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ACTS, 2006

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**THE LICENSING LAWS (REPEALS AND
AMENDMENT) ACT, 2006**

No. 17 of 2006

Date of Assent: 30th December, 2006

Date of Commencement: By Notice

**An Act of Parliament to repeal certain statutes and to
make minor amendments to the law relating to business
licences, and for connected purposes**

ENACTED by the Parliament of Kenya, as follows-

- | | |
|---|--|
| <p>1. This Act may be cited as the Licensing Laws (Repeals and Amendment) Act, 2006 and shall come into operation on such date as the Minister may, by notice in the Gazette, appoint.</p> | <p>Short title and commencement</p> |
| <p>2. The Industrial Registration Act is repealed.</p> | <p>Repeal of Cap. 118</p> |
| <p>3. Section 3 of the Liquor Licensing Act is amended by -</p> | <p>Amendment of section 3 of Cap. 121.</p> |
| <p>(a) deleting the words "traditional liquor as defined in the Traditional Liquor Act, or" appearing in the definition of "liquor";</p> | |
| <p>(b) inserting the following new definition in proper alphabetical sequence-</p> | |
| <p>"traditional liquor" means-</p> | |
| <p>(a) any intoxicating liquor manufactured by traditional African methods, other than distillation, which is offered, or intended to be offered, for sale in a state of continuing fermentation without further processing; or</p> | |

(b) such other intoxicating liquor manufactured in Kenya otherwise than by distillation, as the Minister may, by notice in the Gazette, declare to be traditional liquor for the purposes of this Act.

Amendment of
the Schedule to
Cap. 121.

4. The Liquor Licensing Act is amended by deleting the Schedule and substituting therefor the following new Schedule -

SCHEDULE

(s.22)

1. Liquor licences of the following descriptions may be granted under this Act-

(A) Brewer's licence

Subject to the conditions specified in the licence, a brewer's licence authorises the holder to -

(a) brew and store the brewed liquor in his depot;

(b) sell the product of his brewery by wholesale in accordance with the conditions that are, for the time being, applicable to a holder of a wholesale licence or by delivery from the depot throughout Kenya; and

(c) bottle liquor subject to such conditions as may be prescribed.

For the purposes of this paragraph, "depot" means premises of whatever description, which are occupied by a brewer for the purposes of his trade.

(B) Wholesale licence

A wholesale liquor licence authorises the licensee to sell liquor at the premises specified in the licence, subjects to such conditions as may be prescribed.

(C) Retail licence

A retail liquor licence authorises the licensee to sell liquor on the premises, at the hours and subject to such other conditions as are specified in the licence.

2. The following general provisions apply with respect to licences granted under this Act-

(a) A liquor licence may be granted to apply to more than one premise, subject to the conditions specified in the licence. The addresses of all the premises shall be specified in the licence.

(b) A liquor licence shall be valid for a period of one year from the date of issue and is renewable, subject to the Act and the conditions on which it is issued.

(c) A liquor licence may be transferred to such person as may be approved by the Liquor Licensing Court on application of the transferor and the transferee, subject to such conditions as may be imposed.

5. The Traditional Liquor Act is repealed.

Repeal of Cap.
122.

6. Section 2 of the Antiquities and Monuments Act is amended by-

Amendment of
section 2 of Cap.
215.

(a) deleting the definition of "exploration licence";

(b) inserting the following new definition of “explorer” in the proper alphabetical order-

“explorer” means a person who, by means of excavation or surface operations searches for buried monument or antiquity, whether or not in a protected area.

Repeal of section 5 of Cap. 215.

7. Section 5 the Antiquities and Monuments Act is repealed.

Repeal of section 6 of Cap. 215.

8. Section 6 of the Antiquities and Monuments Act is repealed.

Amendment of section 7 of Cap. 215.

9. Section 7 of the Antiquities and Monuments Act is amended-

(a) in subsection (1) by deleting the words “For the purposes of an exploration licence, the holder thereof” and substituting therefor the words “An explorer”;

(b) by deleting the words “holder of exploration licence” wherever they together appear and substituting therefor the word “explorer”.

Amendment of section 8 of Cap. 215.

10. Section 8 of the Antiquities and Monuments Act is amended in subsection (1) by deleting the words “otherwise than in the course of operations permitted by an exploration licence”.

Amendment of section 9 of Cap. 215.

11. Section 9 of the Antiquities and Monuments Act is amended in subsection (1) by deleting the words “by an exploration licence, or”.

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12. Section 10 of the Antiquities and Monuments Act is amended by deleting paragraphs (a) and (b).

Amendment of section 10 of Cap. 215.

13. Section 46 of the Antiquities and Monuments Act is amended by deleting the words "exploration licences and" appearing in paragraph (a).

Amendment of section 46 of Cap. 215.

14. The Shop Hours Act is repealed.

Repeal of the Cap. 231.

15. The Mombasa Shop Hours Act is repealed.

Repeal of Cap. 232.

16. Section 135A of the Public Health Act is amended in subsection (1) by deleting the words "and cowsheds" appearing in paragraph (b).

Amendment of section 135A of Cap. 242.

17. Section 3 of the Use of Poisonous Substances Act is amended in subsection (1) by deleting paragraph (c).

Amendment of section 3 of Cap. 247

18. Section 163A of the Local Government Act is amended by inserting the following new subsections immediately after subsection (6)-

Amendment of Section 163A of Cap. 265.

(7) An applicant for a business permit under subsection (1) shall, in the application, elect whether to be issued with a permit for a period of either one year or two years.

(8) Where a person is issued with a business permit by one local authority to distribute goods or provide services within the area of that local authority, such permit shall be valid for the distribution of goods or provision of services within the area of any other local authority.

19. The Local Government Act is amended by inserting the following new section 201A immediately after section 201-

Insertion of a new section 201A into Cap. 265.

Licenses, etc
to be
resubmitted
for new
approvals.

201A. At the commencement of this section, all bylaws, licenses, fees, permits and other charges imposed by every local authority shall be resubmitted to the Minister for new approval notwithstanding that an approval may have been given by the Minister in respect of such bylaws, licences fees, permits or other charges prior to the commencement of this section.

Repeal of Cap.
274.

20. The Local Authorities Services Charge Act is repealed.

Repeal of
section 18 of
Cap. 293.

21. The Distress for Rent Act is amended by repealing section 18.

Repeal of the
Third Schedule
to Cap.293.

22. The Distress for Rent Act is amended by repealing the Third Schedule thereto.

Amendment of
section 12 of
Cap.306.

23. Section 12 of the Mining Act is amended by deleting subsection (2).

Repeal of
section 22 of
Cap.310.

24. The Diamond Industry Protection Act is amended by repealing section 22.

Amendment of
the Schedule to
Cap.310.

25. The Schedule to the Diamond Industry Protection Act is amended by deleting Forms E and F.

Amendment of
section 2 of
Cap.328.

26. Section 2 of the Canning Crops Act is amended by deleting the definitions of "canning factories licence", "growers licence" and "licensed scheduled crop".

Amendment of
section 7 of
Cap.328.

27. Section 7 of the Canning Crops Act is amended-

(a) by deleting paragraphs (a);

(b) in paragraph (b) by deleting the words "licensing and"

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28.	The Canning Crops Act is amended by repealing section 8.	Repeal of section 8 of Cap. 328
29.	The Canning Crops Act is amended by repealing section 9.	Repeal of section 9 of Cap. 328
30.	The Canning Crops Act is amended by repealing section 10.	Repeal of section 10 of Cap. 328
31.	The Canning Crops Act is amended by repealing section 11.	Repeal of section 11 of Cap. 328
32.	The Canning Crops Act is amended by repealing section 12.	Repeal of section 12 of Cap. 328
33.	The Canning Crops Act is amended by repealing section 13.	Repeal of section 13 of Cap. 328
34.	The Canning Crops Act is amended by repealing section 14.	Repeal of section 14 of Cap. 328
35.	Section 15 of the Canning Crops Act is amended in subsection (1) by deleting the words "specified in any grower's licence" and substituting therefor the words "where a scheduled crop has been, is or is about to be grown".	Amendment of section 15 of Cap.328
36.	The Canning Crops Act is amended by repealing section 16.	Repeal of section 16 of Cap. 328.
37.	Section 17 of the Canning Crops Act is amended by deleting paragraphs (b), (c) and (d).	Amendment of section 17 of Cap.328
38.	The Canning Crops Act is amended by repealing section 19.	Repeal of section 19 of Cap. 328.

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Repeal of sections 20 of Cap. 328.

39. The Canning Crops Act is amended by repealing section 20.

Repeal of sections 21 of Cap. 328.

40. The Canning Crops Act is amended by repealing section 21.

Repeal of section 22 of Cap. 328.

41. The Canning Crops Act is amended by repealing section 22.

Repeal of section 23 of Cap. 328.

42. The Canning Crops Act is amended by repealing section 23.

Amendment of section 24 of Cap. 328.

43. Section 24 of the Canning Crops Act is amended by deleting the word "licensed" appearing immediately after the words "reasonable times".

Amendment of section 27 of Cap. 328.

44. Section 27 of the Canning Crops Act is amended by deleting paragraph (a).

Amendment of section 28 of Cap. 328.

45. Section 28 of the Canning Crops Act is amended by deleting the word "holders of grower's licences and persons operating licensed" appearing in paragraph (a) and substituting therefor the words "growers and persons operating".

Amendment of section 33 of Cap. 328.

46. Section 33 of the Canning Crops Act is amended by deleting subsection (1) and substituting therefor the following new subsection-

(1) The Board may, by notice in writing, require the holder of a grower of a scheduled crop or any person who operates a factory to render, within a time specified in such notice, to the Board, a return in the prescribed form giving such details as may be prescribed.

Amendment of section 34 of Cap. 328.

47. Section 34 of the Canning Crops Act is amended by deleting paragraph (f).

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| 48. The Coconut Industry Act is amended by repealing section 8. | Repeal of section 8 of Cap. 331. |
| 49. The Coconut Industry Act is amended by repealing section 9. | Repeal of section 9 of Cap. 331. |
| 50. The Coconut Industry Act is amended by repealing section 10. | Repeal of section 10 of Cap. 331. |
| 51. The Coconut Industry is amended by repealing section 11. | Repeal of section 11 of Cap. 331. |
| 52. Section 12 of the Coconut Industry Act is amended by deleting the words "and to forfeiture of any licence issued under this Act" appearing immediately after the word "both". | Amendment of section 12 of Cap. 331. |
| 53. Section 2 of the Cotton Act is amended by deleting the definitions of "licence" and "licence holder". | Amendment of section 2 of Cap. 335. |
| 54. Section 12 of the Cotton Act is amended by deleting the words "licence fees" appearing in paragraph (b). | Amendment of section 12 of Cap. 335. |
| 55. Section 23 of the Cotton Act is deleted. | Repeal of section 23 of Cap. 335. |
| 56. The Cotton Act is amended by repealing section 24. | Repeal of section 24 of Cap. 335. |
| 57. The Cotton Act is amended by repealing section 25. | Repeal of section 25 of Cap. 335. |
| 58. The Cotton Act is amended by repealing section 26. | Repeal of section 26 of Cap. 335. |
| 59. The Cotton Act is amended by repealing section 27. | Repeal of section 27 of Cap. 335. |

Repeal of
section 28 of
Cap. 335.

60. The Cotton Act is amended by repealing section 28.

Repeal of
section 29 of
Cap. 335.

61. The Cotton Act is amended by repealing section 29.

Repeal of
section 30 of
Cap. 335.

62. The Cotton Act is amended by repealing section 30.

Repeal of
section 31 of
Cap. 335.

63. The Cotton Act is amended by repealing section 31.

Amendment of
section 41 of
Cap. 335.

64. Section 41 of the Cotton Act is amended by deleting paragraphs (o) and (p).

Amendment of
section 19 of
Cap. 336.

65. Section 19 of the Dairy Industry Act is amended by deleting the words “and retailers” and the words “and any premises used by them” appearing in paragraph (j).

Amendment of
section 2 of Cap.
338.

66. Section 2 of the National Cereals and Produce Board Act is amended by deleting the definition of “licensed miller”.

Amendment of
section 18 of
Cap. 338.

67. Section 18 of the National Cereals and Produce Board Act is amended by-

(a) deleting subsection (1);

(b) deleting subsection (4) and substituting therefore the following new subsection-

(4) A person who imports or exports maize, wheat or scheduled agricultural produce in contravention of subsection (3) shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or both.

Repeal of
section 19 of
Cap. 338.

68. The National Cereals and Produce Board Act is amended by repealing section 19.

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| 69. The National Cereals and Produce Board Act is amended by repealing section 20. | Repeal of section 20 of Cap.338. |
| 70. The National Cereals and Produce Board Act is amended by repealing section 21. | Repeal of section 21 of Cap.338. |
| 71. The National Cereals and Produce Board Act is amended by repealing section 22. | Repeal of section 22 of Cap.338. |
| 72. The National Cereals and Produce Board Act is amended by repealing section 23. | Repeal of section 23 of Cap.338. |
| 73. Section 30 of the National Cereals and Produce Board Act is amended in subsection (1) by deleting paragraph (b). | Amendment of section 30 of Cap. 338. |
| 74. Section 2 of the Pyrethrum Act is amended by deleting the definitions of "licence" and "licenced grower". | Amendment of section 2 of Cap.340. |
| 75. Section 6 of the Pyrethrum Act is amended in subsection (2) by deleting paragraph (b). | Amendment of section of Cap.340. |
| 76. Section 12 of the Pyrethrum Act is amended-

(a) by deleting subsections (1) and (2);

(b) in subsection (3) by deleting the expression "or subsection (2)". | Amendment of section 12 of Cap.340. |
| 77. The Pyrethrum Act is amended by repealing section 13. | Repeal of section 13 of Cap.340. |
| 78. The Pyrethrum Act is amended by repealing section 14. | Repeal of section 14 of Cap.340. |
| 79. The Pyrethrum Act is amended by repealing section 15. | Repeal of section 15 of Cap.340. |

Amendment of
section 17 of
Cap.340.

80. Section 17 of the Pyrethrum Act is amended by deleting the words “a licensed grower in accordance with the terms and conditions of a valid licence” and substituting therefor the word “grower”

Amendment of
section 21 of
Cap.340.

81. Section 21 of the Pyrethrum Act is amended by deleting the word “licensed” wherever it appears.

Amendment of
section 35 of
Cap.340.

82. Section 35 of the Pyrethrum Act is amended by deleting the word “licensed” wherever it appears.

Repeal of
section 13A of
Cap. 341

83. The Sisal Industry Act is amended by repealing section 13A.

Amendment of
section 13B of
Cap. 341.

84. Section 13B of the Sisal Industry Act is amended by deleting paragraph (a).

Amendment of
section 14 of
Cap. 341.

85. Section 14 of the Sisal Industry Act is amended by-

(a) deleting paragraphs (a),(b),(c),(d),(e), and (f);

(b) deleting the word “registered” wherever it appears in paragraph (g).

Repeal of
section 17 of
Cap. 357.

86. The Branding of Stock Act is amended by repealing section 17.

Amendment of
the First
Schedule to Cap
357.

87. The Branding of Stock Act is amended in the First Schedule thereto by deleting Form E.

Amendment of
section 2 of
Cap.359.

88. Section 2 of the Hide, Skin and Leather Trade Act is amended by –

(a) deleting the definitions of “exporter’s licence” and “licensing officer”;

(b) deleting the words “authorized under this Act to” in the definition of “exporter” and substituting therefor the word “who”;

(c) deleting the words “authorized under this Act to” in the definition of “importer” and substituting therefor the word “who”.

89. The Hide, Skin and Leather Trade Act is amended by repealing section 3.

Repeal of section 3 of Cap. 359.

90. The Hide, Skin and Leather Trade Act is amended by repealing section 4.

Repeal of section 4 of Cap. 359.

91. Section 5 of The Hide, Skin and Leather Trade Act is amended by deleting the words “it shall be a condition of every buyer’s licence that the licensee” and substituting therefor with the words “Every buyer”.

Amendment of section 5 of Cap. 359.

92. The Hide, Skin and Leather Trade Act is amended by repealing section 6.

Repeal of section 6 of Cap. 359.

93. The Hide, Skin and Leather Trade Act is amended by repealing section 8.

Repeal of section 8 of Cap. 359.

94. The Hide, Skin and Leather Trade Act is amended by repealing section 9.

Repeal of section 9 of Cap. 359.

95. Section 10 of the Hide, Skin and Leather Trade Act is amended by deleting the words “it shall be a condition of every exporter’s or importer’s licence that the licensee” and substituting therefor the words “every exporter or importer”.

Amendment of section 10 of Cap. 359.

96. The Hide, Skin and Leather Trade Act is amended by repealing section 11.

Repeal of section 11 of Cap. 359.

Replacement of
section 14 of
Cap.359.

97. The Hide, Skin and Leather Trade Act is amended by deleting section 14 and substituting therefor the following new section-

**Appeal
against
decision.**

14.(1) A person aggrieved by the decision of an inspector under section 12 may, in writing, require the inspector to supply him with written reasons, for the decision.

(2) Upon receipt of the reasons for the decision under subsection (1), the aggrieved person may appeal to the Minister in such manner as may be prescribed.

Repeal of
section 16 of
Cap. 359.

98. The Hide, Skin and Leather Trade Act is amended by repealing section 16.

Replacement of
section 18 of
Cap.359.

99. The Hide, Skin and Leather Trade is amended by deleting section 18 and substituting therefor the following new section –

**Registration
certificate.**

18 No person shall store any hides, skins or leather except in the premises to which the registration certificate relates.

Amendment of
section 19 of
Cap. 359.

100. Section 19 of The Hide, Skin and Leather Trade Act is amended-

(a) in subsection (1) by deleting words “and no holder of a buyer’s licence or exporter’s or importer’s licence”;

(b) in subsection (2) by deleting paragraph (g).

101. Section 20 of The Hide, Skin and Leather Trade Act is amended by deleting paragraph (a).

Amendment of section 20 of Cap. 359.

102. The Pig Industry Act is repealed.

Repeal of Cap. 361.

103. Section 2 of the Kenya Meat Commission Act is amended by deleting the definition of “scheduled undertaking”.

Amendment of section 2 of Cap. 363.

104. The Kenya Meat Commission Act is amended by repealing section 8.

Repeal of section 8 of Cap. 363.

105. Section 28 of the Kenya Meat Commission Act is amended by deleting subsection (2).

Amendment of section 28 of Cap. 363.

106. Section 4 of the Veterinary Surgeons Act is amended by deleting subsections (2), (3) and (4).

Amendment of section 4 of Cap. 366.

107. The First Schedule to the Tourist Industry Licensing Act is amended by deleting the following items thereof-

Amendment of the First Schedule to Cap. 381.

B.1 Proprietors, owner-drivers and self employed drivers of passenger vehicles used wholly or partly in a tourist enterprise;

B.2 Shopkeepers, stallholders, and any other person offering garments of souvenir value for sale to tourists as a substantial part of their business;

B.5 Motor cycle or bicycle hire enterprises;

C.1 Shopkeepers, stallholders, stand holders and any other person offering for sale to tourists as a substantial part of their business goods made by manufactures of such goods;

C.4 Travel Bureaux or booking offices, other than those of an airline, which operates international air routes and does not carry on any tourist activities in Kenya.

C.5 Interpreters;

C.7 Cultural centers.

Amendment of section 2 of Cap.494.

108. Section 2 of the Hotels and Restaurants Act is amended by deleting the definition of "hotel manager's licence".

Amendment of section 4 of Cap.494.

109. Section 4 of the Hotels and Restaurants Act is amended-

(a) in subsection (1) by deleting paragraphs (a) and (b);

(b) deleting subsection (3) and substituting therefor the following new sub-section –

(3) In the event of any contravention of paragraph(a) or (c) of subsection (1), the owner, and the manager (if any) of the premises concerned shall be guilty of an offence and be liable to a fine not exceeding ten thousand shillings, or to imprisonment for a term not exceeding twelve months, or to both.

Amendment of section 5 of Cap.494.

110. Section 5 of the Hotels and Restaurants Act is amended by deleting subsection (7).

Amendment of section 6 of Cap.494.

111. Section 6 of the Hotels and Restaurants Act is amended by deleting subsection (3).

Repeal of Cap. 497.

112. The Trade Licensing Act is repealed.

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- 113.** The Stock Traders Licensing Act is repealed. Repeal of Cap. 498.
- 114.** The Imports, Exports and Essential Supplies Act is repealed. Repeal of Cap. 502.
- 115.** The Factories Act is amended by inserting a new section immediately after section 12 as follows - Insertion of Section 12A into Cap 514.
- Exemption from Part.** **12A.** (1) The provisions of this Part shall not apply to a small or medium size enterprise.
- (2) For the purposes of this section, "small or medium size enterprise" means a factory whose number of employees does not exceed fifty.
- 116.** Section 3 of the Brokers Act is amended in subsection (2) by deleting the words "expire on the 31st December following" and substituting therefor the words "be valid for a period of three years from the date of issue". Amendment of section 3 Cap. 527.
- 117.** The Environmental Management and Coordination Act is amended by repealing section 95. Repeal of section 95 of No. 8 of 1999.
- 118.** The Environmental Management and Coordination Act is amended by repealing section 96. Repeal of sections 96 of No. 8 of 1999.
- 119.** Section 106 of the Environmental Management and Coordination Act is amended- Amendment of section 106 of No. 8 of 1999.
- (a) in subsection (1) by deleting the words "this Act or regulation made thereunder" and substitute therefor the words "the Radiation Protection Act";
- (b) in subsection (2) by deleting the word "Authority" and substituting therefor the words "the Radiation Protection Board" established under the Radiation Protection Act."

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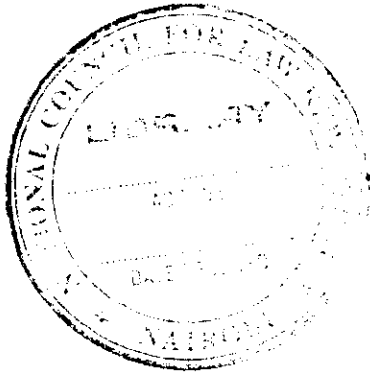
Amendment of section 17 of No. 9 of 2001.

120. Section 17 of the Coffee Act is amended in subsection (2) by adding anew paragraph (d) as follows-

(d) an auctioneer of coffee.

Amendment of section 18 of No. 9 of 2001.

121. Section 18 of the Coffee Act is amended deleting paragraph (g).



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