

26/01/2024

MEMBER ADVISORY

ADVISORY ON AFFORDABLE HOUSING DEDUCTIONS HALT BY THE COURT OF APPEAL

Dear Esteemed Member,

Your attention is drawn to a Ruling delivered today January 26th, 2024, in the Court of Appeal dismissing a Stay Application where the Government sought to continue collecting the Housing Levy until the appeal it filed is heard and determined by the Court of Appeal.

In dismissing the application, the Court of Appeal noted that the levy was introduced without a legal framework. Further, the Court of Appeal indicated that its decision was based on public interest, which in the case was in favour of halting the deduction pending the hearing and determination of the Appeal.

In light of the court order, we advise our members, not to deduct the levy unless the Court of Appeal rules otherwise after the hearing of the substantive appeal or in the alternative, should the government challenge the said ruling in the Supreme Court, the said Court reverses the ruling delivered today.

The Federation shall continue to monitor any developments in this matter. Our commitment is to keep you informed promptly of any changes or updates.

We encourage you to stay informed on this issue and advise your employees accordingly. If you have any questions or concerns regarding the implementation of this advisory, please do not hesitate to contact us.

Jacqueline Mugo, EBS
Executive Director and CEO