

SPECIAL ISSUE

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REPUBLIC OF KENYA

***KAJIADO COUNTY GAZETTE
SUPPLEMENT***

ACTS, 2016

NAIROBI, 4th August, 2016

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THE KAJIADO COUNTY TRADE LICENSE ACT, 2016

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**THE KAJIADO COUNTY TRADE LICENSE
ACT, 2016**

No. 5 of 2016

Date of Assent: 30th May, 2016.

Date of Commencement: See Section 1

**AN ACT of the County Assembly of Kajiado to provide
for the imposition of rates on trade and business in
the County of Kajiado, and for connected purposes**

ENACTED by the County Assembly of Kajiado, as
follows—

1. (1) This Act may be cited as the Kajiado County trade License Act 2016 and shall come into operation seven days after being assented to by the Governor.

Short title and
commencement

2. In this Act, unless the context otherwise requires—

Interpretation

“approved form” means a form set out in schedule 2 or approved by the chief licensing officer;

“authorized officer” has the meaning given by 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;

“holder”, in relation to a trade license means the person to whom the trade license is granted or to whom the trade license is transferred or assigned;

“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 Kajiado County Revenue Administration Act, 2015;

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

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3. (1) The county executive committee member responsible for Trade shall appoint an officer of the county government as the chief licensing officer. Chief licensing officer.

(2) The chief licensing officer has the functions and powers provided for by or under this Act.

(3) The chief licensing officer may approve forms for the purposes of this Act and amend the forms in Schedule 2.

(4) The chief licensing officer may, by instrument in writing, delegate all or any of his or her functions or powers under this Act to a county public officer, except this power of delegation.

4. (1) No person shall conduct a business within the county, unless the person has duly been granted a trade license for that business in accordance with this Act. Requirement for a trade license.

(2) If a person contravenes subsection (1), the person is guilty of an offence punishable on conviction by a fine not exceeding Five Hundred Thousand (500,000) shillings.

5. (1) An application for the grant of a trade license shall— Application for license.

- (a) be lodged with the chief licensing officer; and
- (b) be in the approved form; and
- (c) contain such information and be accompanied by such documents as are required by the approved form; and
- (d) be signed in a manner specified in the approved form; and
- (e) be accompanied by the prescribed application fee (if any).

(2) An application may be made in an electronic format approved by the chief licensing officer.

(3) The chief licensing officer may, before determining an application, require the applicant to provide to the chief licensing officer such additional information or documents as is necessary to enable the application to be determined.

(4) The application fee (if any) is not refundable.

6. (1) The chief licensing officer shall grant a trade license if— Grant of license.

- (a) the chief licensing officer is satisfied that the applicant has complied or will comply 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 has to be in the approved form and is granted subject to such conditions (if any) as are specified in the trade license.

(3) Subject to section 8, the initial term of a trade license starts on the date on which the trade license is granted and ends on 31st December of that year.

(4) The license fee for the grant of a trade license is to be calculated on a prorata basis having regard to the initial term of the trade license.

7. (1) The holder of a trade license may, before the expiry of the trade license or such other prescribed date, apply in the prescribed form for the renewal of the trade license. Renewal of license.

(2) The chief licensing officer shall grant an application for the renewal of a trade license if—

- (a) the chief licensing 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 may, before determining an application for renewal, require the applicant to provide the chief licensing officer such additional information or documents as is necessary to enable the application to be considered.

(4) Subject to section 8, a trade license is to be renewed for a calendar year.

8. (1) The chief licensing officer may suspend for a specified period or cancel a trade license if he or she is satisfied that— Cancellation or suspension of license.

- (a) the conduct of the business is endangering the health or safety of persons who live or work in the

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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) If the chief licensing officer cancels or suspends a trade license or revokes any such suspension, the chief licensing officer shall give the holder of the license written notice of the cancellation or suspension, including the period of the suspension, or revocation, 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) If a person who contravenes subsection (3), is guilty of an offence punishable on conviction by a fine not exceeding 500,000 shillings.

(5) If the chief licensing officer revokes the suspension of a trade license, the holder of the license may resume conducting the business.

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 refundable.

Surrender of
license.

10. (1) The holder of a trade license shall not transfer or assign the license unless such transfer or assignment is approved by the chief licensing officer.

Transfer or
assignment of
license

(2) the holder of a trade license who wishes to transfer or assign the license shall make an application in writing in the approved form to the chief licensing officer.

11. (1) A person aggrieved by a decision of chief licensing officer may appeal against the decision to the county executive committee member responsible for trade.

Appeals.

(2) the county executive committee member responsible for trade 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 (3).

12. (1) the county executive committee member responsible for trade may appoint persons as authorized officers for the purposes of this Act. Authorised officers.

(2) An authorized officer has the powers set out in schedule 1.

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 hours. Register.

(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.

14 A. (1) A person shall not make a statement which the person knows or has reasonable grounds to believe, to be false or misleading— Offence—false or misleading statements.

(a) in or in connection with an application for the grant or renewal of a trade license; or

(b) when providing information required under this Act.

(2) If a person contravenes subsection (1), the person is guilty of an offence punishable on conviction by a fine not exceeding Two Hundred and Fifty Thousand (250,000) shillings.

14. B. (1) The chief licensing officer or a County Public Officer who is delegated the powers or functions of the chief licensing officer under section 3(4) shall not contravene the provisions of section 6 on “grant of license” and section 7 on “renewal of license” under this Act. Offences by Public Officers.

(2) If the chief licensing officer or a County Public Officer contemplated in (1) above contravenes subsection (1), the chief licensing officer or such County Public Officer is guilty of an offence punishable on conviction by a fine not exceeding five hundred thousand shillings (KSh. 500,000/=) .

15. 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 the county assembly in the County Finance Bill. County Assembly to determine license fees and additional fees.

16. (1) The county executive committee member responsible for trade may make regulations generally for the better carrying out of the provisions and purposes of this Act. Power to make rules.

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(2) Without limiting 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;
- (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;
- (g) different categories of trade license.

(3) Any such regulations shall not take effect unless approved by the County Assembly.

17. (1) Despite the repeal of the Local Government Act (Cap. 265) and the county Governments Public Finance Management Transition Act 2013, any single business permit issued by a local authority under section 163 A of the Local Government Act (Cap. 265) that was in force on 30 September 2013 is deemed to have remained 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 a local authority in respect of the single business permit were payable to the county government.

Savings and
transitional.

(2) The single business permit referred to in subsection (1) continues in force—

- (a) for 3 months from the date of commencement of this Act; or
- (b) if the holder of the single business permit applies 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.

Schedule I—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 trade license is complying with the conditions of the license, or this Act or the rules made under this Act; and
- (b) search the premises or any part of the premises; and
- (c) inspect or examine anything in or on the premises; and
- (d) seize anything that may afford evidence of the commission of an offence against this Act; and
- (e) take extracts from, and take copies of, any documents in or on the premises; and
- (f) 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
- (g) 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)

2. However, an authorized officer shall not enter 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.

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*Kajiado County Trade License***Schedule 2 – Approved Forms****Part A****APPLICATION FORM****COUNTY OF KAJIADO TRADE LICENSE ACT 2015****APPLICATION FOR THE GRANT/RENEWAL OF A TRADE LICENSE**

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

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 a 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 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 addresses 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 certify that the particulars given above are true and correct.

DATE

Signature of applicant

**Delete if it does not apply*

Part B

COUNTY OF KAJIADO TRADE LICENSE ACT 2015

TRADE LICENSE

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

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 Kajiado Trade License Act, 2015 and the rules made under that Act, 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 Kajiado chief licensing officer under the Kajiado Trade License Act, 2015

DATE

Chief licensing officer

**Delete if it does not apply*