

**SPECIAL ISSUE**

*Isiolo County Gazette Supplement No. 19 (Acts No. 7)*



REPUBLIC OF KENYA

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***ISIOLO COUNTY GAZETTE  
SUPPLEMENT***

**ACTS, 2015**

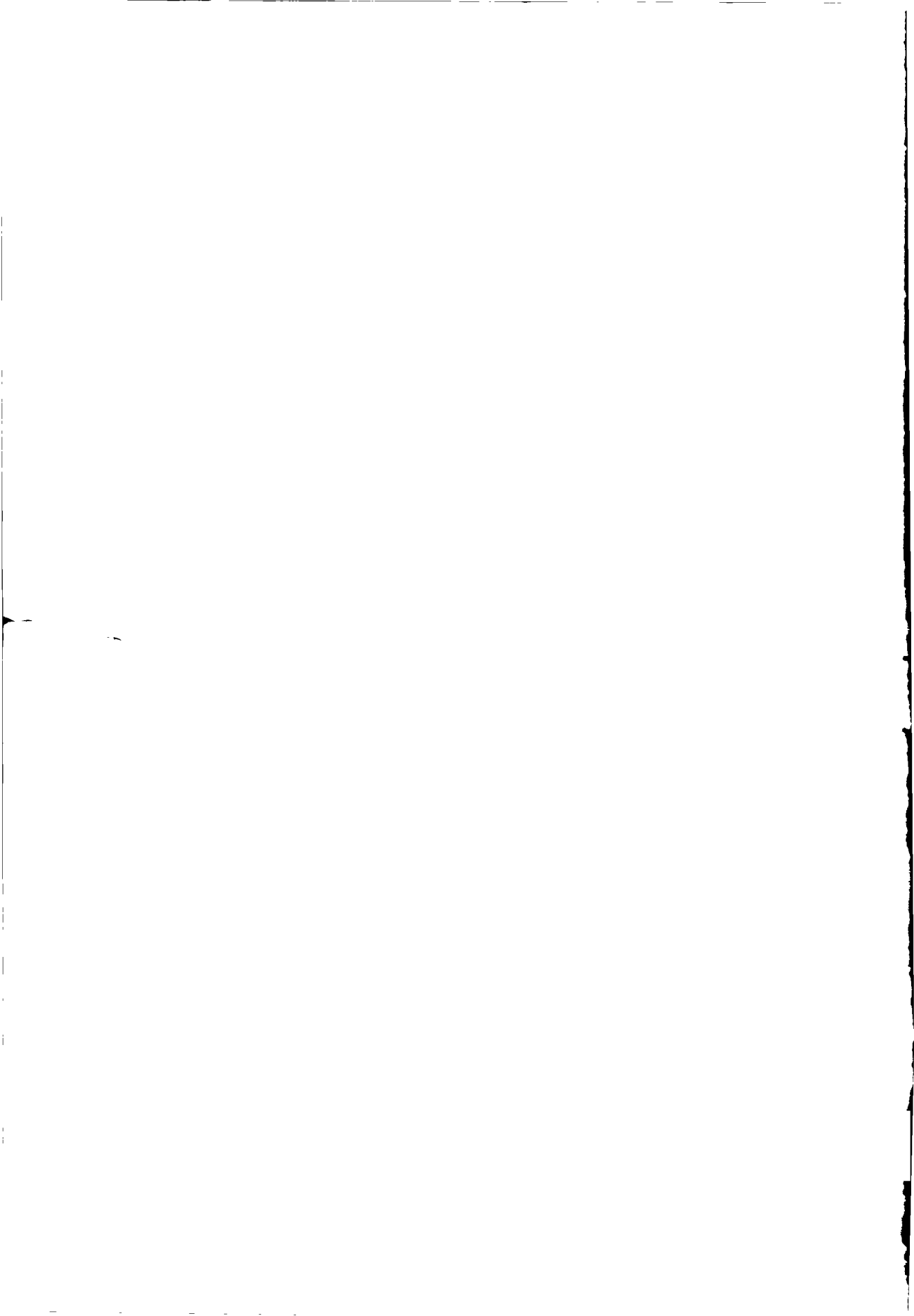
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**NAIROBI, 21st December, 2015**

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**THE ISIOLO COUNTY BUSINESS LICENSING ACT, 2015**

**No. 7 of 2016**

*Date of Assent: 14th December, 2015*

*Date of Commencement: 21st December, 2015*

**ARRANGEMENT OF SECTIONS**

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## **THE ISILOLO COUNTY BUSINESS LICENCING ACT, 2015**

**AN ACT of the County Assembly of Isiolo County to provide for licensing of business and trade activities and for related purposes**

**ENACTED** by the County Assembly of Isiolo as follows—

### **Short title and Commencement**

1. This Act may be cited as the Isiolo County Business Licences Act, 2015 and shall come into force on the date of publication in the Gazette.

### **Interpretation**

2. In this Act unless the context otherwise requires—

“business activity” means any activity carried on by a person but does not include the hawking of—

(a) fish;

(b) agricultural produce;

(c) local articles, which are the produce of, or articles of the County.

“business licence” means a business licence issued under section 9;

“Licensing Officer” includes a person designated by the County Executive Committee responsible for matters relating to trade and commerce under section 6 to act as such;

“Business Licence Register” means the register of business licences established under section 20;

“foreign investment registration certificate” means a foreign investment registration certificate issued by the Cabinet Secretary under any National Legislation relating to Foreign Investment;

“licensee” means the holder of a business licence issued under section 7;

“Executive Committee Member” means the County Executive Committee Member responsible for matters of trade;

“person” under this Act means an individual, agency, association, branch, corporation, estate, group, partnership, or other entity or organization, having legal rights and responsibilities separate from other entities or its owners or members;

“principal place of business” means the postal and geographic address specified by a licensee or applicant in the application under section 8;

“prohibited activity” means an activity prohibited by Regulations; and

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

**Business person to hold a licence**

3. Every person carrying on a business activity in the county must hold a valid business licence.

**Eligibility for holding a license**

4. A business licence shall be issued to—

- (a) a person carrying on a lawful activity;
- (b) an individual above eighteen years of age;
- (c) a partnership where one of the partners is above eighteen years of age;
- (d) a foreign investor who holds a valid foreign investment certificate; or
- (e) a citizen of the east Africa community.

**Requirement for a Business License**

5. (1) A person may not conduct a business within the County, unless the person is a holder of a trade licence for that business.

(2) If a person contravenes subsection (1), the person is guilty of an offence punishable on conviction by a fine not exceeding 300,000 shillings or to a term of imprisonment not exceeding six months.

**Types of License**

6. For the purposes of this Act the following licences may be issued under this Act—

- (a) a trading (wholesale) licence;
- (b) a trading (retail) licence;
- (c) a hawker's licence;
- (d) an agent's licence;
- (e) a manufacturing licence;
- (f) a single business license; or
- (g) a consolidated businesses licence.

**Licensing Officer**

7. (1) The County Executive Committee Member responsible for matters relating to trade and commerce shall be the Licensing Officer who shall be responsible for the issuing of business licences under this Act.

(2) The Licensing Officer may delegate, in writing, any of the functions or powers under this Act to the Chief Officer responsible for

Matters relating to trade, Director of trade and markets and other officers in the Directorate

### **Application for a business licence**

8. (1) An application for grant of a licence shall—

- (a) be lodged with the licensing officer;
- (b) be in the approved form;
- (c) contain such information and be accompanied by such documents as are required by the approved form;
- (d) be signed in 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 licensing officer.

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

(4) The application fee (if any) is not refundable.

### **Issue or Refusal of business licence**

9. The Licensing Officer shall consider each application made under section 8 by an eligible person under section 4, and issue a business licence to the applicant as soon as practicable.

### **Licence Conditions**

10. (1) A business licence shall be issued—

- (a) for the category or categories of business activity specified in the licence;
- (b) subject to the regulations and any conditions endorsed on the licence.

(2) A business licence issued under this Act is not transferable.

### **Duration of Licence**

11. (1) A business licence is valid for the period ending on 31st December next following the date of its issue.

(2) A licence expired under subsection (1) may be renewed on payment of the prescribed fee, if it still complies with the conditions specified in the licence.

**Refusal to issue a licence**

12. (1) The Licensing Officer may refuse to issue a licence on being satisfied that—

- (a) the applicant is under the age of eighteen years;
- (b) issuance of a licence is likely to cause nuisance or annoyance to persons residing, or occupying premises, in the neighbourhood of the premises in respect of which the licence is sought;
- (c) the premises on which the applicant intends to conduct business would not conform to the requirements of any law for the time being in force;
- (d) the issuance of a licence would conflict with any approved or proposed town planning scheme or zoning area; or
- (e) the issuance of a licence would operate against the public interest.

(2) If a Licensing Officer, other than the Executive Member, refuses to issue a licence, it shall, at the time of giving notification of the refusal, inform the applicant in writing of the reasons for the refusal and refer to the relevant provision of this Act on which the refusal is based.

**Cancellation of a business licence**

13. A Licensing Officer may cancel a business licence if—  
the application form contains any material misrepresentation or false statement upon which the Licensing Officer relied to issue the licence;

- (a) 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 the nature of its business activity;
- (b) the licensee carries on a prohibited activity;
- (c) a condition imposed is breached; or
- (d) the licensee is convicted of an offence under this Act.

**Appeals**

14. (1) The holder of a licence cancelled under section 13 may appeal to the County Executive Committee Member responsible for trade.

(2) All appeals must be filed within fourteen days of the decision cancelling the licence.

(3) A person aggrieved by the decision of the Executive Committee Member may appeal to the High Court

**Licence may be amended**

15. (1) Subject to this Act, a business licence may be amended on written application to the Licensing Officer.

**Location of business activity**

16. A business licence must specify a place or premises at which the licensee shall carry on the business activity and the licensee may carry on the business activity in any part of the County specified in the licence.

**Business licence to be displayed**

17. A business licence must be displayed in a conspicuous place in, or at the licensee's principal place of business.

**Production of licence**

18. Any authorised officer having reason to believe that a person is carrying on business activity without a licence or in a place for which that person is not licensed may require that person to produce a business licence.

**Offences and Penalties**

19. (1) A person who carries on a business activity without a valid licence commits an offence, and is liable on conviction to a fine not exceeding Kenya Shillings three hundred thousand or to term of imprisonment not exceeding six months or both.

(2) If a person who is required to produce a licence under section 18 for inspection—

- (a) refuses or does not produce the licence within two working days; or
- (b) does not permit the officer to read and examine the business licence when produced,
- (c) that person commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand shillings or to a term of imprisonment for a period not exceeding six months or both.

**Business Licence Register**

20. (1) The Licensing Officer is responsible for establishing and maintaining in accordance with this Act, a register of business licences issued.



(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 Licensing Officer shall within seven days record any amendments or changes made under section 15 on the register.

### **Regulations**

**21.** (1) The County Executive Committee Member may make regulations for the proper administration and carrying out of this Act.

(2) Without prejudice to the generality of subsection (1), regulations shall be made prescribing the following—

- (a) the form of application for a licence;
- (b) fees payable for the different licences ;
- (c) the form and contents of a license
- (d) the conditions to be imposed on licences for different business activities; and
- (e) the form and maintenance of the Business Licence Register.

### **Savings**

**22.** (1) A licence issued under by-laws made by the local authorities shall be valid until 31st December of the year in which this Act commences.

(2) Subject to subsection (1) this Act apply to the holder of a licence issued under by-laws made by the local authorities as if the holder were a licensee under this Act.

