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SPECIAL ISSUE

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REPUBLIC OF KENYA



KENYA GAZETTE SUPPLEMENT

NANDI COUNTY ACTS, 2017

NAIROBI, 18th April, 2017

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**THE NANDI COUNTY SINGLE BUSINESS LICENCE
ACT, 2017**

AN ACT of the County Assembly of Nandi to provide for the registration of businesses; the grant of single business licences; and for connected purposes

ENACTED by the County Assembly of Nandi as follows—

PART I — PRELIMINARY PROVISIONS

1. This Act may be cited as the Nandi County Single Business Licence Act, 2017.

Short title.

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

Interpretation.

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

“authorized officer” has the meaning given by section 25;

“billiard saloon” means premises where members of the public are able to use a billiard table on payment of a fee;

“business” includes a profession, business or occupation, but does not include regulation of a profession, business or occupation;

“Chief Licensing Officer” means the chief officer for the time being responsible for trade;

“County public officer” has the same meaning as in the County Governments Act;

[Act No. 17 of 2012]

“Executive Member” means the County Executive Committee Member for the time being responsible for trade;

“exhibitions” means retail outlets commonly conducted in one hall but with distinct businesses or trades in form of stalls, cubicles or in any other manner being managed and conducted by different traders, individuals and includes subdivisions therein let out for purpose of trading;

“permit-holder” in relation to a single business licence, means the person to whom the single business licence is granted or to whom the single business licence is

transferred or assigned;

“hyper supermarket” means where there are multiplicity of traders or business, which include but are not limited to distribution, wholesaling, retailing, supermarket, banking, professional services, parking and food courts, and may occupy more than three floors;

“informal trader” includes but is not limited to all unregistered businesses, kiosks, mama mboga, maize roasters, shoe shiners, watch repairs and loose and unorganized businesses or as the Executive Member may determine from time to time;

“kiosk” means a temporary structure authorized by the County under the term of a temporary occupation license for the purposes of small traders with approved plans;

“petrol pump” means fuel outlet;

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

“mega supermarket” means a combination of distribution, wholesaling, retailing store, shops and medium supermarkets operating in a maximum of three floors;

“offensive trade” includes trade of a knacker or of blood-boiling or cleaning, tallow melting, fat melting or fat extraction, fell-mongering, skin storing, skin curing, blood drying, gutscraping, fishmongering, fish frying, leather dressing, tanning, glue making, size making, charcoal burning, lime burning, stone crushing, manure making, manure storing, bone storing, or other work or trade of an offensive nature, declared by the Executive Member to be of an offensive nature;

“other place of entertainment” shall not include any place of worship, church, religious institute or member’s club;

“premises” means a house or building, together with its land and outbuildings, occupied by a business;

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

“quarrying” means an activity that includes but is not limited to mining, extraction, removal, harvesting or

cutting from either private or public land, natural resources which is to be carried out with the approval of the County;

“Receiver of Revenue” has the same meaning as in the Nandi County Revenue Administration Act, 2017;

“single business licence”, in relation to this Act, means a licence granted under this Act to conduct the business;

“supermarkets” means any self-service store or shop which engages in a multiplicity of trades through retailing and occupying a maximum of one floor;

“theatre” means any building open to the public, whether gratuitously or otherwise, in which a stage play or cinematograph is performed; and

“way leaves” means the space or strip of land that is exclusively used for overhead, underground ground level service line for power lines, telephone lines, water pipes, sewer lines, ducts or any other space conducting or conveying such services, but not exclusively confined to the same premises owned by an individual, a private company or otherwise by any person who would claim exclusive ownership of such conveyances as carriages or spaces.

PART II — LICENCING PROCESS

3. (1) The Chief Licensing Officer may approve forms for the purposes of this Act and amend the forms in the First Schedule.

Powers of the chief licensing officer.

(2) 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) A person shall not conduct a business within the County, unless the person is the holder of a single business licence for that business as per Form 1 of the Second Schedule.

Requirement for single business licence.

(2) A person who contravenes the provisions of this section commits an offence and is liable to payment of a fine not exceeding Kenya shillings three hundred thousand or imprisonment not exceeding one year, or both.

5. (1) An application for the grant of a single business licence shall—

Application for licence.

- (a) be lodged with the Chief Licensing Officer;
- (b) be in the approved form set out in Form 2 of the First Schedule;
- (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 application fee.

(2) An application may be made and paid for 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 such additional information or documents as is necessary to enable the application to be determined.

(4) In case of an application for renewal of a business licence, such an application shall be delivered to the Chief Licensing Officer ninety days before the date of expiry of the licence.

6. (1) The Chief Licensing Officer may grant an application for a single business licence if—

Grant of licence.

- (a) the Chief Licensing Officer is satisfied that the applicant has complied with all laws relating to health, public morality, hygiene and safety applicable to the single business licence applied for; and
- (b) the licence fee has been paid to the Receiver of Revenue.

(2) A single business licence is to be in the approved form and shall be granted subject to such conditions, if any, as are specified in the single business licence.

(3) Subject to section 15, the initial term of a single business licence starts on the date indicated on the single business licence and ends on 31st of December of every

year.

7. (1) The Chief Licensing Officer shall levy such fees and charges for quarrying or selling of quarry products.

Charges on quarry activities.

(2) The Chief Licensing Officer may attach to a licence for quarrying or selling of quarry products, conditions such as reclamation, reinstatement and alternative use.

(3) The Chief Licensing Officer may require the person undertaking such activities to post a bond or an acceptance of the above conditions before granting such licence.

8. (1) The Chief Licensing Officer may issue a licence to a communication business.

Grant of licence to communication business.

(2) For the purposes of this Act—

- (a) a cyber café shall be limited to such number of computer monitors as the Executive Member may determine for categorization as small, medium or large;
- (b) a business center includes but is not limited to computer services, telephone services, website services, internet services, e-mail, binding, photocopying and scanning of documents, but excludes training;
- (c) a small communication center means a business center;
- (d) a medium communication center means a medium business center; and
- (e) a large communication center means a large business center.

(3) All the business set out in paragraph (2) shall be carried out in accordance with the conditions of licence issued therefor.

9. A person shall not use or permit to be used as a theatre, any building which the person is the proprietor or lessee, or over which the person has control, unless such a building has been registered as a theater by the Executive Member and the proprietor of the theatre is in possession of a current license to run a theatre.

Grant of licence to a theatre.

10. A person shall not use or permit to be used as a public dancing hall or any other form of public entertainment, any

Grant of licence to public dancing premises, etc.

building which the person is the proprietor or lessee, or over which the person has control, unless such a building has been registered as a public dancing hall or any other form of public entertainment by the Executive Member and the proprietor thereof is in possession of a license in respect of such business.

11. (1) A person shall not use, cause or permit to be used as a public billiard any building or part of a building of which the person is the landlord or tenant, until the same has been registered and licensed by the Chief Licensing Officer as such:

Grant of licence to public billiards.

Provided that this Act shall not apply to any billiard saloon forming part of the premises in respect of which—

- (a) a hotel liquor license; or
- (b) a general liquor license, is issued under the Nandi County Alcohol Drinks Control Act.

12. The Chief Licensing Officer shall not register any building as theatre, a billiard room or other place of entertainment, unless the owner, lessee or person having control of any such building produces—

General conditions to license entertainment premises.

- (a) a plan elevation, sections and specifications of buildings;
- (b) full particulars and plan of the seating accommodation, position of lights and means of lighting;
- (c) full particulars of the numbers, position and construction of entries and exits;
- (d) ventilation of the building;
- (e) holding capacity of the entertainment buildings and proposed seating arrangements;
- (f) adequate latrine, sanitary or toilet facilities;
- (g) full particulars of the precautions proposed to be taken to guard against fire; and
- (h) any further information the Chief Licensing Officer may require.

13. The owner, tenant or person actually operating or responsible for a theatre, other place of entertainment or billiard saloon shall be solely responsible for the maintenance of good behavior therein.

Maintenance of good behavior.

14. (1) The Chief Licensing Officer may issue a consolidated licence to a trader who conducts different trades, or businesses or professions within the same premises which are accessed through one door, with the exception of businesses relating to exhibitions.

Issuance of consolidated permits.

(2) For greater certainty, a petrol station which includes a fuel outlet with a garage, a carwash, a supermarket, a chemist, a pub or a restaurant may be subjected to a consolidated permit.

15. (1) The Chief Licensing Officer may suspend, for a specified period, or cancel a single business licence if the Chief Licensing Officer is satisfied that the—

Cancellation or suspension of licence.

- (a) 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) holder of the single business licence has breached a condition of the single business licence.

(2) If the Chief Licensing Officer cancels or suspends a single business licence, or revokes any such suspension, the Chief Licensing Officer shall give the holder of the licence 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 single business licence is cancelled or suspended, the holder of the licence shall immediately cease to conduct the business.

(4) If a person contravenes subsection (3), the person commits an offence punishable and is liable to a fine not exceeding Kenya shillings one hundred thousand, or imprisonment not exceeding one year, or to both.

(5) If the Chief Licensing Officer revokes the suspension of a single business licence, the holder of the licence may resume conducting the business.

16. The holder of a single business licence may surrender the licence by returning it to the Chief Licensing Officer, but no refund of the licence fee is returnable.

Surrender of licence.

17. (1) The holder of a single business licence may, subject to the approval of the Chief Licensing Officer,

Transfer or assignment of licence.

transfer or assign a licence upon giving written notice in Form 2 set out under the First Schedule.

(2) The form of application to transfer a licence referred to in subsection (1) shall be accompanied by the permit to which it relates:

Provided that the Chief Licensing Officer may, in any particular case, require an applicant for the transfer of a permit under subsection (1) to submit such further information related to the proposed transfer.

(3) Every application for a transfer under subsection (1) shall be accompanied by a fee.

(4) A memorandum of the transfer of any permit shall be endorsed on the licence by the Chief Licensing Officer.

18. (1) A person aggrieved by a decision made pursuant to the provisions of this Act may in writing request the Chief Licensing Officer to review the decision.

Review and appeals.

(2) If a party is still aggrieved after pursuing the option under subsection (1) above, the party may appeal to the Executive Member against the decision.

(3) The Executive 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 Executive Member's decision.

(4) The Chief Licensing Officer shall comply with any direction given under subsection (3).

(5) Nothing in this Section shall be construed to bar any aggrieved person from seeking any other legal redress.

(6) Notwithstanding the provisions of subsection (5), such an aggrieved person shall first exploit administrative action before seeking judicial and/or arbitral redress.

PART III — ADMINISTRATIVE PROVISIONS

19. (1) A temporary occupation license shall be cancelled by the Executive Member responsible for matters relating to lands if a trader makes any alteration to the plan of the

Alterations to approved plans.

the consent of the relevant authority.

(2) A person who contravenes the provisions of this Act commits an offense.

20. The Chief Licensing Officer shall not issue a business permit to an applicant for a business being carried out in a building where land rates or ground rent is owed to the County.

Where land rates and rent is owed.

21. Every applicant for a single business permit shall produce a certificate of proof of payment of rates by the landlord or his agent to the Chief Licensing Officer, and in default thereof, the Chief Licensing Officer may invoke section 43 of the Nandi County Rating Act.

Proof of payment of rates.

22. The Executive Member responsible for matters relating to finance may, on the recommendation of the County Executive Committee, exempt or reduce the amount of business permit fees payable by any charitable organization.

Exemption from payment of fees.

23. (1) The Chief Licensing Officer may refuse to grant or renew any licence with respect to—

Cancellation and refusal to grant or renew licences.

- (a) trade, business or occupation, or to premises, on the ground that—
 - (i) the premises in or at which the applicant intends to carry on his trade, business or occupation do not conform to the requirements of this Act or any other law;
 - (ii) sufficient provision for the needs of the residents of the County already exists; or
 - (iii) the granting of such licence or renewal thereof, would be contrary to the public interest;
- (b) a theatre, music hall, concert room or other place of amusement, restaurant or eatery, on the ground that—
 - (i) the applicant has failed to produce satisfactory evidence of good character;
 - (ii) the premises in respect of which the licence is sought or any adjacent premises owned or occupied by the applicant are frequented by persons of bad character; or
 - (iii) the granting of such licence or the renewal thereof would be calculated to cause nuisance or

annoyance to persons residing in the neighborhood; and

- (c) offensive trade, on the ground that—
 - (i) the premises used or proposed to be used therefore is unsuitable for the purpose; or
 - (ii) the method adopted or proposed to be adopted by the applicant for preventing noxious or offensive vapours, gases or smells arising from such work or trade are not efficient.

(2) The Chief Licensing Officer may cancel any licence on the ground that—

- (a) it is contrary to the public for such licence to remain in force;
- (b) with respect to trade referred to in subsection (1) (b)—
 - (i) the premises for which the licence is sought or any adjacent premises owned or occupied by the applicant are frequented by persons of bad character; or
 - (ii) the continuation of such licence in force would be calculated to cause nuisance or annoyance to persons to persons residing in the neighborhood; and
- (c) with respect to trade referred to in subsection (1) (c)—
 - (i) the premises used by the holder of the licence has become unsuitable for the purpose; or
 - (ii) the methods adopted or proposed to be adopted by the applicant for preventing noxious or offensive vapours, gases or smells arising from such work or trade are not efficient.

24. (1) The Chief Licensing Officer shall cause such fees for use of way leaves to be paid.

Use of way leaves.

(2) Any person who neglects to pay such fees commits an offence.

25. (1) The Executive Member may appoint persons as authorized officers for purposes of this Act.

Authorized officers.

(2) The Executive Member shall issue a certificate of appointment to every person appointed under this section in the form set out in the Second Schedule.

(3) An authorized officer shall have the powers set out in the Third Schedule.

26. (1) The Chief Licensing Officer shall establish and maintain a register of single business licences and registered businesses which shall be available for inspection by the public during usual government office hours.

Register.

(2) The register shall contain such information as is determined in writing by the Executive Member, but shall not include commercial-in-confidence information.

(3) The Chief Licensing Officer shall supply details of the copy of the register to the Executive Member, and such information shall be crucial for trade development and regulation.

27. The Executive Member responsible for matters relating to finance shall impose licence fees as provided for under the Fourth Schedule of this Act or any other Act of the County Assembly of Nandi in relation to the provisions of this Act, that are payable for the grant or renewal of single business licences, including any additional fees for the non-payment, late payment and transfer of licences, and such fees shall form part of the County Government's revenue.

Determination of licence fees and other additional fees.

PART IV — REPORTING

28. (1) At the end of each financial year, or in case of quarterly reports, at the end of every three months, the Receiver of Revenue shall prepare an account in respect of the single business licence revenue collected, received and recovered by the Receiver of Revenue during that financial term.

Quarterly and annual reporting.

(2) The accounts under subsection (1) shall include—

- (a) a statement of receipts and disbursement in a form prescribed by the Accounting Standards Board from time to time; and
- (b) a statement of arrears of revenue.

(3) Not later than three months after the end of the financial year, the Executive Member responsible for matters relating to finance shall—

- (a) submit the accounts to the Auditor-General; and
- (b) deliver a copy to the National Treasury, the Controller of Budget, County Treasury, County Assembly and the Commission on Revenue Allocation.

PART V — ENFORCEMENT PROVISIONS

29. (1) The Executive Member may authorize the removal, demolition or impounding of illegal structures, kiosks or businesses which are being used in connection with trading regardless of whether the structure is under the control of any person at the time or not.

Powers of the Executive Member.

(2) In enforcing this Act, the provisions of the Nandi County Revenue Administration Act, 2017, shall apply.

30. Any person carrying on business within the County who fails to obtain a business permits by the 31st March of every year commits an offence.

Failure to renew licence by 31st March.

31. (1) A person shall not make a statement in connection with this Act which that person knows to be false or misleading—

False witness.

- (a) in connection with an application for the grant or renewal of a single business licence; or
- (b) when providing information required under this Act.

(2) If a person contravenes subsection (1), the person commits an offence and is punishable on conviction by a fine not exceeding Kenya shillings two hundred and fifty thousand, or to imprisonment not exceeding six months, or both.

32. For the purposes of enforceability of this Act, offences committed by authorized officers under this Act shall be punishable, on conviction as envisioned under Part VII of the Public Finance Management Act of the Laws of Kenya.

Offences by authorized officers.

[Act No. 18 of 2012]

33. (1) Every licence shall be displayed in a prominent position on the premises in respect of which it was issued and where any licence is not so displayed the licensee commits an

Display of licences and duplicates.

offence and is liable to a fine not exceeding five thousand shillings.

(2) Where, upon application in the prescribed manner, it is shown to the satisfaction of the Chief Licensing Officer that a licence has been lost, destroyed or defaced, such officer shall, upon payment of a fee of Kenya shillings five hundred by the licensee, issue a duplicate of such licence to the licensee.

34. (1) The Chief Licensing Officer, an administrative officer, a public health officer or a police officer of or above the rank of Inspector may, upon production of evidence of his authority to any person reasonably requiring it—

Power to enter premises and require information.

- (a) at any reasonable time, enter any business premises and inspect such premises and any book, document or other thing found therein for the purpose of ascertaining whether this Act is being complied with;
- (b) require any person appearing to be conducting the business or to be employed in it to give such information within his power as the officer may reasonably require to enable him to ascertain whether this Act is being complied with; and
- (c) within the confines of the law regarding arrest, make an arrest, and confiscate items therein which the officer reasonably believes will form part of evidence.

(2) Any person who hinders, interferes with or obstructs an officer acting under subsection (1) commits an offence.

(3) The procedure relating to—

- (a) seizure referred to under subsection (1) (c);
- (b) inventory of goods or property seized;
- (c) storage; and
- (d) access to the seized property; pursuant to this Act shall be as set out in the Nandi County Revenue Administration Act, 2017.

(4) Any person who refuses to give information or who gives false information to an officer exercising the provisions of

this section commits an offence.

(5) Any person who gives false information in order to be undercharged under this Act commits an offence.

35. For the purposes of this Act, a person conducting a business shall be responsible for the acts or omissions of any partner, agent or servant of his in so far as they concern his business, and if such partner, agent or servant commits any act or makes any omission which is an offence under this Act, or which would be an offence if committed by the person conducting the business, such person and his partner, his agent or his servant, as the case may be, each commits an offence and is liable to the general penalty prescribed therefor under this Act:

Acts of agent or servant.

Provided that—

- (a) where a person conducting a business is, by virtue of this section, charged with an offence under this Act, it shall be a defence to the charge to prove that he had reasonable ground to believe and did believe that a competent and reliable person was charged with the duty of seeing that the requirements of this Act were complied with and was in a position to discharge that duty; and
- (b) a person shall not be sentenced to imprisonment for such an offence unless, in the opinion of the court, the offence was committed willfully.

36. (1) Where, in relation to this Act, it is alleged that a person is not a citizen of Kenya, it shall be presumed that that person is not a citizen of Kenya until the contrary is proven.

Presumptions.

(2) Where, in relation to this Act, it is alleged that a person does not hold a current licence; it shall be presumed that that person does not hold a current licence until the contrary is proven.

37. Any person who commits an offence under this Act for which no penalty is specifically provided shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding Kenya shillings fifty thousand, or to both.

General penalty.

PART VI — MISCELLANEOUS PROVISIONS

38. (1) The Executive Member responsible for matters relating to finance may make rules generally for the better

Power to make rules.

carrying out of the provisions and purposes of this Act.

(2) Without prejudice to subsection (1), rules may be made for the following purposes—

- (a) the payment of licence fees, including additional fees for non-payment or late payment;
- (b) the exemption, waiver or reduction of licence fees;
- (c) prescribing fees for services;
- (d) prescribing forms; publication and service of notices and other documents;
- (e) the transfer or assignment of single business licences; and
- (f) different categories of single business licences.

(3) Notwithstanding the provisions of subsection (1) and (2), the Executive Member may make regulations in relation to trade development and regulation including rules relating to the procedure for granting of permits for other businesses not specified under this Act.

39. (1) Any license issued before coming into force of the provisions of this Act, is deemed to have continued in force, on and after that date as if it were a single business licence granted under this Act.

Savings and transitional provisions.

(2) Any fees or charges payable to a local authority in accordance with the Local Government Act in respect of single business permits shall be payable to the County Government.

[Cap. 265]

40. Neither the County Executive Committee members nor any other public officer or body of public officers shall be personally liable to any action or proceedings for or in respect of any act or thing done or omitted to be done in good faith in the performance or exercise or intended performance or exercise of any duty or power imposed or conferred by or under this Act.

No action maintainable against Executive Members, etc.

41. The Executive Member responsible for matters relating to finance may from time to time vary license fees payable under this Act.

Variation of license fees.

42. (1) The County Government shall liaise with the Office of the Director of Public Prosecution to have its

Prosecution of matters under this Act.

authorized officers gazetted in order to prosecute matters for and on behalf of the county government under this Act.

(2) Offences created pursuant to this Act shall be cognizable offences to the Police force.

43. (1) Fines imposed by this Act shall be payable to the County Revenue Fund.

Fines imposed by this Act.

(2) The County Government shall make arrangements with the National Treasury on the remittance of fines paid to it to the County Treasury in relation to this Act.

SCHEDULES

FIRST SCHEDULE—APPROVED FORMS

FORM 1— (SECTION 4 (1))

BUSINESS LICENCE

A business licence to conduct *[insert business, trade, profession or occupation to be conducted]* at the premises at *[insert location of the premises to which licence applies]* is granted for the period starting on *[insert initial date of grant of the business licence]* 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 licence is *[insert name of person to whom the business licence is granted or for whom it is renewed].*

The licence is granted or renewed* subject to the Nandi County Single Business Licence Act, 2017 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 licence relates]

Granted by the Nandi County Chief Licensing Officer under the Nandi County Single Business Licence Act, 2016.

DATED at[...Town...]..... this day of 20...

Chief licensing officer

Signature

.....

FORM 2

(S. S. 5 (1) (b), 5 (4) and 17 (1))

APPLICATION FORM

APPLICATION FOR THE *GRANT/RENEWAL/TRANSFER OF A SINGLE BUSINESS LICENCE

1. Applicant’s name and description of business, profession, business or occupation to be conducted.

2. Name under which business, profession, business 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, business or occupation.

5. Address at which the business, profession, business or occupation is or is to be carried on.

6. List P. O. Box address of the business, profession, business or occupation, and email and telephone contacts.

7. Provide a description of the premises including address to which the licence is to apply.

8. Is the applicant a resident of Kenya?

9. Is the applicant an undischarged bankrupt?

10. If the property rates of the property upon which your business is situate have been fully paid? If not, how much arrears you have.

11. State the date on which it is desired to begin conducting the business, profession, business or occupation* or the number of the previous licence.

12. Any additional requirement _____

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 2014

Signature of applicant

.....

Note:

(i) The application fee is non-refundable.

(ii) This form should be filled with the necessary modifications necessary. Where the asterisk (*) mark is, chose the applicable option.



SECOND SCHEDULE (SECTION 25)

CERTIFICATE OF APPOINTMENT

Certificate No.:

1.	Name of authorized officer	
2.	Identification or personal number	
3.	Designation	
4.	Signature of the holder	

I certify that the person whose particulars are herein indicated has been appointed an authorized officer under Section 25 (2) of the Nandi County Single Business Licence Act, 2016.

Issued and sealed on this day of, 20.....

Signature:

COUNTY EXECUTIVE COMMITTEE MEMBER

NOTE

This Certificate is the property of Nandi County. In case it is lost and found, the same should be returned to the County Executive Committee Member, Finance and Economic Planning, P. O. Box 802 – 30300, Kapsabet, or may be surrendered to the nearest Police Station.

THIRD SCHEDULE**(SECTION 25 (3))****POWERS AND LIMITATIONS OF AUTHORIZED OFFICERS****Powers of an Authorized Officer**

1. An authorized officer may in relation to this Act:
 - (a) Enter any premises for the purposes of;
 - (i) Granting or renewing a single business licence; or
 - (ii) Finding out whether the holder of a single business licence is complying with the conditions of 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 anything in or on the premises; and
 - (d) Seize anything, within the legal bounds, that may afford evidence of the commission of an offence under this Act; and
 - (e) On reasonable grounds, take extracts from, and/or take copies of, any documents in or on the premises of a person conducting business; 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 licence, 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. (1) An authorized officer shall not enter upon a business 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 single business licence is not complying with the

conditions of the single business licence, or this Actor the rules made under this Act.

(2) An authorized officer shall not enter upon a business premises on a public holiday or a weekend.

FOURTH SCHEDULE**(SECTION 27)****LICENSING FEES**

ITEM	KAPSABET	NANDI HILLS	SUB-COUNTIES
	AMOUNT IN KENYA SHILLINGS		
Hoarding licenses	4000	4000	4000
Slaughter man's license		5600	5600
1.Repairer's license fees;	Kshs.	Kshs.	Kshs.
Type 1	500	500	500
Type 3	800	800	800
Type 4	1,000	1,000	1,000
Type 5	800	800	800
Type 6	800	800	800
Type 7	1,000	1,000	1,000
Type 8	500	500	500
Type 9A –Electricity meter	500	500	500
9B-Taxi meter	500	500	500
9C-Airtime meter	500	500	500
Type 10 A-Speed gun	500	500	500
10 B-Alcohol Breath Analyzer	500	500	500
10C-Blood pressure machine	500	500	500
10D-Thermometers			
<i>Special Categories</i>			
Type A-Precision balance class 'A'	1,500	1,500	1,500
Type B-Precision balance class 'B'	1,500	1,500	1,500
Plumbers license	1,000	1,000	
Pit empires license	5,000	5,000	
Hygiene license			
Lodging	3000	2000	2000
Saloon/ bar	2000	1000	1000
Hardwares	2000	1000	1000
Tourism clearance	3000	2000	2000

Liquor license	2000	1000	1000
Licensing of Abattoirs			
Category A	7000	6000	6000
Category B	5000	4000	4000
Category C	1500	1000	1000
Licensing of meat containers	200	100	100
Slaughter man's license	200	100	100
Meat inspection fees			
Cattle	200	100	100
Sheep	50	25	25
Goat	500	25	25
Pigs	70	50	50
Camels	150	100	100
Poultry	4	2	2
Certificate of transport	25	20	20
Livestock traders licenses	1000	800	800
Hide & Skin 7 leather Improvement			
Licensing of Banda's	600	500	500
Fees for issue of a duplicate license		500	
Penalty for late payment or lack of payment for renewal of license (for each month of default)		500	

SUBSIDIARY LEGISLATION**Rules pursuant to section 38****THE NANDI COUNTY HAWKERS RULES, 2017****ARRANGEMENT OF RULES*****Rule***

- 1— Citation and commencement.
- 2— Interpretation.
- 3— Hawking without a permit – an offence.
- 4— Application for permit.
- 5— Grant of permit.
- 6— Production of permit for inspection.
- 7— Licences for hawker's assistants.
- 8— Surrender and transfer of permit.
- 9— Conditions of permit.
- 10—Hawking in non-designated areas.
- 11—Hawking in the Central Business District Area.
- 12—Buying from hawkers in non-designated areas.
- 13—General penalty.

THE NANDI COUNTY HAWKERS RULES, 2017

Citation and commencement.

1. These Rules may be cited as the Nandi County Hawkers Rules, 2017 and shall come into operation upon the date of commencement of the Act.

Interpretation.

2. In these Rules, except where the context otherwise requires—

“Act” means the Nandi County Single Business Licence Act, 2017;

“County” means the County Government of Nandi;

“Executive Member” means the County Executive Member responsible for matters relating to trade; and

“hawking” whether as principal agent or employee means to place oneself in any street or public place or unenclosed land (other than in a shop premises approved by the County) or to go about in street or public places or from premises to premises carrying on trade by the sale or exchange of goods, wares, merchandise or refreshment, but does not include the seeking or taking of orders for subsequent delivery or the delivery of goods, wares, merchandise or refreshment to premises for the purpose of re-sale.

Hawking without a permit – an offence.

3. Any person who—

- (a) hawks within the County without a permit; or
- (b) being a holder of a permit hawks in the County otherwise than in accordance with the terms and conditions of the permit commits an offence.

Application for permit.

4. An application for a permit to hawk shall be made to the Chief Licensing Officer in the form set out under the First Schedule of the Act wherein the applicant shall furnish the Chief Licensing Officer with particulars of—

- (a) the applicant’s place of abode;
- (b) the commodity; and
- (c) the place or places at which he intends to engage in hawking.

Grant

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Grant of permit.

5. (1) The Chief Licensing Officer may, upon payment of the prescribed permit fees, issue a permit in the prescribed form allowing the applicant to engage in hawking, subject to such terms and conditions, if any, as may be specified in the permit.

(2) Without prejudice to the generality of subrule (1), a permit may be restricted to a particular area or place, and may be issued in respect of specified goods, wares, merchandise and refreshments.

(3) The Chief Licensing Officer shall alongside the permit, issue the hawker a badge relating thereto.

Production of permit for inspection.

6. (1) A person engaging in the business of hawking shall carry a permit and produce it on demand to a police officer or other authorized officer, and shall wear in a conspicuous place on his body, the badge relating to the hawking permit.

(2) An authorized officer may inspect any article which he has reasonable cause to believe is being used for the purpose of hawking.

(3) A person who obstructs, hinders or otherwise interferes with an authorized officer in the execution of his duties under this Act, or who fails to comply with any of the provisions of this rule commits an offence.

Licence for hawker's assistant.

7. (1) The Chief Licensing Officer may, upon payment of the prescribed fee, issue a permit allowing the person named therein to be employed by or to assist the holder of a hawking permit who—

- (a) hawks refreshments; or
- (b) is physically disabled by reason of the loss of limbs;

Provided that not more than one permit shall be issued in respect of each permit issued under rule 5 endorsed with the words “one assistant’s permit issued.”

Surrender and transfer of permit.

8. (1) A permit-holder may surrender the licence by returning it to the Chief Licensing Officer, but no refund of the permit fee shall be refundable.

(2) A permit-holder who, without the written consent of the Chief Licensing Officer, transfers his permit or any badge issued relating thereto to any other person, commits an offence.

(3) A permit-holder may subject to the approval of the Chief Licensing Officer transfer or assign the licence upon giving written notice in the approved form.

Conditions of permit.

9. (1) A permit shall indicate the designated area within which the permit-holder may hawk the goods in respect of which it is issued.

(2) A permit issued under this Act shall remain valid for the period endorsed thereon, and shall be renewed after the expiry of that period upon payment of the prescribed fee.

Hawking in non-designated areas.

10. A person who—

- (a) without a valid permit engages in hawking; or
- (b) being a permit-holder, engages in hawking in non-designated areas; shall have their goods impounded and sold by the County at a public auction.

Hawking in the Central Business District Area.

11. A person who engages in hawking with or without a permit within an area declared to be a 'Central Business District Area' commits an offence.

Buying from hawkers in non-designated areas.

12. A person who solicits, bargains or negotiates with a hawker with a view to buy, purchase or sell any goods in a non-designated area commits an offence.

General penalty.

13. A person who commits an offence under these Rules is liable, on conviction for—

- (a) a first offence, to a fine not exceeding Kenya shillings six thousand or to imprisonment for a period not exceeding four months, or to both; or

- (b) a second or subsequent offence, to a fine not exceeding Kenya shillings ten thousand or to imprisonment not exceeding six months, or to both.

Rules pursuant to section 38**THE NANDI COUNTY HAIR DRESSERS AND BARBERS RULES,
2017****ARRANGEMENT OF RULES*****Rule***

- 1—Citation and commencement.
- 2—Interpretation.
- 3—Grant of licence.
- 4—Conditions of licence.
- 5—Prescribed fees.
- 6—Cleanliness of premises.
- 7—General penalty.

**THE NANDI COUNTY HAIR DRESSERS AND BARBERS RULES,
2017**

Citation and commencement.

1. These Rules may be cited as the Nandi County Hair Dressers and Barbers Rules, 2017 and shall come into operation upon the date of commencement of the Act.

Interpretation.

2. In these Rules, unless the context otherwise requires—

“Act” means the Nandi County Single Business Licence Act, 2016;

“business” includes hairdresser or barber business; beauty salons; cosmetic treatment centers for men and women; parlors that offer skin health, facial aesthetic, foot care, nail manicures and pedicures, aromatherapy, oxygen therapy, mud baths, ear piercings and massages; tattoo parlors; and

“client” means the customer, patron or consumer of hairdressing or barber services; and

“licensee” means the holder of a valid license issued under this Act.

Grant of license.

3. A person shall not carry on the business of a hair dresser or barber unless the person has applied for and is a holder of a valid licence issued under the Act.

Conditions of licence.

4. A licensee shall not carry on the trade or business of a hairdresser or barber in any premises which have not been approved in writing by the Medical Officer of Health and any other authorized officer, as being suitable for such trade.

Prescribed fees.

5. The prescribed fees shall be payable to the Receiver of Revenue.

Cleanliness of premises.

6. (1) For the purposes of securing the cleanliness of premises in which the business of a hairdresser or barber operates, a licensee shall cause—

- (a) the surface of all internal walls, partitions, ceilings and the underside of the roof of any room where there is no ceiling to be kept in such condition and repair to be painted, distempered, whitewashed, papered or similarly treated in a manner appropriate to each surface and to be so cleansed at such intervals as to maintain the it in clean condition;
- (b) the floor of every room to be cleansed at least once on a day in which business is carried on;
- (c) the floor to be swept as often as may be necessary to prevent the accumulation of hair clippings, neck wool or other litter;
- (d) a sufficient number of covered receptacles to be provided and all hair clippings, neck wool, or other litter swept from the floor or otherwise accumulated in connection with the business to be placed therein;
- (e) every receptacle to be emptied as often as may be necessary and at least once on a day in which business is carried on;
- (f) every chair or seat to be cleansed as often as may be necessary;
- (g) every shelf, fitting, or table on which the instruments, towels or materials are placed is kept clean;
- (h) the premises to be equipped with a suitable wash basin;
- (i) suitable wash basins exude hot and cold water at all times; and
- (j) every wash basin and all fixtures and fittings used in connection therewith are kept clean.

(2) A licensee shall, for the purposes of securing the cleanliness of the instruments, towels, materials and other equipment used in licensed premises, cause—

- (a) metal instruments to be cleansed before use upon each person;
- (b) hairbrushes, combs or other similar instruments are thoroughly sterilized before use;
- (c) hairbrushes, combs or other similar instruments are thoroughly washed at least once daily and otherwise kept clean;
- (d) shaving brushes, sponges or other articles similarly used and each shaving mug or other similar utensil are cleansed immediately after use for each person so as to ensure that no dirt, soap, lather or other matter remain adhering thereto;

- (e) towels or other similar articles are kept clean;
- (f) towels, neck woools or other materials are used for not more than one client:

Provided that if a material other than wool is used which is capable of being cleansed, these Rules shall not operate so as to prevent the subsequent use of any one piece of material after being cleansed.

- (g) each styptic is kept clean;
- (h) soap, other than liquid, powdered or tube soap; or shaving cream; is thoroughly rinsed before application on another person;
- (i) paper or other material or equipment placed on the back of the chair or used as a headrest is kept clean; and
- (j) fresh supply of water to be used for shaving, lathering or washing for each person.

(3) A person who contravenes the provisions of this Rule commits an offence.

General penalty.

7. A person who commits an offence as per the provisions of these Rules is liable—

- (a) in the case of first conviction, to a fine not exceeding Kenya shillings six thousand, or imprisonment for a term not exceeding four months, or to both; or
- (b) in the case of a second or subsequent conviction, to a fine not exceeding Kenya shillings ten thousand, or imprisonment for a term not exceeding six months, or to both.

Rules pursuant to section 38 (3)**NANDI COUNTY QUARRYING RULES, 2017****ARRANGEMENT OF RULES*****Rule***

- 1 — Citation and commencement.
- 2 — Interpretation.
- 3 — Issuance of permit.
- 4 — Procedure for application of a permit.
- 5 — Duration and cancellation of a permit.
- 6 — Books, accounts and records to be made and kept.
- 7 — permit-holder's responsibilities.
- 8 — Closure of a quarry.
- 9 — Vacating a quarry site.
- 10 — Power to enter a quarry.
- 11 — Payment of fees and charges.
- 12 — Penalty.

THE NANDI COUNTY QUARRYING RULES, 2017

Citation.

1. These rules may be cited as the Nandi County Quarrying Rules, 2017 and shall come into operation upon the date of commencement of the Act.

Interpretation.

1. In these rules, unless the context otherwise requires—

“Act” means the Nandi County Single Business Licensing Act, 2016;

“authorized officer” means any person appointed by the Executive Member pursuant to these rules and the Act;

“common minerals” means clay, ravel, lime, sand, slide, shingle, murram, brine, diatomite, kaolin, building demission stone, ornamental stone, sodium and potassium compounds, slate and surface stone;

“County ” means the County Government of Nandi;

“dealer ” means the person who buys and sells common minerals;

“Medical Officer of Health ” means the Medical Officer of Health for the area of jurisdiction of the County Government of Nandi;

“Executive Member” means the County Executive Committee Member for the time being responsible for trade;

“owner” means the owner of premises where quarrying operations are carried on, and includes any agent, contractor or servant of the owner occupier or lessee of such premises;

“permit –holder” means a person to whom a permit has been granted under these rules; and

“quarrying” means to make a hole or excavation for the purpose of removing common mineral for sale and includes the breaking or crushing of common minerals so removed.

Issuance of permit.

2. (1) A person shall not carry out or cause quarrying operations to be carried out on land within the area of jurisdiction of the County except under, and in accordance with a permit issued by the Executive Member pursuant to the Act.

(2) A person who contravenes the provisions of subrule (1) commits an offence.

Procedure for application of a permit.

3. (1) A person who wishes to carry out dealership activities or quarrying operations on land within the County shall apply in writing to the Executive Member for the grant of a permit.

(2) The Executive Member may require an applicant for a permit to—

- (a) submit a plan of the site showing that area of land on which he proposes to carry out quarrying activities;
- (b) submit a plan for the surrounding land;
- (c) submit consent from the owner of the land acquiescing to the quarrying activities;
- (d) submit any other consent and/or document required by any statute of Kenya; and
- (e) furnish any other information that may be required.

(3) Where the application for a permit is made by the owner of land on which the quarrying operations are to be carried on, the owner shall state in his application whether the quarrying will be done by himself or some other person, and in the latter case, the owner shall disclose the name and address of that other person.

(4) Such an application for a permit shall be accompanied by an Environmental Impact Assessment Report compiled in accordance with the Natural Environment and Management Act.

Duration and cancellation of a permit.

4. (1) Subject to subrule (2) every permit issued under these rules shall be valid until the 31st December of the year in respect of which it is issued.

(2) Where the Executive Member is of the opinion that the permit-holder has either on their own, their servants or agents committed a breach of or failed to comply with conditions subject to which the permit was issued, the Executive Member may, without prejudice to the institution of proceedings against the permit-holder, cancel the permit.

Books, accounts and records to be made and kept.

5. (1) A permit-holder shall maintain and keep at the quarrying site the quarry site plan, engrossments and other relevant documents and make them available for inspection by a medical officer of health or other authorized officer of the county.

(2) For the purpose of these rules, all “relevant documents” includes orders and delivery books.

permit-holder’s responsibilities.

6. Every permit-holder shall—

- (a) provide housing, water supply and latrines of type, quality and size approved by the medical officer of health for the persons working at the quarry;
- (b) at all times during the currency of the permit maintain the housing, water supply latrine in condition and state satisfactory to the medical officer of health;
- (c) maintain the land on which the quarrying operations is being carried on in a condition not detrimental to the environment, natural resources available on the land or its surroundings, public health or safety;
- (d) fill or drain all holes or excavations as and when required by, and to the satisfaction of the relevant authority or the medical officer or health;
- (e) secure fence holes or excavations to the satisfaction of the relevant authority or other authorized officer of the county; and
- (f) comply with any special conditions which the Executive Member may endorse on the permit.

Closure of a quarry.

7. (1) The Executive Member, medical officer of health or other authorized officer may order a permit-holder to stop the quarrying operations and close the quarry if it appears to be that the quarry is in a condition dangerous to human life or detrimental to public health and safety.

(2) An order made under subrule (1) shall remain in force until the Executive Member, medical officer of health or other authorized officer is satisfied that the condition of the quarry has been satisfactorily improved.

Vacating a quarry site.

8. A permit holder shall, before vacating the quarrying site—

- (a) leave the surface of the land which abuts upon the surface of the quarry in each condition and state as to prevent the dislodging of earth or rock from the surface by natural causes to the satisfaction of the Executive Member, medical officer of health or other authorized officer; and
- (b) fill in or drain all holes and excavations to the satisfaction of the Medical Officer of health.

Power to enter a quarry.

9. An authorized officer may—

- (a) enter upon premises and carry out inspection for the purpose of the enforcement of these rules;
- (b) cause works to be executed that may be necessary to remedy any breach of failure to comply with the provisions of these rules or any of the conditions under which a quarrying permit has been issued; and
- (c) recover the expenses incurred in carrying out the works in subrule (2) above from the owner of the premises.

Payment of fees and charges.

10. Every permit-holder and mineral dealer shall pay the fees and charges as per the County Finance Act.

Penalties.

11. Any person who is guilty of an offence under the provisions of these rules shall be liable—

- (a) in the case of a first conviction for such offence, to a fine not exceeding Kenya Shillings two thousand, or imprisonment for a term not exceeding six months, or to both such fine and imprisonment; or
- (b) in the case of a second or subsequent conviction for such an offence, to a fine not exceeding Kenya Shillings three thousand, or imprisonment for a term not exceeding nine months, or to both such fine and imprisonment.