



## Hiram Nyaburi

Partner, IKM Advocates

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Hiram has over 10 years litigation experience in the full spectrum of commercial disputes emanating mainly from the energy and natural resources, financial services, insurance, media, and Real Estate sectors. His specialization includes commercial litigation, procurement, employment, and arbitration.

Hiram also advises and litigates on labour disputes, public procurement disputes, land and environment disputes, constitutional, human rights, and judicial review issues.

Hiram's clients include the Government of Kenya, County Governments and independent commissions of the government, global pharmaceutical companies, cement manufacturing companies, insurance companies, regional banks and other financial institutions, multinational tea growing and processing companies, oil exploration companies and state corporations in the oil industry. Prior to joining the Firm, he worked as an Associate in two Nairobi based law firms.

### Related services

[Litigation, Arbitration and Regulatory](#)

### Related sectors

[Financial Services](#)

[Energy and Natural Resources](#)

[Insurance](#)

### Languages spoken

English, Swahili

## Experience

Experience has included advising:

- Baker Hughes EHO Ltd on employment disputes arising from redundancies
- Kenyan government in constitutional petitions challenging the constitutionality of various state appointments by the president and cabinet secretaries
- A global energy company in a constitutional petition on a large-scale power project in Lamu in which the project is being challenged due to environmental and health concerns
- Unilever Tea Kenya Ltd in a compulsory acquisition dispute of its land valued at USD1 million
- Standard Chartered Kenya Ltd in disputes arising from its exercise of statutory power of sale
- A global pharmaceutical in a constitutional petition seeking to stop the importation into Kenya through a tender valued at USD16 million over safety concerns
- Kenya Pipeline Company (a state corporation) in judicial review proceedings challenging a procurement of material to be used in the maintenance of an oil pipeline
- Mombasa Cement Ltd in a claim for USD16 million being compensation against a top insurance company in the region
- Safaricom Limited in a claim for USD4 million instituted against it by its sales agents whose contracts were terminated for engaging in fraudulent action
- Nation Media Group in defamation claims and an intellectual property dispute
- The county government of Kitui in a construction arbitration dispute instituted against it by a contractor

# Credentials

## Professional Qualifications

- Advocate admitted to the High Court of Kenya (2008)

## Education

- Kenya School of Law, Diploma in Law (2007)
- University of Nairobi, Bachelor of Laws LL.B. (2006)

## Prior Experience

- 2022 to date, Legal Director, IKM, DLA Piper Africa member firm in Kenya
- 2020 to 2021, Legal Director, IKM, DLA Piper Africa member firm in Kenya
- 2017 to 2020, Senior Associate, IKM, DLA Piper Africa member firm in Kenya
- 2011 to 2017, Associate, IKM, DLA Piper Africa member firm in Kenya
- 2010 to 2011, Associate, Nairobi-based law firm
- 2008 to 2009, Associate, Nairobi-based law firm

## Memberships

- Law Society of Kenya
- East Africa Law Society

# Insights

## The Supreme Court tightens the requirements and the obligations placed on the purchaser of land during the process of acquisition

18 October 2023

Barely five months since the landmark decision of the Supreme Court in *Dina Management Limited v County Government of Mombasa & 5 others* (Petition No. 8 (E010) of 2021), the apex Court on 22 September 2023 delivered another judgment which has the potential to further shake up the process of purchase of land by property investors in Kenya. In a judgment delivered in the case of *Petition No. 5 (E006) of 2022; Torino Enterprises Limited v Hon Attorney General* (“Torino Enterprise Limited’s case”), the Supreme Court held among other things that a letter of allotment, even if perfected, cannot by and in itself confer transferable title to the Allottee, until the purchasers are registered as proprietors of the land upon perfecting the letter of allotment. The Supreme Court further placed a burden to land purchasers to do a physical site visit for verification of land which the purchasers intend to buy.

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## Several sections of The NSSF Act Cap 45 of 2013 declared unconstitutional

27 September 2022

On 19 September 2022, the Employment and Labour Relations Court declared several sections of the National Social Security Fund Act Cap 45 of 2013 as unconstitutional, null and void in *Petitions 38 of 2014 (consolidated with Petitions 34, 35, 49 and 50 of 2014) Kenya Tea Growers Association & Others versus The Honourable Attorney General, the National Social Security Fund Trustees & Others*.

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## How timelines hurt access to justice in public tender cases

5 April 2022

In any country's legal system, the ability to access justice is an important part of the social contract. Public procurement law, just like any other field of law, should promote socio-economic development through the fair allocation of resources (including government purchasing). In this article, we will be looking at some of the laws regulating public procurement disputes in Kenya and explaining how some of them might be impeding the goals mentioned above.