

# **THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015**

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## **ARRANGEMENT OF SECTIONS**

### **PART I - PRELIMINARY**

1. Short title and commencement
2. Definitions.

### **PART II- Objectives**

3. Objects of the Bill

### **PART III - INVESTMENT CERTIFICATES, APPLICATION AND ISSUE**

4. Applications.
5. Entitlement to certificate.
6. Procedures for consideration of application.
7. Issue of certificate.
8. Conditions of certificate.
9. Transfer.
10. Amendment.
11. Revocation.
12. Review of Authority decision.

### **PART IV– INVESTMENT CERTIFICATES- BENEFITS**

13. Entitlement to certain Licenses.
14. Entitlement to entry permits for expatriates.

### **PART V - TAITA TAVETA COUNTY INVESTMENT COUNCIL**

15. Council established.
16. Membership Composition
17. Functions.
18. Conduct of business
19. Council committees

# **THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015**

---

## **PART VI - TAITA TAVETA COUNTY INVESTMENT AUTHORITY**

20. Establishment of an authority.
21. Functions.
22. Board of Authority
23. Term of office of Chairman, appointed
24. Resignation of Chairman, appointed members
25. Removal of Chairman, appointed members
26. Allowances of board members.
27. Procedures of the board.
28. Secretary of board.
29. Managing Director of the Authority
30. Other staff.
31. Personal Liability

## **PART VII-FINANCES OF THE AUTHORITY**

32. Funds of the authority
33. Financial Year
34. Annual estimates
35. Accounts and Audit

## **PART VIII – OFFENCES**

36. Offence of misleading the Authority
37. Offence of improperly divulging information acquired under bill.

## **PART IX-GENERAL PENALTY**

## **PART IX-REGULATIONS**

## **PART XI- SCHEDULES**

First Schedule- Procedures for Consideration of Application for Investment Certificate.

Second Schedule- Licenses to which the Holder of an Investment Certificate May be Entitled.

Third Schedule- Provisions as to the Conduct of Business and Affairs of the Board of the Authority.

# THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015

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## THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015

A bill of Taita-Taveta County Assembly to promote and facilitate investment by assisting investors in obtaining land and the Licenses necessary to invest and by providing other assistance and incentives for related purposes.

Enacted by the County Assembly of Taita Taveta as follows:

### PART I — PRELIMINARY

#### 1.0 Short title and commencement

1.1 This bill may be cited as the, Taita –Taveta County Investment bill, 2015 and shall come into operation on such a date as the Governor may, by notice in the Gazette, appoint.

#### 2.0 Definitions

2. 1 In this bill, unless the context otherwise requires -

“**Council**” means the Taita Taveta County Investment Council

“**Authority**” means the Taita Taveta County Investment authority

“**Foreign investor**” means -

a) A natural person who is not a citizen of Taita Taveta County;

b) A partnership in which the controlling interest is owned by a person or persons who are not citizens of the County; or

c) A company or other body corporate incorporated under the laws of a County or Country other than

Taita –Taveta County;

“**Investment**” means the injection of capital by an investor, for purposes of acquiring, expansion, restructuring, improving of a business enterprises.

“**License**” includes a registration, permit, approval or authorization required by law regardless of its description.

“**Investment certificate**” means an Investment certificate issued under this bill.

“**local investor**” means -

a) A natural person who is a citizen of Taita Taveta County;

# THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015

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- b) A partnership in which the partnership controlling interest is owned by a person who is a citizen of Taita Taveta County;
- c) A company incorporated under the laws of the County, in which the majority of shares are held by a person who is a citizen of Taita Taveta County; or
- d) A trust or trust corporation established under the law of Taita Taveta County, in which the majority of trustees and beneficiaries are citizens of Taita Taveta County;

“CECM” means the county executive committee member responsible for matters relating to investment.

## **PART II- OBJECTIVES**

### **3.0 Objects of the Bill.**

The purpose of this bill is to establish a legal and institutional framework for economic development in the county in order to—

- (a) establish an efficient and effective instrument for managing county government investments;
- (b) enhance competitiveness of county government investments;
- (c) promote investment;
- (d) coordinate and facilitate investments in the county; and enable the County Government to undertake public- private partnerships and joint ventures.

## **PART III - INVESTMENT CERTIFICATES, APPLICATION AND ISSUE**

### **4.0 Applications**

**4.1** Investors shall apply to the authority for an investment certificate.

**4.2** An application for an investment certificate shall be in the prescribed form.

**4.3** The authority may request clarifications and additional information.

### **5.0 Entitlement to certificate**

**5.1** An applicant shall be entitled to an investment certificate if:-

- a) The application is complete and satisfies the applicable requirements under this Bill;
- b) The amount to be invested by a foreign investor is at least Fifty million Kenyan shillings or the equivalent in any currency;
- c) The investment and the activity related to the investment are lawful and beneficial to Taita Taveta County.

In determining whether an investment and the activity related to the investment are beneficial to the County for the purposes of subsection 5(I)(c), the Council shall consider the extent to which

# THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015

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the investment or activity will contribute to the conditions specified in paragraphs (a), (b) and (c), and any or all of the conditions specified here under-

- a) Creation of employment for County citizenry
- b) Acquisition of new skills or technology for county citizenry
- c) Contribution to county revenues;
- d) Utilization of domestic raw materials, supplies and services;
- e) Adoption of value addition in the processing of local, natural and agricultural resources;
- f) Utilization, promotion, development and implementation of information and communication technology;

## **6.0 Procedures for considerations**

**6.1** The procedures set out in the First Schedule shall apply with respect to the consideration of an application for an investment certificate.

## **7.0 Issue of certificate**

**7.1** If the authority decides to issue an investment certificate it shall issue the certificate on the date the applicant requests.

**7.2** The authority may issue an investment certificate in the name of a corporation established by the applicant for the purposes of the investment or in the name of any other business organization to be used for the purposes of the investment.

**7.3** An investor shall not invest in Taita Taveta County without an investment certificate.

## **8.0 Conditions of certificate**

**8.1** An investment certificate shall be subject to;-

- a) Such conditions as are prescribed in the regulations; and
- b) Such conditions as the Council may specify at the time the certificate is issued.

## **9.0 Transfer**

**9.1** An investment certificate may be transferred only with the written approval of the Council.

**9.2** The transfer of an investment certificate is subject to any restrictions prescribed in the regulations.

# THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015

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## **10.0 Amendment**

**10.1** At the request of the holder of the certificate, the authority may amend an investment certificate subject to any restrictions prescribed in the regulations.

## **11.0 Revocation**

**11.1** The authority may revoke an investment certificate on the following grounds:-

- a) That the certificate was issued on the basis of incorrect information given by the applicant for the certificate;
- b) That the investment certificate was obtained by fraud; or
- c) That a condition of the investment certificate was breached.

**11.2** If the authority proposes to revoke an investment certificate, the authority shall give the holder of the investment certificate at least thirty (30) days written notice of the grounds for the proposed revocation and shall give the holder an opportunity to make representations as to why the investment certificate should not be revoked.

## **12.0 Review of authority decision**

**12.1** A person who applied for an investment certificate or a person who is or was a holder of an investment certificate may request the CEC to appoint a panel to review a decision of the authority relating to the application or certificate.

**12.2** Upon receiving a request under subsection **12(1)**, the CEC shall appoint a panel consisting of

- a) The chairman who shall be an advocate of at least ten years experience
- b) Two other members each of whom shall be a person who is experienced in law, economics or Commerce.

**12.3** After conducting its review the panel may do any one or more of the following:

- a) Confirm, vary or set aside the decision appealed from;
- b) Direct that the Board reconsider a matter in accordance with such directions as the panel may make;
- c) Make an order as to the payment of costs.

**12.4** The CEC may make rules governing the procedure of panels under this section.

**12.5** Subject to any rules made by the CEC, a panel may govern its own procedure.

## THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015

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**12.6** A panel shall have the same powers as a court to make orders to secure the attendance of persons, for the production of documents or for the investigation and punishment of contempt.

**12.7** The CEC shall appoint a secretary to the panel and such other staff as are necessary for the proper discharge of the functions of the panel.

**12.8** The members of a panel shall be paid such allowances and expenses as are determined by the Salaries and remuneration commission.

**12.9** The expenses of the panel, including the allowances and expenses of the members of the panel, shall be paid by the County Government.

### **PART IV — INVESTMENT CERTIFICATES – BENEFITS**

#### **13.0 Entitlement to certain licenses**

**13.1** An investment certificate shall set out the Licenses that are necessary to the proposed investment and to which the holder of the investment certificate would, on application, be legally entitled.

**13.2** Upon the issue of an investment certificate, the following apply with respect to each License set out in the certificate under subsection **13(1)**:-

**a)** The holder of the investment certificate is entitled to have the License issued, subject to any conditions set out in the Second Schedule or in the investment certificate, upon application made within twelve months after the investment certificate is issued and upon payment of the applicable fee, if any; and

**b)** Until the License is issued or twelve months elapse after the investment certificate is issued, whichever occurs first, the License shall be deemed to have been issued, subject to any conditions set out in the Second Schedule or in the investment certificate and subject to the requirement to pay fees under subsection **13(3)**.

**13.3** The holder of an investment certificate shall pay any fees that would be payable under the relevant legislation for the Licenses set out in the investment certificate in respect of the time period commencing on the day the investment certificate is issued and such fees shall be paid within six months after the issue of the investment certificate.

**13.4** The entitlement to Licenses under subsection **13 (2) (a)** is for the initial issue of such Licenses only and following that initial issue the laws under which the Licenses are issued apply

## **THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015**

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in the same way as they apply to all Licenses, including, with respect to the revocation or renewal of the Licenses.

**13.5** The authority shall facilitate the issue of Licenses to which the holder of an investment certificate is entitled under this section.

### **14.0 Entitlement to entry permits for expatriates**

**14.1** The holder of an investment certificate is entitled to the following entry permits under the Immigration Act:-

- a) Three class An entry permits for management or technical staff
- b) Three class H, I or J entry permits for owners, shareholders or partners.

**14.2** The initial issue of a permit under this section shall be for a two year period.

**14.3** The holder of the investment certificate is entitled to have a permit under this section reissued upon its expiry or issued to a different employee, owner, shareholder or partner.

**14.4** The holder of the investment certificate is not entitled to have a permit issued to a person who is a prohibited immigrant within the meaning of the Immigration Act.

**14.5** A permit under this section is subject to a condition that the holder of the permit complies with the laws of Kenya...

**14.6** For each permit under subsection **14(1)** the holder of the investment certificate is entitled to the issue of:-

- a) A dependent's pass for each dependant of the person to whom the permit is issued; and
- b) Such re-entry permits as are required in connection with the permit or with the passes under paragraph **14.6 (a)**.

**14.7** Subsections **14 (4)** and **14(5)** apply, with necessary modifications, with respect to passes or reentry permits under subsection **14 (6)**

**14.8** An entitlement to a permit or pass under this section is conditional upon

- a) Application being made for the permit or pass;
- b) The applicable fee, if any, being paid; and
- c) Any security deposit or bond required under the Immigration Act being paid or provided.

**14.9** Notwithstanding subsection **14 (8) (b)**, no fee is payable for the initial issue of a permit under subsection **14. (1)(b)**.

## **THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015**

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**14.10** If an entry permit described in subsection **14 (1)(a)** has already been issued to an employee of the holder of the investment certificate as of the time the investment certificate was issued, that permit shall be deemed to be one of the permits to which the holder of the certificate is entitled under subsection **14(1)(a)**.

**14.11** If an entry permit described in subsection **14(1) (b)** has already been issued to the holder of the investment certificate or an owner, shareholder or partner of the holder as of the time the investment certificate was issued, that permit shall be deemed to be one of the permits to which the holder of the certificate is entitled under subsection **14(1) (b)**.

**14.12** The authority shall facilitate the issue of permits and passes that the holder of the investment certificate is entitled to have issued under this section.

**14.13** Nothing in this section limits the issue, under the Immigration Act, of other permits or passes in addition to those which the holder of an investment certificate is entitled to have issued.

### **PART V — TAITA TAVETA COUNTY INVESTMENT COUNCIL**

#### **15.0 Council establishment**

**15.1** There is established a council to be known as Taita Taveta County Investment Council which is an unincorporated body.

#### **16.0 Membership Composition**

**16.2** The Council shall consist of the following:-

- a) A Chairman who shall be the Governor or CECM appointed by the Governor;
- b) The county secretary.
- c) Chairman of the board of the investment authority
- d) The CECM in the ministries responsible for matters relating to-;
  - I. finance and planning
  - II. tourism, trade and industry
  - III. agriculture;
  - IV. lands and natural resources
  - V. roads and public works
- e) Four persons appointed by the governor one per sub-county representing private sector, each of whom is distinguished in the field of law, economics, commerce, engineering or management.

# THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015

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## **17.0 Functions**

**17.1** The council will do the following:-

- a) To find ways to increase investment and economic growth in the county.
- b) To promote co-operation between the public and private sectors in the formulation and Implementation of county policies relating to the investment and economy.

**17.2** In carrying out its functions under subsection **17(I)** the Council shall:-

- a) Monitor the economic environment to identify impediments to investment and economic growth.
- b) Propose incentives to promote investment and economic growth;
- c) Monitor economic development in County to identify areas that may not be benefiting from economic development; and
- c) Consult with persons from both the public and private sectors to obtain views and suggestions for promoting investment and economic development.

## **18.0 Conduct of business**

**18.1.** The council will meet once every three months to review the Investment climate in the county.

## **19.0 Council committees**

**19.1.** The council may establish committees as it deems necessary to perform its functions.

**19.2** Membership of committees established under subsection **19(1)** shall comprise line ministry County chief officers and /or technical officers from ministries forming the council.

**19.3.** Experts from public and private sector may also be included in committees.

## **PART VI- TAITA TAVETA COUNTY INVESTMENT AUTHORITY.**

**20.0 Establishment of an authority.**

## **THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015**

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**20.1.** There is established an authority to be known as the Taita Taveta County Investment Authority under section 20(1) of the bill and shall be a body corporate with perpetual succession and common seal and shall in its corporate name be capable of:-

a) suing and being sued

b) purchasing, acquiring, holding or disposing of property

c) borrowing money

d) Doing or performing all other things or acts necessary for the proper performance of its functions under this bill which may lawfully be done by a body corporate.

**20.2** The headquarters of the authority shall be at county headquarter, but may establish offices in the e sub-counties.

### **21.0 Functions**

**21.1** The authority shall promote and facilitate investment in the county.

**21.2** In promoting and investing ,the authority shall

a) Assist investors by;-

i) issuing investments certificates

ii) assist in obtaining necessary licenses and permits

iii) assist in obtaining land

iv) assist in obtaining incentives or exemptions under income Tax Act, customs and Excise Act, Value Tax Act or other legislation

v) Provide information on investment opportunities or capital or other relevant information pertaining to investment.

b) Promote, both in the county and outside, the opportunities for investment in Tata - Taveta County.

c) Review the investment environment and make recommendations to the county investment council with respect to changes that would promote and facilitate investment, including changes to licensing requirements.

d) Carry out such other activities as, as the investment Council's opinion, will promote and facilitate investment.

# THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015

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e) Appoint agents within the county and in any other counties or countries to carry out certain functions on its behalf such as marketing.

## **22.0 Board of authority**

**22.1** The authority shall have board with responsibility of overall direction and management of the authority.

**22.2** The board of the authority shall consist of the following:

a) A Chairman appointed by the Governor and who shall be a person distinguished in the field of law, economics, commerce or engineering with over twenty five years experience.

b) the managing director of the authority

c) the county secretary

d) the chief officers in the ministries responsible for matters relating to-;

I. finance and planning

II. tourism, trade and industry

III. agriculture;

IV. lands and natural resources

V. roads and public works

e) Four persons appointed by the CECM one per sub-county representing private sector, each of whom is distinguished in the field of law, economics, commerce, engineering or management.

## **23.0 Term of office of Chairman, appointed**

**23.1** The Chairman or a member appointed under section **22(2)** shall hold office for a period of three years and shall be eligible for reappointment.

## **24.0 Resignation of Chairman, appointed members**

**24.1** The Chairman may resign by written resignation addressed to the Governor.

**24.2** A member appointed under section **22(2)** (e) may resign by written resignation addressed to the CECM.

## **25.0 Removal of Chairman, appointed members**

**25.1** The Governor may remove the Chairman.

# **THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015**

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**25.2** The CECM may remove a member appointed under subsection **22(2) (e)**, on a ground set out in section **25(3)**.

**25.3** The grounds referred to in subsection **25 (1),(2)** are the following:

- a) The Chairman or member is absent without reasonable excuse from three consecutive meetings of the board of the Council of which he has had notice.
- b) the Chairman or member becomes bankrupt;
- c) the Chairman or member is convicted of an offence involving dishonesty, fraud or moral ineptitude
- d) the Chairman or member is incapacitated by reason of prolonged physical or mental illness from performing his duties as the Chairman or member; or
- e) The Chairman or member is otherwise unable or unfit to discharge the functions of his office.

## **26.0 Allowances of board members**

**26.1** The authority shall pay the members of the board such allowances and expenses as determined by salaries and remuneration commission

## **27.0 Procedures of the board**

**27.1** The business and affairs of the authority shall be conducted in accordance with the third schedule or may determine its own procedure.

## **28.0 Secretary of board**

**28.1** The managing director of the authority shall be the secretary of the board of the authority.

## **29.0 Managing director of the authority**

**29.1** The board of the authority shall appoint a managing director who meets requirements of chapter six (6) of the Constitution of Kenya 2010 who shall be the chief executive officer of the authority and who, subject to the directions of the board, shall be responsible for the day to day running of authority.

**29.2** The terms and conditions of employment of the managing director shall be determined by the board of the authority.

**29.3** A person shall not serve as the managing director for more than eight years.

# THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015

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## **30.0 Other staff**

**30.1** The authority may appoint such other staff in addition to the managing director as the authority considers necessary.

**30.2** The terms and conditions of employment of the ‘staff of the authority’ other than the managing director shall be determined by the authority.

## **31.0 Personal liability**

**31.1** Officers, Members of staff or agent of the authority or member of the board of the authority or of a committee of the board, if the matter or thing is done *bona fide* for executing the functions, powers or duties of the authority under this bill, render the officer, employee or agent or any person acting on their directions personally liable for action, claim or demand whatsoever.

## **PART VII-.FINANCES OF THE AUTHORITY**

### **32.0 Funds of the authority**

**32.1**The funds of the authority shall consist of –

- (a) Such monies or assets as may accrue to or vest in the council in the course of the exercise of its powers of performance of its functions under these rules.
- (b) Such monies as may be payable to the council pursuant to these Rules or any other written law;
- (c) Donations, gifts and endowments from lawful organizations or sources;
- (d) Proceeds of any investments by the council; and
- (e) Government grant and or budgetary appropriation from the County Assembly.

### **33.0 Financial Year**

**33.1**The financial year of the authority shall be for a period of twelve months, ending on the thirtieth of June in each year.

### **34.0 Annual estimates**

**34.1** At least three months before the commencement of each financial year, the authority shall cause to be prepared estimates of the revenue and expenditure of the authority for that financial year.

**34.2** The annual estimates shall make provisions for all estimated expenditure of the authority both recurrent and development for the financial year concerned, and in particular

# THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015

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shall provide the

- (a) Payment of salaries, allowances and other charges in respect to the staff of the authority;
- (b) Payment of pensions, gratuities and other charges in respect of former staff of the authority;
- (c) Proper maintenance of the buildings and grounds of the Council;
- (d) Maintenance, repair and replacement of the equipment and other property of the Council.
- (e) Payment of allowances of the members of the Council and the members of the Board; and
- (f) Creation of such reserve funds to meet future dealings or contingent liabilities.

**34.3** The annual estimates shall be approved by the Investment Council before the commencement of the financial year to which they relate.

**34.4** No expenditure shall be incurred for the purposes of the authority except in accordance with the annual estimates approved under paragraph **34(3)**.

## **35.0 Accounts and Audit**

**35.1** The authority shall cause to be kept proper books and other records of accounts of the income, expenditure, assets and liabilities of the authority.

**35.2** Within a period of the three months after the end of each financial year, the authority shall submit to the Auditor-General the accounts of the authority, in respect of that year, together with

- (a) A statement of income and expenditure during the finance year.
- (b) A statement of the assets and liabilities of the authority on the last day of that financial year.

**35.3** The accounts of the authority shall be examined, audited and reported upon, annually by the Auditor General in accordance with the provisions of the Public Audit Act, 2003.

## **PART VIII – OFFENCES**

### **36.0 Offence of misleading the Authority**

**36.1** A person who knowingly submits false or misleading information to the authority for

# THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015

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the purposes of obtaining an investment certificate or obtaining any assistance from the authority shall be guilty of an offence.

## **37.0 Offence of Improperly divulging information acquired under this bill.**

**37.1** A person who, without lawful excuse divulges information acquired in the course of acting under this bill shall be guilty of an offence.

## **PART IX –GENERAL PENALTY.**

Any person convicted in a court of law shall be liable to a fine not exceeding five million shillings or to imprisonment for a term not exceeding three years or to both.

## **PART X–REGULATIONS**

**37.1** The CECM may make regulations generally for the better carrying out of the provisions of this Bill.

## **PART XI–SCHEDULES**

### **FIRST SCHEDULE**

#### **PROCEDURES FOR CONSIDERATION OF APPLICATION FOR INVESTMENT**

#### **CERTIFICATE**

##### **Definitions**

**1.1** In this Schedule:-

“Working day” means a day other than a Saturday, Sunday or public holiday.

##### **Report on application**

**2.1** Within ten working days after a completed application is received, the Authority shall prepare a written report on the application.

**2.2** An application shall be deemed to have been received when any clarifications or additional information required under subsection **3(3)** are received

##### **Decision**

**3.1** Within five working days after the report on the application is prepared, the authority shall make its decision with respect to the application.

##### **Notice of decision**

## **THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015**

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**4.1** Within five working days after the decision of the authority is made, the authority shall give the applicant a written notice of the decision.

### **If decision is to refuse to issue certificate**

**5.1** If the Authority decides to refuse to issue an investment certificate, the authority shall

- a) Prepare written reasons
- b) Include, with the notice to the applicant under paragraph **4.1**, a copy of the reasons and a copy of the report prepared under paragraph **2.1**
- c) Give the CECM, within five working days after the decision of the authority is made, a copy of the application, a copy of the reasons and a copy of the report prepared under paragraph **2.1**

### **Complaint to CECM if decision is late**

**6.1** If an applicant does not receive a notice of the authority's decision under paragraph **4.1** within twenty-five working days after the completed application was given to the authority, the applicant may make a written complaint to the CECM.

**6.2** The CECM shall investigate a complaint made under paragraph **6.1** and shall, within fifteen working days after the complaint was received, inform the applicant of the results of the investigation.

### **Special provision if environmental health or security issues**

**7.1** This paragraph applies if an application raises any of the following issues:-

- a) An environmental, health or security issue that, in the Opinion of the authority, should be referred to another person or body; or
- b) An issue in relation to which the approval or consent of another person or body is required.

**7.2** If an application raises an issue described in paragraph **7.1**, the authority shall refer the issue to the appropriate person or body and shall inform the applicant of that referral.

**7.3** For the purposes of applying, any time periods specified in this Schedule, the time between a referral under paragraph **2.2** and the response back from the person or body to which the referral was made, shall not be counted.

**7.4** The authority shall liaise with the appropriate authorities for the purposes of determining whether an applicant for an investment certificate is legally entitled to the Licenses listed in the Second Schedule that are necessary to the investment.

# THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015

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## SECOND SCHEDULE

### Licenses to which the holder of an investment certificate may be entitled

#### GENERAL

##### Cap. 118

1. Registration under the Industrial Registration Act.

**Condition:** That resistible particulars be submitted within six months after the issue of the investment certificate.

2. License, including a conditional License, under the Trade Licensing Act.

3. Import License or export License under the Imports, Exports and Essential Supplies Act.

4. Registration of premises as a factory under the Factories Act.

5. Approval of plans under section ..... of the Factories Act.

6. Licenses under the Local Government Act, including under any by-laws made under that Act.

7. Authority or consent, under the County Government Act, including under any by-laws made under that Act, or under the Public Health Act, to undertake construction of works or premises.

**Condition:** That the works or premises comply with all design requirements and that the works or premises will not be used until any inspections or certificates required by law are carried out or issued.

8. Development permission under section 33 of the Physical Planning Act, 1996 and a certificate of compliance.

**Condition:** That registration particulars be submitted within six months after the issue of the investment certificate.

##### Cap. 404

10. Private carrier's license under the Transport Licensing Act.

##### Cap. 496

11. Permit to use a standardization mark under the Standards Act.

No. 8 of 2002

12. Permit required under section 25 of the Water Act, 2002.

# THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015

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## Cap. 409

13. License for a steam vessel under the Lakes and Rivers Act.

No. 8 of 1999

14. Environmental impact license under the Environmental Management and Co-ordination Act. 1999.

## HOTEL

### Cap. 494

15. Hotel license under the Hotels and Restaurants Act.

**Condition:** That the certificate of the medical officer of health required under section 5(4) of that Act be provided.

16. Hotel manager's license under the Hotels and Restaurants Act for the person specified in the investment certificate.

17. Restaurant license under the Hotels and Restaurants Act.

**Condition:** That the certificate of the medical officer of health required under section 5(4) of that Act be provided.

18. Restaurant manager's license under the Hotels and Restaurants Act for the person specified in the investment certificate.

### Cap. 121

19. General retail liquor license and hotel liquor license under the Liquor Licensing Act.

## RESTAURANT

### Cap. 494

20. Restaurant License under the Hotels and Restaurants Act.

**Condition:** That the certificate of the medical officer of health required under section 5(4) of that Act be provided.

21. Restaurant manager's License under the Hotels and Restaurants Act for the person specified in the investment certificate.

# THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015

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## Cap. 121

22. Restaurant liquor License under the Liquor Licensing Act.

## SELLING, PREPARING FOOD), ETC.

## Cap. 254

23. License under the Food, Drugs and Chemical Substances Act to use premises to sell, prepare, store or display for sale, any food.

## AGRICULTURE – GENERAL

## Cap. 318

24. Registration under section 22(6) of the Agriculture Act.

## PYRETHRUM GROWING

## Cap. 340

25. License to grow pyrethrum under the Pyrethrum Act.

## SISAL INDUSTRY

## Cap. 341

26. Registration as a grower under the Sisal Act.

2004 Investment Promotion Act No.6 (14)

**Condition:** That the particulars required under the Sisal Industry (Registration) Rules be submitted within six months after the issue of the investment certificate.

27. License for a factory under the Sisal Act.

## MILLING OF MAIZE, WHEAT, ETC.

## Cap. 338

28. Miller's License under the National Cereals and Produce Board Act.

## TEA FACTORY

## Cap. 343

29. Manufacturing License under the Tea Act.

## SUGAR MILL

# THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015

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## Cap. No. 10 of 2001

30. License to operate a sugar mill or a jaggery mill under the Sugar Act, 2001.

## COFFEE DEALING

### Cap. No. 9 of 2001

31. License to buy, sell, mill, warehouse, export or otherwise deal in or transact business in coffee under the Coffee Act, 2001.

32. Movement permit under the Coffee Act, 2001.

## DAIRY INDUSTRY

### Cap. 336

33. Registration under Part V of the Dairy Industry Act. Condition: That the particulars required under section 32 of that Act be submitted within six months after the issue of the investment certificate.

34. Dairy manager License under the Dairy Industry Act for the person specified in the investment certificate.

35. Retail License under the Dairy Industry Act.

### Cap. 242

36. Registration of premises as a dairy under the Public Health (Milk and Dairies) Rules under the Public Health Act.

**Condition:** That the report of the medical officer of health required under the Rules be provided.

37. License as a purveyor of milk under the Public Health (Milk and Dairies) Rules under the Public Health Act. limit,

## HIDE, SKIN AND LEATHER DEALING

### Cap. 359

38. Buyer's License under the Hide, Skin and Leather Trade Act.

39. Exporter's License or importer's License under the Hide, Skin and Leather Trade Act.

2004 Investment Promotion Act No.6

40. Registration certificate for premises under the Hide, Skin and Leather Trade Act.

# THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015

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## **BACON FACTORY**

### **Cap. 361**

- 41. Bacon factory License under the Pig Industry Act.
- 42. License to slaughter pigs under the Pig Industry Act.

### **Cap. 364**

- 43. License to keep pigs under the Animal Diseases (Control of Pig Diseases) Rules under the Animal Diseases Act.

## **SLAUGHTERHOUSE**

### **Cap. 356**

- 44. License to operate a slaughterhouse under the Meat Control (Local Slaughterhouses) Regulations under the Meat Control Act.

### **Cap. 363**

- 45. License under section 8(1) (a) of the Kenya Meat Commission Act.

### **Cap. 361**

- 46. License to slaughter pigs under the Pig Industry Act.

### **Cap. 364**

- 47. License to keep pigs under the Animal Diseases (Control of Pig Diseases) Rules under the Animal Diseases Act.

## **STERILIZING PLANT**

### **Cap. 345**

- 48. License for a sterilizing plant under the Fertilizers and Animal Foodstuffs Act.

## **EXPORT OF MEAT OR SUPPLY OF MEAT TO SHIPS AT MOMBASA**

### **Cap. 363**

- 49. License under section 8 (1) (b) of the Kenya Meat Commission Act.

## **STOCK TRADING**

### **Cap. 498**

- 50. Stock trader's License under the Stock Traders Licensing Act.

# THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015

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## **FISHERIES**

### **Cap. 378**

51. Certificate of registration of a vessel under the Fisheries Act.

52. License to catch fish under the Fisheries Act.

53. License for a foreign fishing vessel under the Fisheries Act.

2004 Investment Promotion Act No.6

## **MANUFACTURING DRUGS**

### **Cap. 244**

54. Manufacturing License under the Pharmacy and Poisons Act.

## **PHARMACY**

### **Cap. 244**

55. Registration of premises under the Pharmacy and Poisons Act.

## **PEST CONTROL PRODUCTS**

### **Cap. 346**

56. License for premises under the Pest Control Products Act.

## **MOTOR VEHICLE COMPONENTS OR ACCESSORIES DEALING**

### **Cap. 520**

57. License to deal in motor vehicle components accessories under the Motor Vehicle Components and Accessories Act.

## **SECOND-HAND MOTOR VEHICLE DEALING**

### **Cap. 484**

58. License to carry on business of buying or selling second hand motor vehicles under the Second-Hand Motor Vehicles Act.

## **SCRAP METAL DEALING**

### **Cap. 503**

59. License under the Scrap Metal Act.

# THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015

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## **PUBLIC TRANSPORT -**

### **Cap. 404**

**60.** Public carrier's License under the Transport Licensing Act.

**Condition:** That the License is subject to any conditions that may be attached to the License under section **8(2) of that Act.**

## **MINING**

### **Cap. 306**

**61.** Prospecting right under the Mining Act.

**62.** Exclusive prospecting License under the Mining Act for specified lands.

**63.** Lease under the Mining Act for specified lands.

### **Cap. 376**

**64.** Consent under section 10 of the Wildlife (Conservation and Management) Act for specified lands in a National Park.

## **DEALING IN PRECIOUS METALS**

### **Cap. 309**

2004 Investment Promotion Act No.6

**65.** License to trade in unwrought precious metals under the Trading in Unwrought Precious Metals Act.

## **DIAMOND DEALING**

### **Cap. 310**

**66.** Diamond dealer's License under the Diamond Industry Protection Act.

## **CINEMA**

### **Cap. 222**

**67.** Cinema License under the Films and Stage Plays Act.

## **MAKING OF FILMS**

### **Cap. 222**

# THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015

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68. Filming License under the Films and Stage Playact.

## Cap. 376

69. Authorization to make a film in a National Park under. the Wildlife (Conservation and Management) Act.

## HIRE-PURCHASE BUSINESS

### Cap. 507

70. License to carry on a hire-purchase business under the Hire-Purchase Act.

## AUCTIONEERING

### No. 5 of 1996

71. License tinder the Auctioneers Act, 1996.

## THIRD SCHEDULE

### PROVISIONS AS TO TUE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD OF THE AUTHORITY

#### Meetings

1.1 The board shall have at least four meetings inevery financial year and not more than four monthsshall elapse between one meeting and the next meeting.

1.2 Meetings shall be convened by the secretary to the board, on the instructions of the Chairman or upon the requisition of at least five members of the board.

1.3 Unless all the members otherwise agree, at least seven days' notice of a meeting shall be given to every member.

1.4 A meeting shall be presided over by the Chairman, or in his absence, by a person elected by the board at the meeting for that purpose.

1.5 A member described in paragraph (b), (c), (d), (e) or (f) of section 16(2) may designate one of the following persons as a representative to attend a meeting of the board in the member's absence:

a) The member's deputy; or

b) A person who is under the authority of the member and whose rank is the same as or higher than the rank of the member's deputy.

#### Quorum

## **THE TAITA TAVETA COUNTY INVESTMENT BILL, 2015**

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2.1 Nine members of the board shall constitute a quorum.

### **Voting**

**3.1** A decision of the board shall be by a majority of the members present and voting and, in the case of an equality of votes; the person presiding at the meeting shall have a second or casting vote.

### **Committees**

**4.1** The board may establish committees and delegate to any such committee such of its functions as it considers advisable.

**4.2** The board may appoint persons who are not members of the board as members of a committee established under subparagraph (I).