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THE KILIFI COUNTY TRADE LICENCE ACT, 2016

No. 11 of 2015

Date of Assent: 6th April, 2015

Date of Commencement: See Section 1

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THE KILIFI COUNTY TRADE LICENCE ACT, 2016

AN ACT of the County Assembly of Kilifi to provide for the grant of trade licences, and for connected purposes

ENACTED by the County Assembly of Kilifi, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Kilifi County Trade Licence Act, 2016 and shall come into operation upon assent by the Governor. Short title.

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

“retailer” a person or an entity that sells goods in small quantities;

“wholesaler” a person or an entity that sells goods in large quantities;

“County Revenue Collector” a person designated to collect revenue on behalf of the county government of Kilifi;

“Licencing Officer” a person designated to issue licences for trading purposes on behalf of the licencing authority;

“Chief Licencing Officer” a person who takes the overall charge of issuing licences;

“Business” also known as an enterprise, agency or a firm, is an entity involved in the provision of goods and/or services to consumers;

“approved form” means a form approved by the licensing authority;

“distributor” means a person or entity that buys non-competing products or product lines, warehouses them, and resells them to retailers or direct to the end users or customers;

“executive committee member” means the county Executive Committee Member for the time being responsible for trade;

“holder”, in relation to a trade licence, means the person to whom the licence is granted;

“licence fee” means the fee payable for the grant or renewal of a trade licence;

“licensing authority” means the county government;

“prescribed” means prescribed by the rules made under this Act;

“proprietor” means a person or an entity that owns a business;

“single business permit” refers to one or a single trade licence as provided in section 3;

“trade licence” means a licence granted to conduct a business.

3. (1) A person must not conduct a business within the county, unless the person is the holder of a trade licence for that business. Requirement to trade with a licence.

(2) A single business permit may be granted for several related businesses being undertaken within the same premises provided that they are owned by the same proprietor.

(3) Distributors may obtain a single business permit for the supply of goods in the county provided that the goods are of a related nature.

(4) A business that carries on business without a valid licence shall be liable to pay a fine not exceeding Kenya Shillings five hundred thousand.

4. (1) The Executive Committee Member is to determine the licence fees payable for the grant or renewal of trade licences, and may determine the penalties payable for the late payment of licence fees. Executive Committee Member to determine licence fees.

(2) The penalties may be determined by the Act providing for annual county finances or in such other Act as enacted by the County Assembly.

5. (1) An application for the grant of a trade licence must— Application for licence.

- (a) be lodged with the licensing authority; 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.

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

(3) The licensing authority may, before dealing with an application, require the applicant to furnish to the licensing authority such additional information or documents as is necessary to enable the application to be dealt with.

(4) The prescribed application fee is not refundable.

6. (1) The licensing authority may grant to an applicant for a trade licence such kind of trade licence as the licensing authority considers appropriate. Grant of licence.

(2) A trade licence is granted subject to the conditions specified in Schedule 1.

(3) The licence fee for the grant of a trade licence is the annual fee payable as prescribed by this Act or any other relevant law.

(4) A trade licence is granted for a calendar year.

7. (1) A trade licence is deemed to be renewed if —

Renewal of a
licence.

(a) the licence fee is paid to the county revenue collector for its renewal on or before 31 December of the current calendar year; and

(b) the holder of the trade licence provides to the licensing authority the information (if any) requested by the licensing authority about the business conducted under the trade licence.

(2) A trade licence is deemed to be renewed for a calendar year.

(3) Failure to renew a trade licence by 31st March of the calendar year shall attract a penalty of 3% of the licence value compounded monthly.

8. (1) The licensing authority may cancel or suspend a trade licence if it is satisfied that: Cancellation or
suspension of
licences.

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

neighbourhood of the premises from which the business is conducted; or

- (b) the holder of the trade licence has breached a condition of the licence set out in Schedule 1.

(2) If a licensing authority cancels or suspends a trade licence (or revokes any such suspension), the authority must give the holder of the licence 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 licence is cancelled or suspended, the holder of the licence must immediately cease to conduct the business.

(4) Failure to comply with (3) above attracts a penalty of a fine payable not exceeding Kenya Shillings Fifty Thousand.

(5) If the licensing authority revokes the suspension of a trade licence, the holder of the licence may resume conducting the business.

9. (1) The holder of a trade licence may surrender the licence by returning it to the licensing authority.

Surrender of licence.

(2) No refund of the licence fee is payable upon surrender of the licence.

10. The holder of a trade licence must give the licensing authority written notice of any transfer or assignment of the licence provided that the transferee continues to operate the business for which it was licensed.

Transfer of licences

11. (1) There is established a review committee which shall listen and determine appeals by the aggrieved parties that will comprise of three senior officials from the department of trade.

Appeal against the decision.

(2) The members of the review committee shall be appointed by the Executive Committee Member under such terms as may be prescribed by the Executive Committee Member.

(3) A person not satisfied with a decision of the review committee may appeal to a court of competent jurisdiction against the decision.

(4) The court may confirm, reverse or modify the

decision appealed against, and make such orders and give such directions to the licensing authority as may be necessary to give effect to the court's decision.

12. (1) The County Executive Committee Member shall appoint an Officer to be the Chief Licensing Officer and the County Public Service Board may appoint persons as authorized officers whose powers are spelt out in Schedule 1. Licensing Officers.

(2) A Licensing Officer has the powers set out in Schedule 2.

13. (1) The Chief Licensing Officer must establish and maintain a register of trade licences which is to be available for inspection by the public during usual government office hours. Register.

(2) The register must contain such information as is prescribed, but must not include information that is commercial-in-confidence.

14. (1) A person must not make a statement which the person knows to be false or misleading: Offence-false or misleading statements.

(a) in or in connection with an application for a trade licence; or

(b) when furnishing information required under this Act.

(2) A person who contravenes the above is liable to pay a fine not exceeding Kenya Shilling thirty thousand.

15. If a person contravenes or fails to comply with any provision of this Act, the person commits an offence against this Act and, unless another penalty is expressly provided by this Act for that offence, the person is liable on conviction to a fine not exceeding Kenya Shilling ten thousand. General penalty.

16. (1) The Executive Committee Member responsible for trade may prescribe rules generally for the better carrying out of the provisions and purposes of this Act including but not limited to— Powers of the Executive Committee Member

(a) Requiring that classes of businesses shall from time to time meet additional conditions for licensing;

(b) Revising the licence fees payable and also revising the grouping of areas in the commercial zones, the

introduction of new areas in commercial zones as well as new commercial zones in consultation with the County Executive Committee provided that—

- (i) such revision shall not be made in shorter cycles than three years, and
- (ii) the new increase of fees shall not affect the fees payable for the present year and affect proceeding years; and
- (c) Exempting proprietors who are persons with disabilities from acquiring trade licenses if they are duly registered members of the National Council for People living with Disabilities and possess an authentic card issued by the Council or under such conditions as may be prescribed.

(2) In making such rules as referred to above, the Executive Committee Member may utilize any means possible to achieve the desired result efficiently and effectively.

17. (1) This section applies to any by-law relating to business permits made by a local authority within the county if that by-law was in force immediately before the commencement of this Act. Savings

(2) On and after the commencement of this Act, the by-law continues in force as if:

- (a) it had been made by the county government; and
- (b) a reference in the by-law to a local authority were a reference to the county government; and
- (c) a reference in the by-law to clerk, however described, were a reference to the licensing authority; and
- (d) any fees or charges payable to the local authority were payable to the county government.

(3) A business permit issued under the by-law continues in force as if it were a trade licence granted under this Act by the County Government.

Schedule I—Conditions of a Trade Licence

Section 6

A trade licence is subject to the following conditions—

- (a) the holder of the licence must not contravene a provision of this Act or the rules made under this Act; and
- (b) the holder of the licence must comply with any law administered by the county government relevant to its business or relating to public health, hygiene or safety, physical planning

Schedule 2 – Powers of Licensing Officers

Section 12

1. A licensing officer may—

- (a) enter any premises for the purposes of—
 - (i) granting or renewing a trade licence; or
 - (ii) finding out whether the holder of a trade licence is complying with the licence, 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 any thing in or on the premises; and
- (d) seize any thing 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 inspector reasonably requires for the purpose of exercising any of the powers mentioned in paragraphs (a) to (e); and
- (g) require the holder of the licence, or any person in or on the premises to give to the inspector reasonable assistance in relation to the exercise of the powers mentioned in paragraphs (a) to (f).

2. However, a licensing officer must not enter premises unless—

- (a) the owner or occupier 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 licensing officer suspects on reasonable grounds that an offence is being committed against this Act in or on the premises.

Schedule 3—Single Business Permit Fees**BUSINESS LICENCE FEES**

Brims Code	Categories of Business		Others	Ganze, Mazeras, Kaloleni	Gongoni, Mambrui, Mariakani	Kilifi, Mtwapa Malindi, Watamu
100	GENERAL TRADE, WHOLESALE, RETAIL, SHOPS AND SERVICES Traders, wholesalers, retailers, supermarkets shops, boutique, service provides, kiosks, etc	Schedule No.	1	2	3	4
		Base Value	500	600	700	800
103	Mega store, hypermarket over 100 employees or premises over 3000 square metres, prime location.	60	12,000	15,000	3000	36000
105	Large trader, shop or retail service over 20 employees and or over 300square meters prime location.	20	4,000	5,000	10000	12000
110	Medium trader, shop or retail service from 5 to 20 employees and/or premises from 50 to 300 square meters, fair location.	10	2,000	2,500	5000	6000
115	Small trader, shop or retail services up to 3 employees and or premises less than 50 square meters, far away location.	5	1,000	1,250	2500	3000
120	Kiosk light or temporary construction less than 5 square meters.	4	800	1,000	2000	2400
195	Other general merchant shop and retail service.	4	800	1,000	2000	2400
	Distributors	Resident		50,000		
		Non-resident		36,000		

Brims Code	Categories of Business		Others	Ganze, Mazaras, Kaloleni	Gongoni, Mambui, Mariakani	Kilifi, Mtwapa, Malindi, Watamu
	INFORMAL SECTOR					
200	Hawkers, street vendors, small traders and service providers operating on the street, verandahs or temporary buildings:	Base value	500	600	700	800
205	Hawkers with motor vehicle.	5	1,000	1,250	2500	3000
210	Hawkers without motor vehicles.	4	800	1,000	2000	2400
215	Small informal sector trader/service provider, shoeshine, shoe repair, street vendor (newspapers, sweet, soda, cigarettes, etc).	2	400	500	1000	1200
220	Semi-permanent informal sector trader up to 2 persons operating in verandah or temporary building.	3	600	750	1500	1800
295	Other informal sector operation.	2	400	500	1000	1200
	TRANSPORT STORAGE AND COMMUNICATIONS					
300	Maritime and airlines, international carriers, freight forwarders, transportation companies operating taxis, matatus, lorries, buses, planes, boats, driving schools, tour operators, etc, petrol station, storage facilities, cold storage facilities.	Base Value	500	600	700	800
305	Large transportation company over 30 vehicles/Boats.	80	18,000	20,000	40000	48000

Brims Code	Categories of Business		Others	Ganze, Mazeras, Kaloleni	Gongoni, Mambui, Mariakani	Kilifi, Mtwapa Malindi, Watamu
310	Medium transportation company over 30 vehicles/Boats.	30	6,000	7,500	15000	18000
315	Small transport company from 2 to 5 vehicles/boats.	10	2,000	2500	5000	6000
320	Independent transport operator, 1 vehicle/Boats.	5	1,000	1,250	2500	3000
325	Large petrol filling station over 6 pumps or with garage/workshops and retail shop.	20	4,000	5,000	10000	12000
330	Medium petrol filling station from 4 to 6 pumps or with garage/workshop or retail shop.	10	2,000	2,500	5000	6000
335	Small petrol filling station up to 3 pumps and without garage/workshop or retail shop.	7	1,400	1,750	3500	4200
340	Large cold storage facility over 1,000 meter square insulated walls, cold production equipment.	55	11,000	13,750	27500	33000
345	Medium cold storage facility between 100 to 10,000 meter square.	25	5,000	6,250	12500	15000
350	Small cold storage facility upto 100 meter square.	12	2,400	3,000	6000	7200
355	Large storage facility over 5,000 metre square godown, warehouse, liquid storage tank complex.	50	10,000	12,500	25000	30000
360	Medium storage facility from 1,000 to 5,000 meter square.	20	4,000	5,000	10000	12000

Brims Code	Categories of Business		Others	Ganze, Mazeras, Kaloleni	Gongoni, Mambrui, Mariakani	Kilifi, Mtwapa, Malindi, Watamu
365	Small storage facility up to 1,000 metre square.	10	2,000	2,500	5000	6000
370	Large communications company over 100 employees and/or premises over 5,000 meters square.	90	18,000	22,500	45000	54000
375	Medium communications company from 16 to 100 employees and/or premises from 1,500 to 5,000 meters square.	55	11,500	13,750	27500	33000
380	Small communications company up to 15 employees and/or premises up to 1,500 meters square.	30			15000	18000
395	Other transport storage and communications.	7			3500	4200
	AGRICULTURE, FORESTRY AND NATURAL RESOURCES					
400	Production of coffee, tea, fruits, flowers, grains, cereals vegetables and horticultural products, grain, storage and processing mills and posho mills, forestry and timber yards, animal breeding, dairy products processing, butcheries, slaughter houses, mining and other natural resources, extraction activities	Base value	500	600	700	800
405	Large agricultural producer, dealer, exporter over 50 employees	65	13,000	16,500	32500	39000

Brims Code	Categories of Business		Others	Ganze, Mazaras, Kaloleni	Gongoni, Mambrui, Mariakani	Kilifi, Mtwapa Malindi, Watamu
410	Medium agricultural producer, processor, dealer, exporter from 11 employees to 50 employees.	25	5,000	5,250	12500	15000
415	Small agricultural producer, processor, dealer, exporter up to 10 employees	8	1,600	2,000	4000	4800
420	Large mining or natural resources extraction operator over 50 employees.	80	16,000	20,000	40000	48000
425	Medium mining or natural resources extraction operator from 4 to 50 employees.	45	9,500	11,250	42500	27000
430	Small mining or natural resources extraction operator up to 3 employees, includes quarries and small mining operations.	25	5,000	6,250	12500	15000
495	Other agricultural, forestry and natural resources.	8	1,800	2,000	4000	4800
	ACCOMODATION AND CATERING					
500	International hotels, tourist camps, lodging houses, restaurants, bars, eating houses, tea and coffee house, butcheries and meat roasting and/or soup kitchen facilities, membership club, night-club and casino:	Base Value	500	600	700	800
503	Large high standard lodging house/hotel class "D" over 100 rooms.	100	20,000	25,000	50000	60000

Brims Code	Categories of Business		Others	Ganze, Mazeras, Kaloleni	Gongoni, Mambrui, Mariakani	Kilifi, Mtwapa, Malindi, Watamu
506	Medium high standard lodging house/hotel class "D" from 41 to 100 rooms.	70	14,000	17,500	35000	42000
509	Small high standard lodging house/hotel class "D" up to 41 rooms.	50	10,000	12,500	25000	30000
512	Large lodging house with restaurant and /or bar class "B"/"C" basic standard over 15 rooms.	45	9,000	11,250	22500	27000
515	Medium lodging house with restaurant and/or bar class "B"/"C" basic standard over 6 rooms to 15 rooms.	35	7,000	8,750	17500	21000
518	Small lodging house with restaurant and/or bar class "B"/"C" basic standard up to rooms.	25	5,000	6,250	12500	15000
521	Large lodging house class "B"/"C" basic standard over 15 rooms.	40	8,000	10,000	20000	24000
524	Medium lodging house class "B"/"C" basic standard from 6 to 15 rooms.	25	5,000	6,250	12500	15000
527	Small lodging house class "B"/"C" basic standard to up to 5 rooms.	15	3,000	3,750	7500	9000
540	Large restaurant with bar/membership club over 30 customers/members.	30	6,000	7,500	15000	18000
543	Medium restaurant with bar/membership club from 11 to 30 customers/members.	15	3,000	3,750	7500	9000

Brims Code	Categories of Business		Others	Ganze, Mazeras, Kaloleni	Gongoni, Mambrui, Mariakani	Kilifi, Mtwapa Malindi, Watamu
546	Small restaurant with bar/membership club up to 10 customers/members.	10	2,000	2,500	5000	6000
549	Large eating house, snack bar, tea house "hotel" no lodging, no alcohol served over 20 customers.	15	3,000	3,750	7500	9000
552	Medium eating house, snack bar, tea house "hotel" no lodging, no alcohol served from 6 to 20 customers.	10	2,000	2,500	5000	6000
555	Small eating house, snack bar, tea house "hotel" no lodging, no alcohol served up to 6 customers.	7	1,400	1,750	3500	4200
558	Butchery with roasted meat and/or soup kitchen any size.	10	2,000	2,500	5000	6000
561	Large bar/Traditional beer seller over 50 customer.	15	3,000	3,750	7500	9000
564	Medium bar/Traditional beer seller from 16 to 50 customers.	12	2,400	3,000	6000	7200
567	Small bar/Traditional beer seller up to 15 customer.	8	1,600	2,000	4000	4800
571	Large night club/casino over 500 meters square.	50	10,000	12,500	25000	30000
574	Medium night club/casino from 101 meters square to 500 meters square.	30	6,000	7,500	15000	18000
577	Small night club/casino from 101 meters square.	20	4,000	5,000	10000	12000
595	Other catering and accommodation.	7			3500	4200

Brims Code	Categories of Business		Others	Ganze, Mazeras, Kaloleni	Gongoni, Mambrui, Mariakani	Kilifi, Mtwapa Malindi, Watamu
	PROFESSIONAL AND TECHNICAL SERVICES					
600	Large. Financial. Management engineering, architecture, valuing, surveying, data processing, accountancy, secretarial support stock and insurance brokering, security protection, clearing and forwarding, bookmaking, Kenya charity sweepstake, banks, forex bureau, money lenders, hire purchase companies, insurance companies, real estate developer and finance companies.	Base Value	500	600	700	800
605	Large professional services firm over 10 practitioners and/or international affiliation.	90	18,000	22,500	45000	54000
610	Medium professional services firm over 3 to 10 practitioners.	45	9,000	11,250	22500	27000
615	Small professional services from up to 2 practitioners.	20	4,000	5,000	10000	12000
620	Independent technical operator 1 person acting individually (typist, accountant, book-keeper, etc).	7	1,400	1,750	3500	4200
625	Large financial services over 25 employees or premises over 300 meters square.	95	19,000	23,750	47500	57000

Brims Code	Categories of Business		Others	Ganze, Mazaras, Kaloleni	Gongoni, Mambrui, Mariakani	Kilifi, Mtwapa Malindi, Watamu
630	Medium financial services from 6 employees to 25 employees premises.	65	13,000	16,250	32500	39000
635	Small financial services up to 5 employees.	45	9,000	11,250	22500	27000
695	Other professional and technical services.	7	1,400	1,750	3500	4200
	PRIVATE EDUCATION, HEALTH AND ENTERTAINMENT SERVICES					
700	Private educational institutions, universities, nurseries, primary and secondary schools, professional training centers and polytechnics, institute teaching computer management, accountancy, secretarial or other technical professional private health clinics and doctor's surgeries, consulting offices of doctors, dentist, physiotherapist, psychologists and health professionals, herbalists and traditional medicine practitioners, entertainment facilities such as cinema theatre, video show/amusement arcade, juke box arcade, games machines arcade/sports club gym:	Base value	500	600	700	800

Brims Code	Categories of Business		Others	Ganze, Mazeras, Kaloleni	Gongoni, Mambrui, Mariakani	Kilifi, Mtwapa, Malindi, Watamu
705	Private higher education institution any type of private university college of higher education.	45	9,000	11,250	22500	27000
710	Large private education institution over 100 pupils or fees over KSh. 50,000.	30	6,000	7,500	15000	18000
715	Medium private education institution 31 pupils to 100 pupils or fees from KSh. 30,000 to KSh. 50,000 per year.	15	3,000	3,750	7500	9000
720	Small private education facility up to 30 pupils or fees up to KSh. 30,000 per year.	10	2,000	2,500	5000	6000
725	Large private health facility, hospital, clinic, nursing home etc. Providing overnight accommodation over 30 beds.	70	14,000	17,500	35000	42000
730	Medium private health facility from 11 to 30 beds.	45	9,000	11,250	22500	27000
735	Small private health facility up to 10 beds.	30	6,000	7,500	15000	18000
740	Health clinic. Doctors surgery doctor dentist physiotherapist, psychologist, etc. consultant office, no overnight accommodation available.	10	2,000	2,500	5000	6000
745	Traditional health service herbalist, traditional healer etc.	8	1,800	2,000	4000	4800

Brims Code	Categories of Business		Others	Ganze, Mazaras, Kaloleni	Gongoni, Mambrui, Mariakani	Kilifi, Mtwapa Malindi, Watamu
750	Medium entertainment facility from 51 to 100 seats/from 4 to 10 machines/from 16 to 50 members.	45	9,000	11,200	22500	27000
755	Large entertainment facility cinema/theatre/video show over 100 seats amusement, juke box games machines arcade over 10 machines, sports clubs/gym over 50 members.	25	5,000	6,250	12500	15000
760	Small entertainment facility up to 50 seats/ up to 3 machines/ up to 15 members.	15	3,000	3,750	7500	9000
795	Other educational health and entertainment services.	8	1,600	2,000	4000	4800
	INDUSTRIAL PLANTS, FACTORIES, WORKSHOPS CONTACTORS					
800	Manufacture, process and assembly of products, vehicles machine and equipment and workshop servicing and repairing products, vehicles machinery and equipment, contractors of new building, restoration of old building and service repair.	Base value	500	600	700	800
805	Large industrial plant over 75 employees or premises over 2,500 square meters.	100	20,000	25,000	50000	60000

Brims Code	Categories of Business		Others	Ganze, Mazaras, Kaloleni	Gongoni, Mambrui, Mariakani	Kilifi, Mtwapa, Malindi, Watamu
810	Medium industrial plant from 16 to 75 employees or premises from 100 square meters to 2,500 square meters.	70	14,000	17,500	35000	42000
815	Small industrial plant up to 15 employee or premises up to 100 square meters.	40	8,000	10,000	20000	24000
820	Large workshop, service repair contractor over 20 employees or premises over 500 square meters.	50	10,000	12,500	25000	3000
825	Medium workshop, service repair contractor from 6 to 20 employees or premises from 25 to 500 square meters.	20	4,000	5,000	10000	12000
830	Small workshop, service repair contractor up to 5 employees or premises up to 25 square meters.	7	1,400	1,750	3500	4200
895	Other manufacturers, workshop, factory, contractor.	7	1,400	1,750	3500	4200