

(Busia County Legislative Supplement No. 2)

LEGAL NOTICE NO. 2

THE BUSIA COUNTY TRADE REGULATIONS, 2020

IN EXERCISE of the powers conferred by Section 45 of the Busia County Trade Act, 2017, the County Executive Committee Member for Trade, Investment, Industry and Co-operatives makes the following Regulations.

PART I—PRELIMINARIES

Citation and Commencement

1. These Regulations may be cited as the Busia County Trade Regulations, 2020 and shall come into force on such date that the Executive Member may, by notice in the *Gazette*, publish after approval of the Regulations by the Assembly.

Definitions

2. In these Regulations, unless the context otherwise requires—

“Act” means the Busia County Trade Act, 2017;

“Assembly” means the Busia County Assembly;

“Committee” means the Interdepartmental Trade Development Coordinating Committee established under section 10 of the Act;

“Executive Member” means the member of the County Executive Committee for the time being responsible for matters relating to trade;

“Department” means the County Department responsible for matters concerning trade;

“Financial Year” means the financial year of the Government of Kenya as defined in the Interpretation and General Provisions Act;

“Public Markets” means a public market as defined under the Act;

“The County” means Busia County;

“The County Executive Committee” means the County Executive Committee for the County;

“The Forum” means Public-Private Sector Forum established under section 12 of the Act;

“The Gazette” means the Busia County Gazette;

“The Sub County Administrator, Ward Administrator and the Village Administrator” shall have the meanings assigned to them under the County Governments Act.

PART II—DEVELOPMENT AND PROMOTION OF TRADE

Role of the Executive Member

3. The Executive Member shall take measures and collaborate with the Public-Private Sector Forum (hereinafter called “the Forum”), the Interdepartmental Trade

Development Coordinating Committee (hereinafter called “the Committee”), the business communities at different levels in the County, National Government agencies and other relevant stake-holders—

- (a) to formulate proposals for policies and strategies to improve trade and make it a primary tool for social and economic transformation and development of the County;
- (b) to take a holistic and collaborative approach to eliminate obstacles to trade;
- (c) facilitate the development of and access to trade and trade related infrastructure;
- (d) to create awareness in market demands and assist the business community to improve their entrepreneurial skills;
- (e) identify and provide linkages between producers of goods and services in the County and the consumers thereof within the County, in Kenya and internationally;
- (f) establish appropriate infrastructure for access to markets by facilitating access to information;
- (g) through the medium of Trade Development Fund Act, promote access to credit for trade and entrepreneurship; and
- (h) sensitize and create awareness among the producers of goods and services in the County on the need for proper and effective preservation of products with the view to stabilizing markets and prices.

Trade as catalyst for economic development

4. To promote the development of trade as a catalyst for the social and economic transformation of the County, the Executive Member shall—

- (a) on a continuous basis, consult and engage with the private sector and the public in the County on matters relating to trade;
- (b) promote and facilitate the conduct of sensitization and awareness-creation seminars and workshops on trade for the business community in the County to nurture a business culture and sharpen entrepreneurial skills;
- (c) provide research and training facilities for acquisition of knowledge and skills in trade and trade-related matters for effective participation in trade by the people of the County;
- (d) hold and encourage the public in the County to participate in business and trade forums at Village and other decentralized levels of the County;
- (e) promote the adoption of modern technology in the conduct of trade in the County;
- (f) establish business advisory centres for proximate service delivery and cooperate with relevant National Government institutions and agencies, the public and other stake-holders to ensure a conducive environment for engagement in trade in the County;
- (g) establish and ensure the existence of adequate and appropriate infrastructure to promote and sustain trade in the County;

- (h) in collaboration with cooperative societies, associations, *chamas*, self-help groups and development partners in the County, establish or assist in the establishment of facilities in the County to preserve and store the produce of the County;
- (i) through the Committee, synchronize the functions and activities of the different County departments to promote trade for economic development.
- (j) Collaboration and cooperation with other production Departments
- (k) Credit and financial support for trade and entrepreneurship.

The role of the Executive Member in the promotion of trade and public participation

5. The Executive Member shall collaborate with other County Executive Committee Members to—

- (a) identify and promote production of goods and services with potential for stimulation of social economic development in the County and promote their development;
- (b) Identify through research and other means markets for such goods and services and conduct seminars, workshops and other forums to educate, sensitize and introduce the people of the County on the availability of such markets.
- (c) Establish storage and ware-housing facilities for the produce of the County for the purpose of eliminating post harvest wastage and destruction, and stabilization of the market prices

PART IV—CLASSIFICATION OF BUSINESSES AND TRADES AND
DEMARICATION OF TRADING AREAS

Purpose, demarcation classification and designation of businesses, trades and trading areas

6. (1) In order to promote and conduct trade in an orderly manner, the Executive Member hereby classifies businesses and trades and demarcates trading areas in the County as provided in these Regulations.

(2) In accordance with and pursuant to Section 15 of the Act, the Executive Member hereby designates the businesses and trades in the First Schedule to these Regulations as the classes of trades and businesses that may be licensed to be conducted in the County.

Designated Trading Centers

7. (1) In accordance with section 16 of the Act, the Executive member hereby designates, as trading areas in the County, the areas stated in the Second Schedule to these Regulations.

(2) Trading and or business licenses in the County shall be issued and classified in accordance with the designation and classification of trades and businesses under (2).

Fees and charges

8. (1) The fees chargeable in respect of the different classes of trade and businesses carried on in the County are hereby specified in the Third Schedule.

(2) With the approval of the Assembly in the annual County Finance Act, the Executive Member may, from time to time, vary or amend the fees and charges specified in the Third Schedule.

Prohibition

9. (1) In accordance with Section 15 of the Act, the classes of trades and businesses classified in these Regulations shall only be carried out and conducted in the area zoned for such businesses or trades in the designated trading areas in the Second Schedule to these Regulations.

(2) A person who contravenes (1) above commits an offence and shall be liable, upon conviction, to a fine not exceeding Kenya Shillings One Hundred Thousand (KSh. 100,000) or to a term of imprisonment not exceeding one year or to both such fine and term of imprisonment.

Zoning of classes of businesses within a trading area

10. (1) The Executive Member shall, in every trading area, establish zones indicating what class of business may be carried on or conducted in such zones and no person may establish, carry on or conduct a class of business in an area that is not zoned for that class of business.

(2) Any person who carries on or conducts any class of business or trade in an area that is not a trading area or in a zone in which that class of business or trade is not allowed commits an offence and shall be liable upon conviction to a fine not exceeding Kenya Shillings One Hundred Thousand or to a prison term not exceeding one year or to both.

(3) Upon conviction, any merchandise, tools of trade or other equipment used in the business under this regulation shall be liable to forfeiture to the County and the County Government may dispose of the same to defray any costs incurred.

Closure of business outside designated trading area or zone

11. (1) Any business or trade in which such business or trade is conducted in an area other than a designated trading area or zone shall be liable to closure upon service of a notice of not less than 14 days in Form 1A of the Fourth Schedule.

(2) Any costs reasonably incurred by the Department in closing a trade or business under (1) above shall be borne by the trader.

Prohibition of trade on road reserves

12. Save as otherwise provided in these regulations, no person may conduct or carry on any class of business on a road reserve, sewer lines, riparian land, drainage systems, or public parks.

Designation of areas for street trading and hawking

13. (1) Notwithstanding regulation 18, the Executive Member hereby designates the streets specified in the Fifth Schedule for purposes of street trading and or hawking during the specified times pursuant to section 18 of the Act.

(2) For the purposes of this regulation, the Executive Member may, by prior notice of not less than seven (7) days, close a street or part of a street to enable the carrying out of street trading.

Streets, days and times of street trading

14. (1) No person may conduct trade or undertake any business under Regulation 19 on a street or a day or time or in respect of a class of business other than as specified in the Fifth Schedule.

(2) Where a license or permit has been granted to conduct or carry on business on any road or street in the County, the person to whom such a license or permit has been granted shall ensure that the place where he or she carries on or conducts such business remains environmentally clean and healthy both during and after he or she closes that business.

PART V—ESTABLISHMENT OF PUBLIC MARKET MANAGEMENT COMMITTEES

Designation of Public Markets

15. (1) Pursuant to and in accordance with section 19 of the Act, the Executive Member hereby designates the places in the Sixth Schedule of these Regulations as the designated public markets in the County.

(2) By a notice in the Gazette, the Executive Member may, in consultation with the Committee and the Forum and with the approval of the County Executive Committee and the Assembly vary or amend the Sixth Schedule.

Functions of the Markets Management Committees

16. In addition to its responsibilities set out in section 21 of the Act, a Market Management Committee shall have the following responsibilities—

- (a) allocating trading space within the public market;
- (b) ensuring a clean and healthy environment in and around the public market;
- (c) liaising with the Executive Member and the Department to provide essential services and utilities to the public market;
- (d) ensure that the users meet the cost of services and utilities;
- (e) ensuring that no illegal or immoral activities go on in the market;
- (f) liaising with security agencies to ensure law and order and a safe environment for conducting trade;
- (g) ensuring that allocated market space or stalls are effectively used by those allocated.

Appointment to Market Management Committee

17. (1) A Market Management Committee is composed of:

- (a) a chairperson, who shall be elected by the licensed traders in the market;
- (b) the village administrator, of the village within which the market is situate who shall be the secretary of the Committee;
- (c) the assistant chief or his or her appointee of the sub location within which the public market is situate;
- (d) four representatives of the Public Market traders, one each to represent the youth, women, persons with disability and men;

- (e) a representative of the Department responsible for public health as may be designated by the Executive Member responsible for Health;
- (f) a representative of the Department responsible for trade as may be designated by the Executive Member responsible for Trade;
- (g) a revenue collector designated by the County Receiver of Revenue;
- (h) a representative of the Department responsible for urban development as may be designated by the Executive Member responsible for urban development;

(2) The chairperson and members of the Markets Management Committee referred to in (1)(d) above shall serve for a term of two years, renewable once.

Allocation of trading space and or stalls

18. (1) Subject to (2) of this regulation, the allocation of trading space or stalls in a public market shall only be by way of ballot.

(2) Before the commencement of the balloting process, the Markets Management Committee shall reserve not more than a third of the spaces and or stalls available for allocation for persons living with disability, youth and women.

(3) In allocating trading space and or stalls within a public market, the Market Management Committee shall receive applications there-for and allocate a balloting number to each application. The Market Management Committee shall charge each applicant an administrative fee.

(4) Not less than fourteen (14) days before the balloting date, a list of the names of the applicants for trading spaces and or stalls in a public market together with the ballot numbers allocated to the them shall be prominently displayed for inspection on the notice board of the public market and at the offices of the Village and the Ward Administrators where the public market is situate.

(5) The balloting for trading space and or stall in a public market shall be conducted in the open on the date previously announced not being less than fourteen (14) days before the date of balloting and at which the public shall be invited to witness.

(6) The winning ballots shall be picked randomly from one receptacle that shall be mixed after every pick and the ballot picked announced and displayed to the public.

(7) The procedure set out in paragraphs (3) to (6) shall apply with necessary modifications to reserved or forfeited spaces and or stalls.

Occupation and Forfeiture of allocated space or stall

19. (1) Spaces or stalls in a public market shall only be used for the purposes of the class of trade or business licensed and any allocated market space or stall:

- (a) that is not occupied and used by the allottee for trade for a period of three months or more; or
- (b) in respect of which the allottee has defaulted in the payment of rent for a period of three months or more; or
- (c) which the allottee has assigned or sublet to a third party without the written consent of the Market Management Committee; or
- (d) in respect of which the allottee has contravened any provision of the Act or these regulations; or

- (e) In respect of which the allottee is in breach of a term and condition of allotment the allotment shall be forfeited and the Market Management Committee may re-allocate.

Rent and utility charges

20. (1) Successful allottees shall pay the rents in advance as specified in Part B of the Third Schedule as and when they fall due.

(2) An allottee of a market stall or space shall be responsible for payment of their own water, sewerage and other utility charges.

(3) Where the utilities in a public market are shared, every allottee and occupier of a market space or stall shall contribute towards the payment of the charges.

(4) The Market Management Committee shall be responsible for payment of water, sewerage and electricity bills in respect of public toilets in the market for which the Market Management Committee may charge separately.

PART VI— STANDARDS FOR DEMARCATION, ESTABLISHMENT AND CLASSIFICATION OF BUSINESSES AND LICENCES

Variation and amendment of classes of licenses

21. Where it is deemed necessary, the Executive Member may, with the approval of the County Executive Committee, vary or amend the classes of licenses in the First Schedule.

Establishment, variation and amendment of parks and zones

22. (1) With the approval of the County Executive Committee, the Executive Member shall consult and cooperate with the relevant agencies and institutions of the national level of government and establish and designate, within the County, areas as industrial, technology and incubation parks and or Export Processing, special economic or services zones.

(2) Whenever it is deemed to be in the interest and benefit of the County and its people, with the approval of the County Executive Committee, the Executive Member may consult and cooperate with development partners and other stake-holders to establish and designate, within the County, areas as industrial, technology and incubation parks and or Export Processing, special economic and services zones.

(3) In consultation, cooperation and collaboration with the Committee, the Forum, development partners, the relevant National Government agencies and the public, the Executive Member may, with the approval of the County Executive Committee and the Assembly, vary or amend, as the case may be—

- (a) the classification of businesses or trade;
- (b) the demarcation or designation of trading areas;
- (c) the designated markets;
- (d) the fees or other charges specified in the Schedules;
- (e) the designation of areas as industrial, technology and incubation parks and or Export Processing Zones, special economic and services zones.

Matters to be taken into account and criteria for establishment, amendment and variation of parks and zones

23. In establishing, varying or amending the classification of a business or trade, demarcation of trading areas and the designation of areas as industrial, technology and incubation parks and or Export Processing, special economic and services zones, the Executive Member shall ensure conformity with County Spatial plan; and take into account the—

- (a) the economic structure of the County and need to transform and diversify the economy;
- (b) geographical location thereof and the need for equitable development in the County;
- (c) need for public participation and consultation;
- (d) need for proximate and easily available delivery of services;
- (e) geographical distribution of public markets;
- (f) need for equitable distribution of economic opportunities in the County;
- (g) proximity to the next nearest public market;
- (h) transport and communication infrastructure and accessibility; and
- (i) local economic activities and the merchandise likely to be traded in.

PARTVII— GOODS AND SERVICES FOR TRADE IN PUBLIC MARKETS

Quality of goods offered for trade in the County

24. (1)The Executive Member shall, in collaboration with the National standards and quality agencies, ensure that all goods and services traded and offered for sale in the County are of quality and meet all the set standards in Kenya.

(2) Any goods prohibited under this regulation found in the County shall be liable to forfeiture and destruction.

Offence to trade in substandard goods

25. (1)No person may sell or offer to sale in the County counterfeit, substandard, explosive or dangerous goods or goods prohibited under any law applicable in Kenya.

(2) A person who contravenes (1) above commits an offence and shall, upon conviction, be liable for a fine not exceeding Kenya shillings One Million or to a term of imprisonment not exceeding 3 years or to both such fine and term of imprisonment.

PART VIII—TRADE LICENCING PROCEDURES

Licenses to be based on classes of trades and businesses

26. Trading and or business licenses in the County shall be issued and classified in accordance with the designation and classification of trades and businesses under First Schedule.

Form of application for license

27. Any person intending to establish or carry out a business or trade in the County shall first make an application to the Executive Member in that respect in the prescribed Form 1B in the Fourth Schedule.

Content of the application for license

28. The application shall contain—
- (a) a confirmation that the applicant has complied with all the requisite regulatory requirements pertaining to the business or trade in respect of which the application is made and obtained all the certificates in respect thereof;
 - (b) an undertaking that business or trade in respect of which it is made shall be carried out only in a designated trading area; and
 - (c) evidence that property rates in respect of the premises in which the business or trade is to be carried on have been paid.

Issuance of a License

29. (1) On receipt of the application and upon being satisfied that the application fees as prescribed in Part A of the Third Schedule have been paid, the Executive Member shall consider the application and approve or reject the application.

(2) If the Executive Member approves the application he or she shall issue or cause to be issued a license to the applicant, upon payment of the fees or charges prescribed in Part B of the Third Schedule in respect of such business of the class applied for.

(3) The Executive Member shall only issue or cause to be issued a license as provided in this Regulation if satisfied that—

- (a) the application meets the criteria for issuance of the license to undertake the class of business or trade applied for;
- (b) the business or trade is to be undertaken or conducted in a designated trading area and zone for that class of business or trade;
- (c) property rates in respect of the premises in which the business or trade is to be carried on have been paid; and
- (d) Fire safety inspection certificate issued.

Form of the license

30. (1) A license issued under Regulation 36 shall be in the Form 1D in the Fourth Schedule with such variations as may be demanded by the nature or class of business.

(2) No license may be issued in respect of a trade or business unless the applicant has proved that the trade or business has complied with existing public health, building approvals, occupational health and other regulatory requirements.

Limitation of license

31. Except as otherwise provided in these Regulations, a person to whom a license has been issued shall be authorized to only engage in the trade and carry out the business of the class specified in the license and at the premises indicated and not any other place.

Amendment of licensing fees

32. The prescribed fees as specified in the Third Schedule may be amended from time to time by the relevant County Finance Act.

Transfer of place of business

33. A person to whom a license has been issued for the business of the class or the premises specified, may in prescribed Form 2 of the Fourth Schedule, and upon payment of the fees prescribed therefore in Part A of the Third Schedule apply to the Executive Member to transfer or vary the place of business but not the type or class of business.

Certificate of transfer of designated area of business

34. (1) Where the Executive Member approves the application for transfer or variation of a designated area of trade or business under Regulation 40, he or she shall, on payment of the fee prescribed in Part C of the Third Schedule, issue to the applicant a certificate of transfer in Form 2B of the Fourth Schedule.

(2) No person may carry on a business or undertake a trade in any place other than the place designated in the license.

Prohibition of trade or business located outside a designated trading area

35. No license may be issued in respect of trade or business located outside a designated trading area.

Display and inspection of trading licenses

36. A license issued in accordance with these Regulations shall be prominently and conspicuously displayed in the place of business and shall be open to inspection by an authorized officer at any time when the business is in operation.

Appointment and identification of licensing officers

37. (1) A licensing officer, working under these Regulations and the Act, shall be appointed and gazzetted by the Executive member.

(2) The Licensing officer shall be issued with a badge and a certificate of identification as a licensing officer duly signed by the Executive Member and the licensing officer shall be required to produce the same upon demand.

(3) The certificate of identity referred to 2 shall be in Form 3 of the Fourth Schedule.

PART VIII — STREET TRADING AND HAWKING BUSINESS

Restriction on street trading and hawking

38. (1) Except as provided otherwise in the Act or these Regulations, no person shall conduct business as a hawker on any street or other place in the County.

(2) A person intending to carry on trade or conduct business as a hawker shall make an application to the Licensing Authority in the prescribed Form 1C in the Fourth Schedule and specify the designated trading area or market where and the type of merchandise in which he or she intends to engage.

(3) On receipt of the application for a hawking license, the licensing authority, If satisfied that a hawking license may issue a hawking license to the applicant upon such terms and conditions as shall be stated therein as to the general environmental cleanliness and health, law and order and other considerations.

Manner and conduct of street trading and hawking

39. (1) A person conducting hawking business shall be required to keep in motion and shall not stand or remain in one position on a street or other place for a period exceeding five minutes.

(2) A person conducting hawking business or trade shall not carry out any such business or trade in front of a designated place of business, trade or shop for any time.

(3) Any person who contravenes the provisions of this Part commits an offense and shall, upon conviction unless some other penalty is provided be liable to—

- (a) forfeiture of trade ware or merchandise in and with which he or she may be engaged in trade or business;
- (b) a fine not exceeding Kenya shillings Twenty Thousand;
- (c) a term of imprisonment not exceeding six months or;
- (d) such fine and term of imprisonment as stated in sub regulation 3(b) and (c).

PART IX—MISCELLANEOUS PROVISIONS

Right of appeal

40. Any person desirous of appealing against the decision of a licensing officer in accordance with S.36(1) of the Act shall appeal to the Executive Member by lodging an appeal in that regard in writing in the English or Kiswahili language within seven days of the decision of the licensing officer.

Content of the appeal

41. (1) The appeal shall concisely state—

- (a) the grievance against the decision of the licensing officer;
- (b) the capacity or legal status upon which the grievance is made;
- (c) the concise reasons upon which the appeal is made; and
- (d) The relief sought.

(2) On lodging the appeal, the appellant shall at the same time pay the fees prescribed in Part D of the Fourth Schedule in respect of the appeal.

Time of hearing the appeal

42. On receipt of the appeal, the Executive Member or the Executive member in the relevant department shall set a date for a hearing of the appeal which shall not be later than forty five days after receipt of the appeal.

Decision of the Executive Member

43. The Executive Member or relevant Executive Member as the case may be, shall hear and determine the appeal—

- (a) in accordance with substantial justice without due regard to technicalities;
- (b) make a decision thereon; and
- (c) notify the appellant of the decision within seven days of the hearing.

Reference to the High Court.

44. A person dissatisfied with the decision of the Executive Member or relevant Executive Member with regard to any matter under this Act or the Regulations may within twenty one days appeal to the High Court.

FIRST SCHEDULE

CLASSES OF BUSINESSES AND TRADES

(r.12(2))

- (i) Industrial and Manufacturing.
- (ii) Wholesale and retail.
- (iii) Hospitality, tourism and entertainment.
- (iv) Bars, hotels and restaurants.
- (v) Education and training.
- (vi) Transport.
- (vii) Agribusiness.
- (viii) Health services..
- (ix) Cemetery and Crematoria.
- (x) Jua kali.
- (xi) Fresh produce and Groceries.
- (xii) Fish and fish product markets.
- (xiii) Abattoirs, slaughter house slabs and Butcheries.
- (xiv) Spa centres.
- (xv) Professional and consultancy services.
- (xvi) Banking and Financial Services.
- (xvii) Parking zones.
- (xviii) Car bazaars.
- (xix) Timber yards
- (xx) Hardware stores.
- (xxi) Warehousing.
- (xxii) Mtumba stores.
- (xxiii) Auction rings.
- (xxiv) Advertisement and promotions.
- (xxv) Mobile wholesalers and retailers.
- (xxvi) Building and construction.
- (xxvii) Quarrying and mining.
- (xxviii) Market space/stall rent.
- (xxix) Garbage collection.
- (xxx) Petroleum products (not on transit).
- (xxxi) Shooting films.
- (xxxii) Car wash.

SECOND SCHEDULE

TRADING AREAS IN THE COUNTY

(reg. 13)

1. Classification of Businesses and trades in towns within the county—
 - (i) Industrial and Manufacturing-K.I.E.
 - (ii) Wholesale and retail-CBD or other.
 - (iii) Hospitality, tourism and entertainment-CBD or other.
 - (iv) Bars, hotels and restaurants-CBD or other.
 - (v) Education and training-Alupe.
 - (vi) Transport.
 - (vii) Agribusiness.
 - (viii) Health services.
 - (ix) Cemetery and Crematoria.
 - (x) Jua kali.
 - (xi) Fresh produce and Groceries.
 - (xii) Fish and fish product markets-In designated market areas.
 - (xiii) Abattoirs, slaughter house slabs and Butcheries.
 - (xiv) Spa centres-CBD or other.
 - (xv) Professional and consultancy services-CBD.
 - (xvi) Banking and Financial Services-CBD.
 - (xvii) Parking zones-Outside CBD in Mundika, old airstrip,Ikapolok(Trailer parks), Bus park-CBD.
 - (xviii) Car bazaars-CBD or other.
 - (xix) Timber yards-KIE.
 - (xx) hardware stores-CBD.
 - (xxi) Warehousing-Near the border point.
 - (xxii) Mtumba stores.
 - (xxiii) Auction rings-Within designated market areas.
 - (xxiv) Advertisement and promotions.
 - (xxv) Mobile wholesalers and retailers-CBD or other.
 - (xxvi) Building and construction-Away from CBD.
 - (xxvii) Quarrying and mining-Outside the CBD in the rural areas.
 - (xxviii) Market space/stall rent-Within designated markets.
 - (xxix) Garbage collection-Alupe.
 - (xxx) Petroleum products (not on transit)-Mundika.
 - (xxxi) Shooting films.
 - (xxxii) Car wash-Behind Itoya Annex near market.

PART C (r.41)

FEES PAYABLE ON TRANSFER OF BUSINESS OR VARIATION OR TRANSFER
OF A PLACE OF BUSINESS

1. A fee of 10% of the license fee is payable on transfer or assigning a business or Trade License to another person or moving a business from one location to another.

PART D

(r.49(2))

Payable fees and charges on various appeals

Fees on lodging of an appeal to the Executive Member.....	KSh. 3,500.00
Making One copy of the appeal.....	KSh. 500.00
Providing a copy of the Judgment or decision.....	KSh. 500.00

THIRD SCHEDULE
FORMS (r. 17, 34, 49)

Form 1 A

NOTICE OF CLOSURE OF BUSINESS

(r.17)

ToDate.....
 (Name of the business person or business name)
 ID Number.....KRA Pin number.....
 Postal address

Telephone Number.....Email address.....

Type or class of business.....

Physical address of the premises where the applicant intends to carry out or conduct
 business

Sub-
 County.....Ward.....Village.....

Trading Area

User / Zone.....

Building name if any

Parcel No..... (Attach copy of Title or any ownership document)

Registered Owner

Street name

Town/City

TAKE NOTICE THAT With effect from.....(date) the license for
 your business of(class of business) carried on at the
 premises mentioned above has been revoked for the following reasons (state the reasons)

.....
 .

This notice serves to require you to forthwith cease your operations of and close the said
 business or trade immediately. TAKE FURTHER NOTICE THAT should you not
 comply herewith you will be in contravention of (Specify the
 section of the Act or the regulation breached) of the Trade Act/ Regulations and liable to
 prosecution

Signed

Authorized officer (Chief Officer of Trade)

FOURTH SCHEDULE
FORMS (r. 17, 34, 49)
APPLICATION FOR A TRADE OR BUSINESS LICENSE

Form 1 B

(r. 34)

Application No. Date

APPLICATION FOR A LICENCE

(A separate application form must be completed in respect of each separate business establishment)

1. Name business/applicant

(a) Income Tax Personal Identification Number(s) (PIN) (Not for new businesses)

(b) Postal address

(c) Location of business premises:

Plot No Street/Market

..... Town/Sub County

2. Give full details of proprietors or partners owning business or directors/shareholders of company, as the case may be.

<i>Name</i>	<i>Nationality (Where applicable)</i>	<i>No. of shares held</i>

(any additional information should be submitted on a separate sheet of paper)

3. Full description of the business/manufacturing for which a licence is required

4. (a) Indicate the number and date of issue of any licence previously held under the Act

(b) Give the date of commencement of the business and the period for which the licence is now being applied for (not exceeding three (3) years)

5. State if you are or any of the partners/directors is an undischarged bankrupt. (If so, indicate the names)

6. (a) Has any previous application for a licence been rejected under the Act? (If so, give details.

(b) Has any previous licence been cancelled under the Act?

8 (a) Copies of the following documents should be submitted with the Application for a licence—

- (a) If the applicant is Kenyan, a copy of both side of ID/card or if a non-Kenyan current work permits together with copies of pages 1 to 5 of the passport;
- (b) A non-Kenyan shall produce a suitable identification document (for instance ID card of his country or any other acceptable document in lieu of a work permit or passport)—
 - (i) Relevant entry permit(s) for non-citizens;
 - (ii) either—
- (c) Business name Registration Certificate or
- (d) Certificate of Incorporation and Memorandum and Articles of Association in case of a company (whichever is applicable);
- (e) Lease agreement or letter from landlord confirming tenancy/compliance;
- (f) Relevant copies of—
 - (i) Public health;
 - (ii) Fire;
 - (iii) Environment;
 - (iv) Police.

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 24 of the Trade Licensing Act to give false information in support of any application.

Name of applicant

Signature

Designation

Date

FOR OFFICIAL USE ONLY

Recommendation-Application for licence is approved/rejected.

Fee payable as follows:

.....

Licence to be issued in the name of

.....

In respect of premises situated at Plot No

Street/Market

Town/Sub-County

Receipt No. Fee paid Ksh

(In words KSh.)

Date issued

Issuing officer (Director)

Signature

Sub-County.....

Date

Licence No Date of expiry

Place of issue Date issued

Special authorization/under section 5 of the Act.

.....

Authorizing Officer (Chief Officer for Trade)

Signature

Sub-County

Date

APPLICATION FOR STREET TRADING LICENSE

(r.46)

Form 1C

APPLICATION FOR A STREET OR HAWKERS PERMIT

Application No..... Date

(A separate application form must be completed in respect of each separate business establishment)

7. Name business/applicant

.....

(a) Income Tax Personal Identification Number(s) (PIN) (Not for new businesses)

.....

(b) Postal address

(c) Street/Market

..... Town/Sub County

(d) The Directorate of Criminal Investigations Certificate of Good Conduct
(Attach copy)

8. Give full details of proprietors or partners owning business or directors/shareholders of company, as the case may be.

<i>Name</i>	<i>Nationality (Where applicable)</i>	<i>No. of shares held</i>

(Any additional information should be submitted on a separate sheet of paper)

9. Full description of the business for which a hawkers permit is required:

(a) Give the nature of merchandise or wares to be traded in:.....

(b) The trading area in which it is intended to conduct the business:

(c) . The road or street where and the days and times when it is proposed to trade:

(d)T
he receptacles to be used to collect and dispose of solid waste and litter to the
County waste management system

(e)I
n the case of trade in food and consumable products a health certificate.....

.....

10. (a) Indicate the number and date of issue of any permit previously held under the Act.

.....

.....
(b) Give the date of commencement of the business and the period for which the permit is now being applied for (not exceeding one (1) year)

.....
11. (a) Has any previous application for a permit been rejected under the Act? (If so, give details).....

.....
(b) Has any previous permit been cancelled under the Act?

.....
8 (a) Copies of the following documents should be submitted with the Application for a licence—

(g) If the applicant is Kenyan, a copy of both side of ID/card or if a non-Kenyan current work permits together with copies of pages 1 to 5 of the passport;

(h) A non-Kenyan shall produce a suitable identification document (for instance ID card of his country or any other acceptable document in lieu of a work permit or passport) —

(i) Relevant entry permit(s) for non-citizens;

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 24 of the Trade Licensing Act to give false information in support of any application.

Name of applicant

Signature

Designation

Date

FOR OFFICIAL USE ONLY

Recommendation-Application for permit is approved/ rejected.

Fee payable as follows:

.....
Permit to be issued in the name of

.....
In respect of premises situated at Plot No

Street/Market

Town/Sub-County

Receipt No. Fee paid Ksh

(In words KSh.)

Date issued

Issuing officer (Director of Trade)

Signature

Sub-County.....

Date

Permit No Date of expiry

Place of issue Date issued

Special authorization/under section 5 of the Act.

.....

.....

.....

Authorizing Officer (Chief Officer for Trade)

Signature

Sub-County

Date



Form 1D
Form of Licenses and permit
TRADE LICENSE



COUNTY GOVERNMENT OF BUSIA GRANTS THIS LICENSE TO:

Business I.D No.	Business Name	
Certificate of Registration No./I.D No.	Pin No	VAT No

To engage in the activity/business/profession or occupation of:

<i>Business Activity Code & Description</i>	<i>Detailed Activity Description</i>

Having paid a license fee of:

--

KSh. (In Words):

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

P.O BOX	Postal Code	Postal Town	Physical Address Plot No:
Telephone No 1	Telephone No 2	Fax	E-mail:

Validity period:

Date of issue..... Date of expiry.....

.....
Name of the officer issuing the license:

.....
(Director of Trade)

.....
Signature and stamp

COUNTY GOVERNMENT OF BUSIA

.....
Name of the officer authorizing the license:

(Chief Officer for Trade)

Signature and stamp

COUNTY GOVERNMENT OF BUSIA

NOTICE: Please note that this issuance of this license does not exempt the owner from compliance with the COUNTY GOVERNMENT OF BUSIA legislations and any other written law.

APPLICATION FOR TRANSFER OR VARIATION OF PLACE OF BUSINESS OR TRADE

Form 2 A (r.40)

Application NoDate

(To be filled by an Applicant for a Trade or Business License)

PART 1: DETAILS OF THE APPLICANT

Full names of the applicant

ID Number..... KRA Pin number.....

Postal address

Telephone Number..... Email address.....

Type or class of business.....

The physical address of the current business

Sub County.....Ward.....Village.....

Trading Area

User / Zone

Building name if any

Parcel No..... (Attach copy of Title or any ownership document)

Registered Owner

Street name

Town/City.....

The proposed physical address of the business.....

Sub County.....Ward.....Village.....

Trading Area

User / Zone

Building name if any

Parcel No..... (Attach copy of Title or any ownership document)

Registered Owner

Street name.....

Town/City

State whether or not it is proposed to vary the class or type of business and give details

.....

.....

What is the property wholly or mainly used for? (Please specify all uses including those of other occupiers if any)

.....
.....
What has the property been used for in the last previous five years immediately before the application? (Give details)

.....
.....
.....

What is the estimated distance from educational and health institutions

.....

Compliance with regulatory requirements in respect of the particular business or trade.....(t

Have rates in respect of the property been paid?(Provide evidence)

PART II: DECLARATION

I declare on behalf of
(The organization name) that all the information given above and to support the application is to the best of my knowledge, true, accurate and complete. If waiver or discount of interest is granted, I undertake to liquidate the entire amount of rates in arrears or in accordance with such terms and conditions as the County Executive Committee Member in charge of lands may impose.

Signature.....

Name (in CAPITALS)

Capacity in which signed

Date signed.....

CERTIFICATE FOR TRANSFER OR VARIATION OF PLACE OF BUSINESS OR
TRADE

FORM 2 B

(r. 41)

CERTIFICATE OF TRANSFER OF BUSINESS OR TRADE LOCATION



COUNTY GOVERNMENT OF BUSIA
GRANTS THIS CERTIFICATE TO

Business I.D No	Business Name	
Certificate of Registration No./I.D /No.	Pin No	VAT No

To transfer the activity/business/profession or occupation from to

Having paid a transfer fee of:

--

KSh. (In Words):

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

P.O BOX	Postal Code	Postal Town	Physical Address Plot No:
Telephone No 1	Telephone No 2	Fax	E-mail:

Validity period.....

Date of issue

Date of expiry

.....
Name of the officer issuing the Certificate

.....
(Director of Trade)

.....
Signature and stamp

COUNTY GOVERNMENT OF BUSIA

.....
Name of the officer authorizing the Certificate:

.....
(Chief Officer for Trade)

.....
Signature and stamp

COUNTY GOVERNMENT OF BUSIA

NOTICE: Please note that this issuance of this certificate does not exempt the owner from compliance with the COUNTY GOVERNMENT OF BUSIA legislations and any other written law.
--

PO BOX PRIVATE BAG BUSIA (K)

(PHOTO)

NAME: JOHN MARK

ID NO: 2020202020

P/NO: 20180077121

DESIGNATION: LICENSING OFFICER

DEPARTMENT: TRADE

SIGN.....

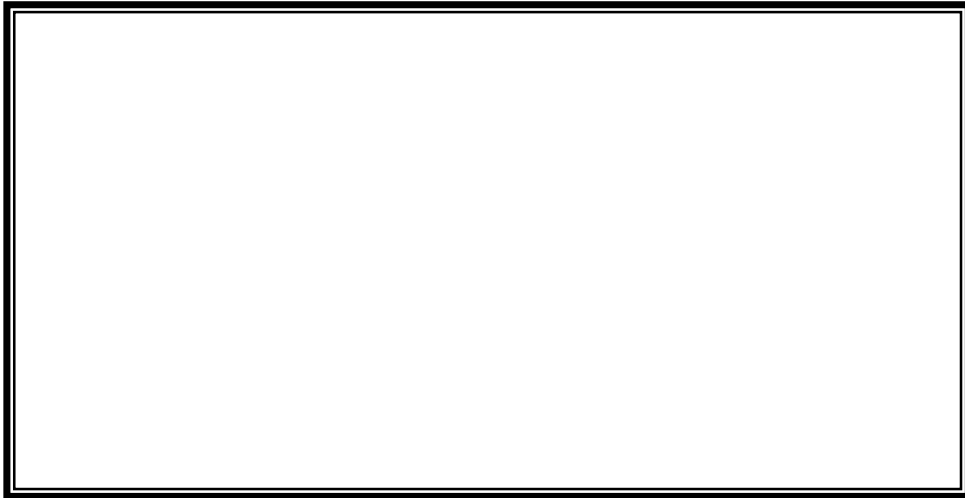
28

Busia County Subsidiary Legislation, 2020

Form 3

CERTIFICATE OF IDENTITY OF A LICENSING OFFICER

(r.44)



N/B The Authorizing officer-(Chief Officer for Trade), County Secretary to sign at the back of the card/certificate

FIFTH SCHEDULE

CLASS OF BUSINESS OR TRADE AND THE STREETS, ROADS AND TIME ON
WHICH STREET HAWKING OR TRADING MAY BE UNDERTAKEN

Regulations 19 and 20

- (a) Busia polytechnic up to YMCA-Monday and Thursdays
- (b) Taxi Park-on Saturdays and Sundays
- (c) Bumala-Funyula road- on Saturdays

SIXTH SCHEDULE

PUBLIC MARKETS

(r. 23)

LIST OF MARKETS

BUDALANG'I SUB-COUNTY

<i>No.</i>	<i>Name of Market</i>	<i>Ward</i>	<i>Market Day</i>
1	Port Main Market	Bunyala West	Friday
2	Mulukoba "A"	Bunyala West	Monday & Thursday
3	Bulemia Market	Bunyala West	No Market Day
4	Sigingi Market	Bunyala West	No Market Day
5	Sisenye Market	Bunyala West	Monday
6	Budalang'i Market	Bunyala North	Wednesday & Saturday
7	Mudembi Market	Bunyala North	Friday & Thursday
8	Namakoli Market	Bunyala North	No Market Day
9	Ruamba Market	Ruamba North	Sunday
10	Siamungu Market	Bunyala Central	No Market Day
11	Nanjomi Market	Bunyala Central	No Market Day
12	Mubwayo Market	Bunyala Central	Tuesday
13	Lugale Market	Bunyala South	No Market Day
14	Maumau(Nambinju) Market	Bunyala South	Saturday
15	Rukala Market	Bunyala South	No Market Day
16	Osieko Market	Bunyala South	Monday & Thursday
17	Magombe Market	Bunyala Central	
18	Makunda Market	Bunyala Central	

LIST OF MARKETS

TESO NORTH SUB- COUNTY

<i>No</i>	<i>Name of Market</i>	<i>Ward Location</i>	<i>Market Days</i>	<i>Current Status</i>
1	Amoni Market	Malaba Central	Wednesday & Sunday	Active
2	Kocholya Market	Malaba South	Monday & Friday	Partially Active
3	Osere Market	Malaba North	Wednesday & Sunday	Not Officially Opened. No Collection Being

				Done
4	Angurai Market	Ang'urai North	Thursday & Sunday	Active
5	Akiriamit Market	Ang'urai North	Thursday & Sunday	Active
6	Changara Market	Angurai East	Wednesday	Not Officially Opened
7	Moding Market	Ang'urai North	No Specific Market Day	No Collection Being Done
8	Chamasiri Market	Ang'urai East	No Specific Market Day	Dormant/Passive
9	Kolanya Market	Ang'urai North	No Specific Market Day	Dormant/Passive
10	Rwatama Market	Ang'urai South	No Specific Market Day	Dormant/Passive
11	Katakwa Market	Ang'urai North	No Specific Market Day	Dormant/Passive
12	Aboloi Market	Ang'urai North	No Specific Market Day	Dormant/Passive
13	Amagoro Market	Malaba Central	No Specific Market Day	Dormant/Passive
14	Awata Market	Malaba North	No Specific Market Day	Dormant/Passive
15	Kekalet Market	Ang'urai South	No Specific Market Day	Dormant/Passive
16	Kakapel Market	Malaba South	No Specific Market Day	Dormant/Passive
17	Kamolo Market	Ang'urai South	No Specific Market Day	Dormant/Passive
18	Osia Market	Ang'urai South	No Specific Market Day	Dormant/Passive
19	Akichelesit Market	Ang'urai South	No Specific Market Day	Dormant/Passive
20	Adumai Market	Ang'urai North	No Specific Market Day	Dormant/Passive
21	Kolait Market	Ang'urai North	No Specific Market Day	Dormant/Passive
22	Keng'atuny Market	Malaba South	No Specific Market Day	Dormant/Passive
23	Apokor Market	North	No Specific Market Day	Dormant/Passive

24	Mwari Market	Ang'urai South	No Specific Market Day	Dormant/Passive
25	Kekemer Market	Ang'urai North	No Specific Market Day	Dormant/Passive

LIST OF MARKETS
BUTULA SUB-COUNTY

<i>No</i>	<i>Name Of Market</i>	<i>Ward Location</i>	<i>Market Days</i>
1	Bumala Market	Marachi West	Saturday
2	Butula Market	Marachi North	Tuesday and Sunday
3	Buhuyi Market	Marachi East	Monday and Thursday
4	Murumba Market	Marachi Central	Thursday and Sunday
5	Oloo Market	Marachi Central	Friday
6	Elugulu Market	Elugulu	Wednesday
7	Shibale Market	Marachi Central	Wednesday
8	Bukhalarire	Marachi Central	
9	Muruka	Marachi North	Thursday
10	Bumutiru	Marachi Central	
11	Tingolo	Marachi North	Daily
12	Chengo	Marachi East	Monday
13	Mauko	Marachi East	Daily Evening
14	Kingandole	Kindandole	

LIST OF MARKETS
TESO SOUTH SUB-COUNTY

<i>No</i>	<i>Name of Market</i>	<i>Ward Location</i>	<i>Market Days</i>
	1. Information Centre 2. Angorom 3. Amerikwai	Angorom	Daily
	4. Adungosi 5. Buteba 6. Kakedi 7. Ongairama 8. Among'ura 9. Okilidu	Chakol South	Monday to Friday

	10. Amaase 11. Okame 12. Ong'aroi 13. Kemodo 14. Ochude 15. Olepito		
	16. Asinge 17. Aterait 18. Apegei 19. Ngelechom 20. Akitesi	Chakol North	Daily
	1. Lukolis 2. Amairo 3. Machakusi	Amukura West	Wednesday, Saturday and Sunday
	1. Amukura 2. Kongurapus 3. Segero 4. Katelenyang 5. Simba-Chai 6. Apokor 7. Obekai	Amukura Central	Tuesday and Friday
	1. Kwang'amor 2. Akobwait 3. Aturet 4. Kotur	Amukura East	Monday and Thursdays

LIST OF MARKETS
SAMIA SUB-COUNTY

<i>No</i>	<i>Name of Market</i>	<i>Ward Location</i>	<i>Market Day</i>
1.	Odiado	Nangina	
2.	Funyula	Nangina	
3.	Siwongo	Nangina	
4.	Luchululo	Nangina	
5.	Namboboto	Namboboto/Nambuku	

6.	Ganjala	Namboboto/Nambuku	
7.	Nambuku	Namboboto/Nambuku	
8.	Mulwanda	Namboboto/Nambuku	
9.	Buradi Market	Namboboto/Nambuku	
10.	Mundaya Market	Namboboto/Nambuku	
11.	Mulukhoni	Agenga Nanguba	
12.	Sio Port	Agenga Nanguba	
13.	Sio Port Beach	Agenga Nanguba	
14.	Muramba	Agenga Nanguba	
15.	Sigalame Market Signpost	Agenga Nanguba	
16.	Rumbiye	Agenga Nanguba	
17.	Buduta	Agenga Nanguba	
18.	Mumbaka	Agenga Nanguba	
19.	Bukiri	Bwiri	
20.	Ganga	Bwiri	
21.	Bumbe	Bwiri	
22.	Namuduru	Bwiri	
23.	Busijo Market	Bwiri	
24.	Busijo Beach	Bwiri	
25.	Nyamila Market	Bwiri	
26.	Nabuganda	Bwiri	

LIST OF MARKETS
NAMBALE SUB-COUNTY

<i>No</i>	<i>Name Of Market</i>	<i>Ward - Location</i>	<i>Market Day</i>
1	Nambale	Township	Tuesday/Saturday
2	Tangakona	Township	Monday/Thursday
3	Mungatsi	Bukhayo East	Monday/Friday
4	Buyofu	North/Walatsi	Thursday
5	Esibembe	Central	Thursday
6	Malanga	Central	Daily Evening
7	Lupida	North/Walatsi	Daily Evening
8	Kisoko	Township	Daily Evening

9	Elwanikha	Bukhayo East	Daily Evening
10	Namisi	Central	Daily Evening
11	Musokoto	Khwirale/Walatsi	Daily Evening

LIST OF MARKETS
MATAYOS SUB-COUNTY

<i>No</i>	<i>Name of Market</i>	<i>Ward Location</i>	<i>Market Days</i>
1.	Soko Posta	Burumba	Mondays and Thursdays
2.	Mundika	Bukhayo West	Tuesdays and Fridays
3.	Matayos	Matayos South	Wednesdays
4.	Kasarani	Burumba	Daily
5.	Mayenje	Mayenje	
6.	Mabale	Mayenje	
7.	Matope	Burumba	
8.	Busibwabo	Busibwabo	
9.	Rakite	Matayos South	
10.	Nasira	Busibwabo	
11.	Budokomi	West	
12.	Munongo	West	
13.	Bulanda	Mayenje	

Made on the 30th June, 2020.

JUDITH AWINO MAKETSO,
*County Executive Committee Member for Trade,
Investment, Industry and Co-operatives.*