

**SPECIAL ISSUE**

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REPUBLIC OF KENYA

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***KENYA GAZETTE SUPPLEMENT***

**MIGORI COUNTY BILLS, 2025**

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**NAIROBI, 31st October, 2025**

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**THE MIGORI COUNTY TRADE LICENSING (REPEAL) BILL,  
2025**

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*Clause*

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**THE MIGORI COUNTY TRADE LICENSING (REPEAL) BILL,  
2025**

**A Bill for**

**AN ACT of the County Assembly of Migori to repeal the Migori County Trade Licensing Act, 2016; to vest the function of trade licensing in the Migori County Revenue Authority; to provide for the issuance, renewal, suspension and cancellation of trade licenses; and for connected purposes.**

**ENACTED** by the County Assembly of Migori, as follows—

**PART I—PRELIMINARY**

**Short title**

1. This Act may be cited as the Migori County Trade Licensing (Repeal) Act, 2025 and shall come into force after publication in the *Gazette*.

**Interpretation**

2. In this Act, unless the context otherwise requires—

“approved form” means a form set out in the Schedule to this Act or, where not so provided, a form approved by the County Assembly;

“Authority” means the Migori County Revenue Authority established under the Migori County Revenue Authority Act, 2025;

“Board” means the County Revenue Board established under the Migori County Revenue Authority Act, 2025 and responsible for the Governance and Oversight of the Authority;

“business” means any profession, trade, occupation, or activity carried out for gain within the County, whether on a permanent, temporary, or occasional basis, and includes any activity prescribed under this Act, but excludes any activity expressly exempted under this Act or any other written law;

“Constitution” means the Constitution of Kenya, 2010;

“County” means Migori County established under Article 176 of the Constitution;

“County Assembly” means the County Assembly of Migori established under Article 176 of the Constitution;

“County Executive Committee Member” or “County Executive Committee Member for Finance” means the County Executive Committee Member responsible for Finance and the County Treasury in accordance with the Constitution and the Public Finance Management Act, 2012;

“County Government” means the County Government of Migori as established under Article 176 of the Constitution and the County Governments Act, 2012;

“County Receiver of Revenue” or “receiver of revenue” means the person designated as such under section 157 of the Public Finance Management Act, 2012;

“County Revenue Fund” means the Fund established under Article 207 of the Constitution and section 109 of the Public Finance Management Act, 2012;

“Director of Revenue” means the officer appointed under section 20 of this Act and responsible for the day-to-day administration and management of revenue services under the Authority;

“holder”, in relation to a trade licence, means a person to whom a trade licence is granted under this Act;

“licence” or “trade licence” means a licence issued under this Act authorizing a person to engage in a business within the County;

“licence fee” means the prescribed fee payable for the grant, renewal, variation, transfer, or replacement of a trade licence;

“prescribed” means prescribed by this Act or by regulations made under this Act;

“revenue” means all rates, fees, taxes, charges, levies, and other monies payable to the County Government under any revenue law, and includes all interest, penalties, and other accruals arising therefrom;

“revenue law” means any Act of the County Assembly, national legislation, or subsidiary legislation providing for the imposition, collection, and administration of revenue payable to the County Government;

“revenue payer” means a person, whether natural or juristic, who is liable to pay a rate, fee, tax, levy, or charge to the County Government under a revenue law;

“tax” means property rates, entertainment tax, fees, levies, charges, or any other form of taxation which the County is authorized to impose under Article 209 of the Constitution or an Act of the County Assembly, and includes any penalties, interest, or other amounts payable thereon.

### **Object and Purposes of the Act.**

3. The objects and purposes of this Act are to—

- (a) establish a coherent, transparent and accountable framework for the licensing of businesses within the County;

- (b) promote voluntary compliance with revenue laws and enhance efficiency, effectiveness and equity in the collection of revenue by the County Government; and
- (c) safeguard the public interest by ensuring that licensed businesses comply with applicable health, safety, environmental and regulatory standards.

### **Values and Principles**

4. The implementation of this Act shall be guided by the following values and principles—

- (a) equity and fairness in the administration of trade licensing and revenue collection;
- (b) transparency and accountability in decision-making and in the use of public resources;
- (c) proportionality in the imposition of licence fees and related charges, ensuring they are commensurate with the nature and scale of the business;
- (d) efficiency and effectiveness in the issuance, renewal and management of trade licences;
- (e) public participation and inclusiveness in the formulation of regulations, policies and schedules relating to trade licensing;
- (f) integrity and good governance in all matters relating to trade licensing and revenue administration;
- (g) sustainability and environmental responsibility in the conduct of licensed business activities; and
- (h) adherence to the national values and principles of governance under Article 10 of the Constitution and the principles of public finance under Article 201 of the Constitution.

## **PART II — LICENSING REQUIREMENTS**

### **Requirement for a Trade Licence**

5. (1) A person shall not carry on a business within the County unless that person is the holder of a valid trade licence issued under this Act.

(2) A person who contravenes sub-section (1) commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding three months, or to both.

**Application for a Trade Licence**

6. (1) An application for a trade licence shall—
- (a) be made to the Authority in the prescribed form;
  - (b) contain such particulars and be accompanied by such documents as may be prescribed;
  - (c) be accompanied by the prescribed application fee; and
  - (d) be signed, whether manually or electronically, in the manner prescribed.

(2) The Authority may, prior to determining an application, require the applicant to furnish such additional information or documents as it considers necessary.

(3) An application fee paid under this section shall be non-refundable.

**Liaison with the Directorate of Trade and Markets**

7. (1) In considering an application for a trade licence under this Act, the Authority shall liaise with the Directorate of Trade and Markets for the purposes of—

- (a) ensuring that the application is consistent with the County's trade and market development policies and plans;
- (b) verifying compliance with sector-specific requirements, including health, safety, environmental and market regulations; and
- (c) avoiding duplication or conflict between the licensing and regulatory functions of the County Government.

(2) The Authority and the Directorate of Trade and Markets shall establish and maintain a framework for coordination, information sharing, and consultation in the administration of trade licensing under this Act.

**Liaison with other Relevant Departments.**

8. (1) In the performance of its functions under this Act, the Authority shall liaise with any other County department, agency, or statutory body where such liaison is necessary for the issuance, renewal, or administration of a trade licence.

- (2) The liaison under sub-section (1) shall include—
- (a) verification of compliance with sector-specific regulations administered by the relevant department or agency;

- (b) obtaining approvals, clearances, or certificates required under any law or regulation before the grant or renewal of a trade licence; and
- (c) coordinating and sharing relevant information to ensure efficient and lawful processing of licence applications.

(3) The Authority and the relevant departments or agencies shall establish and maintain a framework for consultation, coordination, and information sharing to facilitate the effective administration of trade licenses.

### **Grant of a Trade Licence**

9. (1) The Authority shall grant a trade licence if it is satisfied that—

- (a) the applicant has complied with all applicable laws relating to health, hygiene, safety, environmental and other regulatory requirements; and
- (b) the prescribed licence fee has been paid to the County Revenue Fund.

(2) A trade licence shall be issued in the prescribed form and may be subject to conditions as the Authority may determine.

(3) For new business establishments, the licence fee shall be calculated on a pro rata basis having regard to the period remaining in the calendar year, unless the licence is granted on the first day of that calendar year.

(4) A trade licence shall be valid for the remainder of the calendar year from the date of grant, except where granted on the first day of the calendar year, in which case it shall be valid for the entire year.

(5) A trade licence must be conspicuously displayed at the business premises.

(6) Forging, altering, scanning, or unlawfully reproducing a trade licence constitutes an offence and is punishable, on conviction, by a fine not exceeding ten thousand shillings, or imprisonment for a term not exceeding six months, or both.

### **Renewal of a Trade Licence**

10. (1) A holder of a trade licence shall, before its expiry, apply for renewal in the prescribed form and upon payment of the prescribed renewal fee.

(2) The Authority shall renew a trade licence if satisfied that—

(a) the holder has complied with all applicable laws relating to health, hygiene, safety, environmental and other regulatory standards; and

(b) the prescribed renewal fee has been paid.

(3) Before determining an application for renewal, the Authority may require the applicant to furnish additional information or documents necessary to enable determination of the application.

(4) A renewed trade licence shall be valid for one calendar year.

### **Suspension and Cancellation of a Trade Licence**

**11.** (1) The Authority may suspend or cancel a trade licence if satisfied that—

(a) the conduct of the business endangers the health, safety, welfare, or environment of persons who live or work in the neighbourhood of the premises; or

(b) the holder has breached a condition of the trade licence.

(2) The Authority shall give the holder written notice of the suspension or cancellation, including the period of suspension, or, in the case of cancellation, the effective date, together with the reasons for the decision.

(3) A holder whose licence is suspended or cancelled shall immediately cease to conduct the business activities regulated by the licence.

(4) A person who contravenes sub-section (3) commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

(5) Where the Authority revokes a suspension, the holder may resume conducting the business subject to any conditions specified by the Authority.

### **Surrender of a Trade Licence**

**12.** A holder may surrender a trade licence by returning it to the Authority, but no refund of the licence fee shall be payable.

### **Transfer or assignment of a Trade Licence**

**13.** (1) A trade licence shall not be transferred or assigned without the prior written approval of the Authority.

(2) The holder shall give the Authority written notice of any proposed transfer or assignment, and the Authority may impose conditions on such transfer or assignment.

### **PART III — ADMINISTRATION OF LICENSING**

#### **Administration of Licensing by the Authority**

14. (1) The Authority shall be responsible for the issuance, renewal, suspension, and cancellation of trade licences under this Act.

(2) The Authority may designate officers to exercise licensing functions on its behalf and may delegate specific responsibilities in accordance with internal regulations.

#### **Register of Licences**

15. (1) The Authority shall establish and maintain a register of all trade licences, which shall contain such information as may be prescribed, but shall exclude commercial-in-confidence information.

(2) The register shall be available for public inspection during official hours, subject to the protection of confidential or sensitive commercial information.

#### **Powers of Inspection and Authorized Officers**

16. (1) The Authority may appoint authorized officers to monitor compliance with this Act and any conditions attached to a trade licence.

(2) An authorized officer may, during business hours—

- (a) enter and inspect licensed premises;
- (b) request and examine records or documents relevant to the trade licence; and
- (c) verify compliance with licensing conditions and applicable laws.

(3) A person who obstructs, hinders, or fails to cooperate with an authorized officer in the execution of lawful duties commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding three months, or to both.

#### **False or Misleading Statements**

17. (1) A person who knowingly makes a false or misleading statement in connection with an application for a trade licence, or in furnishing information required under this Act, commits an offence.

(2) A person who commits an offence under sub-section (1) is liable, on conviction, to a fine not exceeding fifty thousand shillings, or imprisonment for a term not exceeding three months, or to both.

**Guidelines and Criteria for Licensing**

18. (1) The Department of Trade shall, in consultation with the Authority, issue guidelines, criteria, and standards for the grant, renewal, suspension, and cancellation of trade licences under this Act.

(2) The guidelines and criteria issued under sub-section (1) shall—

- (a) ensure that all licensing decisions are consistent with the County's trade and market development policies;
- (b) promote compliance with health, hygiene, safety, environmental, and other sector-specific standards; and
- (c) facilitate uniform, transparent, and efficient administration of trade licences by the Authority.

(3) The Authority shall apply the guidelines and criteria issued under this section in exercising its functions under this Act and may seek clarification from the Department of Trade where necessary.

(4) The Department of Trade may, from time to time, review and update the guidelines and criteria to reflect changes in law, policy, or industry practices.

**Appeals**

19. (1) A person aggrieved by a decision of the Authority may appeal to the Board of the Authority within thirty (30) days from the date of the decision.

(2) A person dissatisfied with the decision of the Board may appeal to the County Executive Committee Member responsible for Finance within thirty (30) days from the date of the Board's decision.

(3) The County Executive Committee Member responsible for Finance may confirm, vary, or set aside the decision appealed against and issue such directions as may be necessary to give effect to the decision.

(4) A person aggrieved by the decision of the County Executive Committee Member responsible for Finance may seek redress in a court of competent jurisdiction, including but not limited to judicial review.

(5) An appeal under this section shall not suspend the operation of the decision appealed against unless the Authority, Board, or County Executive Committee Member responsible for Finance directs otherwise.

**PART IV — FEES AND REGULATIONS****Licence Fees and Charges**

20. (1) The licence fees and any related charges payable under this Act shall be as prescribed in the County Revenue Laws or, where not

prescribed, approved annually by the County Assembly in the County Finance Act.

(2) All fees and charges collected under this Act shall be accounted for and paid into the County Revenue Fund established under Article 207 of the Constitution and managed in accordance with the Public Finance Management Act, 2012.

(3) No trade licence shall be valid unless the prescribed fee has been duly paid into the County Revenue Fund in accordance with sub-section (2).

(4) The Authority shall maintain proper records of all fees and charges collected, and shall provide such reports as may be required by the County Executive Committee Member responsible for Finance or any other oversight authority.

(5) The Authority may, in consultation with the Department of Trade, recommend adjustments to fees and charges to reflect changes in policy, market conditions, or administrative costs, subject to approval under the County Revenue Laws or the County Finance Act.

#### **Power to make Regulations**

**21.** (1) The Authority may, with the approval of the County Executive Committee Member responsible for Finance, make regulations for the better carrying out of the provisions of this Act.

(2) Without limiting the generality of sub-section (1), regulations may provide for—

- (a) the form, manner, and procedures for the application, issuance, renewal, suspension, cancellation, and surrender of trade licences;
- (b) the classes or categories of businesses exempt from licensing or subject to special licensing conditions;
- (c) the procedures for payment, collection, accounting, and reporting of licence fees and other charges, including interest, penalties, or sanctions for late payment, in accordance with the County Revenue Laws;
- (d) electronic and digital systems for licensing, payments, and records management;
- (e) conditions applicable to different categories of trade licences, including health, safety, hygiene, environmental, and sector specific standards;

- (f) procedures for liaison, coordination, and information sharing with other County Departments, regulatory agencies, and relevant authorities for effective administration of trade licences; and
- (g) any other matters necessary or convenient to give full effect to the provisions of this Act.

(3) Regulations made under this section shall be published in the Gazette and shall take effect upon publication, unless the regulations provide otherwise.

(4) Regulations made under this section shall not conflict with any provision of the County Revenue Laws or any other applicable law.

## **PART V — MISCELLANEOUS**

### **Delegation of functions**

22. (1) The Authority may, in writing, delegate any of its powers or functions under this Act to an officer or employee of the Authority, subject to such conditions or limitations as the Authority may consider appropriate.

(2) A delegation made under this section shall not prevent the Authority from exercising the delegated powers or performing the delegated functions personally.

(3) The Authority shall remain accountable for any act or omission arising from a delegated function.

### **Protection from Liability**

23. (1) No act or omission done by the Authority, or by any officer, employee, or agent acting in good faith under this Act, shall render the Authority, the officer, employee, or agent personally liable for any loss, damage, or injury suffered by any person in the course of performing functions under this Act.

(2) Sub--section (1) shall not relieve any person from liability arising from any act or omission that is fraudulent, wilfully negligent, or in bad faith.

(3) For the purposes of this section, an act or omission is deemed to be done in good faith if it is performed honestly, without malice, and with reasonable care and diligence in the exercise of powers or discharge of duties under this Act.

### **Offences and Penalties**

24. (1) Any person who contravenes any provision of this Act for which no specific penalty is provided commits an offence.

(2) A person guilty of an offence under sub-section (1) is liable, on conviction, to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding three months, or to both.

(3) Any person who knowingly or recklessly makes a false, misleading, or deceptive statement in connection with—

- (a) an application for a trade licence; or
- (b) any information required under this Act,

commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding three months, or to both.

(4) Where an offence under this section is of a continuing nature, each day on which the offence continues constitutes a separate offence.

(5) In the case of a corporate body, any director, officer, manager, or employee who knowingly authorizes, permits, or participates in the commission of an offence under this section is personally liable and may be prosecuted and punished in accordance with the provisions of this section.

### **Service of Notices and Documents**

25. (1) Any notice, communication, or document required to be served under this Act may be served—

- (a) personally on the recipient;
- (b) by registered post or courier service to the last known address of the recipient;
- (c) by electronic means, including email or other verifiable digital communication; or
- (d) by affixing the notice or document at a conspicuous place at the premises of the licence holder.

(2) Service in accordance with sub-section (1) shall be deemed effective on the date of delivery, posting, or affixing, as applicable, unless the contrary is proven.

### **Liaison with the Directorate of County Enforcement**

26. (1) In carrying out its functions under this Act, the Authority shall liaise with the Directorate of County Enforcement for the purpose of—

- (a) ensuring compliance with trade licensing conditions;
- (b) monitoring adherence to health, safety, hygiene, and environmental standards;

- (c) taking enforcement action in respect of unlicensed or noncompliant businesses; and
- (d) coordinating inspections and other regulatory activities within the County.

(2) The Authority and the Directorate of County Enforcement shall establish and maintain a framework for—

- (a) consultation and information sharing;
- (b) coordinated enforcement operations; and
- (c) reporting on compliance and enforcement actions to the Authority.

(3) Any action taken by the Directorate of County Enforcement under sub-section (1) shall be in accordance with the law and in consultation with the Authority, and shall not relieve the business operator from compliance with this Act.

### **Regulations and Guidelines**

27. (1) The Authority may, with the approval of the County Executive Committee Member responsible for Finance, issue guidelines or make regulations for the better carrying out of the provisions of this Act.

(2) Without limiting sub-section (1), such guidelines or regulations may provide for—

- (a) procedures for liaison and coordination with other County Departments, regulatory agencies, or authorities for the effective administration of trade licensing;
- (b) establishment and use of electronic or digital systems for the application, issuance, renewal, suspension, cancellation, and payment of trade licences;
- (c) any other matters necessary or expedient to ensure the effective implementation of this Act.

(3) Regulations made under this section shall be published in the *Kenya Gazette* and shall come into force on such date as may be specified in the publication.

### **Repeal and Savings**

28. (1) The Migori County Trade Licensing Act, 2016 is hereby repealed.

(2) Any trade licence issued under the repealed Act and valid immediately before the commencement of this Act shall continue in force until—

- (a) its expiry; or
- (b) it is renewed or replaced under the provisions of this Act; whichever occurs first.

(3) All records, registers, documentation, licences, permits, and related instruments maintained or issued under the repealed Act shall, upon commencement of this Act—

- (a) be transferred to the Authority established under this Act; and
- (b) for all purposes, be deemed to have been issued, maintained, or granted under this Act.

(4) Any action, proceeding, investigation, appeal, or enforcement initiated under the repealed Act and pending immediately before the commencement of this Act may be continued, prosecuted, or enforced under this Act as if it had been commenced under this Act.

(5) Any reference in any law, contract, licence, or document to the repealed Act shall, upon commencement of this Act, be construed as a reference to this Act, and any licence, permit, or authorization issued under the repealed Act shall be construed as a licence, permit, or authorization issued under this Act, subject to the provisions herein.

(6) Nothing in this section shall affect any liability, obligation, or right accrued under the repealed Act prior to the commencement of this Act.

### **Transitional Provisions**

29. (1) In order to facilitate the implementation of this Act, the Authority, in consultation with the Department of Trade, shall issue transitional guidelines or rules which may provide for—

- (a) the conversion, revalidation, or regularization of trade licences issued under the repealed Act;
- (b) compliance measures and requirements for existing licence holders to align with the provisions of this Act;
- (c) procedural and administrative matters necessary to ensure a seamless transition from the repealed Act to this Act;
- (d) any other measures necessary to safeguard the rights, obligations, and continuity of businesses and licence holders during the transitional period.

(2) Any licence issued, renewed, or validated under the transitional guidelines issued pursuant to sub-section (1) shall, for all purposes, be deemed to have been issued under this Act and shall be subject to the provisions herein.

(3) The transitional guidelines issued under this section shall not derogate from the powers, functions, or obligations conferred upon the Authority or any other relevant County Department under this Act.

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## **MEMORANDUM OF OBJECTS AND REASONS**

### **Object of the Bill**

The object of this Bill is to repeal the Migori County Trade Licensing Act, 2016 and to establish a modern, transparent, and efficient framework for trade licensing in Migori County.

The Bill vests trade licensing functions in the Migori County Revenue Authority to ensure effective coordination, enhanced compliance, and improved revenue collection. It aligns trade licensing with the Public Finance Management Act, 2012 and the Constitution of Kenya, 2010, promoting accountability and ease of doing business within the County.

### **Reasons for the Bill**

- (i) Streamline the trade licensing process and remove duplication of roles;
- (ii) Integrate trade licensing with the county's revenue systems for improved efficiency and compliance;
- (iii) Introduce simplified and digital procedures to promote a conducive business environment;
- (iv) Strengthen enforcement and public safety standards; and
- (v) Provide transitional provisions for a smooth shift from the 2016 framework.

The Bill modernizes Migori County's trade licensing structure to enhance service delivery, accountability, and sustainable economic growth.

DOREEN DANDE HINDA,  
*Chairperson, Trade Committee.*

20 x 4 = 80K per 5m<sup>2</sup>