

# Republic of Kenya



## County Assembly of Kisumu Debates of the Assembly

Motion (Bills):

- 1. Kisumu County Trade Licensing Bill, 2015.*
- 2. Kisumu County Trade and Market Bill, 2015*

---

# HANSARD

---

*Wednesday, 24<sup>th</sup> June, 2015*

*Afternoon Session*

*Time: 02:30 p.m.*

*First Assembly*

*Second Session*

*No, 62*

---

## Table of Content

### Order of Business

#### Page

1. Kisumu County Trade Licensing Bill, 2015 (2 <sup>nd</sup> and 3 <sup>rd</sup> Reading) .....	3 - 58
---	--------

2. Kisumu County Trade and Markets Bill, 2015 (2 <sup>nd</sup> and 3 <sup>rd</sup> Reading) .....	59 - 100
---	----------

### Addendum

---

#### Motions (Bills)

1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)
2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)

Wednesday, 24<sup>th</sup> June, 2015.

Afternoon Session

Time: 02:30 p.m.

**Motion:**

- 1. Kisumu County Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)*
- 2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)*
- 3. Kisumu County Trade Funds Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)*
- 4. Kisumu County Co-operatives Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)*

*(Speaker's procession)*

*(Prayers by Mr. Speaker Hon. Samuel Ombogo - Presiding)*

**Mr. Speaker:** Hon. Members order!! May I now call upon the clerk to take us through the business of the day?

**Clerk to Assembly:** This is first Assembly, Order Paper No. 62 of Wednesday, 24<sup>th</sup> June, 2015 at 02:30 p.m. Order No. one, **Administration of Oaths.**

**Clerk to Assembly:** Order No. two, **Communication from the Chair .**

**Clerk to Assembly:** Order No. three, **Messages.**

**Clerk to Assembly:** Order No. four, **Petitions.**

**Clerk to Assembly:** Order No. five, **Papers.**

**Clerk to Assembly:** Order No. six, **Notices of Motions.**

**Clerk to Assembly:** Order No. seven, **Statements.**

**Clerk to Assembly:** Order No. eight, **Commencement of Business, Motion:**

*8. Kisumu County Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)*

**Mr. Speaker:** Chair for Trade and Co-operatives, it is your time to present your report.

**Hon. Maurice Aloo** (Chairman, Trade Enterprise and Co-operatives Developm't): Mr. Speaker, I am supposed to present two report on different Bill.

**Mr. Speaker:** Which ones are these?

---

**Motions (Bills)**

- 1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)*
- 2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)*

**Hon. Maurice Aloo** (Chairman, Trade Enterprise and Co-operatives Developm't): Mr. Speaker, these are the Bills, the Kisumu County Trade Licensing Bill, 2015 and the Kisumu County Trade and Market Bill, 2015.

**Mr. Speaker:** That is where we.

**Hon. Maurice Aloo** (Chairman, Trade Enterprise and Co-operatives Developm't): Thank you Mr. Speaker. Mr. Speaker, the report is a brief one.

Mr. Speaker,

On part 1 which is the Preliminaries, we had no amendments

Part II on the Trade Licensing Bill, 2015, clause 7 (2)...

**Hon. James Oyugi Were** (Chairman, Finance Committee): Point of Information?

**Mr. Speaker:** Granted Chairman for Finance.

**Hon. James Oyugi Were** (Chairman, Finance Committee): Mr. Speaker, the speaker on the floor is reading a report on Kisumu County Co-operatives Bill, 2015 instead of reading a Report on the Kisumu County Trade and Licensing Bill, 2015.

**Mr. Speaker:** Order!! Order!! Hon. Were, the Chairman for Trade is reading a report on Kisumu County Trade Licensing Bill, 2015 and that is exactly what I have. On part I preliminaries, he is stating that, there were no amendments to that effect it is the same with what I have in my report.

**Hon. James Oyugi Were** (Chairman, Finance Committee): Mr. Speaker, the report that the current speaker is holding in his hands and reading is a Report from the Committee of Trade, Co-operatives and Enterprise Development.

**Mr. Speaker:** Order!! Hon. Maurice Aloo, can you please give clarity.

**Hon. Maurice Aloo** (Chairman, Trade Enterprise and Co-operatives Developm't): Thank you Mr. Speaker. Mr. Speaker, the Report I am reading is on the Kisumu County Trade and Licensing Bill, 2015.

**Mr. Speaker:** Please continue.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Hon. Maurice Aloo** (Chairman, Trade Enterprise and Co-operatives Developm't): Thank you Mr. Speaker. Mr. Speaker, I am the Chairman of Trade, Co-operatives and Enterprises Development Committee Mr. Speaker.

**Hon. Maurice Aloo** (Chairman, Trade Enterprise and Co-operatives Developm't): Mr. Speaker, please protect me.

**Mr. Speaker:** Please continue, you are protected.

**Hon. Maurice Aloo** (Chairman, Trade Enterprise and Co-operatives Developm't): Thank you Mr. Speaker. Mr. Speaker, that is what I am saying Mr. Speaker, that; Part I that is on Preliminaries, there were no amendments.

Part II of the same Bill, clause 7 (2) we deleted the word "of" to read.

Section 1 (b) we had the word environment, now we included it to read environment, hygiene and safety.

Section 9 (b) (b) was repeated and corrected to read (a) (b) (c) and (d) respectively.

Section 9 (2) the last sentence was corrected to read "d" after "c"

Section 9 (3) (d) the narrations were corrected to read "environment, hygiene and safety".

Mr. Speaker,

On the same Bill, Section 10 (c) we deleted "c" to read "a" and "b" of section 10.

Section 10 (3) the word "agency" be corrected to uppercase "A" to read "Agency".

Section 13 (3) we deleted the word "manager" to be substituted with the word "officer"

Section 17 (7) the second last sentence, delete the word "of"

Finally, Mr. Speaker, on Section 22 (f) delete "a" to read "a" to "e"

Mr. Speaker, at that juncture, I beg to leave. I request the report be seconded by Hon. Charles Aguko to second this Report.

**Hon. Charles Aguko:** Mr. Speaker, I rise to second the report on the Kisumu County Trade and Licensing Bill, 2015 from Trade, Co-operatives Development Committee.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Mr. Speaker:** Hon. Members, the report on the Kisumu County Trade Licensing Bill, 2015 has been read and tabled by the Chairman, Trade and Co-operatives Development Committee and seconded by the Hon. Chairman, Planning Committee. I will put a question for adoption of the report before we concert to the Committee of the Whole House.

**Mr. Speaker:** Will as many as are of that opinion say “Aye”?

**Hon. Members:** “Ayes”

**Mr. Speaker:** will as many as are of the contrary opinion say “Nay”

(No response)

**Mr. Speaker:** The “Ayes” have it.

**Mr. Speaker:** Please Chairman for Trade?

**Hon. Maurice Aloo** (Chairman, Trade Enterprise and Co-operatives Developm’t): Mr. Speaker, at this point and time may I propose that the House convert to Committee of the Whole House and request Hon. Caroline Agwanda to second?

**Hon. Caroline Agwanda:** Thank you Mr. Speaker, I second that we convert to the Committee of the Whole House.

*(The Mace is lowered as Hon. Members converts to the Committee of the Whole House)*

**Mr. Chairman:** I now request the Clerk to take the House through the Bill as Members deliberate on it.

**Asst. Clerk to Assembly** (Mr. Okaka): The Kisumu County Trade and Licensing Bill, 2015 being read the second time.

The Kisumu County Trade and Licensing Bill, 2015,

Arrangement of Clauses

Clause I

Part I – Preliminaries

1 – Short Titles

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

2 – Interpretations

Part III – Trade Licenses

3. – Establishment of Divisions.

Section B

Licence

4 – Licenses

5 – Licensing Authorities

6 – Classification of Licenses#

7 – Requirement for Trade Licenses

8 – Application for Grant or Renewal of Trade licenses

9 – Determination of Applications for Grant or Renewal of Trade Licenses.

10 – Refusal to issues or renew Licenses.

11 – Assignment of Licenses

12 – Requirement to keep a Register

13 – Conditions of Issuance of Trade Licenses.

14 – Duration and Operations of Trade Licenses

15 – Exhibition of Trade Licenses

16 – Annual Fees

17 – Revocation, Suspension and Variation of Licenses

18 – Surrender of License

19 – Transfer of License

20 – Appeal against the decisions

Section c

Regulation

21 – Regulations

22 – Powers authorised Officers

Section D

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

Trade Licenses

23 – Trade Licenses.

The Kisumu County Trade and Licensing Bill, 2015 a Bill for an Act of the County Assembly of Kisumu to provide for the grant of trade licenses, control and licensing of business premises.

Enacted by the Kisumu County Assembly as follows-

Part I – Preliminaries

Short Titles and commencement

1. This Act may be cited as the Kisumu County Trade Licensing Act, 2015.

Interpretation

2. In this Bill, unless the context otherwise requires;

“County Executive Member” means the County Executive Member for the time being in charge of Trade/Commerce;

“directorate” means the directorate of Trade/Commerce established in Section 3 of the County Trade and Market Bill’;

“Trade License” means a license granted to conduct business.

“licensee” means a person or personal entity to whom a license has been issued under this Bill; and

“Trade” means to carry on the business of selling goods or services. In this Bill, Trade and Commerce will be used interchangeably.

“approved form” means a form approved by the licensing authority.

“authorised officer” is an officer authorised to perform any action under this Bill;

“business” includes a profession, trade, occupation;

“holder” in relation to the Trade License, means the person to whom the license is granted.”

“license fees” means fees payable for grant or renewal of Trade License;

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

“licensing authority” means an officer of the County Government appointed under this section.....

“prescribed” means prescribe by the rules made under this Bill;

“receiver of revenue” has the same meaning as in the Kisumu County Revenue Administration Act, 2014

## Part II – Trade Licenses

Establishment of a Division.

3. There shall be within the Directorate of Trade a Division to be known as the Licensing Division.

### Licenses

4. Licenses - No person shall carry out any type of trade or business within the County under this Bill without a License issued by the Trade Licensing Division of the County Government

### 5. Licensing Authority

- (a) The County Executive Member responsible for Trade must appoint an Officer from the County Government as the Licensing Authority.
- (b) The Licensing Authority has the powers provided for

### 6. Classification of Licenses

- (1) For the purposes of this Bill the following Licences may be issued under this Bill –
  - (a) a trade (wholesale) License;
  - (b) a trade (retail) License;
  - (c) A hawker’s License;
  - (d) An agent’s License;
  - (e) A manufacturing License;
  - (f) A consolidated/Single Business License for all types of businesses carried out in the County of Kisumu;

---

### **Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

- (g) License for professional services ;
- (h) any other license issuable to a person carrying out any business or trade within the precincts of County jurisdictions.

#### **7. Requirements for a Trade License**

- (1) A person must not conduct a business within the County, unless the person is the holder of trade license for that business.
- (2) Any person who contravenes the provisions of section 8 (1) shall be liable to a fine not exceeding One Hundred Thousand Kenya Shillings.

#### **Application for Grant or renewal of Trade License**

- 8. (1) A person may apply for grant or renewal of trade license in a prescribed form.
- (2) The application must be made to the to the licensing authority in the County.
- (3) The application must contain such information and be accompanied by such documents as are required by the prescribed form.
- (4) Application must be accompanied by the prescribed application fees (if any).
- (5) An application may be made in an electronic format approved by the Licensing Authority.
- (6) The Licensing Authority may before determining an application, require the applicant to furnish to the licensing authority such additional information or document as is necessary to enable the application to be determined.
- (7) If any application fees has been prescribed, the fees is not refundable.
- (8) Where the application is for the renewal of a trading or business License, the application must be accompanied by the trading of business License or, if that is not practicable, by a statement of the reasons for the failure to provide the License.

**Determination of application for grant or renewal of Trade License.**

---

#### **Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

9. (1) Where an application for the grant of a trade licence is made to the directorate in accordance with this section, the directorate must grant the License if it appears to the Directorate that-

- (a) the applicant is at least 18 years old,
- (b) the licensing authority is satisfied that the applicant has complied with all laws relating to health, hygiene and safety applicable to the trade licenses applied for,
- (c) no trading Licence held by the applicant has been forfeited in the period of five years ending with the day the application was made, and
- (d) the applicant has not been convicted of the relevant offence.
- (e) Where applicable, the applicant has obtained all other consents and/or approval to carry on the trade for which the licence is sought.

(2) Grant of a license

- (a) The Licence fees must be paid to the receiver of the revenue.
- (b) The trade licence is to be in an approved form and is granted subject to such conditions (if any) as are specified in the trade license.
- (c) All licenses expire as at 31<sup>st</sup> December of the Year of Issues
- (d) The annual fees to be paid in full as prescribed for the license applied irrespective of the time of application.

(3) Renewal of Licence

- (a) The holder of the trade license may, before the expiry of the trade license apply in the prescribed form for the renewal of the trade license.
- (b) The licensing authority must grant an application for renewal of trade license if:
  - (i) The application has complied will all laws relating to health, environment, hygiene and safety applicable to the trade license; and
  - (ii) The license fees payable for the renewal of the trade license has been paid to the receiver of revenue.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

(iii) The licensing authority may, before determining an application for renewal, require the applicant to furnish to the licensing authority such additional information or documents as is necessary to enable the application to be determined.

(iv) A trade license is to be renewed for a calendar year.

**Refusal to issue or renew License**

**10.** (1) The Directorate may refuse to issue or renew license-

(a) to a person who is serving a conviction of an offence under this Bill, or any other offence that, in the opinion of the directorate, involves a dishonest act or intent on the part of the offender;

(b) to a person whose License under this Bill has been cancelled or is, at the time of application, under suspension; or

(c) if it appears to it that the applicant fails to meet the conditions in paragraph (a) and (b), of section 10.

(2) The Directorate shall refuse to renew License if the directorate has become aware of any circumstances that that would require it to refuse to issue a License to the applicant.

(3) No License may be issued under this Bill if there is an objection by the Public Health Department, Kenya Police or any National Security Agency, or National Environment and Management Authority until such objection has been successfully appealed against the complainant remedied.

(4) Where the Directorate refuses to issues or to renew a License, the directorate shall state in writing its reasons for refusal.

(5) Any person who is dissatisfied with the decision of the Licensing Division may appeal to the Executive Member in writing who will hear the appeal and make a final determination.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

(6) Any person who feels aggrieved by the decision of the Executive Member may by petition apply to the High Court for review.

**Assignment of License**

11. A Licence under this Bill is not assignable.

**Requirement to keep a Register**

12. (1) The Directorate of Trade must keep a register containing-

- (a) a record of each trading or business License issued by it;
- (b) a record of each temporary event notice received by it;
- (c) such other information as may be prescribed.

(2) Regulations may require a register kept under this section to be in a prescribed form and kept in a prescribed manner.

(3) Each directorate must provide facilities for making the information contained in the entries in its register available for inspection, in a legible form, by any person during office hours and without payment.

(4) The directorate must supply them a copy of the information contained in any entry in its register in legible form if requested to do so by any person.

The directorate may charge such reasonable fees as it may determine in respect of any copy supplied under subsection (4)

**Condition of a License**

13. (1) The Directorate may impose conditions and restrictions on a License when issuing or renewing a License.

(2) The condition in respect to this licenses must be reasonable and in accordance with the law.

(3) A trade License issued under this Bill shall not be transferable unless with a prior written consent of the Licensing Officer on application in a prescribed form and approval of the Directorate and subject to supply of further information related to the said transfer and payable of requisite fees.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

(4) The Directorate shall issue a Consolidated/Single Business License to a trader who conducts different trades within the same premises which are accessible through one door but the same does not apply to exhibitions.

#### **Duration and Operation of License**

14. Except while it is suspended by or pursuant to this Part, a trader's license continues in force for a period of one calendar year unless-

- (a) it is cancelled, or revoked or surrendered pursuant to, this Part: or
- (b) the dealer, being an individual, dies; or
- (c) The dealer, being a body corporate, is dissolved.

#### **Exhibition of Trade License**

15. Every holder of a Trading License shall keep his/her License exhibited in a conspicuous place of his/her trading premises.

#### **Annual Fees**

16. (1) A Licensed Trader shall, not later than the prescribed date in each year pay to the directorate the prescribed Annual Licence Fees.

(2) Any trader who shall have not taken out a trade License by 31<sup>st</sup> March of each succeeding year, commits an offence and shall be liable to a as provided under County Finance Act.

(3) Any Licensed Trader who shall fail to display a trade License issued under this Bill in the business premises commits an offence and shall be liable to a fine not exceeding three thousand Kenya shillings,

(4) The Executive Member shall determine and publish the license fees with the approval of the County Assembly for each businesses and trades and review that same from time to time.

#### **Cancellation or Suspension of License.**

17. (1) Where there is breach of any condition imposes under this Bill, the Directorate may revoke or suspend a License.

---

#### **Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

(2) Subject to subsection (1), the Directorate may suspend or revoke a Licence if there is good reason or cause for such action either by petition by any resident of the County or on its own motion.

(3) The Licensing Authority may cancel or suspend a trade license if it is satisfied that; the conduct of the business is endangering the health or safety of persons who live or work in the neighbourhood or premises from which the business is conducted.

(4) If the Licensing Authority cancels or suspends a trade license (or revokes such suspension), the authority might give the holder of the license written notice of cancellation or suspension, including the period of suspension, or revocation, together with the statement of reason for the decision.

(5) If a trade license is cancelled or suspended, the holder of the license must immediately cease to conduct the business.

(6) If the Licensing authority revokes the suspension of the trade license, the holder may resume conducting the business,.

(7) Any person who carries on any trade or business within the Kisumu County before first obtaining a License under this Bill shall be guilty of an offence and shall be liable to a fine not exceeding One Hundred Thousand Kenya shillings.

#### **Surrender of License**

18. The holder of a trade license may surrender the license by returning it to the licensing authority. But no refund of the license fees is payable.

#### **Transfer of License.**

19. No holder of a trade license will transfer the license to any other person or premises other than the licensed one.

#### **Appeal against a Decision**

20. (1) A person aggrieved by a decision of the licensing authority may appeal by writing to the County Executive Member responsible for trade against the decision.

---

#### **Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

(2) The County Executive Member responsible for trade may confirm, reverse or modify the decision appealed against, and make such orders and give such directions to the licensing authority as may be necessary to give effect to her/his decision.

### **Section C**

#### **Regulation**

21. The County Executive Member may from time to time make regulations prescribing-

(a) the form and content of an application for a license;

(b) the manner of application for a licensee

(c) the form and content of a license

(d) the fees to be paid for each trading license

(e) the procedures for granting a license of any other businesses not specified under this Bill;

(f) manner in which the license is to be displayed;

(g) ways to vary any term or condition to which a License is subject or impose new terms or conditions.

(h) Requirement of and condition of business premises.

(i) Places of establishment of various businesses.

(j) Rules for and Control of Kiosk and prohibited businesses.

#### **Powers of Authorized Officers**

22. (1) Any authorised officer may:

(a) Enter any premises for the purposes of

(i) Granting or renewing a trade license; or

(ii) Finding out whether then holder of a trade license is complying with the license, or this Bill or the rules made under this Bill; and

(b) Search the premises or any part of the premises; and

---

#### **Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

(c) Inspect or examine anything in or on the premises; and

(d) Seize anything that may afford evidence of commission of an offence against this Bill; and

(e) Take extracts from, and take copies of, any documents in or on the premises; and

(f) Take into or onto the premises such person, equipment and materials as the inspector reasonably requires for the purposes of exercising of the powers mentioned in paragraph (a) to; and

(g) Require the holder of the license, or any person in or on the premises to give the inspector reasonable assistance on relation to exercise of the powers mentioned in paragraph (a) to (f).

(2) However, an authorized officer must not enter premises unless:

(a) The owner or occupier consents to the entry; or

(b) The entry is made when the premises are open for conduct of business otherwise open for entry; or

(c) The authorised officer suspects no reasonable grounds that an offence is being committed against this Bill in the premises.

## **Section D**

### **Trade Licenses**

**23.** The following fees shall be levied in respect of business described hereunder in the County Finance Act.

### **MEMORANDUM OF OBJECT AND REASON**

This Bill seeks to provide for the grant of trade licenses, control and licensing of business premises and to establish a directorate for the similar purposes.

The Kisumu County Trade and Licensing Bill, 2015, a Bill for an Act of the County Assembly of Kisumu to provide for the grant of trade licenses, control and licensing of business premises.

---

### **Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

*Sponsor of the Bill*

**ROSE KISIA OMONDI (DR.)**

*Executive Committee Member*

*Commerce, Tourism and Heritage*

**Mr. Chairman:** Hon. Member, any input of that before we proceed? This is the time members are allowed to amend any clause or make appropriate amendments.

**Mr. Chairman:** Yes, Hon. Auko

**Minority Leader (Hon. Joshua Auko):** Mr. Chairman, please allow me to make an amendment on the first page on the Arrangement of Clauses, which is clause No. 22 on Powers authorised officers, to read “power of authorised officers”.

**Mr. Chairman:** Bwana Clerk, please take note of that. Yes, Hon. Khan.

**Hon. Aslam Khan:** Thank you Mr. Chairman. Mr. Chairman, if I can be allowed to bring in my amendments?

**Mr. Chairman:** Please continue.

**Hon. Aslam Khan:** Thank you Mr. Chairman. Mr. Chairman clause No. 7...

**Chief Whip (Hon. Isaya Onyango):** Point of Order Mr. Chairman.

**Mr. Chairman:** Yes, Chief Whip.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Chief Whip** (Hon. Isaya Onyango): Mr. Chairman, that amendment has not been seconded.

**Mr. Chairman:** You mean the one made by the Minority Leader?

**Minority Leader** (Hon. Joshua Auko): Mr. Chairman, I wish to request the Chief Whip to second that proposed amendment?

**Chief Whip** (Hon. Isaya Onyango): Thank you Mr. Chairman I wish to second the amendment as proposed by the Minority Leader.

**Mr. Chairman:** Then continue Hon. Khan.

**Hon. Aslam Khan:** Thank you very much Mr. Chairman. Mr. Chairman, I rise to propose an amendment to the following. Mr. Chairman, No. 7, Requirement for a trade licence clause 7 (2) while it read one Hundred Thousand Kenya shillings and to insert the words “or to a term of imprisonment of not more than six months, or to both?”

**Mr. Chairman:** Please repeat the amendment so that it is capture well.

**Hon. Aslam Khan:** Mr. Chairman, I am proposing an amendment and it should read that, “any person who contravenes the provisions of section 8 (1) shall be liable to a fine not exceeding one hundred thousand Kenya shillings add the word “or to a term of imprisonment for not more than six month, or to both” Mr. Chair, I would like to propose an amendment for another clause before I call for a seconder.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

# **County Assembly of Kisumu**

## **Debates of the Assembly**

### **HANSARD**

---

**Mr. Chairman:** I request that you go for a seconder clause by clause.

**Hon. Aslam Khan:** Mr. Chairman, I call upon Hon. Aggrey Ogosi to second.

**Mr. Chairman:** Hon. Ogosi!!

**Hon. Aggrey Ogosi:** Thank you Mr. Chairman, this Bill remember Chair that...

**Mr. Chairman:** Order!! Hon. Ogosi, you have been called upon to second.

**Hon. Aggrey Ogosi:** Mr. Chairman, I am opposing what Hon. Khan has proposed.

**Mr. Chairman:** Members, you are going to get time, let Hon. Khan finish with his proposals.

**Hon. Aslam Khan:** Thank you very much Mr. Chairman, unless I was not doing it in good faith. Mr. Chairman, I would like to request Hon. Aloo to second the proposed amendment.

**Hon. Aslam Khan:** Mr. Chair, it seems that everybody is afraid of this; I know there is a reason. Mr. Chairman, then let me call upon the Chief Whip to second.

**Chief Whip (Hon. Isaya Onyango):** Point of Order Mr. Chairman?

**Mr. Chairman:** Yes, Chief Whip.

**Chief Whip (Hon. Isaya Onyango):** Mr. Chair before we comment on that, let us here Hon. Ogosi's proposal before it is seconded?

---

### **Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Mr. Chairman:** Hon. Ogosi.

**Hon. Aggrey Ogosi:** Thank you Mr. Chairman. Mr. Chairman, in good faith what Hon. Khan is proposing, because where are we as a County going to be imprisoning? This law is not going to work in isolation, because Kisumu County is part of Kenya and remember matters of imprisonment are left to the judiciary. Initially that is the prerogative of the National Government, and I am aware that whoever was drafting this law, must have taken that into account.

Mr. Chairman, when we decide to now want to imprison members of the public, when there are other law like the penal laws and other, we just have to say that we have passed a law that says that if you don't pay Trade License, then you are taken to jail, that cannot work at the County level. Mr. Chairman, whoever was citing these laws must have taken into account other laws that we may infringe. So, that amendment, though with good intentions may not work for this Bill, thank you.

**Hon. Aslam Khan:** Thank you very much Mr. Chairman and Hon. Ogosi for the good advice. My question would be Mr. Chairman, would this Kenya Shilling 100,000 not exceed or shall be liable to a fine, how is this fine going to be penalized for Kenya Shillings one hundred thousand without involving a court of law, or it is Kenya Revenue Authority whom are going to be collecting these fines?

**Chief Whip** (Hon. Isaya Onyango): Hon. Chair, I want Hon. Ogosi to explain something here, that according to what Hon. Khan is saying, that any person who contravenes the provisions of section 8 (1) shall be liable to a fine not exceeding One Hundred Thousand Kenya shillings.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

So, for example I cannot raise that amount, what is the position? So, that means that you have to pay up or the option is you go inside.

**Hon. Samuel Ong'ou:** Point of Order Mr. Chairman.

**Mr. Chairman:** Yes, Hon. Ong'ou.

**Hon. Samuel Ong'ou:** Mr. Chairman, I believe we may not be in a position because when you look at this keenly. One thing I know is that Hon. Ogesi has talked of the judiciary and the judiciary does not make laws, that only apply what you bring to them. This is where we make laws, but if you leave it open, that is when we are going to put our people in more problems. Mr. Chairman, it is better to say that it is this fine or an option if you don't have that money, there is an option of a lesser period in jail, but if you leave it open, is when we are going to be exposing our people.

If you don't raise the money, you will send to jail, but in the absence of an alternative provision, they will refer to this or that.

**Mr. Chairman:** Hon. Ogesi.

**Hon. Aggrey Ogesi:** Mr. Chairman, let me say this, I request that you read through this Bill. Please look at the provisions of section 8 (1) of this Bill, Application for Grant or renewal of Trade License and it states;

“A person may apply for grant or renewal of trade license in a prescribed form”, that is what section 8 (1) states. When you go to section 7 (2) it reads as follows “Any

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

person who contravenes the provisions of section 8 (1) shall be liable to a fine not exceeding One Hundred Thousand Kenya Shillings.

Mr. Chair, look at the provision of section 8 (1), you want to introduce a jail term for somebody who has just failed to apply for renewal of Trade License in a prescribed manner. Really, are we being reasonable? So that is not possible, we cannot do that and we cannot force somebody, how you are going to enforce this, what if you don't probably need a license, or you will not trade for a while. If it is a trader, he requires trade to make money, so, I think this is enough, you cannot send people to jail because they have not paid their trade licenses.

**Chief Whip** (Hon. Isaya Onyango): Mr. Chairman, no member in this House would wish that any member of the public be taken to jail. If you read the same section (2), it states that if any person who contravenes this section pays Kshs 100,000.00 not more than. So, even if you don't go to jail, that will give you an option, supposed this gentleman cannot pay this amount he gets a lighter sentence.

**Hon. Samuel Ong'ou:** Mr. Chairman, we have been made to understand that the judiciary are not law maker. We may be afraid of making what we must do, because all these people who are being jailed with the laws that are being interpreted, the laws that the judges are interpreting in whatever level, are being legislated in parliament. Therefore, we cannot come here and say that we are running out of a County because of the issues of applying for a license, then you say that even if you don't apply, then there is no mistake on that. Because for you not to renew, then it means that you have stopped doing business, therefore if you have stopped the business, nobody will come for you. If you are to continue with business, that is what Hon. Khan is talking about, you must apply for renewal of license.

Mr. Chairman, you cannot apply for renewal for a business you have stopped. So, it is not what Hon. Ogesi is interpreting it, we are only charging somebody who has not complied with the application. The question here is renewal of a license, but if at all

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

you want to get out of that business, you will not renew and you don't need to apply for it, but failure to apply or to comply, then there must be a penalty. A fine must have an option.

**Mr. Chairman:** Let us hear from Hon. Gabriel.

**Hon. Gabriel Ochieng:** Thank you Mr. Chairman. Mr. Chairman, the rules of Committee of the House are relaxed, so let me just sit as I deliberate. Mr. Chairman, I just wanted to second Hon. Khan's proposal. The in-put Hon. Members have given hold a lot of what on what we are discussing. So, when he wants to oppose it let it come at the reporting time Mr. Chair, but for now let me second that amendment that section 7 (2) be read as "Any person who contravenes the provisions of section 8 (1) shall be liable to a fine not exceeding One Hundred Thousand Kenya Shillings or imprisonment for a period of not exceeding six months".

**Mr. Chairman:** The proposal for amendment by Hon. Khan has been seconded.

**Mr. Chairman:** Hon. Joseph Otiende.

**Hon. Joseph Otiende:** Thank you Mr. Chair. Mr. Chair there is no need for Members to be passing Bills because sometimes this might demoralize them if it is our people we are hurting.

**Mr. Chairman:** So, you are supporting the amendment?

**Hon. Joseph Otiende:** Mr. Chairman, I want to come up with a proposal on the same, that, instead of Kshs 100,000.00, let us make it Kshs 20,000.00.

**Hon. Members:** it is indicated well, not exceeding.

**Mr. Chairman:** It is stating not exceeding Kshs 100,000.00, Hon. Okiri do you have anything to say?

**Hon. Paul Okiri:** Thank you very much Mr. Chairman. Mr. Chairman there is something you are not taking into account, which is the judiciary part of it.

**Mr. Chairman:** Hon. Okiri you are out of Order!!

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Hon. Samuel Ong'ou:** Mr. Chairman, I think Members are not being honest on this,. One, I just want to remind them that just here in the former defunct Municipal County of Kisumu and as we speak the Kisumu County Government has been harassing people.

**Hon. Aggrey Ogozi:** Which is wrong!!?

*(Hon. Members are divided on the sentiments by Hon. Ong'ou)*

**Hon. Paul Okiri:** Mr. Chairman, the reason why I am saying this is because the judiciary has a hand on this. Mr. Speaker, if we say now that you can imprison for not paying taxes.

**Mr. Chairman:** Let us hear from Hon. Oraro.

**Hon. Kelvin Okoth:** Mr. Chairman, the issues we are talking about here is that this document touches on any member of public in this County and any member of citizen contravening this, that means that you can be taken to a court of law. Now, in some cases where you cannot afford money, that is where we are talking of an option of a jail term which should not exceed 6 months, this is according to the court that is to dish this sentence.

Mr. Chair, I am supporting this because this people who are collecting revenues usually give out bonds which are a sheet of paper then from there people don't take them seriously. If someone is serious with business, and wishes to have license in hi/her shop then he must know that he will be taken to jail if he doesn't honour paying up. If we want to be serious, let that clause to introduced, but for clause 8 I want to bring to your attention this 8 (1)...

**Mr. Chairman:** Are you introducing another amendment?

**Hon. Kelvin Okoth:** It is part of that and 7 (2) which talks of provision of section 8 (1), that 8 (1), the (2), (3), (4) and (5), I request that they should read (a), (b), (c) and (d).

**Mr. Chairman:** Are you talking of 8 (1).

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Hon. Kelvin Okoth:** Yes Mr. Chairman, 8 (1), then we go to (2), it should be 8 (1) (a), (b), (c) and (d), these are just part of 8 but are explanations.

**Mr. Chairman:** Hon. Aslam Khan.

**Hon. Aslam Khan:** Thank you Mr. Chairman, in fact I wanted to bring it in but it is good Hon. Oraro has brought it up . Mr. Chairman, the same applies to section 16 (3) where the last sentence is noted to read three thousand Kenya shillings, I was proposing an amendment “or to a term of imprisonment of not more than one month or both”.

**Mr. Chairman:** Who is seconding that amendment?

**Hon. Aslam Khan:** Hon. Samuel Ong’ou.

**Hon. Samuel Ong’ou:** Thank you Mr. Chairman. Mr. Chairman I second the amendment.

**Hon. Aslam Khan:** Mr. Chairman, I have another final amendment on Cancellation or Suspension of License, section 17 (7) to a fine not exceeding one hundred thousand and add “to a term of imprisonment for not more than six month, or to both”. I request Hon. Ong’ou to second that amendment.

**Mr. Chairman:** That is section 17 (7).

**Hon. Aslam Khan:** Mr. Chairman, that is section 17 sub-section 7, after the one hundred thousand Kenya shilling we add “imprisonment for not more than six months, or to both”.

**Hon. Samuel Ong’ou:** Thank you Mr. Chairman. Mr. Chairman I second the amendment.

**Mr. Chairman:** Hon. Khan, please continue.

**Hon. Aslam Khan:** Mr. Chairman, finally on section 20 (2), Appeal against the decision because 20 (1) was amended by amending the word “County” and the “county executive member” was not amended. That is 20 (2) the word “County

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

Executive Member” should be that the initial letter be uppercase, and again I request Hon. Ong’ou to second that amendment.

**Hon. Samuel Ong’ou:** Thank you Mr. Chairman. Mr. Chairman I second the amendment.

**Mr. Chairman:** Hon. Kelvin.

**Hon. Kelvin Okoth:** Mr. Chairman, on section 16 (3), I tend to disagree with Hon. Khan because that is like we are trying to open these revenue collectors to get free monies. Imagine someone want to send you to jail for a period not exceeding one month just because of not displaying a license on his premises. So, when they walk around and realize that you have a license, but you have not placed it in a conspicuous place, because of this jail term of one and fine of three thousand Kenya shillings, they will be collection Kshs 500 to Kshs 1,000 from these traders. So, the issues of not exceeding one month should not arise because it is like we are trying to make these people rich because of those minor offences like not displaying a trade license.

**Mr. Chairman:** Hon. Oraro, I thought that amendment had already been seconded.

**Hon. Kelvin Okoth:** That is why I am proposing that it should not be part of this Bill?

**Mr. Chairman:** Who is seconding that amendment?

**Mr. Chairman:** Yes, Hon. Khan.

**Hon. Aslam Khan:** Mr. Chairman, let me add something to this so that it looks better. Mr. Chairman, let me come up again, I had said that when the fine is Kshs 3,000 and to a term of imprisonment of not more than one month, instead of 6 months. I said

---

***Motions (Bills)***

***1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)***

***2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)***

that it be at least 1 month, give an option, and if it is somebody who is a perennial offender, this person can be given an option of fine plus a jail term and that is what is always there in the law, thank you Mr. Chairman.

**Mr. Chairman:** Hon. Ogosi.

**Hon. Aggrey Ogosi:** Thank you Mr. Chairman. Mr. Chairman, we also need to try and understand, what is the objective of this Bill? What is the intention of the law? We want to facilitate trade and we also want to make money as a County, we want to generate revenue. Mr. Chairman, you remember the Traffic Act that was passed, it had very harsh provisions, and they are not being implemented, why? This is because when the Police Officers arrest you, they tell you that you are over speeding and for each kilometre you are going to be charged so much money, so give us this. We don't want to go into the same predicament as a County, that the enforcement officers are going to tell our people that this is the law, then they collect money. So, it should be fair enough that our people, even after being slapped with a fine will be willing to pay rather than go to jail.

Mr. Chairman, to the enforcement officers, let us make it a little lenient, because for me I still think that they jail thing should be out of question. Now, I want to by the words of Hon. Khan, that not exceeding one month that is at least fair enough. Now, how to enforce that I will be waiting to see, because if somebody doesn't pay up this one hundred thousand, I would wish to see, because according to me, the Courts that were used by the Municipal Council and the County Councils are no more. Mr. Chairman, from the time the County Government came into being, they ought to have been demolished, because as a County Government, these are the laws that we are now putting into place. If they are talking people to court, then which law, they are using by-laws that are extinct.

*(Hon. Members rise on Point of Order)*

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

Thank you Mr. Chairman, I have put my case very clearly and I don't need information.

**Mr. Chairman:** Yes, Hon. Khan

**Hon. Aslam Khan:** Thank you Mr. Chairman. Mr. Chairman, the Hon. Member is misleading this Hon. House. Mr. Chairman up to recently there was a court that was manned by the Municipal Council of Kisumu. It is only the Magistrate who was transferred. Mr. Chair, even Hon. Benjamin was taken there for over-speeding and was slapped with a fine. So, I am quite aware that Hon. Ogosi is saying that these Courts are not working and you were there.

**Mr. Chairman:** Hon. Ong'ou.

**Hon. Samuel Ong'ou:** Mr. Chairman, there is one thing you are not getting clear, judiciary is not in our department, the judiciary is for Kenya Government and therefore even as we speak today the County Government of Kisumu is taking offenders to these courts, there is a circular to that effect and I know Hon. Ogosi is not aware which was given a month ago by the Chief Justice, Dr. Willy Mutunga, which is now legalising the County Courts. They are seeing that the County cases are bringing a lot of backlog with the main cases, so that is why they are introducing courts for the Counties. That means that if you are having an offence and you come from the county Government, you will be charged in these courts.

**Hon. Aggrey Ogosi:** Mr. Chairman, the matter raised by the speaker is correct that there is information in that circular. The Chief Justice has now realized that these people are operating illegally even after County Governments came into being. So, Mr. Chair I second that proposal by Hon. Khan of not more than one month.

**Mr. Chairman:** Hon. Oraro, I want it to go on record that there is no seconder.

**Hon. Kelvin Oraro:** Mr. Chairman, there are two categories that you are talking about and offence of not displaying your license will be abused and if you disagree with these revenue collectors, I hope you understand me, they will take advantage of

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

this situation, because of Kshs 3,000 or an option of one month jail term, how will you want to prove that in a court of law that you never displayed your license in a conspicuous place. For this one Mr. chairman I disagree let us deal with other clause, I want to ask Hon. Agwanda to second.

**Hon. Caroline Agwanda:** Mr. Chairman, thank you, I second the proposal by Hon. Oraro.

**Mr. Chairman:** Order!! Order!! Hon. Members, Hon. Caroline Agwanda, what are you seconding?

**Hon. Caroline Agwanda:** I am seconding the proposal by Hon. Oraro, the proposal was that if you fail to display trade license which is clause 16 (3) “Any Licensed Trader who shall fail to display a trade License issued under this Bill in the business premises commits an offence and shall be liable to a fine not exceeding three thousand Kenya shillings and imprisonment of not exceeding one month”

**Mr. Chairman:** Hon. Agwanda, why you are not coming out clear is on the “fine not exceeding three thousand...”

**Hon. John Kadede:** Mr. Chairman, let me second that?

**Mr. Chairman:** Let Hon. Kadede second that?

**Hon. John Kadede:** Mr. Chairman, Hon. Oraro is just fair enough because the Kshs 3,000 is too much for just failing to display a trade license, that is too high.

**Mr. Chairman:** Hon. Kadede, you are out of order!! Hon. Oraro had agreed with the Kshs 3,000.

**Hon. John Kadede:** I support that, with an imprisonment of one month, no jail term let us leave it like that.

**Mr. Chairman:** Hon. Aim.

**Hon. Fanuel Aim:** Mr. Chairman, we are not serious, if we fail to enact this law properly, then, these people are not going to pay these levies we cannot say that Kshs 3,000 for not displaying a license. Why do you have a license and you don't want to

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

display it? You should display it and if you don't display it you go there and pay Kshs 3,000.00 and if you don't have the Kshs 3,000, go to jail for one month so that this levels the play ground.

**Mr. Chairman:** Hon. Oraro, we are not moving, so, what I would request that we will deal with this when we are in the Committee of the Whole House, and I want to see how many Members are of the opinion that when somebody fails to display his license, then, he is liable to a fine of Kshs 3,000 or an option of a jail term for not more than one month. They can stand up so that we see how many are in support of that clause?

**Hon. Samuel Ong'ou:** Mr. Chairman, we are quoting a provision and if that person fails to pay that fine, then, what is the option. Mr. Chairman, you must also give an option in case that offender fails to pay the requisite fine. So, what next, if you cannot pay then you close a business; let us say that you put it like that.

**Mr. Chairman:** Hon. Khan.

**Hon. Aslam Khan:** Mr. Chairman, these things are there, please let me put it again in a layman's language. It is like somebody riding a motorbike in a road and he has failed to display an insurance sticker. Mr. Chairman, if you fail to display the insurance, there is an option of a fine and there is an option of a jail term or both which is in law.

Mr. Chairman on the other hand, the same applies to when you are driving a motor vehicle and being a competent driver and you have the COC which is referred to as the driving license, you know it is the Certificate of Competence which when you fail to carry which is the same thing where you are fined and if you cannot afford a fine you are given an option of a jail term.

**Mr. Chairman:** Hon. Joseph Osano.

Mr. Chairman, what I want to say on this, why do you not want to display the license, which brings us to a very critical thing, the reason why somebody doesn't

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

want to display a license maybe the license is not genuine, because even in the former Local authorities there were people who could scan licenses, that one can bring us to another clause No. 5 on how to deal with such cases.

Mr. Chairman, if you don't want to display a license and you have it with you, then it is not a genuine license. If at all it is a genuine license, then you must display it, so that also brings us to another one, how do we deal with somebody like that? Why don't you want to display your license, maybe it is a photocopy from somewhere, though I stand to be corrected Mr. Chairman, this is a valid point.

**Mr. Chairman:** Hon. Benjamin.

**Hon. Benjamin Onyango:** Thank you Mr. Chairman. Mr. Chairman, one thing that we have to understand is that we are making laws that will make things easier for each and every one of us. When we talk of introducing a fine, and we don't bring up the issues of an option, then there is no law that we are introducing. When we don't bring this thing of an option, then that means that everybody will not be paying these fines because there is no provision for options, and with no payments, you close shop.

Mr. Chairman, closing of business, the authorising officer will not be there to ensure that you close shop, and if you are to close, how long will you close and how often will you open. The officers come, they find you have not displayed you close the following day you open and because there is no option provided for, then that means this will be a game of cat and mouse. So, this means that, this option must be there, you either pay the fine or you go to jail.

**Mr. Chairman:** From contribution of members, they are in support that we introduce a jail term of one month.

**Mr. Chairman:** Hon. Ogosi.

**Hon. Aggrey Ogosi:** Thank you Chairman, I want to remind the Hon. Members that this law is being made for Kisumu County, in your mind you think that we are making

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

the law for these big businesses in town, we are making the laws for everybody. So, Kisumu County is going to touch those who own businesses in the village where Hon. Benjamin comes from.

Mr. Chairman, when we are making laws, let us take this into account. Mr. Chairman, in my opinion, this No. 16 (3) ought not to have been included in this Bill, it should be obliterated, because once somebody has paid license, even what Hon. Khan was talking about in the Traffic Act in the Republic of Kenya it is a requirement that you display or produce your driving license, but that is after 24 hours. So, you have the powers to drive without your driving license provided that you can produce it within 24 hours. So, these are some of the provision that we need to look at, because we want to be lenient to our people, this includes the business area in my place.

**Hon. Samuel Ong'ou:** Mr. Chairman, if what Hon. Ogesi is talking about, let him not confuse that with trade license. He must consider other relevant thing before you are even asked the driving license, things like an insurance sticker for example, you must display.

**Mr. Chairman:** Order!! Order!! Hon. Members!!

**Mr. Chairman:** Hon. Khan.

**Hon. Aslam Khan:** Mr. Chairman, the issues of driving license is like this, why are you given an option of producing it after 24 hours, this is because one, whether you have to renew it or you are just from class. Let me inform Hon. Ogesi that if your license is mutilated, that is already an offence, that gives you an option to produce it after 24 hours to show whether you have complied with legal requirement, thank you Mr. Chairman.

**Mr. Chairman:** Hon. Aim.

**Hon. Fanuel Aim:** Mr. Chairman, I now want to believe that we are wasting a lot of time on this small issue or this particular clause, this is because, it makes no sense that I have a license in my shop and I don't want to display it. Actually it makes no sense

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

and this goes to each and every one of us, it would not make any sense at all, unless that is not a genuine license, maybe a photocopy which you have altered or something else. Mr. Chairman, what we also need to look into is that sometimes these officers can take leverage of frustrating our people, they come and say that you have not displayed your license while of course you have displayed your license, that is the area that we need to look into.

**Mr. Chairman:** Hon. Petronilla.

**Hon. Petronilla Omondi:** Thank you Mr. Chairman. Mr. Chairman, I also concur with other speakers that we are spending a lot of time on this clause, but the truth of the matter is, that the license must be displayed, if it cannot be displayed and we are saying that is okay, then we are saying that the license is not needed. So, if the license is not displayed, then how will you know that client has paid up? The license must be displayed, because as a society we must also make laws that make our people adhere to some kind of discipline, people who are organized, people who do what they should do all the time, we should have some kind of discipline.

**Mr. Chairman:** Hon. Members, let us proceed. Hon. Members with amendments?

**Mr. Chairman:** Hon. Otiende.

**Hon. Joseph Otiende:** Thank you Mr. Chairman. Mr. Chairman, when we are discussing these issues, we must take cognizance that some people doing small scale businesses. For that I would like to propose that, and I would like members to support me on this, instead of Kshs 3,000, let us make it Kshs 1,000.00.

**Mr. Chairman:** Hon. Otiende, we are now requesting for other amendments.

**Mr. Chairman:** Hon. Benjamin.

**Hon. Benjamin Juma:** Thank you Mr. Chairman. Mr. Chairman, I am proposing some amendments on Section 16 (4) "The Executive Member shall determine and publish the license fees with the approval of the County Assembly for each businesses and trades and review that same from time to time". I propose the "businesses" be

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

“business” and “trades” should read as “trade” we delete “e and s” so that they remain singular.

**Mr. Chairman:** Hon. Oraro.

**Hon. Kelvin Okoth:** I second that amendment. I also have a proposal?

**Mr. Chairman:** Please bring it up.

**Hon. Kelvin Okoth:** Mr. Chairman, Section C be substituted to read “schedule 1” and Section D to be “schedule 2”. In fact the word Section was totally wrongly placed because the one who was drafting this was not a law maker.

**Mr. Chairman:** If we substitute this section “C” then we start with “A” then we change the other. Why are you proposing changes in these sections?

**Hon. Kelvin Okoth:** Mr. Chairman, I was proposing that because regulations are part of this Bill, so these sections fall under “schedule”.

**Mr. Chairman:** Hon. Ogosi.

**Hon. Aggrey Ogosi:** Chairman, I hope you have dispensed off Hon. Oraro’s proposal, because schedules are left for the Constitution and sections are left for other Bills. This Section 16 is a problem section and even the sub-section (4) that has been amended by Hon. Benjamin, that is section 16 (4) “that the Executive Member shall determine and publish the license fees with the approval of the County Assembly for each businesses and trades and review that same from time to time.

Mr. Chairman, in my opinion, this is usually captured in the Finance Bill. So, when you say that this Executive Committee Member is going to charge for business and trade from time to time, then what are we saying, because I know that once we do the Finance Bill it caters for everything and that goes for a whole year. So, this for me needs to be expunged or something.

**Hon. Aslam Khan:** Mr. Chairman, on the issues of what Hon. Ogosi raised I would like to shed more light. Mr. Chairman, it is the Executive Member for Trade who shall determine the charges proposed and publish after the approval of the County

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

Assembly. So, it is brought here on a yearly basis with the Finance Act whereby we pass it with the approval of the County Assembly it is when those fees become valid.

**Hon. John Kadede:** Mr. Chairman, this is where the Executive Member is going to draw his powers from.

**Hon. Samuel Ong'ou:** Mr. Chairman, you know what is in the Finance Bill, is fixing what these business rates in a year, but now this is the Trade Licenses Bill, in this you may add in a given year, let us say there could be a disaster which could have affected a certain sector, and at that particular time you look at the Finance Bill you will find that the rates payable are fixed, you cannot change that. Mr. Chairman, this Bill is now introducing a new way, which will allow the Minister if there is a disaster to reduce or increase rates with the approval of the Assembly and I think this is still in order.

**Mr. Chairman:** I think we are on the right track because there is somebody who has seconded Hon. Ogosi's proposal.

**Mr. Chairman:** Hon. Aim, do you have a proposal?

**Hon. Fanuel Aim:** Thank you Mr. Chairman. Mr. Chairman I would like to make a general amendment. If you look at section 7 (2) "Any person who contravenes the provisions of section 8 (1) shall be liable to a fine not exceeding One Hundred Thousand Kenya Shillings. I think we amended this with an insertion of "a jail term not exceeding six months"

Mr. Chairman, I would like all these sections that have a "fine of One Hundred Thousand to be a "fine not exceeding Fifty Thousand Kenya Shilling and a jail term of three months".

**Mr. Chairman:** Hon. Kelvin Oraro.

**Hon. Kelvin Oraro:** With that suggestion and on the issues of these fines let us not tire ourselves with these clauses for those small businesses and any other business within Kisumu County not to exceed one hundred thousand. Supposed you have somebody

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

who is operating a Supermarket and he knows that once you break the law you pay Kshs 50,000. When you mean “not exceeding one hundred thousand” that mean that even that small trader can even pay Kshs 10,000, but these other businesses can pay Kshs 80,000.00 or more. So the word “not exceeding Kshs 100,000.00 starts from a small trader up to that big wholesaler.

**Mr. Chairman:** Hon. Aim you have put a proposal and we are still getting the take of the Members.

**Deputy Leader of Majority (Hon. James Omollo):** You see Mr. Chairman; the Kshs 100,000 is on the upper limit so that there is no charge that can exceed that amount, but we will have cases where people will be charges as little as Kshs 1,000, Kshs 2,000 but not exceeding the amount Kshs 100,000. It is not like every offender will be charged Kshs 100,000, it will depend on which business and offence you are being charged. A Supermarket in Kisumu is quite different from other small businesses like those in Chemelil, this will be determined by the magistrate and he will peg a reasonable amount against the offence depending with the business. There is no magistrate who can charge a woman selling vegetables Kshs 100,000, that is not possible, thank you Mr. Chairman.

**Mr. Chairman:** Hon. Benjamin are you seconding?

**Hon. Benjamin Juma:** Mr. Chairman, it is still on the same section. According to the report given by the Committee there is section 7 (2) delete the word “of”, this is according to the report. When you come to section 7, requirements for a trade license “Any person who contravenes the provisions of section 8 (1) shall be liable to a fine not exceeding One Hundred Thousand Kenya Shillings”. There are two “of” since they are not specific , according to this we might delete both the “of” and if we delete both of them one statement will lack its meaning.

Mr. Chairman, I would like to pout a proposal that we only delete the word “of” that is in between exceeding and One Hundred.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Mr. Chairman:** We delete?

**Hon. Benjamin Juma:** There are two “ofs” we delete the “of” that is coming in between exceeding and one hundred.

**Mr. Chairman:** On the proposal from the Committee, it was proposed that we delete the “of” between exceeding and one hundred. Bwana clerks, which “of” are we to delete in Section 7 (2) line 2 because we have two “of”.

**Hon. Maurice Aloo:** Mr. Chairman, come up again?

**Mr. Chairman:** On the section on requirements for a trade license.

**Hon. Maurice Aloo:** Which page is that?

**Mr. Chairman:** Page 26 Section 7 (2) of the Bill. It states “Any person who contravenes the provisions of section 8 (1) shall be liable to a fine not exceeding One Hundred Thousand Kenya Shillings”

**Hon. Maurice Aloo:** Mr. Chairman, my proposal was “Any person who contravenes the provisions of section 8 (1) shall be liable to a fine not exceeding One Hundred Thousand Kenya Shillings”. So, the “of” to be deleted is between exceeding and one hundred thousand.

**Mr. Chairman:** Any other proposal?

**Hon. Kelvin Okoth:** Mr. Chairman, still coming back to that proposal, I am trying to look at what proposed as changes. My proposal was to be 1, 2, 3 and 4 as we deal with this proposal, but these ones written as section a, b, c, and e because most of them were indicated as 1, 2, 3 but when you come to regulations, these falls under legislations. I was looking at the amendment and I saw an opportunity for another correction when it came to making amendments at this stage. Mr. Chairman, I was citing no sense in the format being applied here as if it was an exam. So, the word Section I totally disagree with it and should be changed to read PART.

**Mr. Chairman:** Who is seconding your proposal?

*(Hon. Members consulting amongst themselves on the said amendments)*

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Mr. Chairman:** There is no any other amendment?

**Hon. Maurice Aloo:** Mr. Chairman, I am wondering at what point are we going to put a question that the amendment form part of the Bill.

**Mr. Chairman:** There will come that time when we shall be putting g a question so that these amendments be part of the Bill after they have been fully exhausted.

**Hon. Maurice Aloo:** Mr. Speaker that should be at this stage.

*(Hon. Members consulting audibly)*

**Mr. Chairman:** Order Hon. Members!!

**Mr. Chairman:** Yes Hon. Ogosi.

**Hon. Aggrey Ogosi:** Mr. Chairman, before the committee clerk takes as through the amendments done by the Committee of the Whole House, I just wonder when is the commencement date of this Bill?

**Mr. Chairman:** Chairman, Trade and Co-operatives, there is a question from Hon. Ogosi that, when is the commencement date of this Bill?

**Mr. Chairman:** Hon. Ogosi, I think the commencement date of this Bill will be after it will have been assented to by H. E. the Governor.

**Hon. Benta Ndeda:** Page 31 section 7...

**Mr. Chairman:** That section had been dealt with Hon. Ndeda.

**Mr. Chairman:** The commencement date of this Bill will be 14 days after its passage by the House. Hon. Ogosi, you know the law very well.

**Hon. Aggrey Ogosi:** Mr. Chairman, that is not okay because different Bills have different assent dates or the commencement dates, there are those that are decided by the Executive Committee Member and there are those that are clearly stated in the body of the Bill stating that this bill shall commence on a specified date. Mr. Chair if we don't have a clear commencement date, then as a committee we need to seek clarification.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Hon. Samuel Ong'ou:** Mr. Chairman, the commencement date can be two pronged. One, the dates can be can be specified in the Bill and that is actually the best practice. If you look at our Standing Orders it states that 14 days after publication of the Act then it becomes law. This is when it has been assented to and published as an Act, 14 days after that it automatically becomes law.

**Chief Whip (Hon. Isaya Onyango):** Mr. Chairman please proceed.

**Mr. Chairman:** Bwana Clerk, can you please take us through the amendment.

**Asst. Clerk to Assembly:** An amendment was raised in Part II Requirements for a Trade Licenses No. 7 (2) "Any person who contravenes the provisions of section 8 (1) shall be liable to a fine not exceeding One Hundred Thousand Kenya Shillings or imprisonment to a term not exceeding six months or both".

Another amendment was made in Section 9 1 (b) "the licensing authority is satisfied that the applicant has complied with all laws relating to health, environment, hygiene and safety applicable to the trade licenses applied for".

Another amendment was made in Section 9 1 should now read "a", "b", "c", "d" and "e".

Another amendment was made in Section 9 2 on Determination of application for grant or renewal of Trade License, should read 2 "(a)", "(b)" and "(c)".

Another amendment was made on 9 3 (1) "(i) The application has complied will all laws relating to health, environment, hygiene and safety applicable to the trade license;"

Another amendment was made on 10 (1) (c) if it appears to it that the applicant fails to meet the conditions in paragraph (a) and (b), of section 10.

Another amendment was made on 10 (3) "No License may be issued under this Bill if there is an objection by the Public Health Department, Kenya Police or any National Security Agency, or National Environment and Management Authority until such objection has been successfully appealed against the complainant remedied.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

Another amendment was made on 10 “(6) Any person who feels aggrieved by the decision of the Executive Member may by petition apply to the High Court for review”.

Another amendment was made on 13 (3) “A trade License issued under this Bill shall not be transferable unless with a prior written consent of the Licensing Officer on application in a prescribed form and approval of the Directorate and subject to supply of further information related to the said transfer and payable of requisite fees.

Another amendment was made on 16 (3) “ Any Licensed Trader who shall fail to display a trade License issued under this Bill in the business premises commits an offence and shall be liable to a fine not exceeding three thousand Kenya shillings or to a term of imprisonment not exceeding one month or both”

Another amendment was made on 16 (4) “The Executive Member shall determine and publish the license fees with the approval of the County Assembly for each businesses and trades and review that same from time to time”.

Another amendment was made on 17 (7) “Any person who carries on any trade or business within the Kisumu County before first obtaining a License under this Bill shall be guilty of an offence and shall be liable to a fine not exceeding One Hundred Thousand Kenya shillings or to a term of imprisonment not exceeding six months or both”

Another amendment was made on 20 (1) Appeal against decision “A person aggrieved by a decision of the licensing authority may appeal by writing to the County Executive Member responsible for trade against the decision.

(2) The County Executive Member responsible for trade may confirm, reverse or modify the decision appealed against, and make such orders”.

**Hon. John Kadede:** There is one amendment that has been omitted No. 22.

**Mr. Chairman:** We are going as per the sections.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Mr. Chairman:** Hon. Members I will now put a question on the amendments as from Part II, which is on Trade Licenses, section 7 (2), section 9 (b), (c), (d), (e).

Section 9 (2) (d), Section 9 (1) and (3), Section 10 (c), (3) (c).

Section 13 Condition for a License (3), Section 16 (c), sub-section (3) and (4).

Section 17 we have amendment on No. 7, and also No. 20 (1) and (2).

**Mr. Chairman:** Hon. Members, I now put a question that the mentioned amendments form part of the Bill as proposed by Kisumu County Assembly.

**Mr. Chairman:** Will as many as are of that opinion say “Aye”?

**Hon. Members:** “Ayes”.

**Mr. Chairman:** Will as many as are of the contrary view say “Nay”?

(No Response)

**Mr. Chairman:** The “Ayes” have it.

**Mr. Chairman:** Section C.

**Asst. Clerk to Assembly:** On Section C, Powers of Authorized Officers Section 22 (f) “Take into or onto the premises such person, equipment and materials as the inspector reasonably requires for the purposes of exercising of the powers mentioned in paragraph (a) to (d)to; and

**Mr. Chairman:** Hon. Members, I want to put a question that this House adopt amendments on Section C of the Regulations on Powers of Authorized Officers, section 22 sub-section (f) as was proposed by Members of Kisumu County Assembly, that this forms part of the Kisumu County Trade Licensing Bill, 2015.

**Mr. Chairman:** Will as many as are of that opinion say “Aye”?

**Hon. Members:** “Ayes”.

**Mr. Chairman:** Will as many as are of the contrary view say “Nay”?

(No Response)

**Mr. Chairman:** The “Ayes” have it.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Mr. Chairman:** The Chairman Trade and Co-operatives?

**Hon. Maurice Aloo** (Chairman, Trade and Co-operative Development): Mr. Chairman I now propose that we revert to Plenary and I request Hon. James Were to second.

**Hon. James Were:** Thank you Mr. Chairman, I second that we revert to Plenum.

*(Committee of the Whole House reverts to Plenum for reading of the Bill for the 3<sup>rd</sup> Time)*

**Mr. Speaker:** Hon. Members, can you please resume your seats.

**Mr. Speaker:** Hon. Chairman Trade and Co-operatives it is you to report on the progress.

**Hon. Maurice Aloo** (Chairman, Trade and Co-operative Development): Thank you Mr. Speaker. Mr. Speaker, it is you at this juncture that you propose that the House adopts the Kisumu County Trade and Licensing Bill, 2015 with the amendments therein as we go to the 3<sup>rd</sup> Reading of the Bill.

**Mr. Speaker:** Hon. Members, the Kisumu County Trade and Licensing Bill, 2015 has been read for the 2<sup>nd</sup> Time with amendments as was proposed. I am now going to put a question that this Hon. House adopt the Kisumu County Trade and Licensing Bill, 2015 as was proposed by the Members.

**Mr. Speaker:** Will as many as are of that opinion say “Aye”?

**Hon. Members:** “Ayes”.

**Mr. Speaker:** Will as many as are of the contrary view say “Nay”?

(No Response)

**Mr. Speaker:** The “Ayes” have it.

**Mr. Speaker:** Hon. Chairman Trade and Co-operatives the floor is yours?

**Hon. Maurice Aloo** (Chairman, Trade and Co-operative Development): Thank you Mr. Speaker. Mr. Speaker, with the leave of the House I do propose that the Bill on

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

the Kisumu County Trade and Licensing Bill, 2015 be read for the 3<sup>rd</sup> Time. I would like to call upon Hon. Agwanda to second.

**Hon. Caroline Agwanda:** Thank you Mr. Speaker. Mr. Speaker, I do second the proposal that the Kisumu County Trade and Licensing Bill, 2015 to read for the 3<sup>rd</sup> Time.

**Hon. Maurice Aloo** (Chairman, Trade and Co-operative Development): Point of Order Mr. Speaker, I would like to request that we convert to Committee of the Whole House.

**Hon. Gabriel Ochieng’:** Mr. Speaker, just for your indulgence and for the House because it is a point of order, I just want it to be read that let the Bill be read for the 3<sup>rd</sup> Time and then somebody will propose that we revert the Committee of the Whole House.

**Mr. Speaker:** We will be guided by the Hon. Chairman for Trade. Hon. Chairman for Trade have you proposed?

**Hon. Maurice Aloo** (Chairman, Trade and Co-operative Development): Yes Mr. Speaker, I proposed that the Bill be read for a 3<sup>rd</sup> Time, then we convert to Committee of the Whole House.

**Hon. Gabriel Ochieng’:** This should be the words Mr. Speaker, that the Bill be now read for a 3<sup>rd</sup> Time.

**Mr. Speaker:** I don’t understand what you are saying, it is the Clerk to read the Bill for a 3<sup>rd</sup> Time. Mr. Clerk can you please read the Bill for a 3<sup>rd</sup> Time.

**Asst. Clerk to Assembly:** The Kisumu County Trade and Licensing Bill, 2015 be read a 3<sup>rd</sup> Time.

***3<sup>rd</sup> Reading of the Kisumu County Trade Licensing Bill, 2015***

**Hon. Maurice Aloo** (Chairman, Trade and Co-operative Development): Mr. Speaker, I propose that we revert to the Committee of the Whole House.

**Mr. Speaker:** Who is seconding that proposal?

---

***Motions (Bills)***

***1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)***

***2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)***

**Hon. Maurice Ondiek:** I rise to second that we revert to Committee of the Whole House.

**Mr. Speaker:** Hon. Khan, can you please second that proposal properly?

**Hon. Aslam Khan:** Mr. Speaker, I rise to second the proposal for the House to revert to Committee of the Whole House.

*(Hon. Members rise as the Mace is lowered subsequently Plenary reverts to Committee of the Whole House)*

**Mr. Speaker:** Order!! Hon. Osano.

**Mr. Speaker:** Bwana Clerk, can you please take us through the Bill for the 3<sup>rd</sup> Time?

**Asst. Clerk to Assembly:** The Kisumu County Trade and Licensing Bill, 2015 The Kisumu County Trade and Licensing Bill, 2015,

Arrangement of Clauses

Clause I

Part I – Preliminaries

1 – Short Titles

2 – Interpretations

Part II – Trade Licenses

3. – Establishment of Divisions.

Section B

Licence

4 – Licenses

5 – Licensing Authorities

6 – Classification of Licenses

7 – Requirement for Trade Licenses

8 – Application for Grant or Renewal of Trade licenses

9 – Determination of Applications for Grant or Renewal of Trade Licenses.

10 – Refusal to issues or renew Licenses.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

11 – Assignment of Licenses

12 – Requirement to keep a Register

13 – Conditions of Issuance of Trade Licenses.

14 – Duration and Operations of Trade Licenses

15 – Exhibition of Trade Licenses

16 – Annual Fees

17 – Revocation, Suspension and Variation of Licenses

18 – Surrender of License

19 – Transfer of License

20 – Appeal against the decisions

Section C

Regulation

21 – Regulations

22 – Powers authorised Officers

Section D

Trade Licenses

23 – Trade Licenses.

The Kisumu County Trade and Licensing Bill, 2015 a Bill for an Act of the County Assembly of Kisumu to provide for the grant of trade licenses, control and licensing of business premises.

Enacted by the Kisumu County Assembly as follows-

Part I – Preliminaries

Short Titles and commencement

1. This Act may be cited as the Kisumu County Trade Licensing Act, 2015.

Interpretation

2. In this Bill, unless the context otherwise requires;

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

“County Executive Member” means the County Executive Member for the time being in charge of Trade/Commerce;

“directorate” means the directorate of Trade/Commerce established in Section 3 of the County Trade and Market Bill’;

“Trade License” means a license granted to conduct business.

“licensee” means a person or personal entity to whom a license has been issued under this Bill; and

“Trade” means to carry on the business of selling goods or services. In this Bill, Trade and Commerce will be used interchangeably.

“approved form” means a form approved by the licensing authority.

“authorised officer” is an officer authorised to perform any action under this Bill;

“business” includes a profession, trade, occupation;

“holder” in relation to the Trade License, means the person to whom the license is granted.”

“license fees” means fees payable for grant or renewal of Trade License;

“licensing authority” means an officer of the County Government appointed under this section.....

“prescribed” means prescribe by the rules made under this Bill;

“receiver of revenue” has the same meaning as in the Kisumu County Revenue Administration Act, 2014

## Part II – Trade Licenses

### **Establishment of a Division.**

3. There shall be within the Directorate of Trade a Division to be known as the Licensing Division.

### **Licenses**

---

### **Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

4. Licenses - No person shall carry out any type of trade or business within the County under this Bill without a License issued by the Trade Licensing Division of the County Government

**5. Licensing Authority**

(c) The County Executive Member responsible for Trade must appoint an Officer from the County Government as the Licensing Authority.

(d) The Licensing Authority has the powers provided for

**6. Classification of Licenses**

(2) For the purposes of this Bill the following Licences may be issued under this Bill –

(i) a trade (wholesale) License;

(j) a trade (retail) License;

(k) A hawker's License;

(l) An agent's License

(m) A manufacturing License;

(n) A consolidated/Single Business License for all types of businesses carried out in the County of Kisumu;

(o) License for professional services ;

(p) any other license issuable to a person carrying out any business or trade within the precincts of County jurisdictions.

**7. Requirements for a Trade License**

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

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

(2) Any person who contravenes the provisions of section 8 (1) shall be liable to a fine not exceeding One Hundred Thousand Kenya Shillings or to an imprisonment of a term not exceeding six months or to both.

**Application for Grant or renewal of Trade License**

8. (1) A person may apply for grant or renewal of trade license in a prescribed form.

(2) The application must be made to the to the licensing authority in the County.

(3) The application must contain such information and be accompanied by such documents as are required by the prescribed form.

(4) Application must be accompanied by the prescribed application fees (if any).

(5) An application may be made in an electronic format approved by the Licensing Authority.

(6) The Licensing Authority may before determining an application, require the applicant to furnish to the licensing authority such additional information or document as is necessary to enable the application to be determined.

(7) If any application fee has been prescribed, the fee is not refundable.

(8) Where the application is for the renewal of a trading or business License, the application must be accompanied by the trading of business License or, if that is not practicable, by a statement of the reasons for the failure to provide the License.

**Determination of application for grant or renewal of Trade License.**

9. (1) Where an application for the grant of a trade licence is made to the directorate in accordance with this section, the directorate must grant the License if it appears to the Directorate that-

(a) the applicant is at least 18 years old,

(b) the licensing authority is satisfied that the applicant has complied with all laws relating to health, hygiene and safety applicable to the trade licenses applied for,

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

(c) no trading Licence held by the applicant has been forfeited in the period of five years ending with the day the application was made, and

(d) the applicant has not been convicted of the relevant offence.

(e) Where applicable, the applicant has obtained all other consents and/or approval to carry on the trade for which the licence is sought.

(2) Grant of a license

(a) The Licence fees must be paid to the receiver of the revenue.

(b) The trade licence is to be in an approved form and is granted subject to such conditions (if any) as are specified in the trade license.

(c) All licenses expire as at 31<sup>st</sup> December of the Year of Issues.

(d) The annual fees to be paid in full as prescribed for the license applied irrespective of the time of application.

(3) Renewal of Licence

(a) The holder of the trade license may, before the expiry of the trade license apply in the prescribed form for the renewal of the trade license.

(b) The licensing authority must grant an application for renewal of trade license if:

(i) The application has complied will all laws relating to health, environment, hygiene and safety applicable to the trade license; and

(ii) The license fees payable for the renewal of the trade license has been paid to the receiver of revenue.

(iii) The licensing authority may, before determining an application for renewal, require the applicant to furnish to the licensing authority such additional information or documents as is necessary to enable the application to be determined.

(iv) A trade license is to be renewed for a calendar year.

**Refusal to issue or renew License**

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

10. (1) The Directorate may refuse to issue or renew license-

(a) to a person who is serving a conviction of an offence under this Bill, or any other offence that, in the opinion of the directorate, involves a dishonest act or intent on the part of the offender;

(b) to a person whose License under this Bill has been cancelled or is, at the time of application, under suspension; or

(c) if it appears to it that the applicant fails to meet the conditions in paragraph (a) and (b), of section 10.

(2) The Directorate shall refuse to renew License if the directorate has become aware of any circumstances that that would require it to refuse to issue a License to the applicant.

(3) No License may be issued under this Bill if there is an objection by the Public Health Department, Kenya Police or any National Security Agency, or National Environment and Management Authority until such objection has been successfully appealed against the complainant remedied.

(4) Where the Directorate refuses to issues or to renew a License, the directorate shall state in writing its reasons for refusal.

(5) Any person who is dissatisfied with the decision of the Licensing Division may appeal to the Executive Member in writing who will hear the appeal and make a final determination.

(6) Any person who feels aggrieved by the decision of the Executive Member may by petition apply to the High Court for review.

#### **Assignment of License**

11. A Licence under this Bill is not assignable.

**Chief Whip (Hon. Isaya Onyango):** Point of order Mr. Chairman, what we are doing is a very serious issue and some Hon. Members are making a lot of noise and I think that is not wise.

---

#### **Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Mr. Chairman:** Hon. Member, please let us concentrate and give the Clerk time to take us through these amendments.

**Requirement to keep a Register**

12. (1) The Directorate of Trade must keep a register containing-

- (a) a record of each trading or business License issued by it;
- (b) a record of each temporary event notice received by it;
- (c) such other information as may be prescribed.

(2) Regulations may require a register kept under this section to be in a prescribed form and kept in a prescribed manner.

(3) Each directorate must provide facilities for making the information contained in the entries in its register available for inspection, in a legible form, by any person during office hours and without payment.

(4) The directorate must supply them a copy of the information contained in any entry in its register in legible form if requested to do so by any person.

The directorate may charge such reasonable fees as it may determine in respect of any copy supplied under subsection (4)

**Condition of a License**

13. (1) The Directorate may impose conditions and restrictions on a License when issuing or renewing a License.

(2) The condition in respect to this licenses must be reasonable and in accordance with the law.

(3) A trade License issued under this Bill shall not be transferable unless with a prior written consent of the Licensing Officer on application in a prescribed form and approval of the Directorate and subject to supply of further information related to the said transfer and payable of requisite fees.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

(4) The Directorate shall issue a Consolidated/Single Business License to a trader who conducts different trades within the same premises which are accessible through one door but the same does not apply to exhibitions.

**Hon. Aggrey Ogosi:** Point of Information Chairman.

**Mr. Chairman:** Granted Hon. Ogosi.

**Hon. Aggrey Ogosi:** Mr. Chairman, this Bill was read for the 1<sup>st</sup> Time, and then read for the 2<sup>nd</sup> Time. Mr. Chair as it has been the tradition of this House and other Assemblies, it is in my opinion that during the 3<sup>rd</sup> reading, we can get away with just reading the title of the Bill not having to read the whole Bill again.

**Hon. Gabriel Ochieng':** Point of Order Mr. Chair?

**Mr. Chairman:** Granted to Hon. Ochieng'.

**Hon. Gabriel Ochieng':** Mr. Chairman, you can recall in the second reading we were dealing with amendments. Now when you read the Bill for the 3<sup>rd</sup> Time you include the amendments and that is the intention of reading the Bill for the 3<sup>rd</sup> Time, so that the amendments can be captured. Otherwise we would have just skipped the 3<sup>rd</sup> reading and went straight to the long title of the Bill.

**Mr. Chairman:** Hon. Ogosi, I thought Hon. Gabriel was to second your sentiments but let us proceed we are just about through with the reading.

#### **Duration and Operation of License**

14. Except while it is suspended by or pursuant to this Part, a trader's license continues in force for a period of one calendar year unless-

- (a) it is cancelled, or revoked or surrendered pursuant to, this Part: or
- (b) the dealer, being an individual, dies; or
- (c) The dealer, being a body corporate, is dissolved.

#### **Exhibition of Trade License**

15. Every holder of a Trading License shall keep his/her License exhibited in a conspicuous place of his/her trading premises.

---

#### **Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Annual Fees**

16. (1) A Licensed Trader shall, not later than the prescribed date in each year pay to the directorate the prescribed Annual Licence Fees.

(2) Any trader who shall have not taken out a trade License by 31<sup>st</sup> March of each succeeding year, commits an offence and shall be liable to a as provided under County Finance Act.

(3) Any Licensed Trader who shall fail to display a trade License issued under this Bill in the business premises commits an offence and shall be liable to a fine not exceeding three thousand Kenya shillings or to term of imprisonment not exceeding one month or to both,

(4) The Executive Member shall determine and publish the license fees with the approval of the County Assembly for each businesses and trades and review that same from time to time.

**Cancellation or Suspension of License.**

17. (1) Where there is breach of any condition imposes under this Bill, the Directorate may revoke or suspend a License.

(2) Subject to subsection (1), the Directorate may suspend or revoke a Licence if there is good reason or cause for such action either by petition by any resident of the County or on its own motion.

(3) The Licensing Authority may cancel or suspend a trade license if it is satisfied that; the conduct of the business is endangering the health or safety of persons who live or work in the neighbourhood or premises from which the business is conducted.

(4) If the Licensing Authority cancels or suspends a trade license (or revokes such suspension), the authority might give the holder of the license written notice of cancellation or suspension, including the period of suspension, or revocation, together with the statement of reason for the decision.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

(5) If a trade license is cancelled or suspended, the holder of the license must immediately cease to conduct the business.

(6) If the Licensing authority revokes the suspension of the trade license, the holder may resume conducting the business,.

(7) Any person who carries on any trade or business within the Kisumu County before first obtaining a License under this Bill shall be guilty of an offence and shall be liable to a fine not exceeding One Hundred Thousand Kenya shillings or to term of imprisonment not exceeding six months or to both,

#### **Surrender of License**

18. The holder of a trade license may surrender the license by returning it to the licensing authority. But no refund of the license fees is payable.

#### **Transfer of License.**

19. No holder of a trade license will transfer the license to any other person or premises other than the licensed one.

#### **Appeal against a Decision**

20. (1) A person aggrieved by a decision of the licensing authority may appeal by writing to the County Executive Member responsible for trade against the decision.

(2) The County Executive Member responsible for trade may confirm, reverse or modify the decision appealed against, and make such orders and give such directions to the licensing authority as may be necessary to give effect to her/his decision.

### **Section C**

#### **Regulation**

21. The County Executive Member may from time to time make regulations prescribing-

- (a) the form and content of an application for a license;
- (b) the manner of application for a licensee

---

#### **Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

- (c) the form and content of a license
- (d) the fees to be paid for each trading license
- (e) the procedures for granting a license of any other businesses not specified under this Bill;
- (f) manner in which the license is to be displayed;
- (g) ways to vary any term or condition to which a License is subject or impose new terms or conditions.
- (h) Requirement of and condition of business premises.
- (i) Places of establishment of various businesses.
- (j) Rules for and Control of Kiosk and prohibited businesses.

**Powers of Authorized Officers**

- 22.** (1) Any authorised officer may:
- (a) Enter any premises for the purposes of
    - (i) Granting or renewing a trade license; or
    - (ii) Finding out whether then holder of a trade license is complying with the license, or this Bill or the rules made under this Bill; and
  - (b) Search the premises or any part of the premises; and
  - (c) Inspect or examine anything in or on the premises; and
  - (d) Seize anything that may afford evidence of commission of an offence against this Bill; and
  - (e) Take extracts from, and take copies of, any documents in or on the premises; and
  - (f) Take into or onto the premises such person, equipment and materials as the inspector reasonably requires for the purposes of exercising of the powers mentioned in paragraph (a) and (b) to; and

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

(g) Require the holder of the license, or any person in or on the premises to give the inspector reasonable assistance on relation to exercise of the powers mentioned in paragraph (a) to (f).

(2) However, an authorized officer must not enter premises unless:

(a) The owner or occupier consents to the entry; or

(b) The entry is made when the premises are open for conduct of business otherwise open for entry; or

(c) The authorised officer suspects no reasonable grounds that an offence is being committed against this Bill in the premises.

#### **Section D**

##### **Trade Licenses**

**23.** The following fees shall be levied in respect of business described hereunder in the County Finance Act.

#### **MEMORANDUM OF OBJECT AND REASON**

This Bill seeks to provide for the grant of trade licenses, control and licensing of business premises and to establish a directorate for the similar purposes.

The Kisumu County Trade and Licensing Bill, 2015, a Bill for an Act of the County Assembly of Kisumu to provide for the grant of trade licenses, control and licensing of business premises.

##### ***Sponsor of the Bill***

***Hon. Maurice Onyango Aloo***

***Chairman, Trade, Co-operative and Enterprise.***

**Mr. Chairman:** The Bill read in accordance with Standing Orders 122 (1) and (2) we allow further amendments on this Bill, if there is any.

---

##### ***Motions (Bills)***

***1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)***

***2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)***

**Mr. Chairman:** Hon. Maurice Aloo.

**Hon. Maurice Aloo** (Chairman, Trade and Co-operative Development): Thank you Mr. Chairman. Mr. Chairman, pursuant to Standing Order 122 (2) I would like to propose further amendments on the author of the Bill Mr. Chairman, that the sponsor of the Bill that we strike off the names of Kisia Omondi (Dr.) to be replaced with the name of Hon. Maurice Onyango Aloo, Chairman, Trade, Co-operative and Enterprises. Mr. Chairman I request Hon. Gabriel Ochieng' to second my proposal.

**Hon. Joseph Osano:** Point of Order before that amendment is made?

**Mr. Chairman:** Granted.

**Hon. Joseph Osano:** Mr. Chairman, I thought the Bill should originate from the Executive.

**Mr. Chairman:** Hon. Gabriel.

**Hon. Gabriel Ochieng':** Mr. Chairman, Hon. Osano stood on a Point of Order and I was expecting him to quote that Standing Order. Mr. Chairman, there was a time that a Bill was sponsored by one of the Executive Members and it brought a lot of turmoil, but if you look at our Standing Orders No. 111 part (6) of it, It states as follows "A Bill shall be signed by the Member in charge of it and shall be introduced by way of First Reading in accordance with Standing Order 120 (*First Reading of Bills*). That is the relevant Sectoral Committee and I stand to be guided on that Standing Order Mr. Chairman.

**Mr. Chairman:** Standing Orders No. 111 (6) states that "A Bill shall be signed by the Member in charge of it and shall be introduced by way of First Reading in accordance with Standing Order 120 (*First Reading of Bills*). Let us look at Standing Orders No. 120.

**Hon. Gabriel Ochieng':** The most important part I wanted the Members to note was that 111 (6) This Bill must be introduced by the Member in-charge, what I meant was

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

that, that same Member who is Hon. Maurice Aloo and it has not specified the Executive Member, there are certain circumstances like in the County Government Act where it explicitly specifies whether it is the Executive Member, but here in the Standing Orders, it talks about a Member, more so that relevant Sectoral Committee. Mr. Chairman, if you look at 111 (7) it will also tell you the designated member who is supposed to introduce the Bill.

**Mr. Chairman:** Standing Orders No. 111 (7) states that “A Bill for whom a Committee is in-charge shall be introduced by the Chairperson of the Committee or a Member of the Committee designated by the Committee for that purpose”.

**Hon. Moses Ochele:** Point of Information Mr. Chairman.

**Mr. Chairman:** Yes, Hon. Moses Ochele.

**Hon. Moses Ochele:** Mr. Chairman, if you look at this Bill, there is no other better way it should have come other than bearing the name of the relevant CEC Member. Mr. Chairman, for this Bill to be signed, and there is no provision for this CEC Member to sign, and going by the look of this Bill, it is not signed. The CEC Member cannot table this Bill before this House Mr. Chairman, the only authority that is mandated to do so, is going through relevant Sectoral Committees, and it is now that Chair of that Sectoral Committee to append his signature on behalf of that CEC Member going by the Standing Orders cited by Hon. Gabbie.

Mr. Chairman, for it to bear the authenticity of the House, it must be signed by a Member of this House on behalf of the CEC Member who sponsored it. So, in correlation, that Member who is Hon. Aloo can come in on behalf of his CEC Member, so it is his signature to be appended in that Bill, thank you Mr. Chairman.

**Mr. Chairman:** Hon. Osano I hope you are now informed.

**Hon. Joseph Osano:** Thank you Chairman, but Chairman I have no objections on what my colleagues are stating, but I think that let us not just rush, there is still time. Why do people resort to further consultation....

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Hon. Elijah Omondi:** Point of Order Mr. Chairman.

**Mr. Chairman:** Granted.

**Hon. Elijah Omondi:** Mr. Chairman, Hon. Osano has interest in this Bill, because the Standing Orders are very clear.

**Hon. Joseph Osano:** Mr. Chair, I don't think that is right, if I say that we hold on to something like this and consult further. What kind of interest do I have in this Bill? The reason I am saying this is because Hon. Gabbie has just brought up a very important issue, you know what we went through on the Bill that was misplaced Mr. Chairman and it does not cost us anything to consult further Mr. Chairman.

**Hon. Paul Okiri:** Point of Information Mr. Chair.

**Mr. Chairman:** Granted to Hon. Okiri.

**Hon. Paul Okiri:** Thank you very much Mr. Chairman. Mr. Chairman, I do totally agree with what Hon. Elijah has said, Hon. Osano has vested interest on this Bill because you know this is a Bill dealing with Trade Licensing and you all know what Hon. Osano is currently undertaking....

**Hon. Joseph Osano:** Hon. Chairman, I am entitled to my opinion...

**Mr. Chairman:** Order!! Order!! Hon. Osano.

**Hon. Moses Ochele:** I want to inform my learned friend that in this Assembly the first authority you can consult is the Standing Orders, and if the Standing Orders say so, then there is no any other authority we need to consult, unless we have now trampled on the validity of this Standing Orders.

Secondly, on a layman's term, Mr. Chairman, the first this we passed when we came to this Assembly is the Kisumu County Appropriation Bill, 2013. Mr. Chairman, this is a Bill that is prepared and originates from the Executive, and who has been signing it Mr. Chairman, it has been signed by the Chairman of Budget and Appropriation Committee and the same should apply to any other Bill that originates from the

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

Executive. So, when you say that we should consult, then we should consult history because history will give us directions, thank you.

**Mr. Chairman:** Order!! Hon. Members, in think we will refer to our Standing Orders No. 111 (7) which states that “A Bill for whom a Committee is in-charge shall be introduced by the Chairperson of the Committee or a Member of the Committee designated by the Committee for that purpose”. So, Hon. Osano, I don’t think there is anything wrong with Hon. Maurice Aloo, the Chairman of Trade Committee to introduce this Bill before the floor of this House.

**Mr. Chairman:** Now, on the proposed amendments, as proposed by Hon. Aloo and seconded by Hon. Gabriel Ochieng’ on Section D on the Memorandum of Object and Reasons where they proposed that the name of Dr. Rose Kisia Omondi the CEC Member, be substituted with that of Hon. Maurice Onyango Aloo, Chairperson of Trade, Co-operatives and Enterprise Development.

**Mr. Chairman:** I now put a question that the name read Hon. Maurice Onyango Aloo, Chairperson of Trade, Co-operatives and Enterprise Development.

**Mr. Chairman:** Will as many as are of that opinion say “Aye”?

**Hon. Members:** “Ayes”.

**Mr. Chairman:** Will as many as are of the contrary view say “Nay”?.

(No Response)

**Mr. Chairman:** The “Ayes” have it.

**Mr. Chairman:** Hon. Aggrey Ogosi.

**Hon. Aggrey Ogosi:** Mr. Chairman, there are Bills that can be generated by this House, there are other that can be generated by the Executive under the delegated authority of this House. So, Mr. Chairman, this is such Bill, and I don’t see any anomaly if the particular Executive Member signs as the sponsor of the Bill because these are delegated authorities. Chairman, we don’t amend at the 3<sup>rd</sup> Reading..

**Mr. Chairman:** Hon. Ogosi, the issues you are raising has been overtaken by events.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

# **County Assembly of Kisumu**

## **Debates of the Assembly**

### **HANSARD**

---

**Mr. Chairman:** Yes Chief Whip.

**Chief Whip (Hon. Isaya Onyango):** Mr. Chair, I propose that we revert to plenary.

**Mr. Chairman:** Yes, Hon. Khan.

**Hon. Aslam Khan:** I second that we revert to Plenary.

*(Hon. Members rise to their feet as the Mace is raised to the upper level as the House reverts to Plenary)*

**Mr. Speaker:** Hon. Members, please resume your seats. Order!! Hon. Members, I will now put a question that for the adoption of the Kisumu County Trade and Licensing Bill, 2015 with amendments therein upon this day Wednesday, 24<sup>th</sup> June, 2015 at 05:30 p.m.

**Mr. Speaker:** Will as many as are of that opinion say “Aye”?

**Hon. Members:** “Ayes”.

**Mr. Speaker:** Will as many as are of the contrary view say “Nay”?.

**Mr. Speaker:** The “Ayes” have it. The Kisumu County Trade and Licensing Bill, 2015 stand passed by this House.

**Mr. Speaker:** Next Order!!

Asst. Clerk to Assembly: Order No. 9

**9. The Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

---

#### **Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Hon. Moses Ochele:** Thank you Mr. Speaker. Mr. Speaker I stand here to read the report on the 2<sup>nd</sup> Reading of the Kisumu County Trade and Market Bill, 2015. Mr. Speaker, I have a report here which was generated from the Joint Committees of Delegated legislation and Committee of Trade, Co-operative and Enterprise Development.

Mr. Speaker, this was a joint task and may I seek the leave of the Hon. House that I don't read the Membership of the Joint Committees but the Chairperson was I myself Hon. Moses O. Ochele and my Co-chair who is Hon. Maurice Onyango Aloo plus other 24 members and four staffs.

Mr. Speaker, the Joint Committee of Delegated Legislation and Trade, Co-operatives and Enterprises Development, the Committees sat on 18<sup>th</sup> June, 20 15 between 09:00 a.m. and 11:30 a.m. as was directed by the House to consider the Bill on the Kisumu County Trade and Markets Bill, 2015 as stipulated under Standing Orders No. 190.

The Committee draws its mandate from the Constitution of Kenya 2010 schedule IV, Standing Order No. 183 which outlines its functions sub-article (5) which states that a Joint sitting of two Committee Sitting shall not be adopted unless supported by a resolution of a majority of the total membership of the committee, which has been met by this Committee.

Mr. Speaker, pursuant to Standing Orders No. 3 which states that

“The Committee shall consider in respect of any statutory instrument whether it-

(a) is in accord with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written law;

(b) infringes on fundamental rights and freedoms of the public;

(c) contains a matter which in the opinion of the Committee should more properly be dealt with in an Act of the County Assembly;

(d) contains imposition of taxation;

(e) directly or indirectly bars the jurisdiction of the Courts;

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

(f) gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;

(g) involves expenditure from the County Revenue Fund or other public revenues;

(h) is defective in its drafting or for any reason the form or purport of the statutory instrument calls for any elucidation;

(i) appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;

(j) appears to have had unjustifiable delay in its publication or laying before County Assembly;

(k) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions;

(l) makes rights, liberties or obligations unduly dependent insufficiently defined administrative powers;

(m) inappropriately delegates legislative powers;

(n) imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;

(o) appears for any reason to infringe on the rule of law;

(p) inadequately subjects the exercise of legislative power to County Assembly scrutiny; and,

(q) accords to any other reason that the Committee considers fit to examine.

Mr. Speaker,

(g) involves expenditure from the County Revenue Funds of other public monies (190 (5) in this Standing Orders “statutory instrument” means any rule, order, regulations, directions, form, tariff of costs or fees, letter patent, commission, warrant, proclamation, by-laws, resolutions, guidelines or other instruments issued, made or established in the execution of powers conferred by or under an Act of the Assembly

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

under which that statutory instrument or subsidiary legislation is expressly authorised to be issued.

Mr. Speaker may I seek the leave of the House to state what we found the regulations where we found in the Findings;

1. Arrangement of Clauses where the sub-titles are aligned in the right margin instead of being aligned in the left margin. The Committee recommended that be corrected.
2. Page 13 be numbered as page 1, going by the numbering of the paging, we realized that our Bill start from page 13. The Committee recommends that instead of the Bill starting from page 13, let it commence from page 1 and continue as so.
3. We delete the word “Bill” and substitute with the word “Act”. That is in the citations, after reading the long title, it states that after the Kisumu County Trade and Market Bill a Bill, so it should be an “Act” of the County Assembly of Kisumu to provide for; the regulation of trade and other Business activities; the establishment of the Directorate of Trade; the establishment and management of markets; and for related purposes. So we recommend that the word “Bill” be substituted to read “Act”

**Hon. John Kadede:** Point of Order Mr. Speaker.

**Mr. Speaker:** Yes Hon. Kadede.

**Hon. John Kadede:** Thank you Mr. Speaker, I don't have a copy of that Bill.

**Mr. Speaker:** But Members has stated here that they have copies of that Bill. Can you please liaise with the Clerk's office to see whether they can furnish you with a copy of the Bill?

**Mr. Speaker:** Please can we continue.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Hon. Moses Ochele:** Mr. Speaker, those are some of the confusion because of negligence on the part of Hon. Kadede and Hon. Petronilla should not at any way interfere with my flow and reading of the report.

1. The second recommendation is in Part I in the same page 3, part 1, the Committee recommended that we create space between “I” and “Preliminary”. So, that it reads part I preliminary.
2. Part II, 3 (1) the Committee recommends that we delete the word “Directorate of Trade and Markets” and create a space between “Directorate” and “of”. On the sub-title the space is too wide.
3. Section 3 (3)(d) delete the word “Ward” and replace it with “Directorate” going by that section “to perform such other functions as may be assigned to it by the Ward. The word “Ward” be deleted and replaced by “Directorate”.
4. Section 6 (l) delete the word “Bill” and replace it with “be”.
5. Section 8 (3) delete “to” between “or and a”. the last word of that sub-section.
6. Part III, delete “PUBLIC MARKETS” above Section “A”. In the wisdom of the Committee, if the drafter of this Bill thought of Section A, then refer to these numerical numbers this brings a lot of contradictions. Therefore, this term referred to Section A, Establishment of Market Divisions, is treated as sub-titles which has been stated on the right hand side of the Bill. Let it be read as a sub-title on the left hand side of the Bill.
7. Section 15 (4) , the Committee recommends that the word “Billion” be deleted and replace it with the word “Billing”.
8. Section 16 (3) add the word “more” between the words “possess and “than”. So that it may read “A regular trader shall not possess more than one authorization for a post in a market that operates in the same day and time.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

9. Section 18 (2) (b) the word “designated area” be interpreted. So, we introduced the clause in the interpretation where we have defined “designated area”, so that it be treated as a new terminology in the Bill.
10. Section 19 (c) be deleted.
11. Section 20, delete the word “to” between the word “or” and the word “both”.
12. Section 21, delete the word “to” in between “or and both”.
13. Page 26, delete the word “Sale of Meat”
14. Section 28 (1) delete the word “in that” and substitute it with the word “on its behalf”
15. Section 28 (2) add the words “or both” after six months.
16. Section 29 (1) add the words “a term of imprisonment for not more than six months or both”.
17. Section 29 (2), add the words “as per section 30” between the words “market and upon”.
18. Section 31 (3), add the words “or both” after six months.
19. Section 32 (2) (a), add letter “d” after the word “situate” to read “situated”.
20. Section 33 (5), delete the word “Magistrate” and introduce the word “of law” after the word Court to read “Court of law”.
21. Page 28, Section H, be deleted, there is the word “Miscellaneous” be deleted and introduce “First Schedule”.
22. Section 35 (2), add the word “in” between the words authority and the word sub-sections.
23. Section 36 (a), delete the word “billion” and substitute it with “Billing”.
24. Section 36 (c) delete the word “showing”.
25. Section 38 we introduce the word “or to a term not exceeding six months imprisonment or both”.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

26. Section 39, delete the letter “e” between “y” to read “By-laws”, delete the word “Bill” after the word “Authority” substitute it with the word “Act”.

27. Above Section 40, introduce “Second Schedule” above it.

28. There is contradiction in section 40 (k) there is double spacing between the word “for and maintaining” and space between “maintaining” and “order” and “preventing” the space should be reduced.

29. Mr. Speaker, any other recommendation of the sponsor, the drafter remains constant.

Mr. Speaker, on behalf of the Joint Committees, that is the report, thank you. May I request Hon. Maurice Aloo to second the report.

**Mr. Speaker:** Hon. Maurice Aloo.

**Hon. Maurice Aloo:** Thank you Mr. Speaker. Mr. Speaker, I stand to second the report of the Kisumu County Trade and Market Bill, 2015 to go for the 2<sup>nd</sup> and 3<sup>rd</sup> Reading, thank you Mr. Speaker.

**Mr. Speaker:** Hon. Members, a report of the Joint Committees of Delegated County Legislation and Committee of Trade, Co-operatives and Enterprise Development on the Kisumu County Trade and Market Bill, 2015 has been presented before this House and seconded by the Chairman, Trade and Co-operatives Development, I now put a question for the adoption of the report.

**Mr. Speaker:** Will as many as are of that opinion say “Aye”?

**Hon. Members:** “Ayes”.

**Mr. Speaker:** Will as many as are of the contrary view say “Nay”?.

(No Response)

**Mr. Speaker:** The “Ayes” have it.

**Mr. Speaker:** I now propose that the Kisumu County Trade and Market Bill, 2015 be read for the 2<sup>nd</sup> Time.

**Mr. Speaker:** Chairman, Delegated County Legislation.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Hon. Moses Ochele:** Thank you Mr. Speaker. Mr. Speaker, may I propose that we revert to the Committee of the Whole House.

**Hon. Caroline Agwanda:** Mr. Speaker, I second that we convert to Committee of the Whole House for the 2<sup>nd</sup> Reading of the Kisumu County Trade and Market Bill, 2015.  
*(The Mace is lowered as Hon. Members converts to the Committee of the Whole House)*

**Mr. Chairman:** Hon. Chairman Delegated County Legislation.

**Hon. Moses Ochele:** Thank you Mr. Chairman, may I propose that the Kisumu County Trade and Markets Bill, 2015 be read for a 2<sup>nd</sup> time.

**Hon. Petronilla Omondi:** I rise to second that the Kisumu County Trade and Markets Bill, 2015 be read for a 2<sup>nd</sup> Time.

**Chief Whip (Hon. Isaya Onyango):** Point of order Mr. Chairman.

**Mr. Chairman:** Yes, Chief Whip.

**Chief Whip (Hon. Isaya Onyango):** Thank you Mr. Chairman. Mr. Chairman, this is my opinion, that I have gone through the Bill and the report, they are too elaborate so, I would like to ask kindly if we could go through the second and third reading concurrently because we are pressed with time.

**Mr. Chairman:** Who is seconding your proposal?

**Hon. Aslam Khan:** Mr. Chairman, I second the proposal that we collapse both the 2<sup>nd</sup> and 3<sup>rd</sup> Reading at the same time.

**Minority Leader (Hon. Joshua Auko):** Mr. Chairman, I think the Bill should be read in totality in the 2<sup>nd</sup> Reading.

**Hon. Elijah Omondi:** Mr. Chairman, what I would like to propose is that the 2<sup>nd</sup> and 3<sup>rd</sup> Reading be done concurrently. So, we have to go through clause by clause, so, what the Chief Whip has proposed that we tie both the 2<sup>nd</sup> and 3<sup>rd</sup> reading together and I support that Mr. Chairman.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Hon. Petronilla Omondi:** Mr Chairman, I would like to get some guidance on how the 2<sup>nd</sup> and 3<sup>rd</sup> Reading will be done concurrently.

**Mr. Chairman:** When there is no amendment like in the report we in-terminate the Report with the Bill as it is being read. On the 3<sup>rd</sup> Read we only read the title of the Bill.

**Mr. Chairman:** Mr. Clerk can you please continue.

**Hon. John Kadede:** Mr. Chair, I am seeing that we have run out of time, we need to request for extension of time.

**Mr. Chairman:** We will request for that time when we reach there.

**Chief Whip (Hon. Isaya Onyango):** Please proceed.

**Mr. Chairman:** Proceed bwana Clerk.

**Asst. Clerk to Assembly:** The Kisumu Trade and Markets Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)

Report from the Committee of Finance on amendment to be considered by the Committee of the Whole House

1. The arrangement of clauses should be at the left margin.
2. Page 13, the page numbering should be amended and subsequent pages to follow.
3. Delete the word "Bill" and substitute it with the word "Act".

## THE KISUMU COUNTY TRADE AND MARKETS BILL, 2015

### ARRANGEMENT OF CLAUSES

Clause

#### PART 1 PRELIMINARY

1. Short Title
2. Interpretation

---

#### **Motions (Bills)**

1. **Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**
2. **Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**PART II DIRECTOR OF TRADE**

3. Director of trade
4. Deputy Director and other offices
5. Functions and powers of the Directorate
6. Inspection Powers of Officer
7. Confidential Information
8. Divisions of the Directorate
9. Reports

**PART III PUBLIC MARKETS**

**Section A**

**Establishment of Market Division**

10. Establishment of Market Division and appointment of Officers
11. Power of Directorate

**Section B**

**Public Markets**

12. Establishment and control of markets
13. Public markets to be held only in appointed places
14. Power to make charges for use of stalls, etc
15. Regular Traders
16. Definition of street hawker
17. Car boot sales
18. Buskers
19. Assaulting or obstructing the officer collecting dues
20. Disorderly behaviour in public market
21. Power of removal or arrest
22. Prohibited goods
23. Duty to maintain and provide information

---

**Motions (Bills)**

1. **Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**
2. **Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

24. Duty to maintain information
25. Access to prescribed goods
26. Seizure of prescribed goods
27. Designated Area

### **Section C**

#### **Sale of Meat**

28. Meat to be sold only in market or licensed premises
29. License to salesman of meat
30. Market Standard

### **Section G**

#### **Regulation of Sale of Marketable Commodities and other Goods**

31. Selling marketable commodities and other goods within prescribed areas
32. Certain sales excluded from the operational of section 31
33. Power to issue permits allowing the sale of goods within prescribed areas

### **Section H**

#### **Miscellaneous**

34. Officers of Health Directorate to carry out inspection.
35. Renting of stalls for selling of meat
36. Duties of Supervisor
37. Offences
38. Any person may sell in the market subject to the provisions of this Bill
39. Penalties
40. Saving
41. Regulations

---

#### **Motions (Bills)**

1. **Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**
2. **Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

Page 15 to be page 3

**THE KISUMU COUNTY TRADE AND MARKETS BILL, 2015**

**A Bill for**

An ACT of the County Assembly of Kisumu to provide for; the regulation of trade and other Business activities; the establishment of the Directorate of Trade; the establishment and management of markets; and for related purposes.

---

**Motions (Bills)**

- 1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**
- 2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

A **BILL** by the County Assembly of Kisumu as follows –

**PART I PRELIMINARY**

1. (sub-title, Short Title) This Bill may be cited as the Kisumu County Trade and Market Bill , 2015

2. (sub-title, Interpretation) **In this Bill-**

“Butcher’s meat” includes beef, mutton, lamb, kid or the meat of any other animal fit for human consumption slaughtered for the purpose of sale and or consumption;

“busker” means any person who performs the activity of busking;

“ busking” any activity of sounding or playing a musical instrument, singing, reciting or performing conjuring, juggling, puppetry, miming, dancing or other entertainment or doing any of those things concurrently;

“Casual trader” means any person who attends a particular market with their goods, in the hope that they may be allocated trading position for that day only, from the vacant positions in the market;

“defective goods” include goods that –

- (a) are in the particular circumstances, unfit for use or are dangerous; or
- (b) do not comply with a product safety quality standard;

“directorate “ means the directorate of Trade established in section

**Deputy Majority Leader (Hon, James Omollo):** Point of Order Mr. Chairman.

**Mr. Chairman:** Yes.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

# **County Assembly of Kisumu**

## **Debates of the Assembly**

### **HANSARD**

---

**Deputy Majority Leader (Hon, James Omollo):** Thank you Mr. Chairman, looking at the clock I think we need to revert to plenary and we request the extension of time so that we finish this business. I propose that we revert back to plenary.

**Mr. Chairman:** Who is seconding your proposal?

**Hon. Elijah Omondi:** Mr. Chairman I second that we revert back to plenary.

*(Hon. Members rise and the Mace is raised to the upper deck as House reverts back to plenary)*

**Mr. Speaker:** Hon. Members, let us resume our seats.

**Mr. Speaker:** Leader of Majority!!

**Majority Leader (Hon, James Omollo):** Thank you Mr. Speaker. Mr. Speaker due to the urgency of this matter and we would like to dispense off this matter today, I would like to move a motion for extension of time.

**Hon. Elijah Omondi:** Point of Order Mr. Speaker.

**Mr. Speaker:** Granted.

**Hon. Elijah Omondi:** Thank you Mr. Speaker. Mr. Speaker, is it in order to have a member in this House who is completely naked?

**Mr. Speaker:** Hon. Ogozi can you please put on decently?

**Majority Leader (Hon, James Omollo):** Thank you Mr. Speaker. Mr. Speaker, I now propose a motion that we extend the sitting of this Plenary until the logical end of this agenda at hand.

**Mr. Speaker:** Hon. Edwin Anayo.

**Hon. Edwin Anayo:** Thank you Mr. Speaker. Mr. Speaker, I stand to second the proposal for the extension of the House because of the importance of the Bill at hand.

**Mr. Speaker:** Hon. Members, the Deputy Leader of Majority has move a motion that the House extends its sitting which is necessitated by the urgency of the Bill at hand

---

### **Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

and this has been seconded by Hon. Anayo. I will now propose a question. Any member who wishes to contribute on that?

**Chief Whip (Hon. Isaya Onyango):** Thank you Mr. Speaker. Mr. Speaker, I would like to say that it is against the wish of the mover but because of the work that is before this House I would like to urge members to try and be a little bit serious so that we are done with these documents that are required, and I would therefore inform members that let us not play with time because if some of us are moving in and out then we are going to miss the gist of the Bill. I would like to urge Members that let us all be serious so that we get adequate time and finish the document and on time, thank you.

**Mr. Speaker:** Hon. Elijah Omondi.

**Hon. Elijah Omondi:** Thank you Mr. Speaker. Mr. Speaker, I support the extension of time, but we have to know that we are extending up to what time Mr. Speaker? I want to believe that we are extending up to three hours from now. So that will be a sitting, because I can see I don't want to pre-empt. Mr. Speaker, what I wanted to say is that as we extend, let us take into consideration including our staff, let us not extend for only members and we don't take care of our staff who are extending with us Mr Speaker, that is what I wanted to say.

**Mr. Speaker:** Hon. Aslam Khan.

**Hon. Aslam Khan:** Thank you very much Mr. Speaker. Mr. Speaker, I rise to support the motion and I want to thank Hon. Elijah of having thought of our Staff. Mr. Speaker, as we extend our time for work, and deliberating on very important issues at the same time our staff like the Sergeant-at-Arms, Hansard and the rest are all involved in this onerous task so that we move together and in one direction. We need to ensure that we do the right things at the right time to the right people, thank you Mr. Speaker.

**Mr. Speaker:** Hon. Aggrey Ogosi.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Hon. Aggrey Ogesi:** Thank you Mr. Speaker. Mr. Speaker, I also rise to support that we extend our sittings. This is due to the importance of the matter before this House. Mr. Speaker, let me say that we are extending, so it is obvious that the staff are also extending, because for me that should not be a matter of discussion, because we cannot proceed in this House without the Clerk and the Office of the Sergeant-at-Arms, unless the meaning of extension is different, it is not the meaning that I know, but if it is the meaning that I know, then it is extension. So, I don't know what Hon. Elijah and Hon. Khan are talking about? So, I support the extension and I beg the mover to reply.

**Mr. Speaker:** Hon. Caroline Agwanda.

**Hon. Caroline Agwanda:** May the mover reply?

**Majority Leader (Hon, James Omollo):** Thank you Mr. Speaker. Mr. Speaker, I want to appreciate all the members who have contributed to this motion. I think it is important that we need to put it clear that we are extending plus our staff, thank you.

**Mr. Speaker:** Hon. Members, a motion on extension has been moved by the Deputy Majority Leader and seconded by Hon. Edwin Anayo, that this House extends its sitting with a period of three hours. I will now put a question that this House do extend its sittings for a period of three hours to accommodate the business of the day.

**Mr. Speaker:** Will as many as are of that opinion say "Aye"?

**Hon. Members:** "Ayes".

**Mr. Speaker:** Will as many as are of the contrary view say "Nay"?

**Hon. Members:** "Nays!!

**Mr. Speaker:** The "Ayes" have it. The House stands extended for a period of three hours.

**Majority Leader (Hon, James Omollo):** Thank you Mr. Speaker. Mr. Speaker, I propose that we revert back to the Committee of the Whole House?

**Mr. Speaker:** Who is seconding?

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Hon. Edwin Anayo:** Thank you Mr. Speaker, I second the proposal that we turn back to the Committee of the Whole House, thank you.

*(Hon. Members rise to their feet, the Mace is lowered as House reverts back to Committee of the Whole House)*

**Mr. Chairman:** Members please resume your seats.

**Deputy Clerk of Assembly:** Mr. Chairman, we were on page 3 Part I on Preliminaries in the interpretations.

“directorate “ means the directorate of Trade established in section

“marketable commodities “ includes but not limited to poultry, eggs, fresh meat, fish, ground provisions, vegetables and fruit;

“County Executive Committee Member” means the County Executive Committee Member responsible for matters relating to trade and commerce;

“Market operator” means a person who leases or rents or otherwise provides a table, selling space or facility to a person for the purpose of conducting sales of goods at a commercial market;

“Public market” means a public market established under this Bill;

“Regular Trader” means a trade who has been permitted to use a particular trading position on a particular day at a particular market site;

“Slaughter – house “means any premises used in connection with the slaughtering of animals whose meat is intended for human consumption;

“Stall” means any immovable, moveable or mobile structure used for the purpose of trading; and

“Stall rent” is the money or licence fees payable for the use of a stall.

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

## **PART II**

---

### **Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**DIRECTORATE OF TRADE**

3. (1) (sub-title, Directorate of Trade): There is established a Directorate of Trade and Markets.

(2) The directorate shall establish a market committee which shall consist of –

(a) the Market Administrator, who shall be the Secretary of the market Committee;

(b) three persons to be elected by the market traders;

(c) three persons to be nominated by the County Executive Committee Member

(3) The Market Committee shall discharge the following function, namely –

(a) to provide assistance in market management;

(b) to supervise sanitation work in the market;

(c) to ensure maintenance of markets; and

(d) to perform such other functions as may be assigned to it by the Directorate.

(4). the committee shall elect its own chairperson.

4. (1) (Sub-title, Director of Trade): The Directorate shall be headed by a Director of trade and markets.

(2) The Director shall be appointed by the County Public Service Board on such terms and conditions of service as the County Service Board may determine.

5. (Sub-title, Deputy Director and other Offences): The County Public Service Board may appoint such deputies and other officers and assistants as may be necessary for the effective functioning of the Directorate.

6. (Sub-title, Functions and of the Directorate): The functions of the directorate are to –

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

- (a) Advise the County Executive committee member on all matters affecting the development of County trading relationships with other Counties.
- (b) Represent, when appropriate and considered necessary by the County Executive Committee Member, the County at meetings, conferences or similar gatherings where matters of trade affecting the County is discussed or considered.
- (c) Encourage and assist in the promotion of the County's produce and products, either on its own or in cooperation with any organization involved in exporting, including exhibiting at trade fairs;
- (d) Advise on the commodities pricing and Marketing Information within the County in consultation with institutions with the same mandate;
- (e) facilitate the obtaining of funds for the purpose of trade development and promotion, including discussion and negotiation with donors;
- (f) advise the County Executive Committee Member on all matters affecting the growth and development of industry, commerce and trade in the County;
- (g) advise the County Executive Committee, through the County Executive Member, on the criteria for the development of industry and commerce to be applied in evaluating approvals under any legislation which promotes trade, for the time being in force in the County;
- (h) administer laws relating to fair trading and consumer protection;
- (i) promote the development of small businesses, to disseminate knowledge of sound business and commercial practice to the County;
- (j) under take research into any aspect of County trade, commerce and industry, including the conducting of surveys, gathering statistics and publishing reports from time to time;

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

(k) evaluate investment proposals suitable for funding by the Government or donors; and

(l) to otherwise Bill in the promotion of investment in the County.

**Hon. Elijah Omondi:** Point of order Mr. Speaker, I want to propose an amendment on 6 (d), “Advice” when you look at the spelling of the word “Advice” and the one for (f) “advise” there is a difference, so I would like the House to adopt the one used in (f) “advise”, thank you.

**Hon. Aggrey Ogosi:** Mr. Chairman, another amendment, in the interpretation, on preliminaries, just before you get to Part III, there is the interpretation on the term “stall rent” as follows, is the money or licence fees payable for the use of a stall. Chairman, my opinion is that, the word “or license” be deleted. So, that it reads as follows, “stall rent” is the money payable for the use of a stall. This is when you introduce License Fee, then that is a totally different thing, thank you. I would like to request Hon. Elijah Omondi to second?

**Hon. Elijah Omondi:** Thank you Mr. Chairman, I don’t want to second.

**Mr. Chairman:** Hon. Ogosi, there is no seconder?

**Mr. Chairman:** Let us proceed.

(2) The foregoing functions shall be performed in conjunction with other relevant departments.

7.(1) (Sub-title, Inspections Powers of Officers): Any officer authorized under this Bill shall have the power to inspect any premises or place in which he reasonably believes to be maintained in contravention of the provisions of this Bill.

(2) Before starting to inspect or search the premises, an inspector who is not a member of the police force must, if it is practicable to do so identify themselves to an occupier of the premises by producing their identity card for inspection “by” the occupier.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Hon. Kelvin Okoth:** Mr. Chairman, I am proposing an amendment on 7 (2) that states “, if it is practicable to do so identify themselves to an occupier of the premises by producing their identity card for inspection “to” the occupier.

(3) An officer may, at any reasonable time, enter any place that they believe on reasonable grounds to be a place where goods are being, or have been manufactured, prepared or supplied or that is a place where services are supplied or arranged, and may –

- (a) inspect any goods or partly manufactured goods and make such other inspections as he considers to be necessary;
- (b) take any goods or partly manufactured goods for which he pays a fair price;
- (c) take a sample of anything from which goods are manufactured or produced at that place;
- (d) make inquiries of any person employed at that place or who has responsibility over that place; or
- (e) inspect and take copies of records required to be kept under this Bill or any other law regulating or applying to the business being conducted that place.

(3) Without derogating from any power conferred by sub-section (3), the directorate may require the production of any accounting documents, returns, inventories or other information whether or not relating to the business of any manufacturer or trader if such information is considered necessary for the discharge of any power or function vested in the directorate.

**Hon. Kelvin Oraro:** I would like to propose an amendment on 7 (3) “the business of any manufacturer or trader”.

**Hon. Elijah Omondi:** I second.

**Mr. Chairman:** Please read that clause again bwana Clerk, with the amendments?

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Clerk to Assembly:** 7 (3) “Without derogating from any power conferred by subsection (3), the directorate may require the production of any accounting documents, returns, inventories or other information whether or not relating to the business of any manufacturer or trader if such information is considered necessary for the discharge of any power or function vested in the directorate”.

**8. (1) (Sub-title, Confidential Information):** An officer who divulges confidential information obtained during the course of an investigation conducted under this Bill or any other law commits an offence.

This section does not apply to information that is –

- (a) given as evidence in proceedings taken under this Bill or any law relating to consumer protection;
- (b) given by the officer as part of a part of a report prepared for the purpose of an investigation; or
- (c) a matter of public record or is otherwise in the public domain.

(3) A person who commits an offence under this section is liable on conviction to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding six months, or both.

**9. (Sub-title, Division of the Directorate):** There shall be within the Directorate such Divisions as may be required for the effective performance of the functions of the Directorate.

**10. (1) (Sub-title, Reports):** The directorate shall, within three months after the end of each financial year, or such longer period as the County Executive Committee Member may in special circumstances allow, cause to be made and transmitted to the County Executive Committee Member report dealing generally with the activities of the Directorate during the preceding financial year.

(2) The Director may from time to time furnish to the County Executive Committee Member a report relating to any particular matter or matters

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

investigated, or being investigated which, in the opinion of the Director, require the special attention of the Governor.

(3) The County Executive Member shall cause a copy of a report submitted under this section to be laid before the County Assembly.

**Hon. Moses Ochele:** Thank you Mr. Chairman, is that what the Committee proposed, in Part III, they have bolded “PUBLIC MARKETS”. This “Public Markets” should have been a sub-titles, it should appear on the left hand side of the Bill. What we delete is “Section A” and “establishment of Market Divisions”, which should appear on the left hand side of the interpretations.

**PART III “(PUBLIC MARKETS)” Be deleted.**

**Clerk to Assembly:** PART III the amendment is that “establishment of Public Markets” be deleted. “Establishment of Market Divisions” be moved to the left-hand side.

11. (Sub-title, Establishment of Division): There shall be within the Directorate a division to be known as the Market Division.

**Clerk to Assembly:** 12 – (Sub-title, Powers of Directorate)

12. (1) The Directorate may do all or any of the following matters or things –  
(a) to purchase out of public funds, all such measures, scales and weights, furnishings and appliances as shall be necessary for the public market or slaughterhouse;

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

(b) to make or cause to be made and paid for out of public funds all such repairs, alterations, improvements and additions to the public market as the director considers necessary;

(c) to grant permits for the sale of fish, poultry, wild fowl, eggs, grains, vegetables, fruits and other products of the County, whether natural or manufactured, in the public market; and

**Hon. Elijah Omondi:** Mr. Chair, I beg to amend 12 (c) where we have “eggs, grains, vegetables, fruit” I want to amend it to read “fruits” instead of “fruit”.

**Mr. Chairman:** That means that we add the letter “s”?

**Hon. Elijah Omondi:** Yes Mr. Chairman.

**Chief Whip (Hon. Isaya Onyango):** I second that we add the letter “s” after “fruit” to read “fruits”.

**Clerk to Assembly:** Mr. Chairman, that clause has been amended to read “to grant permits for the sale of fish, poultry, wild fowl, eggs, grains, vegetables, fruits and other products of the County, whether natural or manufactured, in the public market; and”

(d) to revoke any licence or permit for improper conduct; or

(e) any other action which is intended to promote the establishment of markets.

(2) Where an order has been made under sub-section 12 (d) revoking any license, the directorate shall inform the licensee of that decision in writing within fourteen (14) days.

## **Section B**

### **Public Markets**

**13. (Sub-title, Establishment and Control of Markets):** The Directorate, acting solely or in collaboration with other agencies, may establish, maintain, manage and regulate public markets for the sale of marketable commodities and provide all such things as may be necessary for the convenient use of such markets.

---

### **Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

14.(1) (Sub-title, Public Markets and Public Markets to be held only on appointed placed): A person shall not hold any public market for the sale of marketable commodities in any place not being a public market established under this Bill, unless licensed by the directorate.

(2) The directorate may grant to any person a licence to establish and use at any place a market for the sale of marketable commodities and such licence may be granted upon such terms and conditions as may be prescribed.

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment for not more than six months, or both.

**15.** (1) (Sub-title, Powers to make charges for use of stalls, etc): The directorate may demand and take from any person –

- (a) occupying or using any stall or place in any public market;
- (b) bringing into any such market any marketable commodities or anything which the County Executive Committee Member may permit to be sold therein; or
- (c) using any weighing or measuring instrument provided and kept in any such market, such stall rent and charges as may be prescribed.

(2) Stall rents and charges payable in respect of any public market or weighing or measuring instruments shall be paid at such times and in such manner as may be prescribed to the supervisor or their agent to receive the same.

(3) Where a person liable for the payment of any stall rent or charges does not pay on demand to a person authorized to receive the payment, the amount due may be recovered as a debt.

(4) For the purpose of recovering any sum due under this section, any bill or other proceeding may be brought in the name of the directorate or their agent.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

16. (1) (Sub-title, Regular Trader): A regular trader, who wants to carry out any commercial activity from an open-air market must obtain a licence or, in the case of a casual trader, pay such fee as may be prescribed.

(2) A licence issued under subsection (1) shall not entitle the regular trader to carry out such activity unless in entitle the regular trader to carry out such activity unless, in relation to a specific open – air market, the regular trader has been given the authorization by the Directorate:

(3) A regular trader shall not possess more than one authorization for a post in a market that operates in the same day and time.

(4) (a) A regular trader using a motor vehicle to carry on their commercial activity shall have premises available where to garage the motor vehicle and store their goods.

(b) the address of the premises used for this purpose must be clearly indicated on the application for the issuing of licence.

(c) Any change in the vehicle or garage must be notified to the Directorate within ten working days after the change occurs.

(d) no application shall be accepted and processed by the Directorate if the address of the garage or any other address for the store where goods are to be stored are not given.

(e) the Directorate shall have the right to inspect such premises and to demand any documentation that proves the ownership of the premises when the application indicates the use of such premises by more than one licensee.

(f) the Directorate may refuse to issue a licence if it decides that such premises are not used as a store or garage by the applicant.

(g) the licence issued by the Directorate must indicate the regular trader as a non –food licence trader or as a food related items licence trader.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

(h) in the case that this activity concerns the selling of food items, prior approval by the County Public Health Authorities must be obtained:

Provided that the reference to food related items the Directorate, following a recommendation by the Health Authorities, may order the licensee to sell or not to sell specific items as ordered by the County Public Health Authorities.

- (i) Likewise with reference to non –food related items the Directorate may issue an order to the licensee to restrict the selling of any item that may be causing an infringement of public order.

17. (1) (sub-title, Street Hawker): A street hawker may carry out their commercial activity from designated place or street by moving from place to place.

(2) A street hawker may hawk from a vehicle and may carry out their commercial activity by parking their vehicle according to the traffic regulations in any street where they stop to sell till they serve their customers and then after serving their customers move to another place.

(3) Any trader who is designated a permanent place from which he can carry out his business shall be deemed to be a trader.

18. (1) (Sub-title, Car Boot Sales): A person who organizes a car boot sale, selling items, in any public or private place must obtain a licence from the Directorate.

(2) An application for a licence under this section shall contain the following information the –

- (a) The Name of the applicant;
- (b) The designated area where the car boot sale will be held
- (c) The Date when the car boot sale will be held.
- (d) Registration of the car.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

The amendment was that the Committee introduced the interpretation for “designated area”.

**19.** (Sub-title, Buskers): Selling by busking is permitted and subject to the following conditions –

- (a) That an application by any busker who, in any street, produces on site and sells a work of art on site, is filed on the appropriate form with the Directorate;
- (b) That the place where the busker stops to sell their goods is at least five metres of walking distance away from the entrance of any commercial premises;
- (c) for purpose of sub section (b), a fixed kiosk is considered to be a commercial premises;
- (d) that no selling by busking can be performed in the precincts of any hotel or any shopping complex if not by written permission from the management;
- (e) that no objects are placed on the pavement; and
- (f) that no nuisance or inconvenience is caused to the neighbours or passersby in the street.

**20.** (Sub-title, Assaulting or obstructing the officer collecting dues): A person who assaults or obstructs an officer, whether a public officer or otherwise, or other person authorized to receive any stall rent or charge payable in respect of a public market or any person employed to superintend such market or to keep order therein, while executing their duty is liable to a conviction to a fine of fifty thousand shillings or to imprisonment for a term not exceeding six months, or both.

**21.** (Sub-title, Disorderly behaviour in public market): Any person who in a public market behaves in a disorderly or offensive manner, commits an offence is liable to

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

conviction to a fine not exceeding fifty thousand shillings or to a term of imprisonment for not exceeding six months or both.

**22.** (Sub-title, Power of Removal or Arrest): The Directorate or other person in charge of any market or other person authorised may approve from any market any person who behaves in the market in a disorderly or offensive manner or who misconducts himself.

**23.** (1) (Sub-title, Prohibited Goods): No market operator shall operate a public market to sell or offer for sale prohibited goods.

(2) No trader shall sell or offer for sale prohibited goods at a public market.

(3) This section does not apply where the goods have been acquired directly from the producer, manufacturer, wholesaler, distributor or retailer of the goods and where the vendor provides to the operator, prior to the sale or offering for sale at a commercial market, proof that the vendor is an authorized sale representative of the producer, manufacturer, wholesaler, distributor or retailer of the goods.

**24.** (1) (Sub-title, Duty to Maintain and Provide Information): No trader shall sell or offer for sale at a public market prescribed goods unless information with respect to the goods maintained by the vendor in accordance with this Section.

(2) A trader shall maintain with respect to the prescribed goods sold or offered for sale by the vendor the information prescribed by regulations for the period prescribed.

(3) Before a trader sells or offers for sale prescribed goods at a public market that trader shall provide to the operator of the public market the information required to be maintained pursuant to sub-section (2).

(4) No market operator shall operate in a public market at which prescribed goods are sold or offered for sale unless the information required to be maintained by a trader pursuant to this Section has been provided to the operator.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

(5) No trader or market operator shall falsify, obliterate or destroy the information required to be maintained pursuant to this Section.

(6) Any person who contravenes this Section commits an offence and is liable on conviction to a fine not exceeding Kenya Shillings fifty thousand or to imprisonment to a term not exceeding six months.

**Mr. Chairman:** Chairman, Delegated Legislation.

**Hon. Moses Ochele:** Mr. Speaker, the currency used in this Bill is Kenya Shillings. I would request Hon. Ogot to second.

**Hon. Caroline Ogot:** Mr. Chairman I second the introduction of Kenya Shillings.

**Hon. Maurice Aloo:** Point of order Mr. Chairman.

**Mr. Chairman:** Granted.

**Hon. Maurice Aloo:** Mr. Chairman on the same, I would wish to propose a further amendment to 24 (6) read “Any person who contravenes this Section commits an offence and is liable on conviction to a fine not exceeding Kenya Shillings fifty thousand or to imprisonment to a term not exceeding six months or both”. May I call upon Hon. Benjamin Juma to second?

**Hon. Benjamin Juma:** Than you Mr. Chairman, I second the proposal that the word “or both” be introduced in the clause 24 (6).

**Hon. Kelvin Okoth:** Mr. Chairman, I would like to propose an amendment because most of the sections are applying the word shilling without the Kenya. If you look at clause 21 and 20 is about shillings omitting the word “Kenya”. I propose that we include “Kenya” in all the other clauses using shillings without “Kenya”.

**Mr. Chairman:** Who is seconding your proposal?

**Hon. Kelvin Okoth:** Mr. Chairman, I would like to request Hon. Caroline Owen to second?

**Hon. Caroline Owen:** Mr. Chairman, I second the proposal that in clauses we need to introduce the word “Kenya” where shillings is applied.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Mr. Chairman:** Mr. Clerk, please check subsequent clauses that were passed without the word “Kenya Shillings”.

**Clerk to Assembly:** Mr. Chairman, let me repeat Clause 24 (6) it reads “Any person who contravenes this Section commits an offence and is liable on conviction to a fine not exceeding Kenya Shillings fifty thousand or to imprisonment to a term not exceeding six months or both”.

**Hon. Kelvin Okoth:** I want to propose an objection on the amendment of Clause 24 (2). I want to believe that the drafter was correct.

**Hon. Elijah Omondi:** Mr. Speaker, I want to second.

**Mr. Chairman:** You want to concur that it was in order “A trader shall maintain with respect to the prescribed goods sold or offered for sale by the vendor the information prescribed by regulations for the period prescribed by the regulation”.

**Hon. Kelvin Okoth:** Mr. Chairman, from my understanding they were trying to talk about one, the information that has been put forward and two, the period. So, it would have also touched on duration and information.

**25. (Sub-title, Duty to Maintain Information):** A market operator shall maintain the information provided to the operator pursuant to this Bill for the period prescribed by regulations.

**26. (Sub-title, Access to prescribed goods):** A trader shall upon request, produce prescribed goods or provide access to prescribed goods to an officer of the directorate.

**27. (Sub-title, Seizure of Prescribed Goods):** Where an officer finds goods at a public market and the officer is satisfied, on reasonable grounds, that the goods are-

(a) prohibited goods; and

(b) not being sold by an authorised sales representative of the producer, manufacturer, wholesaler, distributor or retailer of the goods, then officer may,

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

without laying any information or obtaining any warrant, seize and remove those goods.

**Chief Whip** (Hon. Isaya Onyango) Mr. Chair, I would urge members to be patient and stop moving out because we are just about to wind up. I request that they sit down and we be serious with this business so that we complete it on time.

**SECTION C (Be Deleted)**

**Sale of Meat**

**Mr. Chairman:** Chairman, Delegated on Section C in your report you proposed that we delete?

**Clerk to the Assembly:** Mr. Chairman, in the report it was proposed that we delete “Section C and Sale of Meat” as it appears in the Bill.

**Mr. Chairman:** Hon. Agwanda?

**Hon. Caroline Agwanda:** The Office of the Sergeant-at-Arms need to bring us water because I can hear the way Mr. Okola is talking.

**Mr. Chairman:** Thanks for your concern, but Mr. Okola has not complained.

**28. (1)** (Sub-title, Fresh Meat to be sold only in Market of Licensed Premises): No person shall sell any meat except in the public market or in a shop as are licensed by the directorate by his behalf.

(2) Any person who contravenes sub-section (1) commits an offence and is liable on conviction to a fine of one hundred thousand Kenya shillings or to a term of imprisonment not exceeding six months.

(3) The licensing authority may grant to any person a license to sell meat at any premises other than in a public market, and any such license shall be granted in respect of such premises and upon payment of such sums and upon such terms and conditions as may be prescribed.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

(4) No fees is payable for a license to sell meat where the premises are licensed as a slaughter-house.

**29.** (1) (Sub-title, Licensed to Sell Meat): Any person who sells meat at any stall or place in any public market without having a license, commits an offence and is liable on conviction to a fine not exceeding one hundred thousand Kenya shillings imprisonment for a term of not more than six months or both.

(2) The licensing authority may grant a license to any person to sell meat in a public market as per section 30 upon payment of prescribed fees.

**30.** (Sub-title, Meat Standards): No person should be allowed to sell meat unless he meets the standards provided for the Public Health Act.

### **Section G**

**Mr. Chairman:** Chairman, Delegated, there was an amendment in “Section G”. Did you propose any amendments?

**Hon. Moses Ochele:** Mr. Chairman, generally by omitting these sections, we should be consistent by deleting them because they appear in the sub-titles. The sub-titles contain all these details in these Sections. So, we retain the Sub-title and delete the other headings.

**Hon. Caroline Owen:** Mr. Chair, I would like to make an amendment on Section 30, because reading that section, it is rather ambiguous and let me read it “ No person should be allowed to sell meat unless he meets the standards provided for the Public Health Act”.

Now, it is not clear whether this particular person who has met the standards, because there is the Public Health Act of a certain Health Division to sell food. The same Act may require that the meat has to be of certain quality or standard. So, in this particular section it is not clear to me whether we are talking about the product or the Seller? It should read “other Public Health Acts” not “in the Public Health Act”.

---

### **Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

Mr. Chairman, that is my proposal and I don't know if I am out but that is how I see it.

**Mr. Chairman:** "No person should be allowed to sell meat unless he meets the standards provided for in the Public Health Act". From my thinking it is locking a certain gender and it should read "he/she".

**Hon. Caroline Owen** Mr. Chairman, my question is that it should be like that it should read "she/he" when we are talking about both the person selling. Mr. Chairman, who is meeting the standards? Is it the meat or the person?

**Hon. Moses Ochele:** Point of Order Mr. Chairman.

**Mr. Chairman:** Granted Chairman, Delegated.

**Hon. Moses Ochele:** Mr. Chairman, it appears that the level of adrenalin is going down and some of us have just reenergized and have come to confuse us. Mr. Chairman, there are some English word that are not debatable in this House. The word "He" in the Bible means human being and in legal jargon "he" is a human being, the term "she" which you claim should be stroked has not been conventionally been admitted in the dictionary. So, going by the local dictionary and this being a legal document it is properly placed, that is one.

Two, Mr. Chairman, we are referring to no person, this is the person who is selling and the section states that "No person should be allowed to sell meat unless he meets the standards provided for in the Public Health Act", when we now that the person this Bill is referring to is the person who is selling. Then this word "No person should be allowed to sell meat unless he meets the standards provided for in the Public Health Act"

Mr. Speaker, this is an Act, and in an Act, what we are trying to describe is what is provided by that Act, it is the clause in the Act. So, if you want to look for that clause, you look for it in that Act. Not under that Act Mr. Chairman. Therefore I want

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

to beg my colleague Hon. Owen to allow us to go with the Bill because the onus belongs to some of us, thank you.

**Hon. Caroline Owen** Thank you Mr. Chair, I thought that a valid concern should be able to stick out even though we are tired but I still believe that when it comes to standards, those standards must apply to both “his/hers” unless it is about values. Mr. Speaker, in this case we are talking about meat, and we are talking about the standards of meat, which might be those acceptable by bodies like the Kenya Bureau of Standards or whatever checks the standards. Mr. Chair, if you say that a certain person must meet standards, then we are talking about the person. If you say that the meat must be of certain standards, than this Act must come out very clearly, because in this case we are talking of the product which is the meat, that one we cannot compromise and if the Chair is so fixed, then I will rest my case.

**Mr. Chairman:** Hon. Benjamin Juma.

**Hon. Benjamin Juma:** Thank you Mr. Chairman. Mr. Chairman, I believe there is nothing that brings confusion here because when you go to the Public Health Act, then it must be talking of except the person who is selling and also the quality.

**Regulation of Sale of Marketable Commodities and other Goods.**

**31. (1)** (Sub-title, Selling Marketable Commodities and other Goods within the Prescribed Area): Subject to section 32, no person shall sell any marketable commodities in the entrance to any building or on the pavement of any road which is situated within the limits of a prescribed area for the purposes of this section.

(2) Subject to subsection (1) no person shall sell any marketable commodities in any public place within the limits of the prescribed area.

(3) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding twenty thousand Kenya shillings or to imprisonment for a period not exceeding six (6) months or both.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**32. (1)** (Sub-title, Certain Sales excluded from the operation of Section 31): Section (1) does not apply to the carrying of any marketable commodities from place to place for the purposes of sale within the prescribed area.

(2) Section 31 does not apply to the sale-

(a) in accordance to the provisions of any law relating to hawkers of any marketable commodities at any building situated within any prescribed area for the purposes of that section.

(b) of any marketable commodities in any shop or in any public market held for public purposes within any area prescribed for the purposes of that section;

(c) of any marketable commodities on the entrance to any building situated within any area prescribed for the purposes of this section in any case where the vendor first obtains the permission of the owner or occupier of such building to sell and so conduct their business so as not to cause obstruction to any person lawfully using such road; or

(d) of any marketable commodities as defined in section 32, in any public place or within any area prescribed for the purpose of section 31, by any person to whom a permit is issued in accordance with section 32 and who sells at the place and in accordance with the terms and condition specified in the permit issued.

**33. (1)** (Sub-title, Powers to Issue permits allowing the sale of goods within prescribed areas): Any person desirous of being issued a permit authorising to sell in any public place or within the area prescribed for the purposes of section 31, any permitted marketable commodities shall make an application to the directorate and must produce evidence to the satisfaction of the directorate as to their good character.

(2) A permit under sub-section (1) must be issued by the licensing authority upon payment of the prescribed fees and is valid for such a period as may be specified not exceeding one year from the date of issue.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

(3) Before issuing of any permit mentioned in sub-section (1) the directorate shall cause the particular part of the public place to which it is proposed that the permit shall on issue relate to be defined by the lines painted on the ground or by studs embedded in the ground or in such other manner as he thinks fit and a number or a letter to be marked within such place in such a manner as he thinks fit.

(4) Every person to whom a permit is issued under sub-section (2) must display the permit in a conspicuous place and produce their permit when required to do so by the directorate or any other officer authorised by the directorate.

(5) An applicant for a permit mentioned in sub-section (1) who is dissatisfied by a refusal of the directorate to grant the permit may appeal to the Court of Law.

**Section H (be deleted)**

**Miscellaneous (be substituted with "First Schedule")**

**Mr. Chairman:** Chairman, Delegated can you confirm that we delete "Section H"?

**Hon. Moses Ochele:** Mr. Chairman, the best term to use fir miscellaneous is "Schedule".

**Clerk of Assembly:** I will read the amendment; the word "section" will be substituted with the word "First Schedule".

**34.** (Sub-title, Officers of Health Directorate to carry out Inspection): A County Medical Health Officer or other competent officers of the County Health Directorate shall carry out all inspections of animals and articles of food at the public market in accordance with regulations made under this Bill.

**35.** (1) (Sub-title, Renting of Stalls for sale of Meat): Several stalls or blocks in the portion of a public market used for sale of meat may be leased by the Directorate to a person for the period not exceeding five years at any one time;

(2) Subject to sub-section (1) –

(a) no person shall be permitted to lease more than one stall or block at the same time; or

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

(b) no lessee of any stall of block shall assign the lease to any other person or permit the use of any stall or block by any other person without the written permission of the Licensing Authority.

(3) The County Executive Member may by notice in writing revoke any lease granted by the Licensing Authority under sub-section (1)

**36. (Sub-title, Duties of Directorate):** The Directorate shall –

(a) inspect all butcher's meat, fish, vegetables and all other articles of food offered for sale in the public market and, if in their opinion the same are unfit for human consumption, immediately report that fact to the director and seize the same pending any billing under the provisions of the County Public Health Laws;

(b) recover all rates and other moneys to be payable under this Bill;

(c) keep a detailed cash account book in which entries are made of all monies received by the directorate under this Bill; and

(d) generally to carry out and enforce this Bill.

**37. (Sub-title, Offences):** A person who –

(a) sells in a public market, any butcher's meat without a license;

(b) sells any article in the public market, otherwise than in accordance with this Bill;

(c) within the County sells, exposes or offers for sale any butcher's meat except in a shop for which a license has been granted;

(d) obstructs or opposes any officer in the execution of their duties under this Bill or;

(e) creates or causes any disturbance in the public market or at or near the same during the hours when the same is open, or disturbs the quiet and good order of the same by offering any article for sale in a loud voice to attract customers or by shouting, singing, smoking or screaming therein, or in any other manner, commits an offence.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**38.** (Sub-title, General Penalty): All penalties imposed by this Bill are recoverable in a summary manner and any person committing an offence against this Bill, commits an offence and is liable on conviction to a fine not exceeding one hundred thousand Kenya shillings or to a term of imprisonment not exceeding six (6) months, or both.

**39.** (Sub-title, Savings): All markets established under, or before the coming into operation of this Bill are deemed to have been established under this Bill, and all Rules and By-laws made under the Local Government Authority Act and in force at that time of commencement of this Bill shall be deemed to have been made in accordance with this Bill.

**Clerk of Assembly:** There was an amendment which was, Insertion of “**Second Schedule**” above Clause 40.

**40.** (Sub-title, Regulations): The County Executive Member may make regulations-

- (a) regulating the use of markets and market buildings;
- (b) prescribing and regulating the pattern, description and use of, weighing or measuring instruments to be used by persons selling marketable commodities in any market;
- (c) preventing nuisance and obstruction in market and maintaining cleanliness therein and on the approaches thereto;
- (d) prescribing the goods that may be sold in any market;
- (e) fixing, regulating and collecting stall rent or charges and the payment and collection in any public market;
- (f) for the inspection and examination of marketable commodities sold or offered for sale in any market;
- (g) fixing the days and hours during each day on which any market may be opened;
- (h) for preventing the sale and purchase of marketable commodities in any market day or at any time except as fixed ;

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

(i) prescribing the conditions subject to which the several stalls or places in any public market may be held, occupied or used by persons having or using the same;

(j) imposing on any person having or using any stall or place in any market the duty of taking steps and using such means for protecting from contamination any article of food offered or exposed for sale in any market;

(k) for maintaining order and preventing disturbance in a public market;

(l) for excluding or removal from the public market any person suffering from any infection of contagious disease ; and

(m) for prescribing any area within which section 31 shall, subject to section 32, apply.

#### **MEMORANDUM OF OBJECT AND REASONS**

This Bill seeks to provide the regulation for trade and other business activities within Kisumu County, the establishment of Directorate of Trade, the establishment and management of markets, and for related purposes.

*Hon. Maurice Aloo,*

*Chairman, Trade, Co-operatives and Enterprise Development.*

The Kisumu County Trade and Markets Bill, 2015.

Mr. Chairman, there was an amendment recommended by the Committee that the name of the sponsor Rose Kisia be substituted with that of Hon. Maurice Aloo, Chairman, Trade, Co-operatives and Enterprise Development.

The Kisumu County Trade and Markets Bill, 2015, **A Bill for**

An ACT of the County Assembly of Kisumu to provide for; the regulation of trade and other Business activities; the establishment of the Directorate of Trade; the establishment and management of markets; and for related purposes.

---

#### **Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Mr. Chairman:** Hon. Benjamin Juma.

**Hon. Benjamin Juma:** Thank you Mr. Chairman. Mr, Chairman, on page 29, clause 35 sub-section 2 (b) where we have “no lessee”, I think an amendment was proposed there so that the spelling of “lessee” is erroneous it should read “leasee”.

**Mr. Chairman:** Who is seconding your proposal?

**Hon. Benjamin Juma:** Mr. Chairman, I request Hon. Pamela Owen to second that amendment.

**Hon. Caroline Owen:** Mr. Chairman, for the purposes of time, allow me to put it that as I prepare to second that amendment, I would like to express my deepest discomfort because in the interpretation of this...

**Chief Whip (Hon. Isaya Onyango):** Mr. Chairman, if we start taking this route we are not going to finish the business of the day and that is why I said that all members should be here so that we all read from the same page. We want a seconder from what has been raised?

**Hon. Caroline Owen:** Mr. Chairman, I have to look for the word “leasee” and I don’t want to make a mistake and it goes on record that I seconded a wrong amendment. I know you like many mistakes going unchallenged, but I will not.

**Mr. Chairman:** Hon. Chairman, Trade Committee.

**Hon. Maurice Aloo:** Thank you Mr. Chairman. Mr. Chairman, may I stand to second the proposal for amendment.

**Hon. Caroline Owen:** Mr. Chairman, it has been confirmed by the able teacher.

**Mr. Chairman:** It has been seconded Hon. Owen.

**Hon. Kelvin Okoth:** Mr. Chairman, if you look at the dictionary, the word “lessee” is correct.

**Mr. Chairman:** The word which was in the Bill is the correct spelling? So, Hon. Chairman for Trade, let us leave it the way it is.

**Mr. Chairman:** Order Hon. Members!! Let us proceed.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

# **County Assembly of Kisumu**

## **Debates of the Assembly**

### **HANSARD**

---

**Hon. Caroline Owen:** Mr. Chairman, as I had told you earlier my discomfort was the interpretation that was raised by Hon. Ochele that the word “he” refers to human being...

**Chief Whip (Hon. Isaya Onyango):** Mr. Chairman, please guide the House, where are we?

**Mr. Chairman:** Hon. Owen that has been overtaken by events..

**Hon. Caroline Owen:** Mr. Chairman, I want the words “he/she” be in the interpretation.

**Chief Whip (Hon. Isaya Onyango) (interjects):** it will not be there!!

**Mr. Chairman** I think the Chairman for Delegated had made clarification on that.

**Chief Whip (Hon. Isaya Onyango):** Mr. Chairman, where are we? You are taking us back. Hon. Members are walking in and out that is why they are taking us back Mr. Chairman,

**Hon. Caroline Owen:** Let it go on record that I protested this..

**Mr. Chairman:** Please can we allow the Chairman, Delegated time?

**Hon. Moses Ochele:** Mr. Chairman, she is in argument that the word “he” there means men. Mr. Chairman, all Bills in conventional Commonwealth Countries have it as such. There is no Bill which I have cited with a “he or she” put in the interpretation, but we take it by its conventional meaning. So, we cannot go back to the interpretation for something which does not exist. Mr. Chairman, I think you should be fair for some of us who are here who did not take lunch, have not taken supper, have not taken bath, just to be entertained with somebody who is just from taking supper from her house. We must dispense off this and move, thank you.

**Hon. Caroline Owen:** Mr. Chair, I want it to come out clear that I don't have a House in town.

**Mr. Chairman:** Hon. Members we had agreed that the 2<sup>nd</sup> and 3<sup>rd</sup> Reading of the Bill be done concurrently?

---

### **Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Mr. Chairman:** Hon. Benjamin Juma can you please resume your sit.

**Hon. Benjamin Juma:** Mr. Chairman, just the last one, clause 38, “to a fine not exceeding one hundred thousand Kenya shillings” I am not sure whether we brought up an option?

**Mr. Chairman:** Yes there was an option of “Kenya Shillings one Hundred Thousand or to a term of imprisonment of not more than six months or both”, that was captured.

**Mr. Chairman:** Hon. Members we were in agreement that the 2<sup>nd</sup> and 3<sup>rd</sup> Reading of the Bill o the Kisumu County Trade and Markets Bill, 2015 be read concurrently. There were several amendments which were proposed and seconded by Members.

1. That the page numbering was amended so that the Bill now starts from page 1, page 19.
2. Page 2, we have an amendment of interpretation to be placed on the left hand side of the Bills. I now put a question that these amendments be part of the Bill

**Mr. Chairman:** Will as many as are of the opinion say “Aye”?

**Hon. Members:** “Ayes”.

**Mr. Chairman:** Will those of the contrary opinion say “Nay”?

(No response)

**Mr. Chairman:** The “Ayes” have it.

3. Page 3,

**Chief Whip (Hon. Isaya Onyango):** Point of Order Mr. Chairman.

**Mr. Chairman:** Granted.

**Chief Whip (Hon. Isaya Onyango):** Thank you Mr. Chairman. Mr. Chairman, this is what I hate because somebody just sits outside here and walks in without dressing appropriately.

**Mr. Chairman:** Hon. Ondiek!!

**Hon. Maurice Ondiek:** Is this not a Committee of the Whole House?

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Chief Whip** (Hon. Isaya Onyango): Don't come and teach us something that you think we don't know.

**Mr. Chairman:** Order Hon. Members!!

**Mr. Chairman:** Hon. Chief Whip, we are in the Committee of the Whole House. Hon. Ondiek please tuck in even if we are in the Committee of the Whole House.

**Hon. Maurice Ondiek:** Thank you Mr. Speaker.

**Chief Whip** (Hon. Isaya Onyango): You are not allowed to tuck inside the Chambers.

**Mr. Chairman:** Let us continue, on page 3, that is where amendment have been done on the Bill, Part I, Preliminaries space be placed between "I and P". I now put a question that these amendments be part of the Bill?

**Mr. Chairman:** Will as many as are of the opinion say "Aye"?

**Hon. Members:** "Ayes".

**Mr. Chairman:** Will those of the contrary opinion say "Nay"?

(No response)

**Mr. Chairman:** The "Ayes" have it.

**Mr. Chairman:** Part II, Directorate of Trade, we have an amendment on clause 3 (d), we have amendment of clause 6 (b) Function of the Directorate, we have an amendment on clause 7 (4).

**Hon. Moses Ochele:** Point of Information.

**Mr. Chairman:** Granted.

**Hon. Moses Ochele:** Thank you Mr. Chairman. Mr. Chairman, I would request that instead of you taking us through the amendments. The amendments were done in the preliminary stages and the best the Chair can do, is to guillotine these amendments, because I don't see anybody who will raise objections which is relevant to that, so that we just go straight to guillotine this Bills.

**Mr. Chairman:** Who is seconding that proposal?

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Hon. Elijah Omondi:** Mr. Chairman, I rise to second that proposal that we guillotine the amendments as proposed by Hon. Moses Ochele.

**Mr. Chairman:** Hon. Members there has been a proposal that we guillotine the amendments, I will now put a question that the Kisumu County Trade and Markets Bill, 2015 be passed with the amendments...

**Hon. Moses Ochele:** Point of Information.

**Mr. Chairman:** Granted.

**Hon. Moses Ochele:** Thank you Mr. Chairman. Mr. Chairman, I proposed guillotine for the amendments.

**Mr. Chairman:** It is the amendment is what we are guillotining. I know you are tired just be patient a bit.

**Mr. Chairman:** Hon. Members, the amendments in the Kisumu County Trade and Markets Bill, 2015 which was proposed in the 2<sup>nd</sup> and the 3<sup>rd</sup> Reading to be done concurrently be adopted by this House. I now put a question that?

**Mr. Chairman:** Will as many as are of the opinion say "Aye"?

**Hon. Members:** "Ayes".

**Mr. Chairman:** Will those of the contrary opinion say "Nay"?

(No response)

**Mr. Chairman:** The "Ayes" have it. The amendments have been adopted as proposed by Hon. Members.

**Leader of Majority (Hon. James Omollo):** Mr. Chairman, I now propose that we revert back to plenary?

**Hon. Maurice Aloo:** Mr. Chairman, I second the proposal that the Committee of the Whole House reverts back to Plenum.

*(Hon. Members rise and the Mace is raised to the upper deck as House reverts back to plenary)*

**Mr. Speaker:** Hon. Members, please resume your seats.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Mr. Speaker:** Hon. Chairman of Delegated County Legislation.

**Hon. Moses Ochele** (Chairman, Delegated County Legislation): Thank you Mr. Speaker. Mr. Speaker, before I say what I wanted to propose, some members are complaining that they are tired and I know that will be taken care of by the relevant officers.

Mr. Speaker, the Kisumu County Trade and Market Bill, 2015 has been read for the 2<sup>nd</sup> and 3<sup>rd</sup> Time and the amendments therein approved by the Hon. House. Mr. Speaker, I therefore want to propose that the Kisumu County Trade and Markets Bill, 2015 be passed by this House. May I request Hon. Kelvin Okoth to second?

**Hon. Kelvin Okoth:** Thank you Mr. Speaker. Mr. Speaker, I rise to second the proposal that the Kisumu County Trade and Markets Bill, 2015 be passed by this House.

**Mr. Speaker:** Hon. Members, the Kisumu County Trade and Markets Bill, 2015 having been read for the 2<sup>nd</sup> and 3<sup>rd</sup> time by this House. I now put a question that the Kisumu County Trade and Markets Bill, 2015 be passed by the Kisumu County Assembly upon this day Wednesday, 24<sup>th</sup> June, 2015 at 10:45 p.m.

**Mr. Speaker:** Will as many as are of the opinion say “Aye”?

**Hon. Members:** “Ayes”.

**Mr. Speaker:** Will those of the contrary opinion say “Nay”?

(No response)

**Mr. Speaker:** The “Ayes” have it.

**Mr. Speaker:** Hon. Members, the Kisumu County Trade and Markets Bill, 2015 stand passed by the Kisumu County Assembly.

**Mr. Speaker:** Next Order!!

**Deputy Clerk of the Assembly:** Order No. 10: The Kisumu County Trade Funds Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading).

**Mr. Speaker:** Chairman for Finance Committee.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Hon. James Oyugi Were** (Chairman for Finance Committee): Thank you Mr. Speaker. Mr. Speaker, considering that the sugar levels have gone down, I propose the withdrawal of this motion and it be deliberated tomorrow afternoon and I wish to request my able Vice-chairman to second?

**Mr. Speaker:** Please withdraw it to tomorrow morning because will be having a session in the morning?

**Hon. James Oyugi Were** (Chairman for Finance Committee): Mr. Speaker, thanks for the correction, tomorrow morning.

**Hon. Gabriel Ochieng'**: Thank you Mr. Speaker, I rise to second the proposal for withdrawal of motion No. 10 to tomorrow morning as proposed by my able Chairman.

**Mr. Speaker:** Hon. Members, there is a proposal that Kisumu County Trade Funds Bill, 2015 be withdrawn until tomorrow 09:00 a.m. I now put the question that?

**Mr. Speaker:** Will as many as are of the opinion say "Aye"?

**Hon. Members:** "Ayes".

**Mr. Speaker:** Will those of the contrary opinion say "Nay"?

(No response)

**Mr. Speaker:** The "Ayes" have it.

**Mr. Speaker:** Next Order!!

**Deputy Clerk of the Assembly:** Order No. 11: The Kisumu County Co-operatives Societies Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading).

**Mr. Speaker:** Chairman for Trade, Co-operatives and Enterprise Development.

**Hon. Maurice Aloo** (Chairman, Trade, Co-operatives and Enterprise Development): Thank you Mr. Speaker. Mr. Speaker, I wish to withdraw Bill No. 11 on the Kisumu County Co-operatives Societies Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading) to tomorrow at 02:30 p.m. May I request Hon. Agwanda o second?

**Mr. Speaker:** Just fix it at 09:30 a.m.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Hon. Maurice Aloo** (Chairman, Trade, Co-operatives and Enterprise Development):  
Mr. Speaker....

**Hon. Aggrey Ogosi:** Point of order!!

**Mr. Speaker:** Granted Hon. Ogosi.

**Hon. Aggrey Ogosi:** Thank you Mr. Speaker. Mr. Speaker, I think the right thing the Hon. Member ought to do was to withdraw the motion not the Bill.

**Hon. Maurice Aloo** (Chairman, Trade, Co-operatives and Enterprise Development):  
Thank you Mr. Speaker. Mr. Speaker, thank you for that correction, I would like to withdraw the motion and I would like to request that I withdraw the Motion on the Kisumu County Co-operatives Societies Bill, 2015 2<sup>nd</sup> and 3<sup>rd</sup> Reading to 02:30 p.m. tomorrow Mr. Speaker. Mr. Speaker the reason I am withdrawing this motion to 02:30 p.m. This is a Bill that has not even been discussed at the Committee Stage, and that is the reason that I am withdrawing it to 02:30 p.m. May I call on Hon. Agwanda to second?

**Hon. Caroline Agwanda:** Thank you Mr. Speaker. Mr. Speaker I second the proposal for withdrawal of Motion No. 11 the Kisumu County Co-operatives Societies Bill, 2015 2<sup>nd</sup> and 3<sup>rd</sup> Reading to tomorrow at 02:30 p.m. as proposed by the Chairman, thank you.

**Mr. Speaker:** Hon. Members, there is a proposal that Kisumu County Co-operatives Bill, 2015 be withdrawn until tomorrow 02:30 p.m. as moved by Hon. Aloo and seconded by Hon. Agwanda. I now put the question that?

**Mr. Speaker:** Will as many as are of the opinion say "Aye"?

**Hon. Members:** "Ayes".

**Mr. Speaker:** Will those of the contrary opinion say "Nay"?

(No response)

**Mr. Speaker:** The "Ayes" have it.

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

# **County Assembly of Kisumu**

## ***Debates of the Assembly***

### **HANSARD**

---

**Mr. Speaker:** The Motion on Kisumu County Co-operatives Bill, 2015 stands withdrawn until tomorrow at 02:30 p.m.

**Mr. Speaker:** Next Order!!

### **Adjournment**

**Mr. Speaker:** There being no any other business to transact, the house stands adjourned until Thursday, 25<sup>th</sup> June, 2015 at 09:00 p.m.

*(All Arise)*

*(Speaker's Procession)*

*(House adjourns sitting at 11:24 p.m.)*

---

### **Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**Addendum**

**Hansard Reporters**

**Sign**

1. *Roseline Awuor*.....
2. *Dennis Odhiambo*.....
3. *David Ayieko*.....
4. *Zablon Otiende*.....

---

**Motions (Bills)**

**1. Kisumu County Trade Licensing Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**

**2. Kisumu County Trade and Market Bill, 2015 (2<sup>nd</sup> and 3<sup>rd</sup> Reading)**