

**THE LICENSING LAWS (REPEAL AND
AMENDMENT) ACT**

No. 5 of 2007

Date of Assent: 10th October, 2007

Date of Commencement: By Notice

An Act of Parliament to repeal the Industrial Alcohol (Possession) Act and to make minor amendments to the law relating to business licences, and for connected purposes

ENACTED by the Parliament of Kenya, as follows-

1. This Act may be cited as the Licensing Laws (Repeal and Amendment) Act, 2007 and shall come into operation on such date as the Minister may, by notice in the Gazette, appoint. Short title and commencement.

2. The Industrial Alcohol (Possession) Act is repealed. Repeal of Cap.119.

3. Section 6 of the Methylated Spirits Act is amended by deleting the words “and separate applications shall be made in respect of sale by wholesale and sale by retail” appearing in subsection (1). Amendment of section 6 of Cap.120.

4. Section 7 of the Methylated Spirits Act is amended- Amendment of section 7 of Cap.120.

(a) by deleting the expression “a wholesale or retail licence (as the case may require)” appearing in subsection (2) and substituting therefor the words “a licence”;

(b) by deleting subsection (3) and substituting therefor the following new subsection-

(3) Every licence shall be valid for a period of three years from the date of issue.

Amendment of
section 10 of
Cap.120.

5. Section 10 of the Methylated Spirits Act is amended by deleting the word “wholesale” wherever it occurs.

Amendment of
Schedule to
Cap 172

6. The Schedule to the Immigration Act is amended -

(a) under the heading “Class A” by-

(i) re-numbering the existing paragraph as paragraph (1);

(ii) adding a new paragraph as follows-

(2) A person may be granted a “Class A” interim permit which shall be valid for six months.

(b) and under the heading “Class II” by-

(i) renumbering the existing paragraph as paragraph (1);

(ii) adding a new paragraph as follows-

(2) A person may be granted a Class H an interim permit which shall be valid for six months.

Amendment of
section 2 of
Cap.222.

7. Section 2 of the Films and Stage Plays Act is amended by deleting the definitions of “cinema”, “licensing authority” and “licensed officer”.

Repeal of
section 25 of
Cap.222.

8. The Film and Stage Plays Act is amended by repealing section 24.

2007

- 9.** The Films and Stage Plays Act is amended by repealing section 25. Repeal of section 25 of Cap.222.
- 10.** The Films and Stage Plays Act is amended by repealing section 26. Repeal of section 26 of Cap.222.
- 11.** The Films and Stage Plays Act is amended by repealing section 27. Repeal of section 27 of Cap.222.
- 12.** The Films and Stage Plays Act is amended by repealing section 28. Repeal of section 28 of Cap.222.
- 13.** The Films and Stage Plays Act is amended by repealing section 33. Repeal of section 33 of Cap.222.
- 14.** Section 35 of the Films and Stage Plays Act is amended in subsection (2) by deleting paragraph (d). Amendment of section 35 of Cap.222
- 15.** The Industrial Training Act is amended in section 5B by deleting the words “and may make different provisions in relation to different classes or descriptions of an employer”. Amendment of section 5B of Cap.237.
- 16.** Section 13 of the Tea Act is amended by inserting the following new subsection immediately after subsection (4)-
 (5) A manufacturing licence issued under this section shall in addition to authorizing the holder to carry on the business set out in subsection (1), also authorize the holder to carry out the business of packing and blending tea. Amendment of section 13 of Cap. 343.

Amendment of
section 5 of
Cap.345.

17. Section 5 of the Fertilizers and Animal Foodstuffs Act is amended in subsection (3) by deleting the words “until the 31st December in the year” and substituting therefor the words “for three years from the date”.

Repeal of
section 16 of
Cap.347.

18. The Irrigation Act is amended by repealing section 16.

Amendment of
section 27 of
Cap.347.

19. Section 27 of the Irrigation Act is amended by in subsection (1) by deleting paragraph (d).

Amendment of
section 3 of
Cap.356.

20. Section 3 of the Meat Control Act is amended in subsection (1) by deleting the word “licence” appearing in paragraph (f).

Amendment of
section of Cap.
364.

21. Section 8 of the Animals Diseases Act is amended in subsection(1) by deleting the word “semen” appearing immediately after the word “dung”.

Repeal of
section 10 of
Cap 376.

22. The Wildlife (Conservation and Management) Act is amended by deleting section 10.

Amendment to
the First
Schedule of the

23. The Tourist Industry Licensing Act is amended in the First Schedule by inserting a new paragraph immediately below the heading “Regulated Tourist Enterprises” as follows-

A licence granted under classes “A” “B” or “C” shall entitle the holder to carry out all the enterprises set out in the respective class.

Amendment of
section 91 Cap.
397.

24. Section 93 of the Kenya Railways Corporation Act is amended in subsection (1) by deleting paragraph (c).

2007

*Licensing Laws (Repeal and Amendment)***No. 5**

- 25.** Section 2 of the Lakes and Rivers Act is amended by deleting the definition of “dredging”.
- Amendment of section 2 of Cap. 409.
- 26.** The Lakes and Rivers Act is amended by repealing section 6.
- Repeal of section 6 of Cap. 409.
- 27.** The Lakes and Rivers Act is amended by repealing section 7.
- Repeal of section 7 of Cap. 409.
- 28.** The Lakes and Rivers Act is amended by repealing section 8.
- Repeal of section 8 of Cap. 409.
- 29.** The Lakes and Rivers Act is amended by repealing section 9.
- Repeal of section 9 of Cap. 409.
- 30.** Section 10 of the Lakes and Rivers Act is amended by deleting the words “terminate on the 31st December following” appearing in subsection (3) and substituting therefor the words “be valid for three years from the date of issue”.
- Amendment of section 10 of Cap. 409.
- 31.** The Lakes and Rivers Act is amended by repealing the Second Schedule.
- Repeal of the Second Schedule to Cap. 409.
- 32.** The Lakes and Rivers Act is amended by repealing the Third Schedule.
- Repeal of the Third Schedule to Cap. 409.
- 33.** The Scrap Metal Act is amended in section 2 by deleting the definitions of “licence”, “licensed dealer” and “licensing officer”.
- Amendment section 2 of Cap. 503.

Repeal of
section 3 of Cap.
503.

34. The Scrap Metal Act is amended by repealing section 3.

Repeal of
section 4 of Cap.
503.

35. The Scrap Metal Act is amended by repealing section 4.

Repeal of
section 5 of
Cap. 503.

36. The Scrap Metal Act is amended by repealing section 5.

Repeal of
section 6 of Cap.
503.

37. The Scrap Metal Act is amended by repealing section 6.

Repeal of
section 7 of Cap.
503.

38. The Scrap Metal Act is amended by repealing section 7.

Repeal of
section 8 of Cap.
503.

39. The Scrap Metal Act is amended by repealing section 8.

Repeal of
section 9 of Cap.
503.

40. The Scrap Metal Act is amended by repealing section 9.

Amendment of
section 10 of
Cap. 503.

41. The Scrap Metal Act is amended in section 10 by deleting the word “licensed” wherever it appears.

Amendment of
section 11 of
Cap. 503.

42. Section 11 of the Scrap and Metal Act is amended by deleting the word “licensed” wherever it appears.

Amendment of
section 12 of
Cap. 503.

43. Section 12 of the Scrap Metal Act is amended by deleting the word “licensed” wherever it appears.

Amendment of
section 13 of
Cap. 503.

44. Section 13 of the Scrap Metal Act is amended by deleting the word “licensed” wherever it appears.

2007

*Licensing Laws (Repeal and Amendment)***No. 5**

45. Section 14 of the Scrap Metal Act is amended by deleting the word “licensed” wherever it appears.

Amendment of section 14 of Cap. 503.

46. Section 15 of the Scrap Metal Act is amended by deleting the word “licensed” wherever it appears.

Amendment of section 15 of Cap. 503.

47. Section 16 of the Scrap Metal Act is amended by deleting the word “licensed” wherever it appears.

Amendment of section 16 of Cap. 503.

48. Section 17 of the Scrap Metal Act is amended-

Replacement of section 17 of Cap. 503.

(a) by deleting subsection (1) and substituting therefor the following new subsection (1)-

(1) Any Police Officer not below the rank of sub-inspector may at any time enter upon any premises in respect of which he has reasonable cause to believe an offence under this Act or under any rules made thereunder or under any written law has been or is about to be committed, and may inspect such premises and any scrap metal, book, account, register, record, document or thing found therein and may require any person appearing to be in control thereof or employed therein or who has been employed therein within the last preceding months to give such information as will enable the police officer to determine whether or not the provisions of this Act or of any regulations made thereunder or of any written law are being or have been complied with.

- (b) in subsection (4) by deleting the words “or licensing officer” appearing immediately after the words “police officer”.

Repeal of
section 19 of
Cap. 503.

49. The Scrap Metal Act is amended by repealing section 19.

Repeal of
section 22 of
Cap. 503.

50. The Scrap Metal Act is amended by repealing section 22.

Repeal of
section 23 of
Cap. 503.

51. Section 23 of the Scrap Metal Act is amended by deleting the word “licensed” wherever it appears.

Repeal of
section 2 of Cap.
503.

52. The Scrap Metal Act is amended by repealing section 26.

Amendment of
section 27 of
Cap. 503.

53. Section 27 of the Scrap Metal Act is amended by deleting the words “or cancellation of licence”.

Amendment of
section 28 of
Cap. 503.

54. Section 28 of the Scrap Metal Act is amended by –

(a) by deleting paragraph (b);

(b) by deleting the word “licensed” wherever it appears.

Amendment of
section 49 of
Cap. 504.

55. Section 49 of the Restrictive Trade Practices, Monopolies and Price Control Act is amended by deleting paragraphs (a), (b), (c), (d) and (g).

56. The Motor Vehicle Components and Accessories Act is amended in section 2 –

Amendment of section 2 of Cap. 520.

- (a) by deleting the definition of “licence”;
- (b) by deleting the definition of “licenced dealers” and substituting therefor the following new definition –

“dealer” means a person who deals in motor vehicle components or accessories under this Act;

- (c) by deleting the definition of “licensing officer”.

57. The Motor Vehicle Components and Accessories Act is amended by repealing section 3;

Repeal of section 3 of Cap. 520.

58. The Motor Vehicle Components and Accessories Act is amended by repealing section 4.

Repeal of section 4 of Cap. 520.

59. The Motor Vehicle Components and Accessories Act is amended by s repealing section 5.

Repeal of section 5 of Cap. 520.

60. The Motor Vehicle Components and Accessories Act is amended by s repealing section 6;

Repeal of section 6 of Cap. 520.

61. The Motor Vehicle Components and Accessories Act is amended by s repealing section 7.

Repeal of section 7 of Cap. 520.

62. The Motor Vehicle Components and Accessories Act is amended by repealing section 8.

Repeal of section 8 of Cap. 520.

Repeal of
section 9 of Cap.
520.

63. The Motor Vehicle Components and Accessories Act is amended by repealing section 9.

Amendment of
section 10 of
Cap. 520.

64. The Motor Vehicle Components and Accessories Act is amended in section 10 by deleting the word “licenced” wherever it appears.

Amendment of
section 11 of
Cap. 520.

65. Section 11 of the Motor Vehicle Components and Accessories Act is amended by deleting the word “licenced” wherever it appears and by deleting the words “licensing officer” wherever they together appear.

Amendment of
section 12 of
Cap. 520.

66. Section 12 of the Motor Vehicles Components and Accessories Act is amended-

(a) in subsection (1) by

(i) by deleting the word “licence” wherever it appears;

(ii) by deleting the words “or in such other form as a licensing officer may in any particular case approve” and the words “or in a language approved by the licensing officer”

(b) in subsection (3) by deleting the word “licensed” and appearing immediately before the word “dealer”.

Amendment of
section 13 of
Cap. 520.

67. Section 13 is amended by deleting the word “licenced” appearing immediately before the word “dealers”.

Amendment of
section 14 of
Cap. 520.

68. Section 14 is amended by deleting the word “licenced” wherever it appears.

2007

*Licensing Laws (Repeal and Amendment)***No. 5**

69. Section 15 the Motor vehicle Components and Accessories Act, is amended by deleting the word “licenced” wherever it appears.

Amendment of section 15 of Cap. 520.

70. Section 16 the Motor Vehicle Components and Accessories Act, is amended by deleting the word “licenced” wherever it appears.

Amendment of section 16 of Cap. 520.

71. The Motor Vehicle Components and Accessories Act is amended by deleting section 19.

Amendment of section 16 of Cap. 520.

72. Section 23 of the Motor vehicle Components and Accessories Act, is amended by deleting the word “licensed” wherever it appears.

Amendment of section 23 of Cap. 520.

73. Section 24 of the Motor Vehicle is amended by deleting the words “or cancellation of licence” appearing immediately after the words “cancellation of”.

Amendment of section 24 of Cap. 520.

74. Section 25 of the Motor Vehicle is amended by:-

Amendment of section 25 of Cap. 520.

(a) deleting paragraph (b);

(b) deleting the word “licensed” wherever it appears.

✎ 75. Section 18A of the Certified Public Secretaries of Kenya Act is amended by deleting subsection (4) and substituting therefor the following new subsection-

Amendment of section 18A of Cap. 534.

(4) The licence shall be valid for a period of one year from the date of issue.

Amendment of
Cap. 507.

76. Section 20 of the Hire-Purchase Act is amended
by-

(a) deleting subsection (3) and substituting therefor the following new subsection-

(3) A fee of one thousand shillings, is payable in respect of the issue of a licence.

(b) in subsection (4) by deleting the words “on the 31st December in the year in which it is issued” and substituting therefor the following word “two years after the date of issue”.

Repeal of
section 42 of
Act. No. 8 of
1999.

77. The Environmental Management and Co-ordination Act, 1999 is amended by deleting section 42.

Repeal of
section 104 of
Act. No. 8 of
1999.

78. The Environmental Management and Co-ordination Act, 1999 is amended by repealing section 104.

Repeal of
section 105 of
Act. No. 8 of
1999.

79. The Environmental Management and Co-ordination Act, 1999 is amended by repealing section 105.

Repeal of
section 106 of
Act. No. 8 of
1999.

80. The Environmental Management and Co-ordination Act, 1999 is amended by repealing section 106.

Repeal of
section 107 of
Act. No. 8 of
1999.

81. The Environmental Management and Co-ordination Act, 1999, is amended by repealing section 107.

82. The Coffee Act is amended by deleting section 18 and substituting therefor the following new section-

Amendment of section 18 of the Coffee No. 9 of 2001

18. Licences under section 17 shall be of the following kinds—

(a) coffee dealer's licence authorizing the holder to-

- (i) buy or deal in clean coffee produced in Kenya or to import clean coffee from outside Kenya and to process, in Kenya for sale or export coffee of any country of origin;
- (ii) buy, deal in or import coffee from outside Kenya including buni, and to export such coffee from Kenya;
- (iii) deal in and export buni of any country of origin;
- (iv) conduct the business of selling or marketing coffee;

(b) a coffee processor's licence authorizing the holder to conduct the business of -

- (i) milling coffee;
- (ii) roasting coffee;
- (iii) blending and packing coffee;

(c) a warehouseman's licence authorizing the holder to conduct the business of warehousing coffee as a warehouseman;

(d) a pulping station licence authorizing the holder to operate a pulping station.
