxation Issued b) Warrants of Arrest Issued c) Warrants of Attachment Issued d) Correspondence Issued e) Certified Copy (ies) of Proceedings Issued f) Certified Copy (ies) of Ruling Issued g) Certified Copy (ies) of Judgment Issued h) Order(s) Issued i) Decree Issued j) Mention date set k) Hearing date set

F. Cause List Order

1. Mention
2. Pre-trial
3. Highlighting of submissions
4. Hearing of Applications
5. Formal Proof Hearing
6. Hearings
7. Rulings
8. Judgements

Note: All hearings to be conducted physically/ hybrid -All mentions are virtual.

G. Reasons for Adjournment

- Advocate not present
- Advocate not ready
- Case referred for mediation
- Court Indisposed
 - Breakdown of Court Indisposed:
 - Unwell
 - Bereavement
 - Emergencies
- Court on its own motion
- Court on Official Duty
- Death of a party
- Expert report not ready
- Judge/Judicial officer on transfer
- Judgment not ready
- No proof of service
- Party (ies) not present

- Party (ies) not ready
- Parties to Negotiate
- Recusal
- Ruling not ready
- Submissions not ready
- Typed proceedings not ready
- Witness not present
- Witness not ready
- Want of time

H. Court Fees for Environment & Planning and Land Cases

PLEADINGS	COURT FEES
Liquidated claim <ul style="list-style-type: none"> • Plaintiff or Originating summons or counterclaim • Verifying affidavit • Summons • List of witnesses • List of documents • Statements • Documents • Reply to defence or counterclaim 	Assessed according to the second schedule and subject to minimum of kes 2000 to maximum kes 71,000
Unliquidated claim <ul style="list-style-type: none"> • Plaintiff or counter claim or originating summons, • verifying affidavit, • summons • List of witnesses • List of documents • Statements • Documents • Reply to defence or counterclaim 	Kes 2000
Memo of appearance	Kes 100
Defence <ul style="list-style-type: none"> • Statement of defence • List of witnesses • List of documents 	Kes 500

PLEADINGS	COURT FEES
Any type of application <ul style="list-style-type: none"> • Application • Affidavits • Orders • Annexures for the first one hundred pages • Application for execution • Warrant of attachment • Warrant of sale • Notice to show cause • Warrant of arrest 	Kes 1500
Response to application <ul style="list-style-type: none"> • Replying affidavits • Submissions • Grounds of opposition • List of authorities • Annexures first 100 pages 	Kes 750
Notice of appeal against judgment or ruling	Kes 450
Registration of arbitration awards <ul style="list-style-type: none"> • Application or letter • Affidavit • Certified copy of the arbitration award • Decree or order 	Kes 10,100
Application under certificate of urgency <ul style="list-style-type: none"> • Certificate of urgency • Affidavits • Applications • Orders • Annexure first 100 pages 	Kes 2250
Substantive notice of motion <ul style="list-style-type: none"> • Statements • Application • Affidavits • Annexure • order 	Kes 10,575
Bill of costs <ul style="list-style-type: none"> • Bill • Certificate of taxation • Bundle of documents 	Kes 500
Response to bill of cost <ul style="list-style-type: none"> • Replying affidavit • Notice of preliminary objection • Grounds of opposition • submissions 	Kes 300

PLEADINGS	COURT FEES
Court collection fees <ul style="list-style-type: none"> • Application for execution • Legal deposits 	Kes 1500
Any appeal from subordinate courts and tribunals <ul style="list-style-type: none"> • Notice of appeal • Memorandum of appeal • Records of appeal 	Kes 1550

I. Tribunals and Quasi-Judicial Forums

The following Tribunals and Quasi-Judicial Forums should appeal to the Land Division:

1. Business Premises and Rent Tribunal,
2. Land Acquisition Tribunal,
3. Rent Restriction Tribunal,
4. Under the Land Adjudication Act,
5. Under the National Land Commission,
6. Appeals from the Chief Land Registrar under the Land Registration Act
7. Other Alternative Dispute Resolution Mechanisms.

The following Tribunals and Quasi-Judicial Forums should appeal to the Environment and Planning Division:

1. County Wildlife Conservation and Compensation Committee under Wildlife Conservation and Management Act
2. National Environmental Complaints Committee (NECC)
3. County Physical and Land Use Planning Liaison Committee
4. National Physical and Land Use Planning Liaison Committee
5. Town/Municipal/City Physical and Land Use Planning Liaison Committee
6. National Environment Tribunal (NET)
7. Water Tribunal
8. Other Alternative Dispute Resolution Mechanisms.

J. Legal Framework

1. Constitution of Kenya
2. International instruments
3. Business Premises Rent Tribunal Act
4. Civil Procedure Act
5. Climate Change Act
6. Distress of Rent Act
7. Energy Act
8. Environment and Land Court Act
9. Environment Management Co-ordination Act
10. Ewaso Ng'iro North River Development Authority Act
11. Ewaso Ng'iro South River Development Authority
12. Forest Act
13. Equitable Mortgages Act
14. Forest Conservation and Management Act
15. Land Act, 2012
16. Land Acquisition Act
17. Land Adjudication Act
18. Land Consolidation Act
19. Landlord and Tenant (Shops, Hotels and Catering Establishments) Act
20. Land Registration Act
21. Mining Act
22. National Environment Tribunal Act
23. Natural Resources Act
24. National Land Commission Act
25. Physical Land Use and Planning Act
26. Protection of Traditional Knowledge and Cultural Expressions Act
27. Rent Restriction Act
28. Survey Act
29. Sustainable Waste Management Act
30. Tana and Athi Rivers Development Authority Act
31. Timber Act
32. Registration of Documents Act
33. Registered Land Act (now repealed)
34. Trust Land Act
35. Trespass Act
36. Trust Land Act
37. Trusts of Land Act

38. Water Act
39. Waqf Act
40. Wayleaves Act
41. Wildlife Conservation and Management Act
42. And any other law dealing with the environment and land.

K. Pleadings Samples

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT XXXX

ENVIRONMENT AND PLANNING DIVISION

ELCEPC NO. E001 OF 2023

ABC.....PLAINTIFF

Versus

JKM.....1ST DEFENDANT

XYZ.....2ND DEFENDANT

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT XXXX

LAND DIVISION

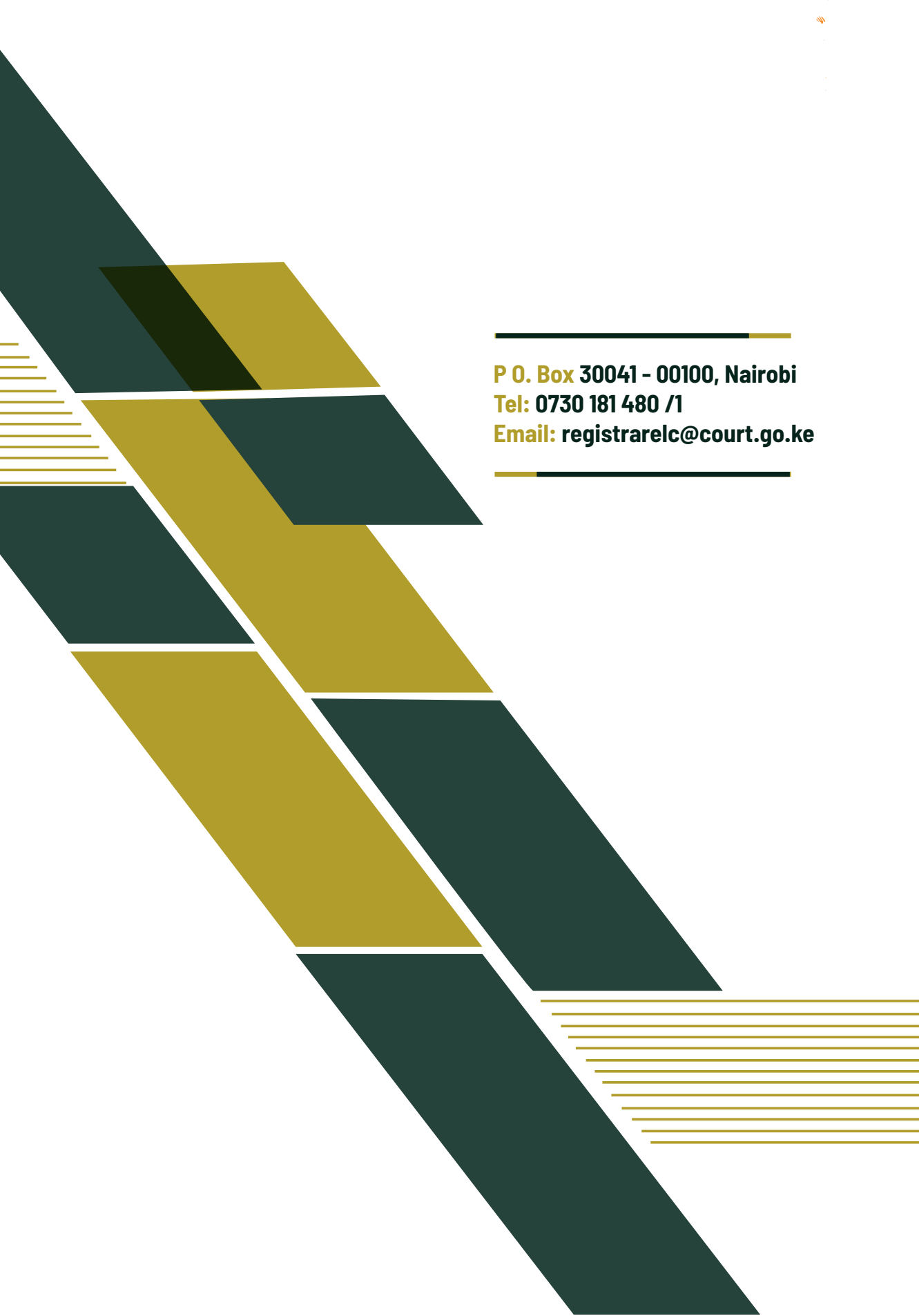
ELCLC NO. E001 OF 2023

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JKM.....1ST DEFENDANT

XYZ.....2ND DEFENDANT



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