

**REPUBLIC OF KENYA
BARINGO COUNTY GOVERNMENT**



The Baringo County Trade Licence Bill, 2022

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THE BARINGO COUNTY TRADE LICENSE BILL 2022

A Bill of the County Assembly of Baringo to provide for the grant of Trade License, and for connected purposes

ENACTED by the County Assembly of Baringo, as follows--

Short title and commencement

1. (1) This Bill may be cited as the Baringo County Trade Licence Bill 2022.

(2) This Bill comes into operation one month after enactment by the County Assembly.

Interpretations

2. In this Bill, unless the context otherwise requires:

“approved form” means a form set out in Schedule 2 or approved by the County Assembly;

“authorised officer” has the meaning given by section 12;

“business” includes a profession, trade or occupation, other than a prescribed business;

“county assembly” means Baringo County Assembly;

“county government” mean Baringo County Government;

“County licensing officer” means an officer of the county government appointed under section 3;

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

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

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

“receiver of revenue” has the same meaning as in the section 157 of Public Finance Management Act, 2012.

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

County licensing officer

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

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

Requirement for a trade licence

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

(2) If a person fails to comply with subsection (1), the person is guilty of an offence punishable on conviction by a fine not exceeding one hundred thousand shillings.

Application for licence

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

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

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

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

(4) If an application fee has been prescribed, the application fee is not refundable.

Grant of licence

6. (1) The County licensing officer must grant an application for a trade licence if:

- (a) the County licensing officer is satisfied that

the applicant has complied with all laws relating to health, hygiene and safety applicable to the trade licence applied for; and

(b) the licence fee has been paid to the receiver of revenue.

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

(3) The licence fee for the grant of a trade licence is to be calculated on a pro rata basis having regard to the period remaining in a calendar year after the date on which the trade licence was granted for new business establishment, unless it was granted on the first day of that calendar year.

(4) A trade licence is granted for the period remaining in a calendar year from the date of its grant, unless the trade licence was granted on the first day of that calendar year in which case it is granted for the whole of that calendar year.

(5) Trade Permit must be conspicuously displayed at the business premise

(6) Scanning of Trade Permit is an offence punishable six months imprisonment/ Fine ten thousand shillings or Both.

Renewal of a licence

7. (1) The holder of a trade licence shall, before the expiry of the trade licence, apply in the prescribed form for the renewal of the trade licence upon payment of the prescribed application fee.

(2) The County licensing officer must grant an application for the renewal of a trade licence if:

- (a) the applicant has complied with all laws relating to health, hygiene and safety applicable to the trade licence; and
- (b) the licence fee payable for the renewal of the trade licence has been paid to the receiver of revenue.

(3) The County licensing officer may, before

determining an application for renewal, require the applicant to furnish to the County licensing officer such additional information or documents as is necessary to enable the application to be determined.

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

Cancellation or suspension of licences

8. (1) The County licensing officer may cancel or suspend a trade licence if it is satisfied that:

- (a) the conduct of the business is endangering the health or safety of persons who live or work in the neighbourhood of the premises from which the business is conducted; or
- (b) The holder of the trade licence has breached a condition of the trade licence.

(2) If a County licensing officer cancels or suspends a trade licence (or revokes any such suspension), the authority must give the holder of the licence written notice of the cancellation or suspension, including the period of the suspension, or revocation, together with a statement of the reasons for the decision.

(3) If a trade licence is cancelled or suspended, the holder of the licence must immediately cease to conduct the business.

(4) If a person fails to comply with subsection (3), the person is guilty of an offence punishable on conviction by a fine not exceeding One hundred thousand shillings or a jail term not exceeding Six months or both.

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

Surrender of licence

9. The holder of a trade licence may surrender the licence by returning it to the County licensing officer, but no refund of the licence fee is payable.

Transfer of licences

10. The holder of a trade licence must give the County licensing officer written notice of any transfer or assignment of the licence.

Appeal against the decision

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

(2) The county executive member responsible for finance may confirm, reverse or modify the decision appealed against, and make such orders and give such directions to the County licensing officer as may be necessary to give effect to his or her decision.

Licensing officers

12. (1) The county executive committee member responsible for finance may appoint persons as authorised officers for the purposes of this Bill.

(2) An authorised officer has the powers set out in Schedule 1.

Register

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

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

Offence - false or misleading statements

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

- (a) in or in connection with an application for a trade licence; or
- (b) When furnishing information required under this Bill.

(2) If a person contravenes subsection (1), the person is guilty of an offence punishable on conviction by a fine not exceeding fifty thousand shillings or jail term not exceeding three months or both.

County assembly to approve licence fees and additional fees

15. (1) The licence fees that are payable for the grant or renewal of trade licences, including any additional fees for the non-payment or late payment of such licence fees, are to be approved each year by the

County Assembly in the County Finance Bill.

Power to make rules

16. (1) The county executive committee member responsible for finance may make rules generally for the better carrying out of the provisions and purposes of this Bill.

(2) Without limiting subsection (1), rules may be made for the following purposes:

- (a) the collecting of trade licence fees including additional fees;
- (b) the exemption, waiver or reduction of trade licence fees;
- (c) prescribing fees for services;
- (d) prescribing forms;
- (e) Publication and service of notices and other documents.

Savings

17. (1) Despite the repeal of the Local Government Act [CAP 265] and the County Governments Public Finance Management Transition Act 2013, any single business permit issued by a local authority under section 163A of the Local Government Act [CAP 265] that was in force on 30 September 2013 is deemed to have continued in force after that date as if it were a trade licence granted under this Act and any fees or charges payable to a local authority in respect of the single business permit were payable to the county government.

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

(a) for 3 months from the date of commencement of this Bill; or

(b) if the holder of the single business permit applies for a trade licence under this Bill within that period, until the licence is granted or refused or the application is withdrawn.

SCHEDULE 1 – POWERS OF AUTHORISED OFFICERS

(Section 12)

1. An authorised officer may:

- (a) Enter any premises for the purposes of:
 - (i) Granting or renewing a trade licence; or
 - (ii) Finding out whether the holder of a trade licence is complying with the licence, or this Bill or the rules made under this Bill; and
- (b) Search the premises or any part of the premises;
and
- (c) inspect or examine anything in or on the premises; and
- (d) seize anything that may afford evidence of the commission of an offence against this Bill; and
- (e) take extracts from, and take copies of, any documents in or on the premises; and
- (f) take into or onto the premises such persons, equipment and materials as the authorised 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 authorised officer reasonable assistance in relation to the exercise of the powers mentioned in paragraphs (a) to (f).

2. However, an authorised officer must not enter premises unless:

- (a) the owner or occupier consents to the entry; or
- (b) the entry is made when the premises are open for the conduct of business or otherwise open for entry; or
- (c) the authorised officer suspects on reasonable grounds that an offence is being committed against this Bill in or on the premises.

SCHEDULE 2

4.1. SINGLE BUSINESS PERMIT

The application fees for the Single Business Permit shall be Ksh. 200 and shall be paid at the time of application

100	CATEGORIES OF BUSINESS General Trade wholesale, retail. Stores, shops, personal services such as Distributors Traders, Wholesalers, Hypermarkets, Department stores, supermarkets, Retailers shops, Boutiques, Chemists, Butcheries, personal service providers, Kiosks.	(Urban) Kabarnet And E/Ravine	(Rural) Baringo Sub Counties.
102	Megastore, Hypermarket Large Multi-Department store, Hypermarket, wholesale	82,000.00	62,000.00
103	Large store, Big Multi- Department store, Supermarket, wholesale	42,000.00	30,000.00
104	Medium Large Supermarket, Medium Multi-Department store, wholesale,	32,000.00	22,000.00
105	Large Mega trader shop, Supermarket, wholesale, Retail store or personal service	28,000.00	20,000.00
106	Medium Mega trader shop, wholesale, Retail store or personal service	21,000.00	14,000.00
107	Small Mega trader shop, wholesale, Retail store or personal service	14,000.00	10,000.00
110	Large Trader, shop, whole sale or retail location	10,000.00	7,000.00
111	Medium Trader, wholesale, shop or retail service	7,000.00	5,000.00
113	Small Trader, whole sale shop or retail service	5,000.00	3,500.00
115	Micro-Small Trader, wholesale, Shop or retail service	3,500.00	2,500.00
120	Kiosk light or Temporary construction	2,800.00	2,000.00
200	Information sector including Hawkers, street Vendors & SMALL Traders and Service Providers operating on the street, verandah or temporary building.		
205	Hawker with motor vehicle	3,500.00	2,500.00
206	Large mobile distributor of Goods/Merchandise goods Per Motor Vehicle Distributing	15,000.00	15,000.00
207	Medium mobile distributor of Goods/Merchandise goods Per Motor Vehicle Distributing	10,000.00	10,000.00
208	Motorcycle mobile distributor of Goods/Merchandise goods	5,000.00	5,000.00
210	Hawker 1 person without a motor vehicle	2,800.00	2,000.00

215	Small Informal Sector Trader/Service Provider Shoeshine, shoe repair, street Vendor(newspapers, sweets, soda, cigarettes)	1,400.00	1,000.00
220	Semi- Permanent Informal Sector Trader operating in veranda or temporary building	2,100.00	1,500.00
295	Other Informal Sector Operation	1,400.00	1,000.00
300	Transport, storage and communications such as: Maritime & Air Lines International Carriers, Transportation Cooperating Taxis-Matatus-Buses- Lorries-Planes- Boats. Driving schools, Tour/Safari Operators Petrol stations, Storage Facilities, Cold Storage Facilities. Publishing Co-Newspapers, Books, Texts-Telephone Com Radio/TV Broad caster, and Internet Provider.		
305	Large Public Service/Transportation Company Over 40 Vehicles	56,000.00	40,000.00
306	Medium Public Service/ Large Transportation Company 31 to 40 Vehicles	42,000.00	28,000.00
307	Medium Public Service/ Large Transportation Company 23 to 30 Vehicles	30,000.00	24,000.00
308	Medium Public Service/ Large Transportation Company 16 to 22 Vehicles	24,000.00	20,000.00
309	Small Public Service/ Large Transportation Company 10 to 15 Vehicles	14,000.00	10,000.00
310	Small Transport Company From 5 to 9 vehicles	10,000.00	7,000.00
315	Small Transport Company From 2 to 4 vehicles	7,000.00	5,000.00
320	Independent transport operator 1 vehicle	3,500.00	2,500.00
325	Large Fuel Filling Stating Over 4 pumps or with garage workshop & retail shop	20,000.00	15,000.00
330	Medium Fuel Filling Station from 2 to 3 pumps or with garage workshop or retail shop	10,000.00	7,000.00
335	Small Fuel Filling station up to 2 pumps and without garage-workshop or retail shop	7,000.00	5,000.00
340	Large cold storage facility over 10,000 Litres, insulated walls, cold production equipment.	38,500.00	27,500.00
345	Medium cold storage Facility Between 5,000-10000 Litres	17,500.00	12,500.00
350	Small cold storage facility Below 5,000 Litres	8,400.00	6,000.00
355	Large storage facility, Go-down, warehouse, liquid storage Tanks Complex	35,000.00	25,000.00
360	Medium storage Facility	14,000.00	10,000.00
365	Small storage facility	7,000.00	5,000.00

370	Large communications firms	63,000.00	45,000.00
375	Medium Communications firms	38,500.00	27,500.00
380	Small Communications firms	21,000.00	15,000.00
395	Other Transport, Storage and communications	4,900.00	3,500.00
400	AGRICULTURE, FORESTRY & EXPLOITATION OF NATURAL RESOURCES such as: Production of coffee, Tea, Fruits, Flowers, Cereals, Vegetables and horticultural products. Grains storage and processing, mills & Timber Production, sawmills, Coal Production, Animal Breeding, Dairy Products Processing, Slaughter Houses. Mining and other Natural Resources Extraction activities.		
405	Large Agricultural Producer, Processor, Dealer, Exporter	45,500.00	32,500.00
410	Medium Agricultural Producer/Processor/Dealer/Exporter	17,500.00	12,500.00
415	Small Agricultural Producer/Processor/Dealer	5,600.00	4,000.00
420	Large Mining or Natural Resources Extraction Operations – let us benchmark to other counties including Naivasha, flousper, Magadi % of production	200,000.00	200,000.00
425	Medium Mining or Natural Resources Extraction Operations	100,000.00	100,000.00
430	Small Mining or Natural Resources Extraction Operation includes quarries & small mining operations	40,000.00	40,000.00
495	Other Agricultural, Forestry and natural Resources	5,600.00	4,000.00
496	Other Agricultural, Forestry and natural Resources Processing in Rural and less populated places	4,000.00	3,000.00
497	Posho mills within the CBD/Populated Areas	6,000.00	4,000.00
498	Posho Mills Within less populated places/Zones	4,000.00	2,500.00
500	ACCOMMODATION AND CATERING Such as: International Hotels, Tourists, camps, Lodging Houses, Restaurants, Bars, eating Houses Tea & Coffee Houses. Butcheries with Meat Roasting &/or soup Kitchen Facilities, Membership Clubs, Night Clubs & casinos.		
502	Larger-High standard lodging House/Hotel D Class.	82,000.00	82,000.00

503	Large-High standard lodging House/Hotel D Class.	70,000.00	50,000.00
506	Medium - High standard Lodging House / Hotel D Class.	49,000.00	35,000.00
509	Small high standard lodging House/Hotel D class	35,000.00	25,000.00
512	Large lodging house with Restaurant &/or Bar B/C class. Basic Standard	31,500.00	22,500.00
515	Medium Lodging House with Restaurant &/or Bar B/C Class Basic standard.	24,500.00	17,500.00
520	Small Lodging House with Restaurant&/or Bar B/C Class Basic standard.	17,500.00	12,500.00
521	Large Lodging Houses B/C Class Basic standard	28,000.00	20,000.00
524	Medium Lodging House B/C Class Basic standard.	17,500.00	12,500.00
527	Small Lodging House Basic standard B/C class.	10,500.00	7,500.00
540	Large Restaurant with Bar/Membership Club	21,000.00	15,000.00
543	Medium Restaurant with Bar/Membership Club	10,500.00	7,500.00
546	Small Restaurant with Bar	7,000.00	5,000.00
549	Large eating House; Snack Bar Tea House "Hotel" no lodging, No alcohol served.	10,500.00	7,500.00
552	Medium eating House; Snack Bar Tea House "Hotel" no lodging, No alcohol served	7,000.00	5,000.00
555	Small eating House; Snack Bar Tea House "Hotel" no lodging, No alcohol served	4,900.00	3,500.00
558	Butchery with roasted meat and/or soup Kitchen any size	7,000.00	5,000.00
561	Large Bar	10,500.00	7,500.00
564	Medium Bar	8,400.00	6,000.00
567	Small Bar	5,600.00	4,000.00
571	Large Night Club/Casino	35,000.00	25,000.00
574	Medium Night Club/Casino	21,000.00	15,000.00
577	Small Night Club/Casino	14,000.00	10,000.00
595	Other Catering Service	4,900.00	2,000.00

600	PROFESSIONAL & TECHNICAL SERVICES Such as: Firms &/or Individual offering services on legal Issue, Financial, Management, Engineering, Architecture, valuing, surveying, Accountancy, Secretarial Support, data Processing etc stock & Insurance Brokering, security- Protection, Clearing –Forwarding Goods, Book Making, Kenya Sweepstakes Charity included Banks, Forex Bureau Money; Insurance Company; Real Estate Developing – Financing Company.		
605	Large Professional Services Firm -Practitioners &/or International affiliation	63,000.00	45,000.00
610	Medium Professional Services Firm	31,500.00	22,500.00
615	Small Professional Services Firm	14,000.00	10,000.00
620	Independent Technical Operator(Typist, Accountant, Book Keeper,etc)	4,900.00	3,500.00
625	Large Financial Services	66,500.00	47,500.00
630	Medium Financial Services	45,500.00	32,500.00
635	Small Financial Services	31,500.00	22,500.00
640	Money points/ATMs/Money Machines/Separate from Branch Office (Per ATM)	30,500.00	30,500.00
665	Mobile Money Transfer/Bank agents Large	7,500.00	5,500.00
670	Mobile Money Transfer agent/Bank Medium	3,500.00	3000.00
675	Mobile Money Transfer agent/Bank Small	3,000.00	2,000.00
695	Other Professional & Technical Services	4,900.00	3,500.00
700	PRIVATE EDUCATION,HEALTH AND ENTERTAINMENT SERVICES Such as: Private Education Institutions, including Universities, Museums, Nurseries, Primary and Secondary Schools, Professional Training Centers/Polytechnic Institutes teaching computers-accountancy- secretarialskills,etcPrivateHealthclinicsandDoctor'sSurgeries;Consulting Offices of Doctors, Dentists. Physiotherapists, Psychologists & other health professionals. Herbalist sand Traditional Medicine Practitioners. Funeral Homes Entertainment Facilities including Cinema, Theatre, Video Show/Amusement Arcade, Juke Box Arcade, Games machines Arcade/Sports Club, Gym.		
704	Large Private Higher Education Institution. Any type of private University, College or higher education institution- let us benchmark to other counties	52,500.00	42,500.00
705	Medium Private Higher Education Institution. Any type of private University, College or higher education institution	42,500.00	32,500.00

706	Small Private Higher Education Institution. Any type of private University, College or higher education institution	31,500.00	22,500.00
710	Private Education Institution Over 500 pupils	50,000.00	30,000.00
711	Private Education Institution of 300 to 499 pupils	40,000.00	25,000.00
712	Private Education Institution 100 to 299 pupils	30,000.00	20,000.00
713	Private Education Institution between 50 to 99 pupils	21,000.00	7,000.00
714	Private Education Institution below 50pupils	10,000.00	5,000.00
725	Large Private Health Facility Hospital, Clinic, Nursing Home, providing overnight accommodation, over30beds Funeral Home.	49,000.00	35,000.00
730	Medium Private Healthy Facility From 11 to 30 beds funeral home	31,500.00	22,500.00
735	Small Private Healthy Facility from 0 – 10 beds funeral home	21,000.00	15,000.00
740	Health Clinic: Doctor's Surgery. Doctor- Dentist- Physiotherapist- Psychologist –etc Consult Office No overnight accommodation available.	7,000.00	5,000.00
745	Traditional Health services Herbalist, Traditional healer, etc	5,600.00	4,000.00
750	LargeEntertainmentFacilityCinema-Theatre- VideoShowover100 seats Amusement-juke Box-Games Machines Arcades	31,500.00	22,500.00
755	MediumEntertainmentFacilityfrom50to100seats/from4to10 machines/from16to50 members	17,500.00	12,500.00
760	Small Entertainment Facility upto50/upto3machines/upto15 members	10,500.00	7,500.00
795	Other education, Health and Entertainment Services	5,600.00	4,000.00
800	INDUSTRIAL PLANTS, FACTORIES, WORKSHOPS, CONTRACTORS Such as: Manufacture, Process, vehicles, machinery and equipment and workshops servicing and repairing products, vehicle machinery and equipment. Also including Contractors of New Building construction and Old Buildings Restoration and service repair.		
805	Large Industrial Plant	56,000.00	40,000.00
810	Medium Industrial Plant	49,000.00	35,000.00
815	Small Industrial Plant	28,000.00	20,000.00
820	Large workshop/service-	35,000.00	25,000.00
825	Medium workshop/service-Repair Contractors	14,000.00	10,000.00
830	Small workshop/service- Repair Contractors	4,900.00	3,500.00
895	Other Manufacturers, workshop, Factories, Contractor.	4,900.00	3,500.00

SCHEDULE 3 – APPROVED FORMS

(Section 2)

Part A

COUNTY OF BARINGO TRADE LICENCE BILL 2021

APPLICATION FOR THE GRANT / RENEWAL OF A TRADE LICENCE

BARINGO COUNTY GOVERNMENT

BUSINESS REGISTRATION/RENEWAL FORM

Please revise the required information carefully before filling the registration form				
BUSINESS IDENTIFICATION AND ADDRESS				
Business Id No		Business Name		
Certificate of Registration No/ID No.			PIN	VAT No.
P. O. Box	Postal code.	Postal Town	Tel No.	Telephone Fax
Email Address		Business Physical Address		Plot No
OWNER/CONTACT PERSON DETAILS				
Name			Designation	
P. O. Box	Postal code.	Postal Town	Tel No.1	Telephone No 2
BUSINESS DETAILS				
Business Activity Description		Business premise area (square meters)		No. of Employees
Other business classification Details (e.g. No of students, fuel machines, beds, conference rooms etc.)				
DECLARATION				
I declare that the information provided in this form is true and correct concerning the business				
.....	
Name		Signature		Date
FOR OFFICIAL USE ONLY				
Business Activity code		Activity Descriptions		
Business Zone code		Business zone Name	Trading Centre	
Relative Size Small <input type="checkbox"/>		Medium: <input type="checkbox"/>	Large: <input type="checkbox"/>	
Officer's Name		Signature		Date

Part B



Permit No.

**REPUBLIC OF KENYA
BARINGO COUNTY GOVERNMENT
GRANTS THIS TRADE LICENCE PERMIT TO:**

Business ID. No		Business Name:	
Certificate of Registration No./ID No.	Pin Number	VAT NO.	Application No.

To Engage In The Activity/Business/Profession or Occupation of:

Business Activity Code and Description	Detailed Activity Description
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Having Paid a Trade Licence Permit Fee of:

(Ksh.)

MR. NO. _____

Ksh. (In Words): _____

Business under this Permit shall exclusively be conducted at the address as indicated below:

P.O Box	Postal Code	Postal Town	Business Physical Address	Plot. No
Telephone No. 1	Telephone No. 2	Fax	Email Address	

Validity Period: Date Of Issue _____ Expiry Date _____

Name of Officer Issuing this Permit

County Licensing Officer/County Revenue Officer

Stamp and Signature

Notice: Granting this permit DOES NOT EXEMPT the business identified above from complying with current regulations on Health and Safety as established by the Government of Kenya and the Baringo County Government

MEMORANDUM OF OBJECTS AND REASONS

Article 209(4) of the Constitution of Kenya 2010 together with Part 2 of the Fourth Schedule of the Constitution of Kenya gives counties the power to impose fees and charges for services provided and for regulatory purposes in respect of certain licensed activities. Examples include the power to licence undertakings that sell food (item 2(d)) and to issue trade and liquor licences (items 7(b) and 4(c)). These licensing powers are not taxing powers, but are a power to charge fees for services.

The Bill provides for the grant of trade licences by County Governments to conduct businesses in the county in accordance with the powers mentioned above in Part 2 of the Fourth Schedule of the Constitution.

HON SOLOMON KURIA,
Chairperson, Finance and Economic Planning Committee.