

REPUBLIC OF KENYA



THE KITUI COUNTY ASSEMBLY

FIRST COUNTY ASSEMBLY – (SECOND SESSION)

THE TRADE, INDUSTRY, ICT AND COOPERATIVES COMMITTEE

REPORT ON THE KITUI COUNTY BUSINESS LICENSING BILL, 2014

30th June, 2014

BACKGROUND

Mr Chairman, on behalf of the Members of the Trade, Industry, ICT and Cooperatives Committee and as required under Standing Order 121 (3) and (4), which gives guidance on how sectoral committees are supposed to dispense with reports on Bills, I hereby present to the House, the Committee's report on the Kitui County Business Licensing Bill, 2014

Mr Chairman, the Trade, Industry, ICT and Cooperatives Committee as currently constituted comprise the following Members;

| | |
|------------------------|----------------------|
| Hon Daniel N. Kimanzi | Chairman |
| Hon Peter M. Kilonzo | Vice Chairman |
| Hon George S. Kililiku | Member |
| Hon Mary Ndumbu | Member |
| Hon Angela Kanza | Member |
| Hon Colletah Kimanzi | Member |
| Hon Patricia Kimanzi | Member |
| Hon Mary Mbandi | Member |
| Hon Nzuki Wambua | Member |
| Hon Samuel Ikunga | Member |
| Hon Peter Mutemi | Member |

BY INVITATION

| | |
|-------------------|---------------|
| Hon Patrick Mutua | Member |
|-------------------|---------------|

RAPPORTEUR

Teddy Matuku

MANDATE/FUNCTIONS OF THE COMMITTEE

The Trade, Industry, ICT and Cooperatives Committee as is the case with the other sectoral committees was established under the Standing Order No.191 (1) and part of its mandate is to:

- i. Investigate, inquire into, and report on all matters relating to trade, industry, ICT and cooperative societies including overseeing trade development and regulation, including markets, trade licenses, and fair trading practices.
- ii. Study and review all county legislation referred to it
- iii. To vet and report on all appointments where the Constitution or any other law requires the County Assembly to approve
- iv. Make reports and recommendations to the County Assembly as often as possible including recommendation of proposed legislation

Mr Chairman, the Kitui County Business Licensing Bill, 2014 was published in the **Kitui County Gazette Supplement No. 6 (Bills No. 6)** on 10th March, 2014 pursuant to section 23 of the County Government Act No. 17, of 2012.

Mr. Chairman, after publication, the Bill, whose purpose is to provide for licensing of business and trade activities and other related purposes, was introduced to the Assembly on 27th May 2014 and committed to the Trade, Industry, ICT and Cooperatives Committee in line with the County Assembly Standing Orders Nos. 120 and 121(1).

Mr. Chairman, Article 196 (1) (b) of the 2010 Kenyan Constitution states that "a County Assembly shall facilitate public participation and involvement in the legislative and other business of the Assembly and its committees"

In addition to that, Standing Order No. 121 (3) states that “the sectoral committee to which a Bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the committee makes its report to the county assembly.”

To fulfil these legal requirements, the Trade, Industry, ICT and Cooperatives Committee facilitated a public participation exercise on the draft through forums held simultaneously in Mwingi, Kitui and Mutomo towns on 18th, May 2014 where it received verbal and written presentations from individuals, institutions, civil societies and Community Based Organizations (CBOs).

The turn-out followed the invitation extended by the office of the Clerk to the relevant stakeholders and interested members of the public to take part in the crucial exercise through an advertisement which appeared in the Daily Nation newspaper of 6th, June 2014.

Mr Chairman, while citing previous exercises, majority of the participants expressed discontent at the failure to be issued with copies of the Bills in advance in order to read and understand the contents for the purpose of making informed decisions on the proposed legislation.

They also decried the shortage of the documents when they appear for the participatory meetings citing the case for the Villages Bill and the report on the 2014/2015 Budget Estimates.

Saying failure to get copies of the Bills keeps them in the dark on the kind of laws being enacted to govern them, the participants appealed to the office(s) responsible for distributing the materials to rectify the situation, failure to which they vowed to boycott such functions in future.

ACKNOWLEDGEMENT

Mr Chairman, the committee is grateful to members of the public who presented their views on the Bill. We are also thankful to groups and institutions which delivered written memorandums. Further, the committee appreciates the support it received from the offices of the Speaker and the Clerk of the County Assembly as it spearheaded the public participation exercise and during the retreat to write this report as well as the Members of the County Assembly who participated in the crucial process.

Signed _____

Hon Daniel Ngoima Kimanzi, MCA

Chairperson, Trade, Industry, ICT and Cooperatives Committee

Date: _____

PROCEEDINGS OF THE COMMITTEE

Mr Chairman, after overseeing the public participation exercise, the Committee held three (3) sittings before and three (3) days working retreatretreated for 3 days to write this report taking into consideration the proposals by the members of the public with the plea to scale down the ceiling of fines /penalties and jail terms recommended for certain trading offences being the most overriding.

To cite just one example, **Mr Chairman**; most people who aired their views during the gatherings opposed clause 12 (1) proposed to be renumbered Clause 14) which advocates a fine of hundred thousand shillings to traders who fail to display their licenses on grounds that the ceiling for the penalty was colossal yet the offence was minor. They were also apprehensive that the clause would be subject to abuse by enthusiastic/overzealous law enforcement agents if it remained unchanged.

It is worth to note at this juncture that, as we went through the Bill, we discovered many typing, grammatical and numbering errors which apparently could have been avoided had the drafters done thorough proof-reading and verification before the manuscripts were taken for publication.

OVERVIEW ON THE KITUI COUNTY BUSINESS LICENSING BILL, 2014

The Kitui County Business Licensing Bill, 2014 is tailored to provide for licensing of business and trade activities and for other related purposes as earlier mentioned in this report.

In a nutshell, the draft aspires to cater for the regulation of business activities within the county through the right legal framework on licensing, collection of cess and levies by the county government and curbing of illegal trade and other related malpractices. It is structured into six parts as follows;

- PART 1- Preliminary**
- Part II - Regulation of business**
- Part III- Licensing of businesses other than those providing professional and consultancy services**
- Part IV) -Enforcement and**
- Part V- Supplemental**

PROPOSED AMENDMENTS ON THE BILL

After analyzing, evaluating and considering both the oral and written submissions, the committee came up with the following recommendations;

TABLE OF CONTENTS (ARRANGEMENT OF CLAUSES)

The committee recommends that the Bill be amended by introducing arrangement of the clauses as follows;

THE KITUI COUNTY BUSINESS LICENSING BILL, 2014 ARRANGEMENT OF CLAUSES PART I—PRELIMINARY

Clause

1 –Short title and commencement

2—Interpretation

3—Purpose of the Act

4—Application of the Act

PART II—REGULATION OF BUSINESS

5—General Business Area

6—Specified goods

7—Restriction on carrying on business

PART III— LICENSING OF BUSINESSES OTHER THAN THOSE PROVIDING PROFESSIONAL AND CONSULTANCY SERVICES

8—Licensing officers

9—Partnerships

10—Conditional licenses

11—Grant of licenses

12—Amendments of license

13—Transfer of Licenses

14—Display of license and duplicates

15—Principles of licensing

16—Revocation of licenses

17—Appeals

PART IV—ENFORCEMENT

18—Power to enter premises and require information

19—Acts or agent or servant

20—False information

21—Presumption

22—General penalty

PART V— SUPPLEMENTAL

23—Exemption

24—Regulations

25—Acknowledgement

26—Business license register

COMMITTEE RECOMMENDATIONS AND AMENDMENTS TO THE MAIN BILL

CLAUSES WITHOUT AMENDMENTS

None.

CLAUSE WITH AMENDMENTS

PART II

CLAUSE 3

THAT, amend Clause 3 by renumbering it Clause 5.

CLAUSE 4

THAT, amend Clause 4 by renumbering it Clause 6.

CLAUSE 5

- i. **THAT**, amend Clause 5 by renumbering it Clause 7.
- ii. **THAT**, the Clause now numbered Clause 7 be amended as follows:-
 - by inserting the word “registration’ between the words “investments and certificate” in the clause now numbered 7(1)(d).
 - by renumbering Sub Clause 3 to **7 (3)**, Sub Clause 3(a) to **Sub Clause 7(4)**, Sub Clause 3(b) to **Sub Clause 7(5)**, Sub Clause 4 to sub clause **7(6)**, Sub clause 5 to sub clause **7(7)**.
 - by amending Sub Clause now numbered 7(6) to read “**any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding one hundred thousand Kenya shillings or imprisonment to a term not exceeding eighteen months or to both such fine and imprisonment**”.

PART III

CLAUSE 6

THAT, amend Clause 6 by renumbering it Clause 8.

CLAUSE 7.

THAT, amend Clause 7 as follows:

- by renumbering it Clause 9.
- by amending the Sub Clause now numbered 9(4) by inserting the words **-and shall be liable upon conviction to a fine of not less than fifty thousand Kenya shillings or imprisonment to a term not exceeding three months or to both such a fine and imprisonment at the end of the sentence.**

CLAUSE 8

THAT, amend Clause 8 as follows:-

- by renumbering it Clause 10
- By amending the Sub Clause now renumbered 10(3) to read **the fees for the grant of a conditional business licence shall be one -half of the fees prescribed for that particular business and premises under subsection 2.**

CLAUSE 9

THAT, amend Clause 8 as follows:-

- by renumbering it **Clause 11**
- by replacing **section 5(2)** with **section 7(2)**

CLAUSE 10

THAT, amend Clause 10 by renumbering it **Clause 12**

CLAUSE 11

THAT, amend Clause 11 as follows:-

- by renumbering it **Clause 13**
- by deleting the word **Penalty** appearing at the end of paragraph 2 and replacing thereof **with-and will be liable to a fine of one hundred thousand Kenya shillings or six months imprisonment or to both such a fine and imprisonment.**

CLAUSE 12

- THAT, amend Clause 12 by renumbering it **Clause 14****
- THAT, amend sub clause 14(1) as follows:-**
 - by deleting the word **hundred** appearing between the words “exceeding and thousand” and replacing thereof with the word **five**.
 - by inserting the words **or to imprisonment for a period not exceeding one month or to both such fine and imprisonment** at the end of the sentence.
- THAT, amend sub clause 14(3)(b) as follows:-**
 - by inserting the word **and** between the words “inspection and does”.
 - by deleting the words **one hundred** appearing between the words “exceeding and thousand” and replacing thereof with the word **five** and further deleting the words **and in default of payment** appearing between the words “shillings and to” and replacing thereof with **or**.
- THAT, amend by renumbering repeated sub 14(3) to sub clause 14(4).**

CLAUSE 13

- Clause 13** be renumbered **Clause 15'**
- Clause 15 be amended by deleting sections **8, 9, and 10** as referred therein and substituting thereof with section **10, 11 and 13**.
- Clause 15(a) be amended by deleting **citizens of Kenya** and substituting thereof with **“residents of Kitui County”**
- Clause 15(a)(i) be amended by deleting **citizens of Kenya** and substituting thereof with **“resident of Kitui County”**

CLAUSE 14

- Clause 14** be renumbered **Clause 16**

CLAUSE 15

- Clause 15** be renumbered **Clause 17**
- Clause 17(c)-Delete **section 5** and substitute thereof with **section 7**
- Clause 17(d)-Delete **section 10** and substitute thereof with **section 12**
- Clause 17(3)(a)**-Delete **this paragraph. Members of the committee to find suitable replacements.**
- Introduce a new sub clause 17(4) “the remuneration payable to members of the committee shall be determined by the Salaries and Remuneration Commission”

-Clause 17 (1) (d) Insert the words “assisted by the relevant directorate” between the words member and whose.

PART IV-ENFORCEMENT

CLAUSE 16

- Clause 16 be renumbered Clause 18**
- Clause 18(1) be amended to read “a business licensing officer, enforcement officer or a police officer above the rank of inspector, may upon production of evidence of his or her authority to any person reasonably requiring it”**
- Clause 18(1)(b) insert “or her” between his and power and further by inserting “or her” between him and to.**
- Clause 18(2) delete “and in default of payment” and substitute thereof with “or”.**

CLAUSE 17

- Clause 17 be renumbered Clause 19**
- Amend this Clause by deleting “and in default of payment” and substitute thereof with the word “or”**

CLAUSE 18

- Clause 18 be renumbered Clause 20**
- Clause 20(b) be amended by replacing section 16 with section 18 and deleting “penalty?” at the end of the sentence and inserting “shall be liable upon conviction to a fine not exceeding fifty thousand Kenya shillings or imprisonment to a term not exceeding six months or to both such fine and imprisonment.”**

CLAUSE 19

- Clause 19 be renumbered Clause 21**
- Clause 21(1)-replace section 5 with section 7 and further by deleting “citizens of Kenya” and substituting thereof with “resident of Kitui County”**
- Clause 21(2)-replace section 5 with section 7.**
- Clause 21(3) insert “of the now defunct” between the words any and local.**

CLAUSE 20

Clause 20 be renumbered Clause 22

PART V-SUPPLEMENTAL

CLAUSE 21

- Clause 21 be renumbered Clause 23**
- Insert “or the Kenya gazette” after gazette and thereafter by deleting citizens of Kenya and substituting thereof with “residents of Kitui County”**

CLAUSE 22

-Clause 22 be renumbered Clause 24

CLAUSE 23

-Clause 23 be renumbered Clause 25

CLAUSE 24

-Clause 24 be renumbered Clause 26

-Clause 26(3)-replace section 10 with section 12 and section 11 with section 13

MIS-SPELLING OF CHAIRMAN'S NAME

Delete letter "M" and replace it with "N" which is the correct initial for the Chairman's middle name.

MEMORANDUM OF OBJECTSAND REASONS

Insert the following text as the memorandum of objectsand reasons;

The principal object of the Bill is to provide for the regulation of trade and other business activities within Kitui County.ThisBill seeks to give effect to section 7 (b) of the fourth schedule to the Constitution of Kenya, 2010.

The operation, regulation and administration of businesses as then provided under repealed Trade Licensing Act cap 497 and the Local Government Act, cap 265 and of the laws of Kenya through the by-laws enacted by local authority thereof.

The Bill, therefore, is a departure from the provision of the local government act, cap 265 after the coming in force of the county government as provided under the constitution of Kenya, 2010.

The collection of dues and operation, administration and general regulation of trade businesses and issuance of single business licenses within Kitui County will therefore be governed as provided by this Bill."

NEW CLAUSE(S) PROPOSED FOR ADOPTION

clause 3

clause 4

Introduce a new clause, **Clause 3** with a margin note reading "**Purpose of the Act**"

To read " the object and purpose of this Act is to provide for licensing of business and trade activities in Kitui County pursuant to Part II of Schedule Four of the Constitution of Kenya 2010"

Introduce a new clause, **Clause 4** with a margin note reading "**Application of the Act**" to read "This Act shall apply to all trade and business activities undertaken within Kitui County"

NEW SCHEDULE(S) INTRODUCED

The Committee proposed additional schedules as follows second schedule, third schedule, fourth schedule, fifth schedule and sixth schedule;

SCHEDULE(S)

Introduce new schedule to be the Second schedule on business licensing (forms) regulations

Introduce new schedule to be the Third schedule on form A for application for a general business licence

Introduce new schedule to be the Fourth schedule on form B for application for a manufacturing business licence

Introduce new schedule to be the Fifth schedule on form C for application for general business licence

Introduce new schedule to be the Sixth schedule on form D for application for manufacturer's business licence

FIRST SCHEDULE

(Section 5)

REPUBLIC OF KENYA

COUNTY GOVERNMENT OF KITUI

KITUI COUNTY BUSINESS LICENSING ACT, 2014

FORM OF ORDER DECLARING GENERAL BUSINESS AREAS (UNDER SECTION 5 OF THE KITUI COUNTY BUSINESS LICENSING ACT, 2014)

1. This Order may be cited as the Kitui County Business Licensing (General Business Areas) Order.
2. For the purposes of Part II of this Act the areas specified in the First column of the **Table** hereto, except the parts thereof specified in relation thereto in the Second column, are declared to be general business areas for the purpose of the Act.

| <i>General business Area</i> | <i>Excluded Parts of Area</i> |
|---|---|
| 1. The area within Kitui township surrounded by the following roads only : Mama Ngina, Mukuti Road, Biashara street, Kilungya street and Endau Road in the Central Business Area | The area known as Kango (mosquito) Estate, Kalundu market, Kunda Kindu, Swahili Village and Majengo estate. All other areas are excluded |
| 2. The area within Mwingi township- the roads from Mwingi makuti – Mwingi Musila Gardens and Kitui Millers. | All other areas are excluded |

Amendments recommended in the first schedule;

- i. The section to be considered as the FIRST SCHEDULE
- ii. The schedule modified through insertion of the following words "FIRST SCHEDULE", "REPUBLIC OF KENYA" and "COUNTY GOVERNMENT OF KITUI"

- iii. The title KITUI COUNTY BUSINESS LICENSING (GENERAL BUSINESS AREAS) replaced with the KITUI COUNTY BUSINESS LICENSING ACT, 2014
- iv. The sub-title FORM OF ORDER DECLARING GENERAL BUSINESS AREAS (UNDER SECTION 5 OF THE KITUI COUNTY BUSINESS LICENSING ACT, 2014) introduced
- v. Clause 2- the word “the” appearing between the words of and Act deleted and replaced with “this.”
- vi. Clause 2- Letter “s” inserted at the end of the word “area” appearing between the and specified to read as “areas.”
- vii. Clause 2- the word “schedule” appearing between the words the and hereto deleted and replaced with “Table”
- viii. The sub-title “SCHEDULE” deleted for serving no useful purpose
- ix. Section 3 renamed Section 5

SECOND SCHEDULE

(Section 24)

THE KITUI COUNTY BUSINESS LICENSING (FORMS) REGULATIONS

1. These Regulations may be cited as the Kitui County Business Licensing Act (forms) Regulations
2. All persons conducting businesses shall make application in the following forms:
 - a) Form A.- application for general businesses licence,
 - b) Form B.-application for manufacturing licence.
3. Business licences shall be issued in the following prescribed forms:
 - c) Form C.-Business licence for general business(regulated businesses),
 - d) Form D,-Business licence for manufacturing businesses
4. No person shall conduct business unless he or she is in the possession of a valid business licence granted in the appropriate form.
5. No business licence shall be issued unless a fee prescribed for that business is paid to the business licensing officer.
6. Rephrasing this clause with the following words “The County Executive Committee Member in charge of finance and planning shall by a notice in the County or Kenya gazette prescribe fees payable for any licence issued under this Act upon approval of such fees by the Kitui County Assembly from time to time”.

Amendments proposed in thesecond schedule;

- i. The section to be considered as the “SECOND SCHEDULE”
- ii. Section 22 replaced withsection 24
- iii. Clause 1-The words “Act” and “regulations” inserted between the words licensing and (forms) and after the word “ (forms)” respectively.
- iv. Clause 4-The words “or she” inserted between the words “he” and “is”

- v. Clause 6 rephrased with the following words “ The County Executive Committee Member in charge of finance and planning shall by a notice in the County or Kenya gazette prescribe fees payable for any licence issued under this Act upon approval of such fees by the Kitui County Assembly from time to time”.

THIRD SCHEDULE

[Regulation 2(a)]

REPUBLIC OF KENYA

COUNTY GOVERNMENT OF KITUI

KITUI COUNTY BUSINESS LICENSING ACT, 2014

FORM A

[Section 24]

FORM OF APPLICATION FOR A GENERAL BUSINESS LICENCE

(A separate application form must be completed in respect of each separate business establishment)

1. Name of business/applicant

2. (a) Income Tax Personal Identification Number (s) (PIN)

.....
.....

(b) Postal addressPostal

code.....Town.....

(c) Location of business premises:

Plot No.

Street.....

Market

Town(when applicable).....

Village.....

Ward.....

Sub-County

3. Give full details of proprietors or partners owing business or director/ shareholders of the company, as the case may be.

Name.....

Nationality.....by birth/registration.....none citizen....

No. of shares held.....

4. Full description of the business/manufacturing for which a business licence is required

.....
.....

5. (a) Indicate the number and date of issue of any business licence previously held under this Act or any other Act.....

.....

(b) Give the date of commencement of the business and the period for which the business licence is now being applied for

.....
.....

6. State if you or any of the partners/directors is an un-discharged bankrupt. (if so, indicate the name.)

.....

7. (a) Has any previous business license been rejected underthis Acts/ or any other Act - (if so, give details)

.....

(b) Has any previous business licence been cancelled underthis Act / or any other Act?

.....
.....

8. (a) Copies of the following documents should be submitted with the application for a business licence:

(i) If the applicant is a Kenya, a **certified** copy of both sides of ID/card; or

(ii) if a **non-Kenyan**

(a) current work permit;

(b) **certified** copies of pages 1 to 5 of the passport; and

(c) **certified** copy of foreign investment registration certificate

(d) Relevant entry permit (s) for non-citizen

- (iii) A copy of Registration Certificate for a business name
- (iv) a copy of Certificate of Incorporation and Memorandum and Articles of Association and CR12 for a Company.
- (v) A copy of Title Deed, Lease agreement or letter from landlord confirming tenancy at business premise.

(b) an applicant for the renewal of a licence shall submit only a photocopy of the current business licence.

A non-Kenyan shall produce a suitable identification document (for instance the ID card of his country or any other acceptable document in lieu of a work permit or passport);

Declaration

I/We hereby certify that the information **given** in this application is true and correct. I/We understand that it is an offence under **Section 20** of the **Kitui County Business Licencing Act, 2014** to give false information in support of any application.

Name of applicant.....

Signature

Company seal (in case of company).....

Director.....

Director/Secretary

Date

Amendments proposed in the third schedule;

- i. This section to be considered as the **THIRD SCHEDULE**
- ii. The application form modified through insertion of the following words;
 - THIRD SCHEDULE,**
 - REGULATION 2(a),**
 - REPUBLIC Of KENYA,**
 - COUNTY GOVERNMENT OF KITUI,**
 - DIRECTOR/SECRETARY**

- iii. In the subtitle THE KITUI COUNTY BUSINESS LICENSING ACTS- Delete letter “s” from the word ACTS to read “ACT”
- iv. Clause 2(c)-Amend by inserting “village” between the words town and ward and deleting “constituency” placed after the word district and replacing it with “sub-county”.
- v. Clause 3-Amend by inserting letter “n” in between letters w and l to read as “owning”
- vi. Clause 7(a)-Amend by deleting the word “the” appearing between the words under and Acts and replacing it with the word “this”
- vii. Clause 7(a)-Again delete letter “s” from the word Act to read as “Act”
- viii. Clause 7 (b)-Amend by deleting the word “the” appearing between under and Act and replacing it with “this”
- ix. Clause 8(a) (i)-Amend by inserting letter “n” at the end of the word Kenya appearing between letters a and a to read “Kenyan”
- x. Clause 8(a)(i)-Again, insert “certified” between letter a and the word copy
- xi. Clause 8(a)(i)-Again, insert “certified” before the word copies
- xii. Clause 8(a)(i)-Again, insert “certified” before the word copy
- xiii. Clause 8(a)(i)-Again, delete letter “s” from the word permits appearing between the word work and together to read as “permit”
- xiv. The paragraph coming immediately after 8 (a) (i)-insert letter “n” at end of the word “Kenya” to read “Kenyan”
- xv. Clause 8 (a) (iii)-Delete the “question mark” appearing at the end of the sentence.
- xvi. Clause 8(a)(iii)-rephrased as “a copy of Registration Certificate for a business name”. Further, the sub-clause coming immediately after 8(a)(iii) renumbered paragraph (iv) and rephrased as “copies of the Certificate of Incorporation, Memorandum and Articles of Association and CR12 for a company.”
- xvii. Clause 8(a)(v)-rephrased as “a copy of Title Deed, lease agreement or letter from landlord confirming tenancy at business premise.”
- xviii. The Declaration under Clause 8(b)-Amend by inserting letter “n” after the word give to read “given” and replace section 18 thereof with section 20. Further, insert “Kitui County” between the words “the” and “business”

FOURTH SCHEDULE

[Regulation 2(b)]

REPUBLIC OF KENYA

COUNTY GOVERNMENT OF KITUI

KITUI COUNTY BUSINESS LICENSING ACT, 2014

FORM B

[Section 24]

FORM OF APPLICATION FOR A MANUFACTURING BUSINESS LICENCE

(A separate application form must be completed in respect of each separate business establishment)

1. Name of business/applicant

2. (a) Income Tax Personal Identification Number (s) (PIN).....

VAT No.....

Registration/incorporation/certificate No.....

(b) Postal addresscode.....Town.....

(c) Location of business premises:

Plot No.

Street.....

Market.....

Town(where applicable).....

Village.....

Ward.....

Sub-County

3. Give full details of proprietors or partners owning business or director/ shareholders of the company, as the case may be.

Name:.....

Nationality:

(Where applicable)

No. of shares held or percentages held in case of a partnership:

4. Full description of the business/manufacturing for which a **manufacturing** business licence is required

.....

5. (a) Indicate the number and date of issue of any **manufacturing** business licence previously held under this Act/ or any other Act.....

.....

(b) Give the date of commencement of the business and the period for which the **manufacturing** business licence is now being applied for.....
.....

6. State if you or any of the partners/directors is an un-discharged bankrupt. (if so, indicate the name.)
.....

7. (a) Has any previous **manufacturing** business licence been rejected under the Acts/ or any other Act? (if so, give details)
.....

(b) Has any previous **manufacturing** business licence been cancelled under the Act/ or any other Act?
.....

8. (a) Copies of the following documents should be submitted with the application for a **Manufacturing** business licence:

(i) If the applicant is a Kenya, a **certified** copy of both sides of ID/card; or

(ii) if a **non-Kenyan**

(a) current work permit;

(b) **certified** copies of pages 1 to 5 of the passport;

(c) **certified** copy of foreign investment registration certificate; and

(d) Relevant entry permit (s) for non-citizen

(iii) A copy of Registration Certificate for a business name

(iv) a copies of the Certificate of Incorporation, Memorandum and Articles of Association and CR12 for a Company.

(v) A copy of Title Deed, Lease agreement or letter from landlord confirming tenancy at business premise.

(b) an applicant for the renewal of a licence shall submit only a photocopy of the current **manufacturing** business licence.

A non-Kenya shall produce a suitable identification document (for instance the ID card of his country or any other acceptable document in lieu of a work permit or passport);

Declaration

I/We hereby certify that the information **given** in this application is true and correct. I/We understand that it is an offence under **Section 20** of the **Kitui County Business Licencing Act, 2014** to give false information in support of any application.

Name of applicant.....

Signature

Company seal (in case of company).....

Director.....

Director/Secretary

Date

Amendments proposed in the fourth schedule:

- i. The section to be considered as the THIRD SCHEDULE
- ii. The application form modified through insertion of the following words; **SCHEDULE,REGULATION 2(B),REPUBLIC OF KENYA,COUNTY GOVERNMENT OF KITUI,DIRECTOR/SECRETARY, SECTION 24**
- iii. In the subtitle THE KITUI COUNTY BUSINESS LICENSING ACTS- Delete letter “s” from the word ACTS to read “ACT” and insert “2014” at the subtitle
- iv. Clause 2(c)-Amend by inserting “village” between the words town and ward and deleting “constituency” placed after the word district and replacing it with “sub-county”
- v. Clause 3-Delete letter “r” from the word sheer and replace it with “t” to read sheet
- vi. Clause 4-insert “manufacturing” between the letter a and the word business
- vii. Clause 5 (a)-insert “manufacturing” between any and business
- viii. Clause 5(b) - insert “manufacturing” between the and business
- ix. Clause 7(a)-insert“manufacturing” between previous and business and by delete “the” appearing between under and Acts and replace it with “this”. Again delete letter “s” from the word Acts to read “Act”
- x. Clause 7 (b)-insert“manufacturing” between previous and business anddelete“the” appearing between under and Act and replacing it with “this”
- xi. Clause 8(a) (i)-insert “manufacturing” between letter a andthe word **business**. Further, insert letter “n” at the end of the word Kenya appearing between letters a andto read “**Kenyan**”. Further, insert“certified” between letter a andthe word **copy**. Further, insert “certified” before the word “copies” and again before the word “copy” and delet letter “s” from the word “permits”placed between the words “work” and “together to read “permit”
- xii. The paragraph coming immediately after 8 (a) (i)-insert letter “n” at end of the word “Kenya” to read “**Kenyan**”
- xix. Clause 8(a)(iii)rephrasedas “a copy of **Registration Certificate for a business name**”. Further, the sub-clause coming immediately after 8(a)(iii) renumbered paragraph (iv) and rephrased as “ **copies of the Certificate of Incorporation, Memorandum and Articles of Association and CR12 for acompany.**”
- xx. Clause 8(a)(v)rephrased as “ a copy of **Title Deed, lease agreement or letter from landlord confirming tenancy at business premise.**”
- xxi. Clause 8 (b) - insert “manufacturing” between the words “current” and business”
- xxii. The Declaration under Clause 8(b)-insertletter“n” after the word give to read “**given**” and replace **section 18** thereof with **section 20**. Further, “**Kitui County**” between the words the and business

FIFTH SCHEDULE

[Regulation 3(a)]

REPUBLIC OF KENYA

COUNTY GOVERNMENT OF KITUI
KITUI COUNTY BUSINESS LICENSING ACT, 2014

FORM C

**[Section 11 and 24]
GENERAL BUSINESS LICENCE**

.....(Name of licensee)

is hereby licensed to carry on the following business occupations:

.....
.....

on premises situated at:

Plot No.

Street.....

Market.....

Town (where applicable).....

Village.....

Ward.....

Sub-County

This licence expires on 31st December, 20.....

Fee paid (in words):.....

KSh.

Place of IssueSub-County.....

Licensing Officer.....

Signature

Date

Amendments proposed on the fifth schedule;

- i. The section to be considered as the FIFTH SCHEDULE
- ii. The application form modified through insertion of the following words; **FIFTH SCHEDULE,REGULATION 3(a),REPUBLIC OF KENYA,COUNTY GOVERNMENT OF KITUI,DIRECTOR/SECRETARY, SIGNATURE and SECTION 11and 24**
- iii. Insert **"Village"**between the words town and ward and delete **"constituency"**placed after the word district and substitute thereof with **"sub-county"**
- iv. Insert **"Signature"**between the words licensingofficerand date

SIXTH SCHEDULE

[Regulation 3(b)]

REPUBLIC OF KENYA

COUNTY GOVERNMENT OF KITUI
KITUI COUNTY BUSINESS LICENSING ACT, 2014

FORM D

**[Section 11 and 24]
MANUFACTURER'S BUSINESS LICENCE**

.....(Name of licensee)

is hereby licensed to carry on the following business occupations):

.....
.....

on premises situated at:

Plot No.

Street.....

Market.....

Town (where applicable).....

Village.....

Ward.....

Sub-County

This licence expires on 31st December, 20.....

Fee paid (in words):.....

KSh.

Place of IssueSub-County.....

Licensing Officer.....

Signature

Date

Amendments proposed on the sixth schedule

- v. The section to be considered as the SIXTH SCHEDULE
- vi. The application form modified through insertion of the following words; **SIXTH SCHEDULE, REGULATION 3(b),REPUBLIC OF KENYA, COUNTY GOVERNMENT OF KITUI, DIRECTOR/SECRETARY, SIGNATURE and SECTION 11and 24**
- vii. Insert "Village" between the words town and ward and delete "constituency" placed after the word district and substitute thereof with "sub-county"
- viii. Insert "Signature" between the words licensing officer and date

F)INTERPRETATION

SCHEDULE(S)////////////////////

INTERPRETATION

CLAUSE 2

Amend this clause by inserting " unless the context otherwise requires" immediately after Act.

1.WITHOUT AMENDMENTS

The Committee recommends the following interpretation to be considered as printed;

Clause 2 (1):

Business license

Business Transaction-(a), (b),(c),(d),(e),(g),(h),(i-i, ii, and iii)

Trade

Commission agent

Director

Licensee

Regulated trade-(a),(b),(c),(d),(e),(f),(g),(h),(i),(j)
Specified goods-2(2)(a-i, ii, iii), (b), (c)

2.WITH AMENDMENTS

THAT the Bill be amended in Clause 2 by-

- Deleting the sub-title "interpretation" and inserting a margin note reading "interpretation"
- Clause 2(1)-inserting "unless the context otherwise requires" immediately after Act
- Amend by following proper Alphabetical order in arranging the terminologies under this clause and further amend the interpretation of each termin ology respectively Business Activity, Business License Officer , Business License Register, Business Person, Conditional Business License, County Executive Committee Member, Enforcement Officer, Police Officer, Foreign Investment Registration Certificate, General Business Area, Manufacture's representative, Prohibited activity, Principal Place of Business, Regulation means, Resident of Kitui County,**
- Business License Officer-replace **section "6"** with **section "8"**
- Business License Register-replace **section "24"** with **section "26"**and insert the words **"of this act"** at the end of the clause
- Conditional Business License-replace **section 8** with **section 10**and insert **"of this act"** at the end of the interpretation
- County Executive Committee Member -means a County Executive Committee Member appointed under article 179 of the Constitution of Kenya 2010 and for the time being responsible for Trade, Commerce and Industries.
- Enforcement Officer- means a person employed by the Kitui County Public Service Board to ensure compliance with county laws, rules and policies and for any other purpose thereto.
- Police Officer- has the same meaning as defined under the National Police Service Act 2011
- Delete **"which are the produce of or articles of the county"** appearing at the top of **page 88.**
- Foreign Investment Registration Certificate-rephrase the interpretation to read as "Foreign Investment Registration Certificate means a foreign investment registration certificate issues by the cabinet secretary for the time being responsible for finance under the Foreign investments Protection Act No. 35 of 1964 or any other relevant law relating to foreign investments.
- General Business Area-replace **section "3"** with **section "5"**.
- Manufacture's representative-rephrase the interpretation to read as follows "means a person residing in Kitui County in the year of question and who acts as an agent for a manufacturing or trading concern and receives remuneration from the concern on a retainer basis or on the basis of the orders which he or she obtains in Kitui or both"
- Prohibited activity- means an activity prohibited by this Act or any other national or county law.
- Principal Place of Business- means the full postal and delete geographical and replace with physical address specified by a licensee or applicant in his **or her** under **replace section 22** with **section 24** of this Act
- Regulation means-regulation made this Act.
- Resident of Kitui County-
 - (a)-rephrase this part to read as follows "Any person who has a home within Kitui County and has been present within Kitui County anytime during the subject

year except for such temporary absences as the county executive committee member may determine to be reasonable

(b) a corporation whose affairs and matters are controlled and managed within Kitui County during the subject year regardless of the registered physical address of the corporation. **Delete "clarify" appearing at the end of the paragraph.**

////////-2(a)-insert "or she"////////////////////

////////-2(a) (iii)-rephrase this clause to read "a person interested in the business although subject to section 23 of the penal code.

-Clause 2(b)-delete this paragraph////////////////////

-Clause 2(c) to be renumbered clause 2 (b) and thereafter delete the words "and not otherwise" appearing at the end of the paragraph

-Introduce a new clause 2(a)(iv)-a corporation or business entity that is registered under any recognized law in Kenya Provided that a director or shareholder of a corporation does not conduct a business by virtue of his or her directorship or shareholding.

)PREAMBLE

The Bill has no preamble.

H)LONG TITLE

The committee recommends that the long title be adopted as printed.

SHORTTITLE AND COMMENCEMENT

CLAUSE 1

Be amended by rephrasing the clause to read **"this Act may be cited as the Kitui County Business Licensing Act, 2014 and shall come into operation upon gazettment in the county or Kenya gazette or on such date as the county executive committee member for Trade, ICT and Cooperatives may appoint."**

MISS-PELLING

Delete letter **"M"** and replace it with **"N"**to correct the mis-spelling on the initial for the middle name of the committee's Chairman.

And finally, the committee recommends that all the subtitles contained in the Bill to be moved as margin notes as printed and per any correction made.

Mr Chairman, it is therefore my pleasant duty and privilege on behalf of thecommittee of Trade, Industry, ICT and Cooperatives to table this report and recommend it to the House for adoption.

ADOPTION OF THE COMMITTEE'S REPORT ON THE KITUI COUNTY BUSINESS LICENSING BILL, 2014 (BILL. NO. 10)

| <u> NAME</u> | <u> POSITIONSIGNATURE</u> |
|---------------------|----------------------------------|
|---------------------|----------------------------------|

| | | |
|------------------------|---------------|-------|
| Hon Daniel N. Kimanzi | Chairman | ..... |
| Hon Peter M. Kilonzo | Vice chairman | ..... |
| Hon George S. Kililiku | Member | ..... |
| Hon Mary Ndumbu | Member | ..... |
| Hon Angela Kanza | Member | ..... |
| Hon Colletah Kimanzi | Member | ..... |
| Hon Patricia Kimanzi | Member | ..... |
| Hon Mary Mbandi | Member | ..... |
| Hon Nzuki Wambua | Member | ..... |
| Hon Samuel Ikunga | Member | ..... |
| Hon Peter Mutemi | Member | ..... |
| Hon Patrick Mutua | invited | ..... |