

KIAMBU COUNTY TRADE LICENSE BILL, 2015

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A Bill for

AN ACT of the Kiambu County Assembly to give effect to paragraph 7(b) of Part 2 of the Fourth Schedule to the Constitution, to provide for the grant of trade licenses, and for connected purposes

ENACTED by the County Assembly of Kiambu as follows—

PART I - PRELIMINARY

Clauses

- Short title **1.** This Act may be cited as the Kiambu County Trade License Act, 2015
- Interpretations **2.** In this Act, unless the context otherwise requires—
- “*approved form*” means a form set out in the Second Schedule
- “*authorized officer*” means an authorized officer appointed under section 12;
- “*business*” includes a profession, trade or occupation, other than a prescribed business;
- “*Chief Licensing Officer*” means the chief licensing officer appointed under section 3;
- “*county public officer*” has the same meaning as in the County Governments Act, 2012;
- “*Executive Committee Member*” means the county executive committee member responsible for trade, markets and industry as constituted in the County Government of Kiambu;
- “*license fee*” means the fee payable for the grant or renewal of a trade license;
- “*prescribed*” means prescribed by the rules made under this Act;
- “*Receiver of revenue*” has the same meaning as in the Public Finance Management Act, 2012;

“*trade license*”, in relation to a business, means a license granted under this Act to conduct the business.

PART II- LICENSING PROCESS

Appointment of Chief Licensing officer.

3. 1) The Executive Committee Member shall appoint an officer of the County Government as the Chief Licensing Officer.
- (2) The Chief Licensing Officer shall have the functions and powers provided for by or under this Act.
- (3) The Chief Licensing Officer shall approve the forms for the purposes of this Act, and amend the forms in the Second Schedule.

Requirement for trade license

4. (1) A person shall not conduct any business within the county without a trade license.
- (2) A person shall be deemed to operate without a trade license after two months on no- renewal of a trade license.
- (3) A person who contravenes subsection (1) commits an offence, and is liable on conviction to a fine not exceeding five hundred thousand Kenya shillings or imprisonment not exceeding twelve months or to both.

Application for license

5. 1) An application for the grant of a trade license shall—
- (a) be lodged with the Chief Licensing Officer;
 - (b) be in the approved form;
 - (c) contain such information, and be accompanied by such documents as are required by the approved form;
 - (d) be signed in a manner specified in the approved form; and
 - (e) be accompanied by the prescribed fee.
- 2) An application shall be made in an electronic format approved by the Chief Licensing Officer.
- (3) The Chief Licensing Officer shall, before determining an application, require the applicant to provide such additional

information or documents as is necessary to enable the application to be determined.

(4) The application fee is non - refundable.

Grant of
license

- 6.** (1) The Chief Licensing Officer shall grant an application for a trade license if-
- (a) satisfied that the applicant has complied with all laws relating to health, hygiene and safety applicable to the trade license applied for; and
 - (b) the license fee has been paid to the receiver of revenue.
- (2) A trade license shall be issued in the approved form and subject to such conditions as is specified in the trade license.
- (3) Subject to section 8, the initial term of a trade license shall start on the date on which the license is granted and is valid for one year ending 31 December of each year.
- (4) The fee for the grant of a trade license is to be calculated having regard to the initial term of the license.

Renewal of
license

- 7.** (1) The holder of a trade license shall, before the expiry of the license or such other date, as may be prescribed apply in the prescribed form for the renewal of the trade license.
- (2) The Chief Licensing Officer shall grant an application for the renewal of a trade license if—
- (a) the officer is satisfied that the applicant has complied with all laws relating to health, hygiene and safety applicable to the trade license; and
 - (b) the license fee payable for the renewal of the trade license has been paid to the Receiver of Revenue.
- (3) The Chief Licensing Officer shall, before determining an application for renewal, require the applicant to provide such additional information or documents as is necessary to enable the application to be determined.

- (4) Subject to section 8, a trade license is to be renewed for each calendar year.
- Cancellation
or
Suspension of
license
- 8.** (1) The Chief Licensing Officer shall suspend or cancel a trade license if he or she is satisfied that—
- (a) the conduct of the business is endangering the health or safety of persons who live or work in the neighborhood of the premises from which the business is conducted; or
 - (b) the holder of the trade license has breached a condition of the trade license.
- (2) Where the Chief Licensing Officer cancels or suspends a trade license, he shall give the holder of the license written notice of the cancellation or suspension, including the period of the suspension, together with a statement of the reasons for the decision.
- (3) If a trade license is cancelled or suspended, the holder of the license shall immediately cease to conduct the business.
- (4) A person who contravenes subsection (3) commits an offence, and is liable on conviction to a fine not exceeding five hundred thousand shillings.
- (5) If the Chief Licensing Officer revokes the suspension of a trade license, the holder of the license may resume conducting the business.
- Surrender of
license
- 9.** The holder of a trade license may surrender the license by returning it to the Chief Licensing Officer, but no refund of the license fee shall be made.
- Transfer or
assignment of
license
- 10.** The holder of a trade license shall not transfer or assign the license issued under this Act.
- Appeals
- 11.** (1) A person aggrieved by a decision of the Chief Licensing Officer may appeal to the Executive Committee Member against the decision.

- (2) The Executive Committee Member may confirm, reverse or modify the decision appealed against, and give such directions to the Chief Licensing Officer as may be necessary to give effect to the member's decision.
- (3) The Chief Licensing Officer shall comply with any direction given under subsection (2).
- (4) Nothing in this section shall be construed to bar any aggrieved person from seeking any other legal redress.

PART III – AUTHORIZED OFFICERS, ADMINISTRATIVE DUTIES AND OFFENCES

Register of
trade licenses

- 12.** (1) The Executive Committee Member may appoint persons one or more authorized officers for the purposes of this Act.
- (2) An authorized officer shall have the powers set out in the First Schedule

Register of
trade licenses

- 13.** (1) The Chief Licensing Officer shall establish and maintain a register of trade licenses which is to be available for inspection by the public during usual government office hours.
- (2) The register shall contain such information as is determined in writing by the Chief Licensing Officer, but shall not include commercial-in-confidence information.

false or
misleading
statements

- 14.** A person shall who gives false or misleading information in connection with an application for the grant or renewal of a trade license or when providing information required under this Act is guilty of an offence and is liable on conviction to a fine not exceeding two hundred and fifty thousand Kenya shillings; or an imprisonment of a period of one year or both.

License fees
and additional
fees.

- 15.** (1) The license fees that are payable for the grant or renewal of trade licenses, including any additional fees for the non-payment or late payment of such license fees, are to be determined each year by Executive Committee.

- (2) License fees payable shall be as provided in the third schedule to this Act.

PART IV – MISCELLANEOUS

Regulations

- 16.** (1) The Executive Committee Member with approval of the County Executive Committee may make rules generally for the better carrying out of the provisions and purposes of this Act.
- (2) Without prejudice to subsection (1), regulations may be made for the following purposes—
- (a) the payment of license fees, including additional fees for non-payment or late payment;
 - (b) the exemption, waiver or reduction of license fees, if any;
 - (c) prescribing fees for services;
 - (d) prescribing forms;
 - (e) publication and service of notices and other documents;
 - (f) the transfer or assignment of trade licenses; and
 - (g) different categories of trade licenses

Savings and transition

- 17.** (1) Any single business permit if in force before the commencement of this Act, shall be deemed to have continued in force, subject to subsection (2), on and after that date as if it were a trade license granted under this Act, and any fees or charges payable to any local authority in respect of that permit shall be payable to the county government.
- (2) The single business permit referred to in subsection (1) shall continue to be in force—
- (a) for a period of 3 months from the date of commencement of this Act; or
 - (b) where the holder of the single business permit has applied for a trade license under this Act within that period, until the license is granted or refused, or the application is withdrawn, whichever occurs first.

FIRST SCHEDULE

(Section 12)

POWERS OF AUTHORIZED OFFICERS

1. An authorized officer may—
 - (a) enter any premises for the purposes of—
 - (i) granting or renewing a trade license; or
 - (ii) finding out whether the holder of a trade license is complying with the conditions of the license, or this Act or the rules made under this Act; d
 - (b) search the premises or any part of the premises; d
 - (c) inspect or examine anything in or on the premises; seize anything that may afford evidence of the commission of an offence against this Act;
 - (d) take extracts from, and take copies of, any documents in or on the premises; take into or onto the premises such persons, equipment and materials as the authorized officer reasonably requires for the purpose of exercising any of the powers mentioned in paragraphs (a) to (e); and
 - (e) Require the holder of the license, or any person in or on the premises, to give to the authorized officer reasonable assistance in relation to the exercise of any of the powers mentioned in paragraphs (a) to (f).

Limitations of powers of an Authorized Officer

2. An authorized officer shall not enter any premises unless—
 - (a) the owner or occupier of the premises consents to the entry; or
 - (b) the entry is made when the premises are open for the conduct of business or otherwise open for entry; or
 - (c) the authorized officer suspects on reasonable grounds that the holder of a trade license is not complying with the conditions of the trade license, or this Act or the rules made under this Act.

SECOND SCHEDULE

(Section 2)

APPROVED FORMS

PART A

APPLICATION FORM

APPLICATION FOR THE GRANT / RENEWAL OF A TRADE LICENSE

1. Applicant's name and description of business, profession, trade or occupation to be conducted.
2. Name under which business, profession, trade or occupation is or is to be carried on.
3. If business is a partnership, give full names and addresses of all partners.
4. Give any registration details of the business, profession, trade or occupation.
5. Address at which the business, profession, trade or occupation is or is to be carried on.
6. List PO Box address of the business, profession, trade or occupation, and email and telephone contacts.
7. Provide a description of the premises including address to which the license is to apply.
8. Is the applicant a resident of Kenya?
9. Is the applicant an undischarged bankrupt?
10. State the date on which it is desired to begin conducting the business, profession, trade or occupation* or the number of the previous license.
11. Please provide the following additional information: [insert additional information required]
12. Please provide the following additional documents: [insert additional documents required]

13. Application fee is attached* or no application fee applies

I, [...Name of Applicant...], hereby certify that the particulars given above herein are true and correct to the best of my knowledge and information.

DATED at [...Town...] this day of 2015

Signature of applicant

.....

Note: Business has its ordinary meaning, and includes a profession (excluding regulation of the profession), trade or occupation

PART B

TRADE LICENSE

A trade license to conduct [*insert business, trade, profession or occupation to be conducted*] at the premises at [*insert location of the premises to which license applies*] is granted for the period starting on [*insert initial date of grant of the trade license*] and ending on 31 December [*insert year*] * or is renewed for the period from 1 January to 31 December [*insert year*].

The holder of the license is [*insert name of person to whom the trade license is granted or for whom it is renewed*].

The license is granted or renewed* subject to the *Kiambu County Trade License Bill Act, 2015* and the rules made under that Bill, and the conditions set out below:

[*Insert conditions relating to the particular business, trade, profession or occupation to which the license relates*]

Granted by the *Kiambu County* Chief Licensing Officer under the *Kiambu County* Trade License Bill Act, 2015.

DATED at [...Town...] this day of 2015

Chief licensing officer

Signature

.....

Note: business has its ordinary meaning and includes a profession (excluding regulation of the profession), trade or occupation

**Delete if it does not apply*

THIRD SCHEDULE**TRADE LICENSE FEES FOR VARIOUS BUSINESSES****PART I— Registration fees**

The fees charged in the third column shall be charged for the services specified in the second column.

S/No	Item Description	Charges (KSH)
1.	Registration fees	
a)	Annual Trade License Registration Fee	300
b)	Change of Registration	600
c)	Change of Business Ownership	3,000
d)	Change of Business Location	2,000
e)	Change of Business Name	1,000

PART II— General charges for Non Annual Traders

The following activities shall be charged the fee specified in the last column where the trader is not in possession of an Annual Trade License issued under this schedule.

S/No	Item Description	Unit Measure	Charges (KSH)
2.	Hawkers		
a)	Hawkers (outside CBD)	Per day	30
b)	Hawkers (outside CBD)	Per month	500
c)	Firewood Traders	Per day	40
3.	Amusement/ Recreation services		
a)	Camel/ horse	Per day	100
b)	Manual miniature car	Per car/ day	100
c)	Motorized miniature/ motor bike	Per unit/ day	100
d)	Fixed swing	Per seat/ day	50
e)	Mobile/ manual swing	Per day	100
f)	Bouncing castle	Per unit/ day	200

PART III— General Traders and Retail Services

S/No.	Code	Business Activity Description	Annual trade License fees					
			ZONE A		ZONE B		ZONE C	
			Within Town Centre	Outside Town Centre	Within Town Centre	Outside Town Centre	Within Town Centre	Outside Town Centre
1	100	Distributors, traders, wholesalers, hypermarkets, department stores, supermarkets, show rooms, boutiques, retail shops & stores, chemists, take-away butcheries, personal service providers, kiosks.						
a)	102	Hyper supermarket premises ,construction over an area of 625 m2	75,000	60,000	70,000	56,000	65,000	52,000
b)	103	Mega Store , Large multi-department store, premises area from 100 m2 to 624 m2	70,000	56,000	60,000	48,000	51,000	40,800
c)	105	Large Trader, Shop, Retail Store or Personal Service: From 50m2 to 99m2	24,000	19,200	20,000	16,000	17,000	13,600
d)	110	Medium Trader, Shop or Retail Service: From 25m2 to 49m2	12,000	9,600	10,000	8,000	8,500	6,800
e)	115	Small Trader, Shop or Retail Service: Up to 24m2.	6,000	4,800	5,000	4,000	4,250	3,400
f)	120	Kiosk Light or Temporary Construction: Less than 5 m2.	2,500	2,000	2,200	1,750	1,800	1,440
g)	195	Other -Retail Traders, Stores, Shops and Services	3,200	2,560	2,800	2,240	2,000	1,600
2	200	Small vendors & small traders and service providers						
a)	295	Small informal sector service providers.	2,400	1,920	2,000	1,600	1,700	1,360
3	300	Transport operators- taxis-matatus-buses-lorries-planes-boats, Driving schools, and tour / safari operators. petrol stations, storage facilities, cold storage facilities; publishing co, newspapers						
a)	305	Large Transportation Company: Over 30 vehicles.	96,000	76,800	80,000	64,000	68,000	54,400
b)	310	Medium Transport Company: From 6 to 30 vehicles.	36,000	28,800	30,000	24,000	25,500	20,400
c)	315	Small Transport Company: From 2 to 5 vehicles.	12,000	9,600	10,000	8,000	8,500	6,800
d)	320	Independent Transport Operator: 1 vehicle	6,000	4,800	5,000	4,000	4,250	3,400
e)	325	Large Petrol Filling Station: Over 6 pumps or with garage- workshop & retail shop.	24,000	19,200	20,000	16,000	17,000	13,600

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g)	495	Other Agricultural, Forestry, and Natural Resources	9,600	7,680	8,000	6,400	55,250	44,200
5.	500	Hotels, tourist camps, lodging houses, restaurants, bars, eating houses, tea & coffee houses. Butcheries with meat roasting &/or soup kitchen facilities. Membership clubs, night clubs & casinos.						
a)	503	Large-High Standard Lodging House/Hotel D Class: Over 100 rooms.	120,000	96,000	100,000	80,000	85,000	68,000
b)	506	Medium-High Standard Lodging House / Hotel D Class: From 41 to 100 rooms.	84,000	67,200	70,000	56,000	59,500	47,600
c)	509	Small-High Standard Lodging House/Hotel D Class: Up to 40 rooms.	60,000	48,000	50,000	40,000	42,500	34,000
d)	512	Large Lodging House with Restaurant and/ or Bar B / C Class: Basic standard over 15 rooms.	54,000	43,200	45,000	36,000	38,250	30,600
e)	515	Medium Lodging House with Restaurant and/ or Bar B / C Class: Basic standard from 6 to 15 rooms	42,000	33,600	35,000	28,000	29,750	23,800
f)	518	Small Lodging House with Restaurant and/ or Bar B / C Class: Basic standard up to 5 rooms	30,000	24,000	25,000	20,000	21,250	17,000
g)	521	Large Lodging House B / C Class: Basic standard over 15 rooms.	48,000	38,400	40,000	32,000	34,000	27,200
h)	524	Medium Lodging House B / C Class: Basic standard from 6 to 15 rooms.	30,000	24,000	25,000	20,000	21,250	17,000
i)	527	Small Lodging House B/C Class: Basic standard up to 5 rooms.	18,000	14,400	15,000	12,000	12,750	10,200
j)	540	Large Restaurant with Bar/Membership Club: Capacity over 30 customers/members.	36,000	28,800	30,000	24,000	25,000	20,400
k)	543	Medium Restaurant with Bar/Membership Club: Capacity from 11 to 30 customers/members.	18,000	14,400	15,000	12,000	12,750	10,200
l)	546	Small Restaurant with Bar Up to 10 customers	12,000	9,600	10,000	8,000	8,500	6,800
m)	549	Large Eating House; Snack Bar; Tea House "Hotel": No lodging and no alcohol served with capacity over 20 customers.	18,000	14,400	15,000	12,000	12,750	10,200
n)	552	Medium Eating House; Snack Bar; Tea House "Hotel": No lodging and no alcohol served with capacity from 6 to 20 customers.	12,000	9,600	10,000	8,000	8,500	6,800
o)	555	Small Eating House; Snack Bar; Tea House "Hotel": No lodging and no alcohol served with capacity up to 5 customers.	8,400	6,720	7,000	5,600	5,950	4,760
p)	558	Butchery with Roasted Meat and /or Soup Kitchen: Any size.	12,000	9,600	10,000	8,000	8,500	6,800
q)	561	Large Bar/Traditional Beer Seller: Capacity over 50 customers.	18,000	14,400	15,000	12,000	12,750	10,200

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r)	564	Medium Bar/Traditional Beer Seller: Capacity from 16 to 50 customers.	14,400	11,520	12,000	9,600	10,200	8,160
s)	567	Medium Bar/Traditional Beer Seller: Capacity up to 15 customers.	9,600	7,680	8,000	6,400	6,800	5,440
t)	571	Large Night Club / Casino: Over 500 m2.	60,000	48,000	50,000	40,000	42,500	34,000
u)	574	Medium Night Club/Casino: From 101 to 500 m2.	36,000	28,800	30,000	24,000	25,500	20,400
v)	577	Small Night Club/Casino: Up to 100 m2.	24,000	19,200	20,000	16,000	17,000	13,600
w)	595	Other Catering and Accommodation	8,400	6,720	7,000	5,600	5,950	4,760
6.	600	Firms and/or individual offering services on legal issues, financial, management, engineering, architecture, valuing, surveying, accountancy, secretarial support, data processing, etc.; stock & insurance brokering, security-protection, customs clearing						
a)	605	Large Professional Services Firm: Over 10 practitioners and/or International affiliation	108,000	86,400	90,000	72,000	76,500	61,200
b)	610	Medium Professional Services Firm: From 3 to 10 practitioners.	54,000	43,200	45,000	36,000	38,250	30,600
c)	615	Small Professional Services Firm: Up to 2 practitioners	24,000	19,200	20,000	16,000	17,000	13,600
d)	620	Independent Technical Operator: One person acting individually (typist, accountant, bookkeeper, etc.).	8,400	6,720	7,000	5,600	5,950	4,760
e)	625	Large Financial Services: Over 25 employees or premises over 300 m2.	114,000	91,200	95,000	76,000	80,750	64,600
f)	630	Medium Financial Services: From 6 to 25 employees.	78,000	62,400	65,000	52,000	55,250	44,200
g)	635	Small Financial Services: Up to 5 employees.	54,000	43,200	45,000	36,000	38,250	30,600
h)	695	Other Professional & Technical Services (including Agency financial services – M-Pesa etc.)	8,400	6,720	7,000	5,600	6,000	4,800
7.	700	Private education institutions, Including universities, museums, nurseries, primary and secondary schools, professional training Centre's / polytechnic institutes. private health clinics and doctor's surgeries; consulting offices of doctors, dentists						
a)	702	Universities (over 1000 students)	100,000	80,000	85,000	68,000	65,000	52,000
b)	703	Universities (500 - 999 students)	80,000	64,000	65,000	52,000	55,000	44,000
c)	704	Universities (below 500 students)	60,000	48,000	50,000	40,000	45,000	36,000

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8.	800	Manufacture, process and assembly of products, vehicles, machinery and equipment, and workshops servicing and repairing products, vehicles, machinery and equipment; contractors of new building construction and old buildings, restoration, and service						
a)	805	Large Industrial Plant: premises over 2,500 m2.	120,000	96,000	100,000	80,000	85,000	68,000
b)	810	Medium Industrial Plant: Premises from 100 m2 to 2,500 m2.	84,000	67,200	70,000	56,000	59,500	47,600
c)	815	Small Industrial Plant: premises up to 100 m2.	48,000	38,400	40,000	32,000	34,000	27,200
d)	820	Large Workshop/Service-Repair Contractor: premises over 500 m2.	60,000	48,000	50,000	40,000	42,500	34,000
e)	825	Medium Workshop/Service-Repair Contractor: premises from 25 m2 to 500 m2.	24,000	19,200	20,000	16,000	17,000	13,600
f)	830	Small Workshop/Service-Repair Contractor: premises up to 25 m2.	24,000	6,720	7,000	5,600	5,950	4,760
g)	895	Other Manufacturer, Workshop, Factory, Contractor	8,400	6,720	7,000	5,600	5,950	4,760