

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 22 (Kitui County Acts No. 11)*

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***KENYA GAZETTE SUPPLEMENT***

**KITUI COUNTY ACTS, 2014**

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**NAIROBI, 1st September, 2014**

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**THE KITUI COUNTY BUSINESS LICENSING ACT, 2014.**

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**KITUI COUNTY BUSINESS LICENSING ACT, 2014****No. 11 of 2014***Date of Assent; 25th August, 2014**Date of Commencement; 1st September, 2014***AN ACT of the Kitui County Assembly to provide for licensing of business and trade activities and for other related purposes****ENACTED** by the County Assembly of Kitui, as follows—**PART I—PRELIMINARY****Short title and Commencement**

1. This Act may be cited as the Kitui County Business Licensing Act, 2014, and shall come into operation upon publication in the Gazette.

**Interpretation**

2. (1) In this Act unless the context otherwise requires— "business activity" means a concern carrying on the occupation of —

- (a) a regulated trade;
- (b) importing or exporting goods;
- (c) commission agent or indent agent;
- (d) manufacturer's representatives;
- (e) produce dealer or produce broker;
- (f) business broker
- (g) insurance agent;
- (h) estate agent; or
- (i) any other occupation, whether similar to any of the foregoing or not, which the County Executive Committee Member may, by order, declare to be an occupation for the purposes of this definition and shall not include the hawking or selling of—
  - (i) Fish
  - (ii) Agricultural produce
  - (iii) Local articles

"business transaction" means a transaction entered into with a business being a transaction connected with the occupation carried on by the concern which constitutes the business;

"business licence" means a licence, other than a conditional business licence, granted under this Act;

"business licensing officer" means a person appointed by County Executive Committee Member to be a licensing officer under section 8;

"business licence register" means the register of business licences established under section 26 of this Act.

"business person" means any person carrying on any business activity for the purpose of generating revenue in trade, commerce or industry, and includes any trade, profession or calling.

"commission agent" means a factor employed by his principal to sell goods delivered to the factor, for remuneration called commission;

"conditional business licence" means a licence granted under section 10;

"county executive committee member" means the 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.

"director" means Director responsible for Trade, Commerce and Industries appointed by the Kitui County Public Service Board;

"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.

"foreign investment registration certificate" means a foreign investment registration certificate issued 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" means an area declared under section 5 to be a general business area for the purposes of this Act;

"licensee" means holder of a business licence granted under this Act;

"manufacturer's representative" means a person residing in Kitui County in the year in question 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 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 physical address specified by a licensee or applicant in his application under section 24 of this Act.

“police officer” has the same meaning as assigned under the National Police Service Act 2011.

"Regulated trade" means—

- (a) Wholesale or retail trade;
- (b) Catering;
- (c) Laundering or dry-cleaning;
- (d) Hairdressing;
- (e) Beauty culture;
- (f) Shoe repairing/shoe making;
- (g) Motor vehicle repairing and motor vehicle spares;
- (h) Cinematograph film exhibition, video shows;
- (i) Advertising; or
- (j) The sale by a manufacturer of goods manufactured by him;

"Resident of Kitui County", means;

- (a) 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; and
- (b) A corporate whose affairs and matters are controlled and managed within Kitui County during the subject year regardless of the registered physical address of the corporation.

“regulations” means regulations made under this Act.

"specified goods" means any goods, or goods of any particular class, declared as such under section 6 for the purposes of this Act.

(2) For the purposes of this Act—

- (a) A person conducts a business if he or she is—
- (i) The owner or a part-owner of the business; or
  - (ii) The person controlling or a person partly controlling the business; or
  - (iii) a person interested in the business, although , subject to section 23 of the Penal Code.
  - (iv) a corporation or a business entity that is registered under any recognized law in Kenya Provided that a director or shareholder of a corporation does not by reason only of his or her directorship or shareholding conduct the business of that corporation;
- (b) a partnership is a citizen of Kenya if all the partners therein are citizens of Kenya.

“trade” means carrying on the business of selling goods or services

## **PART II—REGULATION OF BUSINESS**

### **Purpose and Object of the Act**

3. The purpose and object 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.

### **Application of the Act**

4. This Act shall apply to all trade and business activities undertaken within Kitui County.

### **General Business Area**

5. The County Executive Committee Member may, by order, declare the area, or any business part of the county to be a general business area for the purposes of this Act.

### **Specified Goods**

6. The County Executive Committee Member may, by order, declare any particular specified goods, or goods of any particular class, to be specified goods for the purposes of this Act.

### **Restrictions on business**

7. (1) Every person in the county carrying on a business activity or trade carrying on shall hold a valid business licence.

(2) A business licence shall not be issued to—

- (a) A person carrying on a prohibited activity
- (b) An individual under the age of eighteen years of age
- (c) A partnership where one of the partners is under eighteen years of age
- (d) A foreign investor who does not hold a valid foreign investment registration certificate.

(3) No licensee shall enter into any business transaction unless the business with which the transaction is entered into is carried on under a licence.

(4) Manufacturer shall be licensed to sell their own products to and through appointed distributors or agents or licensed wholesalers only;

(5) Wholesalers or distributors shall only be licenced to sell to other smaller wholesalers and retailers but not to carry on retail business;

(6) Any person who contravenes the provision 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 for a term not exceeding eighteen months or to both such fine and imprisonment.

(7) Where a person is convicted of an offence under this section, the County Executive Committee Member may—

- (a) where he or she is the holder of a licence, in writing revoke the licence;
- (b) in any case, in writing direct that no licence shall be granted to that person during such period not exceeding ten years.

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

#### **Licensing officers**

8. (1) County Executive Committee Member shall appoint the Chief Officer responsible for Trade, Commerce and Industries to be County Business Licensing Officer responsible for the issuing of business licences under this Act.

(2) The office of business licensing officer shall be an office in the Kitui county public service.



(3) The Chief Officer responsible for Trade, Commerce and Industries may delegate in writing any powers under this Act to one or more officers in the county to issue business licences for the purposes of this Act and perform any other duty as may be necessary for the execution of this Act.

### **Partnerships**

**9.** (1) Every business licence or conditional business licence granted in respect of a partnership shall be in the joint names of all the partners.

(2) In the event of any change in the constitution of a partnership which is the holder of a business licence or a conditional business licence, the remaining partners shall, within seven (7) days of such change, give written notice thereof to the business licensing officer.

(3) Notwithstanding any other provision of this Act, any business licence or conditional business licence held by a partnership shall, at the expiration of six (6) months from the date of any change in the constitution of the partnership, or upon the issue of a business licence in respect of the business concerned to the reconstituted partnership, whichever is the earlier, become void and shall forthwith be surrendered to the business licensing officer for cancellation:

Provided that this subsection shall not apply in any case where—

- (a) a change in the constitution of a partnership is occasioned by the death or retirement of a partner; and
- (b) no new partner is brought in to replace the deceased or retired partner; and
- (c) there are at least two partners remaining.

(4) In the event of any failure to give notice, or to surrender a business licence, as required by this section, each of the remaining partners shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding fifty thousand Kenya shillings or imprisonment for a term not exceeding three months or to such fine and imprisonment.

(5) In this section "remaining partners" means the partner or partners named in a business licence or conditional business licence who remain in the partnership after any change in the constitution thereof.

### **Conditional licences**

**10.** (1) A business licensing officer may grant a conditional business licence to a person who makes application therefore in the prescribed

manner, and may attach any conditions thereto which he or she thinks necessary.

(2) A conditional business licence shall not entitle the holder thereof to conduct any business but shall specify the kind of business and the premises in respect of which a business licence is to be granted under subsection (6).

(3) The fee for the grant of a conditional business licence shall be one-half of the fee prescribed for that particular business and premises under subsection (2).

(4) A conditional business licence shall be valid for a period of twelve months from the date of the issue thereof.

(5) An application for a conditional business licence in continuation of one which is due to expire shall be made at least three months before the date of such expiration.

(6) At any time during the validity of a conditional business licence, the holder thereof may apply to the business licensing officer for a business licence in respect of the business and the premises specified in the conditional business licence, and if the licensing officer is satisfied that the conditions, if any, upon which such conditional business licence was issued have been fulfilled he shall, upon payment of the appropriate fee and notwithstanding any other provision of this Act, grant such business licence to the applicant.

(7) Where a licensing officer refuses to grant a conditional business licence or attaches conditions thereto he shall give to the applicant, if so requested, the reasons in writing for his action.

### **Grant of Licence**

11. (1) A person desirous of obtaining a business licence shall make application therefor in the prescribed form in the regulations, and the business licensing officer may—

- (a) grant a business licence accordingly, either without conditions or subject to such conditions as he may think fit, or refuse to grant a business licence;
- (b) where he decides to grant a business licence and the applicant is not a citizen of Kenya, the applicant must produce a valid foreign investment registration certificate to the business licensing officer as authority to do business in Kenya under national legislation;

(2) Where a business licensing officer—

- (a) refuses to grant a business licence; or
- (b) imposes conditions in a business licence; or
- (c) refuses to grant authority in a business licence for the purposes of section 7 (2), he shall give to the applicant, if the applicant so requests, the reasons in writing for his action.

(3) Except as otherwise expressly provided, the appropriate fee specified for the particular business shall be payable in respect of each business authorized by a licence.

(4) No business shall be conducted without a valid business licence. A business licence shall be valid for a period ending on the 31st, December next following the date issued unless renewed:

Provided that the County Executive Committee Member may direct that any particular business licence or class of business licence, whether defined by class of business or area of application or both, shall be valid for such other period as he may specify, and in any such case the fee payable for any such business licence shall be varied proportionally.

(5) An application for the grant of a business licence which is in continuation of or substitution for an existing business licence shall be made at least three months before the expiry date of the existing business licence.

(6) A business licence shall specify the premises at which the licensee may conduct his or her business, and, where a business is conducted at more than one premise, a separate business licence shall be required for each of such premises:

Provided that where a business is conducted by one management in premises divided by walls but otherwise communicating internally with one another only one business licence shall be required for such business.

(7) The effect of a business licence shall be to authorize the licensee to conduct a business or businesses specified in the business licence at the premises so specified.

#### **Amendment of Licence**

**12.** (1) Subject to this Act, a business licence may be amended upon written application for amendment to the business licensing officer;

(2) the licensee shall inform the business licensing officer in writing of any change within 30 days;

(3) if a licensee fails to inform business the licensing officer under the subsection, the business licensing officer may impose penalty.

(4) the business licensing officer may amend the business licence by—

- (a) substituting another kind of business for the kind of business specified in the business licence, or adding another kind of business; or
- (b) substituting other premises for the premises specified in the business licence,
- (c) by endorsing the business licence accordingly.

(5) Where a business licensing officer refuses to amend a business licence under subsection (1), he shall give to the applicant, if the applicant so requests, the reasons in writing for his action.

(6) A business licence amended under this section shall be valid for the remaining period of the amended business licence

(7) There shall be payable upon an amendment of a business licence under this section the appropriate fee in respect of each business authorized by such business licence as so amended.

### **Transfer of licences**

**13.** (1) Save as hereinafter provided, no business licence shall be transferred to any person.

(2) Any licensee who lends, rents, transfers or assigns, or attempts or purports to lend, rent, transfer or assign, his business licence to any other person, and any person who borrows or makes use of a business licence granted to another and not lawfully transferred under subsection (3), shall be guilty of an offence and shall be liable upon conviction to a fine of Kenya shillings one hundred thousand or to imprisonments for a term of six months imprisonment or to both such fine and imprisonment.

(3) Notwithstanding the provisions of subsections (1) and (2), a business licensing officer shall, if so requested, transfer a licence to any of the following persons—

- (a) in the case of the death of the business licensee, to surviving heirs or the legal personal representative of such licensee;
- (b) in the case of the bankruptcy of the licensee or assignment for the benefit of his creditors generally, to the lawfully appointed trustee or assignee;

- (c) in the case of a corporation in liquidation, to the lawfully appointed liquidator;
- (d) in any case where the licensee becomes subject to a legal disability, to any person lawfully appointed to administer his affairs, and any business licence so transferred shall, notwithstanding any other provision of this Act, continue to be valid for a period remaining of the so transferred business licence

(4) There shall be payable upon the transfer of a business licence under subsection (3) a fee of ten per centum of the fee paid for the issue of such business licence.

#### **Display of Licence and Duplicates**

**14.** (1) Every business licence shall, except when lodged with a and duplicates licensing officer for any of the purposes of this Act, be displayed in a prominent /conspicuous position on the premises of licensee's principal place of business in respect of which it was issued and where any business licence is not so displayed the licensee shall be guilty of an offence and liable to a fine not exceeding hundred thousand shillings.

(2) The business licensing officer, any police officer or any administrator who has reason to believe that a business person is required to hold a business licence, after proper identification, may demand from the person carrying on the business activity the production of a business licence.

(3) if a person has been required under this section to produce a business licence for inspection and does not—

- a) Produce a business licence within two working days; or
- b) Permit the officer to read and examine the business licence when produced,

The person commits an offence, and shall be liable on conviction to a fine not exceeding five thousand Kenya shillings or to imprisonment for a period not exceeding one month;

(3) Where, upon application in the prescribed manner, it is shown to the satisfaction of the business licensing officer that a business licence has been lost, destroyed or defaced, such officer shall, upon payment of a fee of Kenya shillings one hundred, issue a duplicate of such business licence to the licensee.

**Principles of Licensing**

15. In the performance of his functions under sections 10, 11 and 13 a business licensing officer shall—

- (a) be guided by the principle that businesses carried on in any place which is not within a general business area ought, where practicable, to be controlled by a resident of Kitui County, and that specified goods ought, where practicable, to be dealt in by residents of Kitui County, and in particular take into consideration—
  - (i) Whether the activities in respect of which the business licence is applied for ought to be and could be carried on by a business conducted by residents of Kitui County;
  - (ii) Whether the activity will be in the public interest; and
  - (iii) Any special programme of development in the area concerned; and
- (b) Satisfy himself or herself that the applicant and every other person who will conduct the business has not—
  - (i) Been adjudged bankrupt and not been discharged, or entered into a composition or a scheme of arrangement with his or her creditors which is still binding;
  - (ii) Within the five years immediately preceding the date of the application, been convicted of an offence under the law relating to bankruptcy; or;
  - (iii) Within the period specified in subparagraph (ii), been convicted of an offence under this Act, or the Weights and Measures Act or any other relevant law
- (c) Satisfy himself or herself that the applicant and every other person who will conduct the business –
  - (i) Has attained the age of eighteen years; and
  - (ii) Has complied or will comply with all laws applicable to the business and the premises;
- (d) be at liberty to refuse a business licence, or attach conditions thereto, on the ground that the applicant or any person employed in the management of the business has used discriminatory or otherwise unfair or improper trading practices in respect of that or any other business;

Provided that a business licensing officer may grant a business licence notwithstanding the provisions of this section if he or she considers it just and reasonable to do so in all the circumstances of the case.

### **Revocation of licences**

**16.** (1) A business licensing officer may in writing revoke a business licence on the ground that:

- (a) The licensee has used discriminatory or otherwise unfair or improper trading practices;
- (b) The application form contains any material misrepresentation or false statement; and
- (c) Any information given in the application for the business licence was materially incorrect so as to create a false impression of the ownership of the business or nature of its business activity;
  - (i) The licensee carries on a prohibited activity;
  - (ii) A condition imposed on the business licence was breached
  - (iii) The licensee is convicted of an offence under the Act.

(2) Where, under subsection (1), a business licensing officer revokes a business licence he shall give to the licensee, if so requested, the reasons in writing for his action.

### **Appeals**

**17.** (1) Subject to subsection (2), any person who is aggrieved by the action of a business licensing officer in—

- (a) refusing to grant a business licence or conditional business licence or revoking a business licence; or
- (b) imposing conditions in a business licence or conditional business licence; or
- (c) refusing to grant authority in a business licence for the purposes of section 7 (2); or
- (d) refusing to amend a business licence under section 12, may within fourteen days of receipt by him of written notification of such action, appeal to the County Executive Committee Member, whose decision shall be final.

(2) The County Executive Committee Member shall not dismiss an appeal under subsection (1) unless he has first referred it to an appeals advisory committee and considered the advice of that committee.

(3) The appeals advisory committee provided for in subsection (2) shall consist of not less than—

- (a) Three members of the committee responsible for trade, commerce and industry in the County Assembly of Kitui;
- (b) Two advocates practicing in Kitui county; and
- (c) Three persons who have experience in one of the occupations and are members of National chamber of commerce and industry Kitui chapter;

#### **PART IV—ENFORCEMENT**

##### **Power to enter premises and require information**

18. (1) A business licensing officer, enforcement officer, police officer above the rank of Inspector may upon production evidence of his or her authority to any person reasonably requiring it.

- (a) at any reasonable time, enter any premises which he has reasonable grounds for believing to be occupied by a business, 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; and
- (b) require any person appearing to be conducting the business or to be employed in it to give such information within his or her power as the officer may reasonably require to enable him or her to ascertain whether this Act is being complied with.

(2) Any person who hinders or obstructs an officer acting under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred thousand Kenya shillings or to imprisonment for a period not exceeding eighteen months;

##### **Acts of Agent or Servant**

19. 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, shall each be guilty of the offence and is liable on conviction to a fine not exceeding one hundred thousand Kenya shillings or to imprisonment for a period not exceeding eighteen months; Provided that—



- (i) 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
- (ii) a person shall not be sentenced to imprisonment for such an offence unless, in the opinion of the court, the offence was committed wilfully.

### **False Information**

**20.** Any person who makes a false statement or a statement which he has reason to believe is untrue—

- (a) in an application under this Act or otherwise to a licensing officer in connection with this Act; or
- (b) to an officer acting under section 18, shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding fifty thousand Kenya shillings or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

### **Presumptions**

**21.** (1) Where, in a prosecution for an offence under section 7, it is alleged that a person is not a resident of Kitui County; it shall be presumed that that person is not a resident of Kitui County until the contrary is proven.

(2) Where, in a prosecution for an offence under section 7, it is alleged that a person does not hold a current business licence, it shall be presumed that that person does not hold a current business licence until the contrary is proved.

(3) Single Business permit issued by any of the now defunct Local Authorities existing in the county prior to enactment of this Act shall be considered as business licence for the purposes of this Act and shall expire at 31st December the year it was issued.

### **General Penalty**

**22.** Any person who is guilty of 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 five thousand or to both.

## **PART V—SUPPLEMENTAL**

### **Exemptions**

23. The County Executive Committee Member may, by notice in the county Gazette or Kenya gazette, exempt any class of persons who are residents of Kitui County from any of the provisions of this Act.

### **Regulations**

24. The County Executive Committee Member may make regulations for the better carrying out of the provisions and purposes of this Act, and, without prejudice to the generality of the foregoing, for—

- (a) prescribing the forms to be used and the fees to be paid for anything done under this Act;
- (b) prescribing the conditions subject to which licences are to be issued, with different conditions for different classes of cases where appropriate.

### **Acknowledgement of application**

25. (1) Upon receipt of an application for a licence in continuation or substitution for an existing licence, the licensing officer shall issue to the applicant a written acknowledgement of such receipt which shall specify the name of the applicant and the business and the premises in respect of which the application is made.

(2) If, at the date of expiry of a licence, the licensing officer has not granted a new licence and has not notified the licensee that such new licence has been refused, the acknowledgement issued under subsection (1) shall, for the purposes of this Act, be deemed to be a licence authorizing the person specified therein to conduct the business, at the premises, so specified.

(3) An acknowledgement which is deemed to be a licence under subsection (2) shall be valid as such until the date upon which the new licence applied for is granted or refused, and in the case of a refusal such acknowledgement shall be surrendered to the licensing officer.

(4) An applicant who fails to surrender an acknowledgement under subsection (3) within seven (7) days after the receipt of a notification of refusal of a licence shall be guilty of an offence.

### **Business Licence Register**

**26.** (1) The Business Licensing Officer shall be responsible for establishing and maintaining in accordance with this Act and the Regulations, a register of business licences.

(2) The Business Licence Register shall be available for inspection by the public during business hours and copies of entries shall be provided, upon payment of the prescribed fee.

(3) The Business Licensing Officer shall within seven days record any amendments or changes made under section 12 and 13 on the register.

## 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 the Act the area 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.

**TABLE**

<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

## SECOND SCHEDULE

(Section 24)

**THE KITUI COUNTY BUSINESS LICENSING (FORMS)  
REGULATIONS**

1. These Regulations may be cited as the Kitui County Business Licensing (forms)

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 business 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 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. 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 address .....Postal code.....Town.....

(c) Location of business premises:

Plot No. ....

Street.....

Market .....

Town (where applicable).....

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 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 licence been rejected under this Act or any other Act - (if so, give details).....

(b) Has any previous business licence been cancelled under this 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 the Identity Card; or
- (ii) if a non-Kenyan
  - (a) current work permit;
  - (b) certified copies of pages 1 to 5 of a valid passport; and
  - (c) certified copy of the foreign investment registration certificate;
  - (d) Relevant entry permits (s).

In the absence of a work permit, an applicant shall be allowed to present any acceptable document (s) issued by the applicant’s embassy or foreign mission in Kenya or any other office authorized to issue such document

**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 .....

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 address .....code.....Town.....

(c) Location of business premises:

Plot No. ....

Street.....

Market.....

Town (where applicable).....

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: -----

**(Fourth Schedule –Continued)**

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 this Act or any other Act? (if so, give details) .....

(b) Has any previous manufacturing business licence been cancelled under this 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 Identity 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

In the absence of a work permit, an applicant shall be allowed to present any acceptable document (s) issued by the applicant's embassy or foreign mission in Kenya or any other office authorized to issue such documents.

(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.

**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 Licensing 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 .....

FIFTH SCHEDULE

[Regulation 3(a)]

REPUBLIC OF KENYA

COUNTY GOVERNMENT OF KITUI

KITUI COUNTY BUSINESS LICENSING ACT, 2014

FORM C

[Sections 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).....

Ward.....

Sub-County .....

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

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

KSh. ....

Place of Issue .....

Sub-County.....

Licensing Officer.....

Signature .....

Date .....

SIXTH SCHEDULE

[Regulation 3(b)]

REPUBLIC OF KENYA

COUNTY GOVERNMENT OF KITUI

KITUI COUNTY BUSINESS LICENSING ACT, 2014

FORM D

[Sections 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).....

Ward.....

Sub-County.....

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

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

KSh. ....

Place of Issue .....

Sub-County.....

Licensing Officer.....

Signature.....

Date .....

