

PUBLIC RECORD OFFICE

CONTINUED FROM PREVIOUS FILM

PUBLIC RECORD OFFICE

C0533/455

ORDER NO. ⇒ FN/E475
CAMERA NO. ⇒ 19
OPERATOR. ⇒ EM
REDUCTION. ⇒ 12
EMULSION NO. ⇒ 341081
DATE. ⇒ 27/6/72

CROWN COPYRIGHT

THESE COPIES ARE SUPPLIED FOR INFORMATION
AND RESEARCH ONLY—NO REPRODUCTION MAY BE
MADE FOR PUBLICATION WITHOUT THE ASSENT OF
THE PUBLIC RECORD OFFICE

**REPORT OF THE COMMITTEE
APPOINTED TO REVISE THE
LICENSING ORDINANCE**

1933

74

Report of the Committee appointed to Revise the Licensing Ordinance, 1933

Your Excellency,

We have the honour to submit our Report on the following Terms of reference.
terms of reference which appeared under Government Notice
No. 626 published in the Official Gazette of the 25th Septem-
ber, 1934.

"To examine the provisions of the Licensing Ordinance, 1933, in the light of experience gained and to suggest such amendments as may be considered advisable, due regard being had to the necessity for maintaining or increasing the revenue from this source."

2. The personnel of the Committee was as follows:—

Personnel of
Committee.

Mr. G. Walsh, C.B.E. (Treasurer), *Chairman*,

Mr. H. R. Montgomery (Chief Native Commissioner),

Mr. T. D. H. Bruce (Solicitor General),

Major F. W. Cavendish-Bentinck,

Mr. R. S. Campbell (representing the Mombasa Chamber
of Commerce),

Mr. Ernest B. Gill (Chartered Accountant),

Mr. J. B. Pandya (representing the Federation of Indian
Chambers of Commerce),

Mr. T. A. Wood, C.M.G., M.B.E., (representing the
Nairobi Chamber of Commerce),

Mr. J. K. Ramsden, Assistant Treasurer and Acting Procedure.
Officer in Charge, Revenue Office, was appointed Secretary.

3. Invitations to give verbal evidence or to submit written memoranda were extended to the public by notice in the Press and by direct communication in cases where it was considered that particular interest in this subject might be expected. The outcome, however, was disappointing, five letters and memoranda being received as a result of this invitation, with only one request (from the Nairobi Traders' Association) to give verbal evidence. In these circumstances and having

regard to the character of the personnel of the Committee, visits to other centres appeared unnecessary, and the Committee therefore pursued their deliberations in Nairobi, meetings being held between October 8th and November 3rd. With a view to expediting the detailed consideration of matters coming within our terms of reference, after a preliminary examination had been made, a sub-committee consisting of the Chairman, the Acting Chief Native Commissioner and the Solicitor General was appointed to prepare the first draft of a Bill incorporating the principles agreed upon by the Committee. This sub-committee reported on the 26th October, 1934.

Report of Licensing Commissioners.

4. In order to ascertain the extent to which the Licensing Ordinance of 1933 appeared to be defective from the point of view of administration, incidence and yield, the Committee first considered a Report submitted by the Licensing Commissioners appointed under section 15 (1) of the 1933 Ordinance, to superintend the licensing of businesses and professions under the Ordinance; to give general and special directions to licensing officers as to the performance of their duties and to direct or authorize any questions of doubt or difficulty in connection with their duties.

Inadequacy of present Ordinance.

5. From a perusal of this document, the Committee were fully satisfied that the Ordinance in its present form lacks balance, is administratively extremely difficult of proper application and is unequal in its incidence, the principle of setting off one tax against another, and the inclusion of a relatively high fee for any unspecified business in particular militating against the measure as a competent instrument for the licensing of trades and professions.

Yield.

6. So far as yield is concerned, the estimates submitted when the 1933 Ordinance was first under consideration varied from £112,000 to £40,000, the latter figure ultimately appearing in the Colonial Estimates for the current year. Actual collections to 30th September, 1934, are stated by the Central Revenue Authority to be £32,232, the total anticipated collection for the year being in the neighbourhood of £33,000. Details of actual collections to 30th September as follows:—

Section 7 (1)		No. of Licences	£	No. of Licences	£
A.	600 Wholesale	—	—	167	4,822
A.	300 Wholesale Branch	250	6,127	89	1,305
B.	300 Wholesale	—	—	52	719
C.	450 Retail	4,429	16,455	490	10,960
C.	30 Retail	—	—	3,933	5,495
D.	4,000 Banker	17	950	5	600
D.	500 Banker	—	—	141	350
E.	1,000 Shipping Company	—	—	9	425
F.	800 Commercial Trav.	—	—	5	75
G.	500 Turf Accountant.	—	—	7	167
H.	600 Manufacturer	—	—	0	180
I.	4,000 Oil Company	—	—	4	800
	Insurance	—	—	—	—
J.	500 Life	—	—	11	105
J.	500 Fire	—	—	32	320
J.	100 Marine	90	1,100	56	50
K.	200 Accidents	—	—	25	245
K.	600 General	—	—	16	400
K.	4,000 Electric Light Co.	—	—	1	200
K.	500 Electric Light Co.	—	275	3	75
L.	15 Boarding House	—	—	21	149
M.	300 Assayer	—	—	1	15
N.	600 Exchange Banker	—	—	1	30
O.	300 Manufacturer's Agt.	—	—	65	778
P.	100 Any other business	—	—	321	1,378
Q.	300 Professional	—	—	154	2,131
				5,442	£31,768
	Hawkers and Dur. Beates			613	287
	1933			42	10
				91	167
				616	£404

TOTAL NUMBER OF LICENCES 6,088
TOTAL REVENUE £32,232

Government indicated to the Committee that it would wish to secure under the amended Ordinance a yield approximating to £50,000 in a full year.

7. From experience gained in the operation of the 1933 Ordinance it has become increasingly evident that the trading structure of Kenya differs so materially from that of Tanganyika Territory that complete uniformity in the matter of licensing trades and professions is impracticable. The Committee have therefore kept in view the necessity for prevention of hardships due to differences in the legislation of the territories, but have been compelled to frame their recommendations with particular reference to the requirements of Kenya.

Differences in trading conditions in East African territories.

8. Having arrived at the conclusion that the structure of the existing Ordinance required drastic alteration in order to remove the many defects which were brought to light and to reduce to a minimum the necessity for invoking powers of general reduction or remission of licence fees, the Committee then examined measures of a similar nature in operation in the Union of South Africa and more particularly in Mauritius. In both these laws the "exclusive" system is employed, only those trades and professions specified in the schedules being subject to a licence fee. It was agreed that the adoption of a similar course in Kenya would eliminate many of the difficulties and inequalities which have arisen in consequence of inclusion in the schedule of a fee of Sh. 100 in respect of any other business when retail traders holding small stocks are required to pay only Sh. 30. It was further agreed that the following should be incorporated in the new draft Bill:—

- (a) Provision for the issue of certain comprehensive licences rather than application of the principle of "set-off".
- (b) Increased powers of inspection and supervision.
- (c) The schedule of licence fees chargeable under the Ordinance to be framed with due regard to fees chargeable under other Ordinances but not to supersede or interfere with the fees leviable under other Ordinances;
- (d) The schedule of licence fees based on stocks to be carefully graduated and to apply to stocks held during the currency of the licence;
- (e) Authority for payment of half-yearly licences if the annual fee is Sh. 300 or more;
- (f) Provision for transfer of licences to other premises or persons.

9. Before examining in detail the provisions of the draft Bill appearing in an appendix to the Report, in which we have attempted to apply the principles enumerated above and which we confidently anticipate will prove an equitable and efficient measure for the taxation of trades and professions in the Colony, allusion is necessary to one important suggestion submitted for our consideration, i.e., provision for importers' licences.

10. The following is an extract from the memorandum of the Nairobi Traders' Association concerning this suggestion:—

"All traders who import goods shall be required to provide themselves with an importer's licence. This importer's licence to be issued on payment of a fee of not less than £10 per annum, which would be increased on a sliding scale according to the value of the goods imported annually. In this connection we estimate that 1,500 traders would take out importers' licences, and the estimated revenue would be as follows:—

Importers of Goods Value up to—		£
£1,000	685	6,850
£3,000	430	4,300
£5,000	200	2,000
£10,000	100	1,000
£20,000	50	500
£30,000	15	150
£40,000	10	400
Maximum	10	500
		£ 22,725

All goods imported into the Colony by persons not in possession of an importer's licence shall be subject to a special levy or surtax of 20 per cent on the value of the goods, in addition to any customs duty, etc., payable.

The value of the goods arriving annually in Kenya and Uganda by Parcels Post from Overseas are as quoted from the Trade Reports:—

1931.	1932.	1933.
£315,800	£27,841	£269,985

It is, however, not possible to say what proportion of this amount is for goods privately imported, but the Association consider that a very large amount is for goods so imported, but it may be possible at a later date to supply you with some figures on this subject. It is not possible to supply you with figures for the value of goods imported privately by steamer.

In addition to the goods coming in by steamer and parcels post, many small packets come by letter post on which no customs duty, we believe, is levied. This revenue is lost.

Therefore if a special levy is imposed, a large volume of trade now enjoyed by non-revenue producing traders overseas would be diverted into local channels. We earnestly believe that such action would result in a largely increased turnover to local traders.

This would enable them to offer their goods at even keener prices than at present and would inevitably lead to increased local employment with consequent benefit to local revenue in the shape of taxes paid by the wage earners.

We are definitely of the opinion that the variety of the goods stocked, the prices charged for imported goods in comparison with home prices, and the facilities and service offered by local traders are such that private importation is unnecessary.

We do not consider that any additional cost would be incurred in the collection of the suggested levy as it would cause very little extra work to the Customs Department."

11. It has been ascertained that in the Union of South Africa this licence is in force only in the Cape Province; that importations on private account are not subject to licence and that in practice this form of taxation has been found extremely difficult of administration.

12. Applying the suggestions to the trade of Kenya, it appeared to the Committee that the resultant burden which would be thrown on the important entrepot trade of the Colony and the harm that would be done thereby would far outweigh any other advantage which this form of taxation might have. So far as private importations are concerned, the Committee formed the opinion that of the total value of importations through the parcels post a very large proportion is consigned to traders, that the imposition of a surcharge on gifts (wedding and birthday presents and the like) could not be justified and that a Traders' Licensing Ordinance is not the best medium through which to discourage the importation of trade goods by private individuals. On these grounds the Committee were unable to support the proposal.

13. In the following paragraphs differences between the existing Ordinance and the proposed draft Bill are indicated and the reasons for suggested amendments explained.

Procedure followed in the Union of South Africa.

Importers licence inappropriate to Kenya.

Suggested amendments.

14. Clause 2 covering definitions is an elaboration of section 2 of the 1933 Ordinance. Allusion to the alterations will be made in the explanation of succeeding clauses, but attention at this stage is invited to the definitions of businesses and professions which limit the application of the Ordinance to businesses and professions included in the various schedules, thus applying the principle of exclusion specified in paragraph 8 above and eliminating many of the difficulties now being experienced.

15. Clause 1 (1) and 3 (2) seek to re-enact the provisions of section 3 of the 1933 Ordinance so far as concerns prohibition to carry on a business and profession chargeable with a licence fee unless a proper licence has been taken out, but eliminates the principle of the set-off as applied in section 3 (3) of the existing Ordinance.

Prohibition of carrying on business without a licence.

16. Clause 3 (8) is in accordance with provisions now in force.

17. Clause 3 (4) is designed to exclude from liability to fee the employee who may be carrying on a business or the employee who may be practising a profession—excepting an advocate.

18. Clause 4 re-enacts the provision of section 4 (3) and 4 (6) of the Ordinance.

19. Clause 5 (2) contains a new provision empowering the Governor in Council to impose licence fees on businesses or professions not covered by the proposed schedules.

Power to impose licence fees.

It is not anticipated that exercise of this power will be necessary in ordinary circumstances as the schedules have been prepared with some care and are framed to cover all present trading and professional activities which should be subjected to tax under this Bill, but at the same time provision of this measure of elasticity is considered desirable.

20. Clause 6 (1) as in the present Ordinance provides that licences shall be taken out on the 2nd January in each year and shall expire on the 31st December next following. An additional provision has been inserted authorizing the issue of half-yearly licences where the annual fee for such licence is not less than Sh. 300. The necessity for maintaining the cost of collection at a minimum figure prevents us from recommending half-yearly licences in respect of which a fee lower than Sh. 300 is charged.

Yearly or half-yearly licences.

Sub-clause (1) (b) limits the period of validity of a commercial traveller's licence to three months, it being considered that in the absence of a central authority or in order to avoid complicated inter-territorial adjustments, this method of charge, although by no means perfect from the point of view of treatment of the three territories as a single economic unit, will meet the case in existing circumstances.

Clause 6 (2) re-enacts the provisions of section 7 (4) of the existing Ordinance.

Surrender of licences.

21. Clause 7 (1) provides that a licence may be surrendered only in cases where the licensee-holder may have ceased to practise a profession or to carry on business but clause 7 (2) improves the position of the licensee in respect of surrender values under section 11 of the Ordinance, the amounts repayable in surrender being increased from one-third to one-half and from one-sixth to one-quarter under sub-clauses (a) and (b) respectively.

Transfer of licences.

22. Clause 8 (1) re-enacts the provisions of section 13 of the Ordinance, in regard to the transfer of licences to different premises, clause 8 (2), affording additional authority to transfer a business licence as between persons.

Duplicate licences.

23. Clause 9 re-enacts section 13 of the Ordinance.

Measures of control.

24. Clause 10 considerably strengthens the position of the licensing authorities so far as general control is concerned, a matter which the Committee consider to be of the greatest importance, as in their opinion the equity of an Ordinance of this nature depends not only on the measure of taxation imposed but also upon the provision of machinery adequate to ensure that evasion is capable of complete elimination.

Clause 10 is framed with this object in view. It provides for the exhibition and production of licences, power to enter premises, the keeping of books and the determination of the value of stocks kept by petty traders, all being considered reasonable safeguards against evasion of payment of the proper licence fees.

Exhibition of trade names.

25. Clause 1 provides for the exhibition of the name under which a licensee carries on business.

Hawkers and pedlars.

26. Clause 12 and 15 provide for the licensing of hawkers and also of pedlars, these terms being defined under clause 2. In the existing Ordinance "hawker" is not specifically defined,

but is interpreted to extend to persons offering, or exposing for sale, barter or exchange, goods elsewhere than at a fixed place of business, no distinction being made between the "pedlar" who plies his trade on foot or with a vehicle propelled by himself and the "hawker" who has a more ambitious equipment and itinerary. The latter class of trader is increasing in numbers and it is felt that the South African practice of differentiating between the licence fees chargeable should be followed.

27. Clause 14 follows the provisions of section 5 (3), (4), (5), and (6) of the existing Ordinance except in so far as sub-clause (4) covering exemptions is concerned. In this sub-clause the exemption extending to persons already licensed under Municipal by-laws is omitted as being at variance with recognized practice in the matter of Government taxation; and at the instance of missionary bodies, colporteurs have been included in the exemption.

28. Clause 15 repeats the provisions of section 9 of the present Ordinance.

29. Clause 16 is in effect a repetition of section 10 of the 1938 Ordinance.

30. Clause 17—The fundamental alteration in the structure of the measure which is now "exclusive" and not "inclusive" as in the case in the 1938 Ordinance, allows of considerable modifications of the specific exemptions appearing under section 6 of the present Ordinance.

Clause 17 (1) (a) clarifies the position as set out in section 6 (1) (a) of the 1938 Ordinance.

Clause 17 (1) (b) restricts exemption of persons licensed under the liquor laws to persons operating solely in the liquor trade, a point upon which the present Ordinance is by no means clear.

Clause 17 (1) (c) and (d) repeat the provisions of section 6 of the 1938 Ordinance.

Clause 17 (1) (e) has been inserted at the instance of the Chief Native Commissioner who is anxious that no steps should be taken which might discourage the increased use of bricks, meat and bread by the native population.

Clause 17 (3) varies a somewhat similar provision in section 6 (2) of the present Ordinance by omitting the grant of power to exempt or reduce licences chargeable under the

Exemptions from hawkers and pedlars licence.

Licensing authority.

Forms of licences and applications.

Exemptions.

Licensing Ordinance by reason of the business, professions or persons being liable to another fee. The Schedules in the Bill now submitted have been framed with due regard to liabilities under other Ordinances and after full consideration of all relevant factors. In these circumstances it is felt that all reference to "set-off" should be omitted and it is confidently expected that except in abnormal circumstances the necessity for variations in the fees chargeable will be considerably less frequent than has been the case hitherto.

Appointment
of licensing
commissioners.

31. Clause 18 is a repetition of section 15 of the present Ordinance. In this connection Major Cavendish-Bentinck and Mr. T. A. Wood express the view that the appointment of licensing commissioners should not be completely restricted to persons employed in the public service, but that provision should be made for the appointment of one non-official member. Other members, however, held the view that as the functions of the licensing commissioners are administrative in character and relate almost entirely to a proper interpretation of the terms of the Ordinance, their duties differing in no important particular from the functions of any individual public officer appointed to administer an Ordinance, unofficial representation is unnecessary. The member representing the Indian Federation of Chambers of Commerce states that if a European non-official member is appointed as a licensing commissioner, the Indian section of the trading community would be compelled to press for the appointment of a Commissioner to represent Indian trading interests.

Principals
and agents.

32. Clause 19 safeguards the position in regard to the obligations as between principals and agents.

Rule-making
powers.

33. Clause 20 accords power to make Rules under the Ordinance.

34. Clause 21 repeats the penalties provided in clause 16 of the 1933 Ordinance, whilst clause 22 repeals the 1933 Ordinance.

35. Schedule 1 of the Bill relates to the licensing of professions (the licence being personal to the holder) and specified with more exactitude the professions in respect of which Sh. 300 licences are required.

Medical
practitioners
and dentists.

36. Particular reference to the position of medical practitioners and dentists is necessary. In the 1933 Ordinance dentists are included in the definition of professions subject to

licence, and it is understood that in the 1933 Bill medical practitioners were originally included, but that during the Committee stage medical practitioners were placed outside the scope of the measure by reason of the fact that although certain medical practitioners should reasonably be called upon to pay a licence fee in common with other professional men, the number was so small as compared with the total number, including consultants, who either gave their services or were not in regular practice, that exemptions appeared the most convenient way out of the difficulty. In consequence of this differentiation between medical practitioners and dentists, vigorous protest was made by the dental surgeons who stated that such discrimination is unprecedented and unknown in any other part of the British Empire. Reference to such licensing measures of a similar nature applied in other parts of the Empire are available to us would appear to support this contention as in the laws of Mauritius and the Union of South Africa medical practitioners and dental surgeons are alike chargeable with a licence fee. We recommend, therefore, that medical practitioners and dental surgeons should both be included in this Schedule, remission or exemption being allowed on application where the nature of the practice warrants this course of action.

37. *Schedule B*.—The licences enumerated in Schedule B relate to semi-professional businesses and are not personal in character. The businesses specified are in some cases ancillary to other activities; the individual licence fees are smaller than those chargeable under Schedule A and provision is made for an inclusive licence to cover all the businesses described in the Schedule.

38. *Schedule C* is framed to cover the main business activities of the Colony, provision being inserted for a comprehensive licence to cover all the businesses mentioned in the Schedule.

39. Item 1 is similar in intention to the proviso to section 7 (1) (c) of the existing Ordinance save that (a) the licence fee is related to the value of goods on hand at any one time during the currency of the licence instead of being related to the stocks on hand in the previous year and (b) the value of stocks is reduced from £150 to £75. So far as (a) is concerned, the reason for the suggested alteration is obvious as an assessment of the stocks held by petty traders at any one time in the year preceding the currency of the licence has been

found administratively impossible. As regards (b), the Committee (subject to the dissenting minute of the member representing the Indian Federation of Chambers of Commerce) consider that £75 is a reasonable maximum figure to cover stocks of petty traders who are called upon to pay a licence fee as low as Sh. 30 per annum in townships and trading centres and Sh. 10 per annum elsewhere.

General
traders.

40. Item 2 covers the business of the general trader other than the purely petty trader and the attempt to discriminate between wholesale and retail trading and the importer and the non-importer has been abandoned as impracticable. In contradistinction to the provisions of the existing Ordinance under which general retail traders are required to pay a licence fee of either Sh. 80 or Sh. 450 per annum, a sliding scale based on maximum stocks is suggested as affording a more equitable method of charge.

Manufacturers.

41. A sliding scale of fees on somewhat similar lines is suggested in regard to manufacturers in supersession of the existing fixed fee of Sh. 600 for manufacturers having a gross turnover in respect of their manufactures exceeding £5,000 per annum.

Commissioner
or manufacturer's
agents.

42. Item 4.—An increased fee from Sh. 300 to Sh. 400 is suggested for carrying on the business of a commissioner and/or manufacturer's agent, a similar increase being proposed in regard to commercial travellers. In many cases, however, the business of a manufacturer's agent is carried on as one of the activities of a merchant house, in which event the comprehensive licence provided for in item 7 would ordinarily be taken out.

Exchange
bankers.

43. Item 5.—It is suggested that the licence required to carry on the business of an exchange banker should be increased from Sh. 600 to Sh. 1,000 per annum, it having been represented to us that as bankers are required to pay Sh. 4,000 for the principle place of business and Sh. 500 for each branch, and as the dealing in exchange is at present the most lucrative branch of banking the existing disparity is unwarranted. In certain cases the comprehensive licence of Sh. 1,200 would probably cover this activity.

Clearing and
forwarding
agents.

44. Item 6.—It is felt by the Committee that the business of clearing and forwarding agents is one which should properly be included in the Ordinance relating to the licensing of trades and professions. If this recommendation is accepted

it is suggested that the fee of Sh. 20 per annum at present payable under the Customs Management Regulations should be abandoned and the Regulations amended accordingly.

45. Schedule D is framed to cover specialized businesses and businesses of a particular nature in respect of which it is considered that fixed licence fees should be charged. The following items call for special mention.

Schedule D.

46. Item 3.—Under section 7 (1) (k) of the existing Ordinance a fee of Sh. 4,000 for the principal or only place of business is charged, Sh. 500 being chargeable for each branch. In the opinion of the Committee this method of assessment is inappropriate and it is accordingly recommended that a fixed fee of Sh. 2,500 for each area of distribution should be imposed.

Power and
electric light
distributors.

47. Item 5.—A fee of Sh. 1,000 is now charged under Harbour Regulations, No. 103 (a) (vide item No. 51 in the Harbours Tariff Book) for the business of a stevedore. The Committee consider that a licence of this nature should properly be issued under the Traders' Licensing Ordinance and therefore recommend that the fee hitherto chargeable under the Harbour Regulations should be cancelled and replaced by this item.

Lighterage and
stevedoring.

48. Item 6 is a repetition of section 7 (j) of the 1933 Ordinance save that the fee for marine insurance is placed on the same footing as other forms of insurance.

Insurance.

49. Items 8-16 and 19-26 are inserted to provide appropriate fees for the various classes of business enumerated under these items, the suggestion for the licensing of newspaper publishers being derived from a similar measure in South Africa.

Other
businesses.

50. The present scale of licence fees for temperance hotels and boarding houses is Sh. 15 "for each person for whom sleeping accommodation is provided" a basis of charge which is almost impossible of proper application. After detailed consideration the Committee submits the sliding scale of fees enumerated in item 17 as providing an equitable basis of assessment. Adoption of this suggestion would eliminate any discrimination between temperance and other hotels so far as sleeping accommodation is concerned and would exempt from tax small establishments where a single room is made

Hotels,
boarding and
lodging houses.

available for letting. Differentiation as between various districts in the Colony follows the recommendation in this regard by the Liquor Licensing Committee.

51. Item 18.—The wide difference between restaurants of European standard and other restaurants and eating houses has necessitated a similar variation in fee as between the two types. Places outside the boundaries of townships and trading centres where food is sold for consumption on the premises will be exempt from tax under this item.

52. It should be understood that except where specifically provided, shops and premises which are branches of a principal establishment will be treated as separate entities and licensed accordingly as it appears to the Committee that the mere existence of a principal place of business in the Colony should not affect the licence fee chargeable in respect of branches if equality of treatment of all trading interests is to be assured.

53. The Committee have used every endeavour to frame the Bill now submitted on reasonable and equitable lines and have some reason for assuming that no particular difficulty in its proper administration will be encountered. We feel, however, that the result of a successful achievement of these aims will be largely stultified unless adequate steps are taken to ensure that a full collection of the fees chargeable under the Ordinance is made, as any evasion will adversely affect not only the revenue but also the equitable incidence of the measure.

With a view to securing a maximum collection we therefore strongly recommend (a) the quarterly publication of details of licences issued in respect of which a fee of over Sh. 30 is charged, and (b) that specialized officers should be detailed to supervise collections in at least the larger centres.

54. So far as the yield which may be expected from the measure as now amended is concerned, alterations in the Schedules are of so comprehensive a nature that a close computation of the results is impossible at this stage. Our main efforts have been in the direction of framing a workable measure with reasonable and equitable schedules of fees, due regard being had to the revenue position, and although no guarantee can be given, we are confident that a proper and full application of the measure now submitted will result in an improved revenue yield from this source without imposing any undue hardship on individuals.

55. In conclusion we wish to place on record our appreciation of the valuable work performed by Mr. J. K. Ramsden, the Secretary to the Committee. Acknowledgment.

G. WALSH, *Chairman*.

H. R. MONTGOMERY.

T. D. H. BRUCE.

R. S. CAMPBELL.

ERNEST B. GILL.

T. A. WOOD.

J. B. PANDYA

(subject to the dissenting minute noted hereunder).

Secretary.—J. K. RAMSDEN.

Note.—Owing to illness the signature of Major F. W. Cavendish-Bentinck has not been obtained.

ADDENDUM.

We, the undersigned unofficial Members of the Committee, particularly desire to record our appreciation of the courtesy and patience exercised by the Chairman throughout the deliberations which, as can be imagined, were on occasion extremely difficult. We further wish to record the fact that the work of the Committee was greatly expedited by the preparation of a draft Ordinance by the official Members, acting as a sub-Committee, this draft Ordinance embodying the principles approved by the Committee as a whole, in their earlier discussions.

The comprehensive nature of the draft Bill enabled the Committee more expeditiously to agree upon the fixation of the various licensing fees as shown in Schedules A, B, C and D of the draft.

R. S. CAMPBELL.

ERNEST B. GILL.

T. A. WOOD.

J. B. PANDYA.

Nairobi,

10th November, 1934.

Restaurants.

Branches.

Application of provisions of Ordinance.

Yield under the amending Bill.

DISSENTING MINUTE BY MR. J. B. PANDYA.

I regret I am unable to agree with some of the recommendations of the Committee. In principle I should like to observe that the proposed Bill does definitely increase the taxation on the commercial community and I am quite sure the schedule as drafted would bring in a much larger amount of revenue.

The proposed schedule shows that while licence fees to be paid by professions and others, such as banks, shipping companies, oil companies, etc. are retained at the same figure as before, and while fees in respect of hotels and boarding houses have even been reduced, the trade licences have been actually increased. As an instance, the principle adopted in this Bill that one licence does not cover the other except when a comprehensive licence costing a large sum is taken, would mean a definitely increased taxation on the commercial community. In the old Bill the maximum trade licence fee amounted to Sh. 600 per annum, whereas according to the proposed Bill a comprehensive licence would cost Sh. 1,200, moreover Schedule C for trading licences is so arranged in the present Bill that in many instances those paying a licence fee of Sh. 30 or Sh. 450 will have to pay Sh. 75 or Sh. 600.

With regard to the capacity of the traders to bear this extra burden I should like to quote the figures for trade imports for Kenya. They are as under:—

	1928	1931	1933
	£	£	£
Total imports for Kenya ...	6,759,373	3,783,300	3,382,808
Retained imports in Kenya			
after deducting re-exports	4,950,377	2,677,760	1,938,167

These figures show that compared to 1928 the total trade imports of Kenya have gone down by about 50 per cent, but if the actual retained trade imports were to be considered, it would be found that they have gone down by nearly 62 per cent. It means that actual turnover of traders in Kenya affected by these proposals has been reduced by 62 per cent or the business to-day is only 38 per cent of what it was in 1928.

Based on the above figures and in view of the fact that turnover in trade has gone down to such an enormous extent, I would like to place on record my considered opinion that the proposed increase in licence fees would generally result into a definite hardship.

With regard to Schedule C 1 and 2, I propose that these items should be replaced by the following:—

1. A licence to conduct the business of a petty dealer.	
For each place of business where the value of the goods on hand does not at any one time during the period of the validity of the licence exceed £100—	Sh.
(a) in a municipality, township or trading centre ...	30
(b) elsewhere	10
2. For licence to conduct the business of a trader.	
For each place of business—	
(a) where the value of goods on hand does not at any one time during the period of the validity of the licence exceed £300	50
(b) where the value of goods on hand does not at any one time during the period of the validity of the licence exceed £500	75
(c) where the value of goods on hand does not at any one time during the period of the validity of the licence exceed £1,000	200
(d) where the value of goods on hand does not at any one time during the period of the validity of the licence exceed £2,500	400
(e) where the value of goods on hand may at any one time during the period of the validity of the licence exceed £2,500	600

This schedule would be fair and just, and in a permanent measure of this description it is necessary that fairness in taxation between various classes of businesses should be observed.

In Schedule C 5 the Committee has suggested a fee of Sh. 1,000 for exchange bankers. This appears to be rather excessive. Exchange banking outside the regular banking is small and is mostly limited to dealings with Bombay with a small margin of profit. It is more a facility to Indian artisans and others, because it obviates many of their difficulties of remitting money to their families in India and getting it paid without a lot of formalities which a full-fledged banking concern would no doubt insist upon. For these reasons I suggest that Sh. 600 would be a fair fee for this class of business.

My views on the proposal of Major Cavendish-Bentink and others regarding the appointment of an unofficial as one of the licensing commissioners are conveyed in paragraph 31 of the report.

J. B. PANDYA.

APPENDIX

A Bill to provide for the Licensing of Certain Professions, Businesses, Trades, Arts, Callings and Industries within the Colony and to Fix the Licence Fees Payable.

BE IT ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

Short title.

1. This Ordinance may be cited as the Licensing Ordinance, 1934, and shall come into operation on the 1st day of January, 1935.

Definitions.

2. In this Ordinance, unless the context otherwise requires:—

"accountant and/or auditor" means any person who practices as such;

"advocate" means a practising advocate who is resident in the Colony;

"architect" means any person registered as such under the provisions of the Architects and Quantity Surveyors Ordinance, 1933;

"banker" means any company, person or body of persons, British or foreign, whether incorporated or not, and whether registered in the Colony or not, engaged in the business of banking in the Colony who shall be declared by the Governor in Council by notice to be a banker for the purposes of this Ordinance;

"businesses" means any of the businesses, trades, arts, callings or industries set out in Schedule B, Schedule C and Schedule D to this Ordinance;

"commercial traveller" means any person who, not being ordinarily resident in the Colony, solicits orders for goods on behalf of other persons but does not include a person employed as a traveller by a firm or persons licensed under this Ordinance;

"commission agent and/or manufacturer's representative" means any person resident in the Colony who receives or orders from abroad goods on account of others, whether such goods are imported in his own name or not;

"dentist or dental surgeon" means any person practising as such and registered under the Medical Practitioners and Dentists Ordinance;

"exchange banker" means a person who carries on for profit the business of operating in foreign currency outside the Colony but shall not include a money-changer or any company, person or body of persons who may hold a licence as a banker;

"hawker" means any person who, whether as principal agent or employee, carries on the trade or business of offering or exposing for sale, barter or exchange elsewhere than at a fixed place any goods and for that purpose travels about from place to place with goods on any vehicle (other than a vehicle propelled by himself), or with a pack animal or carrier;

"hotel, boarding and/or lodging house" means any premises in which not less than two bed or sleeping rooms are set apart and furnished for letting;

"licensing authority" means the Treasurer or any person appointed by the Treasurer to be a licensing authority;

"medical practitioner" means any person practising as such and registered under the Medical Practitioners and Dentists Ordinance;

"native" means any native of Africa not of European or Asiatic origin and includes a Swahili and a Somali;

"oil company" means any person or body of persons, incorporated or unincorporated, carrying on, either as principal or agent, the business of importation and wholesale distribution of dangerous petroleum or petroleum as defined by the Indian Petroleum Act, 1899, as applied to the Colony;

"pedlar" means any person who, whether as principal, agent or employee, carries on the trade or business of offering or exposing for sale, barter or exchange elsewhere than at a fixed place any goods and for that purpose travels with his goods from place to place either on foot or with a vehicle propelled by himself;

"profession" means any of the professions set out in Schedule A to this Ordinance;

Cap. 119.

Cap. 119.

*House (Chair)
(unincorporated)*

*British
Incorporated*

"quantity surveyor" means any person registered as such under the provisions of the Architects and Quantity Surveyors No. 90 of 1933. Ordinance, 1933;

"restaurant" means any place where food is sold for consumption on the premises;

"shipping company" means any person or body of persons, incorporated or unincorporated, carrying on, either as principal or agent, the business of carrying goods or passengers overseas in mechanically propelled vessels, but the term does not include passenger agents or shipping companies engaged solely in coasting trade within the meaning of the Shipping Ordinance, 1930, or the agents of such companies.

Profession or business to be licensed.

3. (1) No person shall for profit or for gain practise or carry on in the Colony, whether as principal or agent, any profession or business as defined in section 2 of this Ordinance, unless he holds a licence for the time being in force issued under the provisions of this Ordinance authorizing him to do so.

(2) No person shall for profit or for gain practise or carry on in the Colony whether as principal or agent, any profession or business as defined in section 2 of this Ordinance in any place other than that specified in his licence.

(3) Nothing in this Ordinance contained shall be deemed to confer upon a person holding any licence under this Ordinance the right to practise any profession or to carry on any business which he is not authorized by law to practise or to carry on.

Exceptions.

(4) Save as is provided in section 4 of this Ordinance a person shall not be deemed to be practising a profession or carrying on any of the businesses specified in Schedule B to this Ordinance if such person is not practising a profession or carrying on business on his own account and is a full-time employee of, and is in receipt of a salary from, a person or business duly licensed under this Ordinance.

Offence.

(6) If any person contravenes the provisions of this section, he shall be liable for a first offence to a fine not exceeding fifty pounds or in default of payment to imprisonment for any term not exceeding two months, and for a second or subsequent offence to a fine not exceeding two hundred and fifty pounds or in default of payment to imprisonment for a term not exceeding six months.

4. (1) Where two or more members of a firm practise a separate profession, each of the said members shall take out a separate licence in his own name.

(2) No person other than a person employed in the service of Government or of the Railways and Harbours Administration, or a person solely employed by a municipal council or board shall practise as an advocate, whether in receipt of a salary or not, unless he is duly licensed under this Ordinance. Advocate.

5. (1) Professional licences shall be of the kind described in Schedule A to the Ordinance and business licences shall be of the kinds described respectively in Schedule B, Schedule C and Schedule D to this Ordinance; and, subject to the provisions of sub-section (2) of section 5 and of sub-section (2) of section 15 of this Ordinance, the annual fee for each licence shall be that set opposite to the description of such licence in such Schedules. Kinds of licences.

(2) (a) The Governor in-Council may, by order in the Gazette, authorize the exercise of any profession, business, trade, art, calling, or industry not specifically mentioned in this Ordinance, upon payment of such licence fee, and upon such conditions, as to him may seem fit.

(b) When an Order has been made by the Governor under paragraph (a) of the sub-section the licensing authority shall issue a special licence for the exercise of such profession, business, trade, art, calling or industry on payment of the fee, and subject to the conditions prescribed in such Order.

become due
first

6. (1) Licences under this Ordinance shall be taken out on the second day of January in each year and shall expire on the thirty-first day of December next following; Provided that—

- (a) in any case where the annual fee for a licence is not less than (three) hundred shillings, it shall be lawful for a licensing authority to issue in any year a licence which shall expire on the thirtieth day of June in the same year of issue and the amount of fee payable for such licence shall be half the amount of the annual fee;
- (b) a licence to carry on the business of a commercial traveller may be taken out upon any day in each

(one)

for Commission

Period of validity of licences.

year but shall expire within a period of three months from the date upon which such licence fell due to be taken out.

(2) Where a licence is due after the thirtieth day of June in any year, the fee for the licence shall be one-half of the annual fee specified in this Ordinance, and where a licence is due after the thirtieth day of September in any year, the fee for that licence shall be one-quarter of the fee so specified.

Surrender of licences

7. (1) Any person to whom a professional licence or a business licence has been issued under the provisions of this Ordinance may, if he ceases to carry on the business or ceases to practise the profession, in respect of which the licence has been issued, surrender such licence to a licensing authority.

(2) When a licence is surrendered under the provisions of sub-section (1) of this section, then—

(a) if the licence has six months or more to run, one-half of the fee paid shall be returned to the licensee;

(b) if the licence has less than six and more than three months to run, one-fourth of the fee paid shall be returned to the licensee.

Transfer of licences.

8. (1) A professional licence or a business licence may, by endorsement of a licensing authority and on payment of a fee of five shillings, be transferred to different premises.

(2) Upon good reasons being adduced therefor a business licence may, by endorsement of a licensing authority and on payment of a fee of five shillings, be transferred to another person.

Issue of duplicate licences.

9. A licensing authority, on being satisfied that a licence issued by him under this Ordinance has been lost or destroyed and on payment to him of a fee of five shillings, shall issue a duplicate licence to the licensee.

Licences to be exhibited at place of business.

10. (1) Every business licence shall be exhibited in a prominent place in the premises to which it relates or if the business is not carried on in definite premises, such licence shall be kept at the place where the person carrying on the business usually resides.

(2) Every professional licence shall be kept on the premises where the person practising the profession usually practices.

(3) Every licence issued under this Ordinance shall be produced for inspection to any administrative or police officer or licensing authority on reasonable notice being given by him.

Licences to be produced for inspection.

(4) Any administrative officer, police officer or licensing authority may enter any premises in respect of which a licence has been issued under this Ordinance, and may require to be furnished with such information as will enable him to determine whether or not the provisions of this Ordinance are being complied with.

Power of entry.

(5) Any administrative officer, police officer or licensing authority may enter any premises in respect of which a licence has not been issued under this Ordinance in which he has good reason to suspect that there is carried on any profession, business or trade for which a licence is provided under this Ordinance, and may require to be furnished with any information he may deem to be necessary.

(6) Every person holding a licence under paragraph 3 of Schedule C of this Ordinance shall keep such books as will enable the Treasurer or his duly authorized representative to ascertain the nature of the trade carried on and the value of the goods on hand at any one time.

Books to be kept.

(7) In the case of a petty dealer licensed under paragraph 11 of Schedule C to this Ordinance, the nature of the trade carried on and the value of the goods on hand at any one time may be determined by any administrative officer, European police officer or the Treasurer or his duly authorized representative.

Offences.

- (8) Any person who—
- (a) contravenes the provisions of sub-section (1) or sub-section (2) of this section; or
 - (b) fails to produce his licence when notice has been given to him to do so under sub-section (3) of this section; or
 - (c) fails to furnish any information required from him under the provisions of sub-section (4) or sub-section (5) of this section; or
 - (d) fails to keep the books required to be kept under the provisions of sub-section (6) of this section; or

(e) obstructs or hinders any administrative or police officer or licensing authority in the exercise of his duties under this section, shall be guilty of an offence against this Ordinance.

11. Every licence holder, keeping a shop, office or other place of business or of practice under his licence shall exhibit a signboard or name-plate bearing the name under which he practises or carries on business as shown on his licence.

12. (1) No person shall hawk goods in the Colony unless he holds a hawkers licence for the time being in force authorizing him to do so, in the form set out in Schedule E to this Ordinance.

(2) There shall be paid for a hawkers licence the fee of twenty-five shillings per month.

13. (1) No person shall peddle goods in the Colony unless he holds a pedlars licence, for the time being in force authorizing him to do so, in the form set out in Schedule F to this Ordinance.

(2) There shall be paid for a pedlars licence a fee of ten shillings per month.

14. (1) Subject to the provisions of sub-section (2) of this section, where any person employs servants to hawk goods or to peddle goods on his account such person shall be liable to take out a licence and to pay the fees therefor for each such servant.

(2) A hawkers or a pedlars shall not transfer his licence to any person. Provided that a servant may travel with his masters licence and trade for his masters benefit. And provided further that a separate licence shall be taken out for each servant if more than one is employed, as provided in sub-section (1) of this section.

(3) Every person required by this section to be provided with a hawkers licence or with a pedlars licence shall carry the same with him and shall produce the same on the demand of any district officer or police officer.

(4) The provisions of sections 12, 13 and 14 of this Ordinance shall not apply to—

- (a) any commercial traveller;
- (b) any person hawking or peddling only goods in respect of which no licence under this Ordinance is required for the sale thereof in a store;

Hawkers licences

Pedlars licences

Servants of hawkers and pedlars

Exceptions

(c) any person selling goods in any market legally established;

(d) any person selling fish, fruit, milk, victuals, firewood or newspapers;

(e) any person selling religious or instructive literature to natives.

15. Licences shall be issued by the Treasurer or his duly authorized representative. Provided that a licence to practise as an advocate shall be issued by a Registrar or deputy Registrar of the Supreme Court.

Issue of licence

16. (1) Every application for a professional licence or a business licence shall be in the appropriate form contained in Schedule E to this Ordinance, and every licence issued under this Ordinance shall be in the appropriate form contained in Schedule F to this Ordinance.

Application for licences

(2) Every application for a professional licence or a business licence shall be signed by the person proposing to practise the profession, or by the owner, manager or authorized representative of the business. Provided that a business licence may be issued without written application if the applicant applies in person for the licence and the licensing authority is satisfied that the applicant has not sufficient knowledge of the English language to be able to apply in writing.

17. (1) The following professions and businesses shall be exempt from the operation of this Ordinance—

- (a) the business or trade of a planter, farmer, stock raiser, market gardener or dairyman disposing of his own produce, but not including a manufacturer of sugar or a manufacturer of tea or a manufacturer of roasted coffee;
- (b) a business for which a licence is taken out under any law for the time being in force relating to intoxicating liquor in respect of brewers or traders dealing solely in intoxicating liquors;
- (c) the business of mining under the authority of a prospecting right, an exclusive prospecting licence, a location or a mining lease granted under the

Mining Ordinance, 1933, or the Oil Production Ordinance, 1934, or any legislation substituted therefor;

See revised Rules Section D.

- (d) domestic industries carried on by natives;
- (e) brickmakers, butchers and bakers catering solely for native trade;

Powers of Governor to exempt.

(3) The Governor may exempt any profession or business or any person practising any profession or carrying on any business from the operation of this Ordinance either generally or in any area, or he may reduce the fee payable under this Ordinance in respect of any business or profession if, in his opinion, such exemption or reduction is desirable in the interests of the community or for any other reason which may seem to him to be sufficient.

Not payable in case of this or other etc.

Licensing Commissioners.

18. (1) The Governor may, from time to time, by order appoint the Treasurer and any other persons employed in the public service to be styled "the Licensing Commissioners" (in this Ordinance referred to as "the Commissioners") to superintend the licensing of professions and businesses under this Ordinance.

(2) The Commissioners may, from time to time, give general or specific directions to licensing authorities as to the performance of their duties, and may direct or authorize any question of doubt or difficulty in connection with their duties to be referred to the Commissioners for decision.

(3) Any direction or decision of the Commissioners shall be observed and given effect to by licensing authorities but shall not be binding on any court.

Licencee responsible for acts of employee.

19. (1) Any licensee under this Ordinance who employs in his shop, office or other place of practice or of business any agent, clerk or other person shall be answerable for the acts of such agent, clerk or other person in so far as they concern the profession or business of such licensee in relation to this Ordinance; and if such agent, clerk or other person commits any act which is an offence against the provisions of this Ordinance, such licensee and his agent, clerk or other person shall be jointly and severally liable to the forfeitures, fines and penalties thereby incurred.

(2) The licensee shall not be allowed to plead as a bar to the proceedings taken against him that any such agent, clerk or other person who may have committed such offence did so without his authority, or was not acting in the capacity of an agent, clerk or other person employed.

Rules.

- 20. The Governor in Council may make rules—
 - (a) prescribing forms of application, forms or licences and any other forms required for the better carrying out of the provisions of this Ordinance;
 - (b) amending or revoking the forms set out in Schedule E and Schedule F to this Ordinance;
 - (c) generally for the better carrying out of the provisions of this Ordinance.

21. Any person who is guilty of an offence against this Ordinance or who acts in contravention of any of the provisions thereof or of any rules made thereunder shall, if no other penalty is imposed by this Ordinance or by any rules made thereunder, be liable on conviction for each offence to a fine not exceeding ten pounds and in default of payment to imprisonment for a term not exceeding one month.

Offences.

Repeal (22 June 1934)

23. The Licensing Ordinance, 1933, is hereby repealed.

Repeal.

SCHEDULE A.

The licences described in this Schedule shall be known as "professional licences".

Every licence issued shall authorize the exercise of the profession described in the licence but shall not authorize the exercise of any other profession or the carrying on of any business for which a separate fee is prescribed under the Ordinance.

Per annum
Sh.

1. A licence to carry on the profession of an architect and/or quantity surveyor	800
2. A licence to carry on the profession of an accountant and/or auditor	300
3. A licence to carry on the profession of an advocate	300
4. A licence to carry on the profession of a medical practitioner and/or a dentist or dental surgeon	300
5. A licence to carry on the profession of a consulting engineer	300
6. A licence to carry on the profession of a veterinary surgeon	300
7. A licence to carry on the profession of a land surveyor	300
8. A licence to carry on the profession of an assayer and/or geologist	300

SCHEDULE B.

The licences described in this Schedule shall be known as "business licences".

Every licence issued shall authorize the carrying on of the business described in such licence but shall not, save as otherwise specifically provided in a licence issued under item 6 of this Schedule authorize the exercise of any profession or the carrying on of any other business for which a separate fee is prescribed under the Ordinance.

Per annum
Sh.

- | | |
|---|-----|
| 1. A licence to carry on the business of a house, land and estate agent | 200 |
| 2. A licence to carry on the business of an estate managing agent | 100 |
| 3. A licence to carry on the business of an assessor or valuator | 100 |
| 4. A licence to carry on the business of a bookkeeper (not required to be taken out by any person holding a professional licence as an accountant and/or auditor) | 100 |
| 5. A licence to carry on the business of a secretary | 100 |
| 6. A licence to carry on any or all of the businesses described in this Schedule | 200 |

SCHEDULE C.

The licences described in this Schedule shall be known as "business licences".

Every licence issued shall authorize the carrying on of the business described in such licence but shall not, save as otherwise specifically provided in a licence issued under item 7 of this Schedule, authorize the exercise of any profession or the carrying on of any other business for which a separate fee is prescribed under the Ordinance.

Per annum
Sh.

- | | |
|--|----|
| 1. A licence to conduct the business of a petty dealer | 80 |
| For each place of business where the value of the goods on hand does not at any one time during the period of the validity of the licence exceed (£75) | |
| (a) in a municipality, township or trading centre | 80 |
| (b) elsewhere | 10 |
| 2. A licence to conduct the business of a trader | 75 |
| For each place of business— | |
| (a) where the value of goods on hand does not at any one time during the period of the validity of the licence exceed £300 | 75 |

Per annum
Sh.

- | | |
|--|-----------|
| (b) where the value of goods on hand does not at any one time during the period of the validity of the licence exceed £1,000 | 300 |
| (c) where the value of goods on hand does not at any one time during the period of the validity of the licence exceed £2,000 | (450) 400 |
| (d) where the value of the goods on hand does not at any one time during the period of the validity of the licence exceed (£2,000) 5,000 | (600) 500 |

30 A licence to carry on the business of a manufacturer with the right to purchase raw materials necessary to the business of a manufacturer and to sell the goods manufactured by him:—

For each place of business where the gross receipts derived from such manufacturing business during the period of twelve months immediately preceding the date upon which liability to take out the licence arose—

- | | |
|---|-----|
| (a) did not exceed £900 | 30 |
| (b) exceeded £900 but did not exceed £2,500 | 100 |
| (c) exceeded £2,500 but did not exceed £6,000 | 300 |
| (d) exceeded £5,000 | 750 |

Provided that, in cases where trade may not have been carried on for the period of twelve months immediately preceding the date upon which the liability to take out a licence arose, the fee shall be based upon the gross receipts estimated to be derived from the trade during the period of twelve months immediately following the date upon which the liability to take out a licence arose.

- | | |
|--|-----------|
| 4. A licence to carry on the business of a commission agent and/or manufacturer's representative | (400) 300 |
| 5. A licence to carry on the business of an exchange Banker <i>including Banker</i> | 1,000 |
| 6. A licence to carry on the business of a clearing and forwarding agent | 100 |
| 7. A licence to carry on any or all of the businesses described in this Schedule <i>in Schedule B.</i> | 1,200 |
- (A) For the purposes of this Schedule "goods on hand" excludes domestic produce not for sale direct to the consumer.

(B) *new.*

SCHEDULE D.

The licences described in this Schedule shall be known as "business licences".

Every licence issued shall authorize the carrying on of the business described in such licence; but shall not authorize the exercise of any profession or the carrying on of any other business for which a separate fee is prescribed under this Ordinance.

Per annum
Sh.

- 1. A licence to carry on the business of a banker —
For each principal or only place of business ... 4,000
For each branch ... 500
- 2. A licence to carry on the business of an oil company (including branches) ... 4,000
- 3. A licence to carry on the business of an electric light distributor for gain, unless specifically exempted by the Governor in Council —
For each area of distribution ... 2,500
- 4. A licence to carry on the business of a shipping company or agency (including branches, agencies or sub-agencies) ... 1,000
- 5. A licence to carry on the business of stevedoring and lighthouse ... 1,000
- 6. A licence to carry on the business of an insurance company or insurance underwriters payable by each separate insurance company or separate group of underwriters operating through a head office, branch office, agency or sub-agency:—
Life (including bond investment and industrial assurance) —
The receiving or collecting of life assurance renewal premiums in respect of life assurance contracts entered into and in force in a place outside the Colony and which by the nature of the contract it is obligatory on the company or underwriters to continue to receive until such contract expires, becomes void or otherwise determines, shall not, for the purposes of this Schedule be deemed to be carrying on the business of insurance ... 200
Fire, or other perils written in conjunction with fire ... 200
Marine (including transit insurance of any kind other than personal baggage insurance) ... 200

Per annum
Sh.

- Accident, including burglary, personal baggage, personal accident and sickness, employers' liability and third-party risks, guaranteed live stock, motor and plate glass ... 200
- Insurance business generally ... 600
- 7. A licence to carry on the business of a turf commission agent or turf accountant:—
For each individual carrying on such business whether alone or in partnership with another person or persons or as the director of a company ... 500
- 6. A licence to carry on the business of a coffee curer (not required by a farmer curing only his own coffee for export purposes) ... 500
- 9. A licence to carry on the business of stock and share broker ... 300
- 10. A licence to carry on the business of transporting passengers and goods by air ... 200
- 11. A licence to carry on the business of fuel contractor ... 200
- 12. A licence to carry on the business of a ballast contractor ... 200
- 13. A licence to carry on the business of a tourist agency ... 100
- 14. A licence to carry on the sole business of a safari outfitter ... 100
- 15. A licence to carry on the sole business of a trophy dealer and taxidermist (the holder of this licence shall not be required to take out a licence as a petty dealer or trader under Schedule C merely in respect of his business as a trophy dealer and taxidermist) ... 100
- 16. A licence to carry on the business of a newspaper publisher:—
(a) for the publication for twelve months of one daily edition of a newspaper ... 200
(b) for the publication for twelve months of a newspaper, other than a daily newspaper, issued at intervals not exceeding seven days ... 100
- 17. A licence to carry on the business of an hotel, boarding and/or lodging house:—
(1) With twenty or more bed or sleeping rooms ... 400 (200)

licences
Description

delete

Per annum
95

- (2) With not less than six and not more than nineteen bed or sleeping rooms—
- (a) in respect of premises situate in or within three miles of the boundaries of Nairobi Municipality or Mombasa (300) 150
- (b) in respect of premises situate in or within three miles of the boundaries of Nakuru Municipality, Eldoret Municipality, Kitale Township or Kisumu Township (200) 100
- (c) in respect of premises situated elsewhere (100) 50
- (3) With not less than two and not more than five bed or sleeping rooms (50) 25
18. A licence to carry on the business of a restaurant keeper (not required in respect of a restaurant which may be carried on in connection with a business of an hotel, boarding and/or lodging house licensed as such under this Ordinance) —
- For each place of business—
- (a) European 100
- (b) Non-European—in a municipality, township or trading centre 10
19. A licence to carry on the business of a builder, or building contractor 800
20. A licence to carry on the business of a brickworks 200
21. A licence to carry on the business of a dry cleaner and/or laundry man (not including a dhobi working single-handed) 100
22. A licence to carry on the business of a baker (the holder of this licence shall not be required to take out a licence as a petty dealer or a trader under Schedule O merely in respect of his business as a baker) 100
23. A licence to carry on the business of a vulcanizer 50
24. A licence to carry on the business of a photographer 50
25. A licence to carry on the business of an employment bureau 30
26. A licence to carry on the business of a dealer in stone or sand 30
27. A licence to carry on the business of a commercial traveller for three months 400

SCHEDULE E.
COLONY AND PROTECTORATE OF KENYA
The Licensing Ordinance, 1934.FORM OF APPLICATION FOR A LICENCE TO CARRY ON A BUSINESS
(Schedule B, Schedule C and Schedule D of the Ordinance.)

- A separate form must be completed in respect of each licence applied for
1. Name under which the business is to be carried on
2. Full address where the business is to be carried on
3. Name of proprietor, partner or owning company
4. Full description of the business for which a licence is required

N.B.—Before completing this section applicants are advised to refer to the description of businesses in the relative Schedules.

5. State number and date of licence previously held or state date of commencing business
6. State period for which licence is required

N.B.—In any case where the annual fee is not less than Sh. 300 a licence may be issued for six months with effect from the 1st January the fee payable being half the amount of the annual fee.

I hereby certify that the information given in this application is true and correct.

Signature of applicant

Date

Designation

Declaration to be completed by an applicant for a licence to carry on the business of an hotel, boarding and/or lodging house.

I hereby certify that the number of bed or sleeping rooms which I have set apart and furnished for letting is not more than

Date

Signature

Declaration to be completed by an applicant for a licence to carry on business as a petty dealer, or as a trader (section 1 and section 2 of Schedule C).

In respect of the licence for which I make application, I hereby certify that the value of the goods on hand will not at any time during the period of validity of the said licence exceed £.....

Date..... Signature.....

Declaration to be completed by an applicant for a licence to carry on business as a manufacturer (section 3 of Schedule C).

In respect of the licence for which I make application, I hereby certify that the gross receipts derived from the business during the twelve months immediately preceding the 2nd of January..... did not exceed £.....

Date..... Signature.....

FOR OFFICIAL USE ONLY.

Licence No. Date Fee.....
 Issued in the name of
 in respect of premises situate
 under section of Schedule
 Station..... Licensing Authority.....
 Registered.....

SCHEDULE E.

COLONY AND PROTECTORATE OF KENYA

The Licensing Ordinance, 1934.

Form of application for licence to practise a profession (Schedule A).

A separate form must be completed in respect of each licence applied for.

Full name of applicant.....

Description of the profession for which a licence is required.....

Business name under which the profession will be practised, i.e. proprietor, partner or owning company.....

Full address where profession will be practised.....

Date..... Signature.....

FOR OFFICIAL USE ONLY.

Licence No. Date Fee.....
 Issued in the name of
 in respect of premises situate at
 under section
 Date..... Licensing Authority.....

SCHEDULE F.

COLONY AND PROTECTORATE OF KENYA.

The Licensing Ordinance, 1934.

BUSINESS LICENCE.

Station.....

Licence is hereby granted to.....

of (address).....

to carry on the..... of.....

on premises situated at.....

This licence expires on the..... day of..... 19.....

Fee paid (in words)..... (Sh.)

Date..... Licensing Authority.....

SCHEDULE F.

COLONY AND PROTECTORATE OF KENYA.

The Licensing Ordinance, 1934.

HAWKER'S LICENCE.

Station.....

Licence is hereby granted to.....

to hawk goods in the Colony for a period

of..... month/s.

This licence expires on the..... day of..... 19.....

Fee paid (in words)..... (Sh.)

Date..... Licensing Authority.....

SCHEDULE F

COLONY AND PROTECTORATE OF KENYA.

The Licensing Ordinance, 1934.

PROFESSIONAL LICENCE.

Station.....

Licence is hereby granted to

of (address)

to practice the profession of

This licence expires on the day of 19.....

Fee paid (in words) (Sh.)

Date..... Licensing Authority.....

SCHEDULE F

COLONY AND PROTECTORATE OF KENYA.

The Licensing Ordinance, 1934.

PEDLAR'S LICENCE.

Station.....

Licence is hereby granted to

..... to peddle goods in the Colony for a period
of month/s.

This licence expires on the day of 19.....

Fee paid (in words) (Sh.)

Date..... Licensing Authority.....

GOVERNMENT NOTICE No. 769

His Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

J. F. G. TROUGHTON,

Acting Clerk of the Legislative Council.

A Bill to provide for the Licensing of Certain Professions, Businesses, Trades, Arts, Callings and Industries within the Colony and to Fix the Licence Fees Payable.

BE IT ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

Short title.

1. This Ordinance may be cited as the Licensing Ordinance, 1934, and shall come into operation on the 1st day of January, 1935.

Definitions.

2. In this Ordinance, unless the context otherwise requires:—

"accountant and/or auditor" means any person who practises as such;

"advocate" means a practising advocate who is resident in the Colony;

"architect" means any person registered as such under the provisions of the Architects and Quantity Surveyors Ordinance, 1933;

"banker" means any company, person or body of persons, British or foreign, whether incorporated or not, and whether registered in the Colony or not, engaged in the business of banking in the Colony who shall be declared by the Governor in Council by notice to be a banker for the purposes of this Ordinance;

"businesses" means any of the businesses, trades, arts, callings or industries set out in Schedule B, Schedule C and Schedule D to this Ordinance;

"commercial traveller" means any person who, not being ordinarily resident in the Colony, solicits orders for goods on behalf of other persons but does not include a person employed as a traveller by a firm or persons licensed under this Ordinance;

PUBLIC RECORD OFFICE	
1	2
3	4
5	6
Reference	
533 455	
COPYRIGHT PHOTOGRAPH NOT TO BE REPRODUCED WITHOUT PERMISSION OF THE PUBLIC RECORD OFFICE, LONDON	

4. A deduction shall be allowed in respect of—
- the official emoluments of the Governor;
 - the official emoluments of members of the permanent consular services of foreign countries;
 - the official emoluments of persons in the permanent service of the Imperial Government or a Dominion Government;
 - pensions granted in respect of wounds and disability caused in war.

5. No deduction in ascertaining the taxable income shall be allowed in respect of—

- domestic or private expenses;
- any disbursements or expenses not being money wholly and exclusively paid or expended for the purpose of acquiring the income;
- any capital withdrawn or any sum employed or intended to be employed as capital;
- any capital employed in improvements;
- any sum recoverable under an insurance or contract of indemnity;
- rent of or cost of repairs to any premises or part of premises not paid or incurred for the purpose of producing the income;
- reserves for bad debts;
- salary drawn as leave pay during absence from the Colony.

OBJECTS AND REASONS

The object of this Bill is to provide for the collection from non-natives of a graduated poll-tax for the year 1935.

Other than a few amendments which are designed to simplify the collection of the tax, the Bill reproduces the provisions of the Non-Native Poll Tax Ordinance, 1933.

No additional expenditure of public moneys will be involved if the provisions of this Bill become law.

"commission agent and/or manufacturer's representative" means any person resident in the Colony who receives or orders from abroad goods on account of others, whether such goods are imported in his own name or not;

"dentist or dental surgeon" means any person practising as such and registered under the Medical Practitioners and Dentists Ordinance;

Cap. 119.

"exchange banker" means a person who carries on for profit the business of operating in foreign currency outside the Colony but shall not include a money-changer or any company, person or body of persons who may hold a licence as a banker;

"hawker" means any person who, whether as principal agent or employee, carries on the trade or business of offering or exposing for sale, barter or exchange elsewhere than at a fixed place any goods and for that purpose travels about from place to place with goods on any vehicle (other than a vehicle propelled by himself), or with a pack animal or carrier;

"hotel, boarding and/or lodging house" means any premises in which not less than two bed or sleeping rooms are set apart and furnished for letting;

"licensing authority" means the Treasurer or any person appointed by the Treasurer to be a licensing authority;

"medical practitioner" means any person practising as such and registered under the Medical Practitioners and Dentists Ordinance;

Cap. 116.

"native" means any native of Africa, not of European or Asiatic origin and includes a Swahili and a Somali;

"oil company" means any person or body of persons, incorporated or unincorporated, carrying on, either as principal or agent, the business of importation and wholesale distribution of dangerous petroleum or petroleum as defined by the Indian Petroleum Act, 1899, as applied to the Colony;

"pedlar" means any person who, whether as principal, agent or employee, carries on the trade or business of offering or exposing for sale, barter or exchange elsewhere than at a fixed place any goods and for that purpose travels with his goods from place to place either on foot or with a vehicle propelled by himself;

"profession" means any of the professions set out in Schedule A to this Ordinance;

4. A deduction shall be allowed in respect of
- the official emoluments of the Governor;
 - the official emoluments of members of the permanent consular services of foreign countries;
 - the official emoluments of persons in the permanent service of the Imperial Government or a Dominion Government;
 - pensions granted in respect of wounds and disability caused in war.
5. No deduction in ascertaining the taxable income shall be allowed in respect of—
- domestic or private expenses;
 - any disbursements or expenses not being money wholly and exclusively paid or expended for the purpose of acquiring the income;
 - any capital withdrawn or any sum employed or intended to be employed as capital;
 - any capital employed in improvements;
 - any sum recoverable under an insurance or contract of indemnity;
 - rent of or cost of repairs to any premises or part of premises not paid or incurred for the purpose of producing the income;
 - reserves for bad debts;
 - salary drawn as leave pay during absence from the Colony.

OBJECTS AND REASONS

The object of this Bill is to provide for the collection from non-natives of a graduated poll tax for the year 1935.

Other than a few amendments which are designed to simplify the collection of the tax, the Bill reproduces the provisions of the Non-Native Poll Tax Ordinance, 1933.

No additional expenditure of public moneys will be involved if the provisions of this Bill become law.

"commission agent and/or manufacturer's representative" means any person resident in the Colony who receives or orders from abroad goods on account of others, whether such goods are imported in his own name or not;

"dentist or dental surgeon" means any person practising as such and registered under the Medical Practitioners and Dentists Ordinance;

Cap. 119.

"exchange banker" means a person who carries on for profit the business of operating in foreign currency outside the Colony but shall not include a money-changer or any company, person or body of persons who may hold a licence as a banker;

"hawker" means any person who, whether as principal agent or employee, carries on the trade or business of offering or exposing for sale, barter or exchange elsewhere than at a fixed place any goods and for that purpose travels about from place to place with goods on any vehicle (other than a vehicle propelled by himself, or with a pack animal or carrier);

"hotel, boarding and/or lodging house" means any premises in which, not less than two bed or sleeping rooms are set apart and furnished for letting;

"licensing authority" means the Treasurer or any person appointed by the Treasurer to be a licensing authority;

"medical practitioner" means any person practising as such and registered under the Medical Practitioners and Dentists Ordinance;

Cap. 119.

"native" means any native of Africa, not of European or Asiatic origin and includes a Swahili and a Somali;

"oil company" means any person or body of persons, incorporated or unincorporated, carrying on, either as principal or agent, the business of importation and wholesale distribution of dangerous petroleum or petroleum as defined by the Indian Petroleum Act, 1899, as applied to the Colony;

"pedlar" means any person who, whether as principal agent or employee, carries on the trade or business of offering or exposing for sale, barter or exchange elsewhere than at a fixed place any goods and for that purpose travels with his goods from place to place either on foot or with a vehicle propelled by himself;

"profession" means any of the professions set out in Schedule A to this Ordinance;

4. (1) Where two or more members of a firm practise a profession, each of the said members shall take out a separate licence in his own name. Separate licences.

(2) No person other than a person employed in the service of Government or of the Railways and Harbours Administration, or a person solely employed by a municipal council or board shall practise as an advocate, whether in receipt of a salary or not, unless he is duly licensed under this Ordinance. Advocates.

5. (1) Professional licences shall be of the kind described in Schedule A to this Ordinance and business licences shall be of the kinds described respectively in Schedule B, Schedule C and Schedule D to this Ordinance; and subject to the provisions of sub-section (2) of section 6 and of sub-section (2) of section 15 of this Ordinance, the annual fee for each licence shall be that set opposite to the description of such licence in such Schedules. Kinds of licences.

(2) (a) The Governor in Council may, by order in the Gazette, authorize the exercise of any profession, business, trade, art, calling, or industry not specifically mentioned in this Ordinance, upon payment of such licence fee, and upon such conditions, as to him may seem fit.

(b) When an Order has been made by the Governor under paragraph (a) of the sub-section the licensing authority shall issue a special licence for the exercise of such profession, business, trade, art, calling or industry, on payment of the fee, and subject to the conditions prescribed in such Order.

6. (1) Licences under this Ordinance shall be taken out on the second day of January in each year and shall expire on the thirty-first day of December next following: Provided that— Period of validity of licences.

(a) in any case where the annual fee for a licence is not less than three hundred shillings, it shall be lawful for a licensing authority to issue in any year a licence which shall expire on the thirtieth day of June in the same year of issue and the amount of fee payable for such licence shall be half the amount of the annual fee;

(b) a licence to carry on the business of a commercial traveller may be taken out upon any day in each

year but shall expire within a period of three months from the date upon which such licence fell due to be taken out.

(2) Where a licence is due after the thirtieth day of June in any year, the fee for the licence shall be one-half of the annual fee specified in this Ordinance, and where a licence is due after the thirtieth day of September in any year, this fee for that licence shall be one-quarter of the fee so specified.

Surrender of licence.

7. (1) Any person to whom a professional licence or a business licence has been issued under the provisions of this Ordinance may, if he ceases to carry on the business, or ceases to practise the profession, in respect of which the licence has been issued, surrender such licence to a licensing authority.

(2) When a licence is surrendered under the provisions of sub-section (1) of this section, then—

- (a) if the licence has six months or more to run, one-half of the fee paid shall be returned to the licensee;
- (b) if the licence has less than six and more than three months to run, one-fourth of the fee paid shall be returned to the licensee.

Transfer of licence.

8. (1) A professional licence or a business licence may, by endorsement of a licensing authority and on payment of a fee of five shillings, be transferred to different premises.

(2) Upon good reasons being adduced therefor a business licence may, by endorsement of a licensing authority and on payment of a fee of five shillings, be transferred to another person.

Issue of duplicate licence.

9. A licensing authority, on being satisfied that a licence issued by him under this Ordinance has been lost or destroyed and on payment to him of a fee of five shillings, shall issue a duplicate licence to the licensee.

Licences to be exhibited at place of business.

10. (1) Every business licence shall be exhibited in a prominent place in the premises to which it relates or if the business is not carried on in definite premises, such licence shall be kept at the place where the person carrying on the business usually resides.

(2) Every professional licence shall be kept on the premises where the person practising the profession usually practices.

(3) Every licence issued under this Ordinance shall be produced for inspection to any administrative or police officer, or licensing authority on reasonable notice being given by him.

Licences to be produced for inspection.

(4) Any administrative officer, police officer or licensing authority may enter any premises in respect of which a licence has been issued under this Ordinance, and may require to be furnished with such information as will enable him to determine whether or not the provisions of this Ordinance are being complied with.

Power of entry.

(5) Any administrative officer, police officer or licensing authority may enter any premises in respect of which a licence has not been issued under this Ordinance in which he has good reason to suspect that there is carried on any profession, business or trade for which a licence is provided under this Ordinance; and may require to be furnished with any information he may deem to be necessary.

(6) Every person holding a licence under paragraph 2 of Schedule C of this Ordinance shall keep such books as will enable the Treasurer or his duly authorized representative to ascertain the nature of the trade carried on and the value of the goods on hand at any one time.

Books to be kept.

(7) In the case of a petty dealer licensed under paragraph 1 of Schedule C to this Ordinance, the nature of the trade carried on and the value of the goods on hand at any one time may be determined by any administrative officer, European police officer or the Treasurer or his duly authorized representative.

10. (8) Any person who—

Offences.

(a) contravenes the provisions of sub-section (1) or sub-section (2) of this section; or

(b) fails to produce his licence when notice has been given to him to do so under sub-section (3) of this section; or

(c) fails to furnish any information required from him under the provisions of sub-section (4) or sub-section (5) of this section; or

(d) fails to keep the books required to be kept under the provisions of sub-section (6) of this section; or

(c) obstructs or hinders any administrative or police officer or licensing authority in the exercise of his duties under this section,
shall be guilty of an offence against this Ordinance.

11. Every licence holder, keeping a shop, office or other place of business or of practice under his licence shall exhibit a signboard or name-plate bearing the name under which he practises or carries on business as shown on his licence.

Hawkers' licences.

12. (1) No person shall hawk goods in the Colony unless he holds a hawker's licence, for the time being in force authorizing him to do so, in the form set out in Schedule F to this Ordinance.

(2) There shall be paid for a hawker's licence the fee of twenty-five shillings per month.

Pedlars' licences.

13. (1) No person shall peddle goods in the Colony unless he holds a pedlar's licence, for the time being in force authorizing him to do so, in the form set out in Schedule F to this Ordinance.

(2) There shall be paid for a pedlar's licence a fee of ten shillings per month.

Servants of hawkers and pedlars.

14. (1) Subject to the provisions of sub-section (2) of this section, where any person employs servants to hawk goods or to peddle goods on his account, such person shall be liable to take out a licence and to pay the fees therefor for each such servant.

(2) A hawker or a pedlar shall not transfer his licence to any person: Provided that a servant may travel with his master's licence and trade for his master's benefit: And provided further that a separate licence shall be taken out for each servant if more than one is employed, as provided in sub-section (1) of this section.

(3) Every person required by this section to be provided with a hawker's licence or with a pedlar's licence shall carry the same with him and shall produce the same on the demand of any district officer or police officer.

Exceptions.

(4) The provisions of sections 12, 13 and 14 of this Ordinance shall not apply to—

- (a) any commercial traveller;
- (b) any person hawking or peddling only goods in respect of which no licence under this Ordinance is required for the sale thereof in a store;

(d) any person selling goods in any market legally established;

(d) any person selling fish, fruit, milk, victuals, firewood or newspapers;

(e) any person selling religious or instructive literature to natives.

15. Licences shall be issued by the Treasurer or his duly authorized representative: Provided that a licence to practise as an advocate shall be issued by a registrar or deputy registrar of the Supreme Court.

Issue of licences.

16. (1) Every application for a professional licence or a business licence shall be in the appropriate form contained in Schedule E to this Ordinance, and every licence issued under this Ordinance shall be in the appropriate form contained in Schedule F to this Ordinance.

Application for licences.

(2) Every application for a professional licence or a business licence shall be signed by the person proposing to practise the profession, or by the owner, manager or authorized representative of the business: Provided that a business licence may be issued without written application if the applicant applies in person for the licence and the licensing authority is satisfied that the applicant has not sufficient knowledge of the English language to be able to apply in writing.

17. (1) The following professions and businesses shall be exempt from the operation of this Ordinance:—

Exemptions.

(a) the business or trade of a planter, farmer, stock raiser, market gardener or dairyman disposing of his own produce, but not including a manufacturer of sugar or a manufacturer of tea or a manufacturer of roasted coffee;

(b) a business for which a licence is taken out under any law for the time being in force relating to intoxicating liquor in respect of brewers or traders dealing solely in intoxicating liquors;

(c) the business of mining under the authority of a prospecting right, an exclusive prospecting licence, a location or a mining lease granted under the

Mining Ordinance, 1933, or the Oil Production Ordinance, 1924, or any legislation substituted therefor;

(d) domestic industries carried on by natives;

(e) brickmakers, butchers and bakers catering solely for native trade;

Powers of Governor to exempt.

(2) The Governor may exempt any profession or business or any person practising any profession or carrying on any business from the operation of this Ordinance either generally or in any area, or he may reduce the fee payable under this Ordinance in respect of any business or profession if, in his opinion, such exemption or reduction is desirable in the interests of the community or for any other reason which may seem to him to be sufficient.

Licensing Commissioners.

18. (1) The Governor may, from time to time, by order appoint the Treasurer and any other persons employed in the public service to be styled "the Licensing Commissioners" (in this Ordinance referred to as "the Commissioners") to superintend the licensing of professions and businesses under this Ordinance.

(2) The Commissioners may, from time to time, give general or specific directions to licensing authorities as to the performance of their duties, and may direct or authorize any question of doubt or difficulty in connection with their duties to be referred to the Commissioners for decision.

(3) Any direction or decision of the Commissioners shall be observed and given effect to by licensing authorities but shall not be binding on any court.

Licenses responsible for acts of employee.

19. (1) Any licensee under this Ordinance who employs in his shop, office or other place of practice or of business any agent, clerk or other person shall be answerable for the acts of such agent, clerk or other person in so far as they concern the profession or business of such licensee in relation to this Ordinance; and if such agent, clerk or other person commits any act which is an offence against the provisions of this Ordinance, such licensee and his agent, clerk or other person shall be jointly and severally liable to the forfeitures, fines and penalties thereby incurred.

(2) The licensee shall not be allowed to plead as a bar to the proceedings taken against him that any agent, clerk or other person who may have committed such offence did so without his authority, or was not acting in the capacity of an agent, clerk or other person employed.

20. The Governor in Council may make rules—

Rules.

(a) prescribing forms of application, forms or licences and any other forms required for the better carrying out of the provisions of this Ordinance;

(b) amending or revoking the forms set out in Schedule E and Schedule F to this Ordinance;

(c) generally for the better carrying out of the provisions of this Ordinance.

21. Any person who is guilty of an offence against this Ordinance or who acts in contravention of any of the provisions thereof or of any rules made thereunder shall, if no other penalty is imposed by this Ordinance or by any rules made thereunder, be liable on conviction for each offence to a fine not exceeding ten pounds and in default of payment to imprisonment for a term not exceeding one month.

Offences.

22. The Licensing Ordinance, 1933, is hereby repealed. Repeal.

SCHEDULE A.

The licences described in this Schedule shall be known as "professional licences".

Every licence issued shall authorize the exercise of the profession described in the licence but shall not authorize the exercise of any other profession or the carrying on of any business for which a separate fee is prescribed under the Ordinance.

	Per annum Sh.
1. A licence to carry on the profession of an architect and/or quantity surveyor	800
2. A licence to carry on the profession of an accountant and/or auditor	800
3. A licence to carry on the profession of an advocate	300
4. A licence to carry on the profession of a medical practitioner and/or a dentist or dental surgeon	800
5. A licence to carry on the profession of a consulting engineer	800
6. A licence to carry on the profession of a veterinary surgeon	800
7. A licence to carry on the profession of a land surveyor	300
8. A licence to carry on the profession of an assayer and/or geologist	300

SCHEDULE B

The licences described in this Schedule shall be known as "business licences".

Every licence issued shall authorize the carrying on of the business described in such licence but shall not, save as otherwise specifically provided in a licence issued under item 6 of this Schedule authorize the exercise of any profession or the carrying on of any other business for which a separate fee is prescribed under the Ordinance.

	Per annum Sh.
1. A licence to carry on the business of a house, land and estate agent	200
2. A licence to carry on the business of an estate managing agent	100
3. A licence to carry on the business of an assessor or valuator	200
4. A licence to carry on the business of a bookkeeper (not required to be taken out by any person holding a professional licence as an accountant and/or auditor)	100
5. A licence to carry on the business of a secretary	100
6. A licence to carry on any or all of the businesses described in this Schedule	300

SCHEDULE C

The licences described in this Schedule shall be known as "business licences".

Every licence issued shall authorize the carrying on of the business described in such licence but shall not, save as otherwise specifically provided in a licence issued under item 7 of this Schedule, authorize the exercise of any profession or the carrying on of any other business for which a separate fee is prescribed under the Ordinance.

	Per annum Sh.
1. A licence to conduct the business of a petty dealer: — For each place of business where the value of the goods on hand does not at any one time during the period of the validity of the licence exceed £75— (a) in a municipality, township or trading centre (b) elsewhere	30 10
2. A licence to conduct the business of a trader: — For each place of business— (a) where the value of goods on hand does not at any one time during the period of the validity of the licence exceed £300	75

Per annum
Sh.

(b) where the value of goods on hand does not at any one time during the period of the validity of the licence exceed £1,000	300
(c) where the value of goods on hand does not at any one time during the period of the validity of the licence exceed £2,000	450
(d) where the value of the goods on hand may at any one time during the period of the validity of the licence exceed £2,000	600
3. A licence to carry on the business of a manufacturer with the right to purchase raw materials necessary to the business of a manufacturer and to sell the goods manufactured by him: — For each place of business where the gross receipts derived from such manufacturing business during the period of twelve months immediately preceding the date upon which liability to take out the licence arose— (a) did not exceed £300 (b) exceeded £300 but did not exceed £2,500 (c) exceeded £2,500 but did not exceed £5,000 (d) exceeded £5,000	30 100 300 750

Provided that, in cases where trade may not have been carried on for the period of twelve months immediately preceding the date upon which the liability to take out a licence arose, the fee shall be based upon the gross receipts estimated to be derived from the trade during the period of twelve months immediately following the date upon which the liability to take out a licence arose.

4. A licence to carry on the business of a commission agent and/or manufacturer's representative	400
5. A licence to carry on the business of an exchange banker	1,000
6. A licence to carry on the business of a clearing and forwarding agent	100
7. A licence to carry on any or all of the businesses described in this Schedule	1,200

For the purposes of this Schedule "goods on hand" excludes domestic produce now for sale direct to the consumer.

SCHEDULE D.

The licences described in this Schedule shall be known as "business licences".

Every licence issued shall authorize the carrying on of the business described in such licence, but shall not authorize the exercise of any profession or the carrying on of any other business for which a separate fee is prescribed under this Ordinance.

	Per annum Sh.
1. A licence to carry on the business of a banker — For each principal or only place of business ...	4,000
For each branch ...	500
2. A licence to carry on the business of an oil company (including branches) ...	4,000
3. A licence to carry on the business of an electric light distributor for gain, unless specifically exempted by the Governor in Council — For each area of distribution ...	2,500
4. A licence to carry on the business of a shipping company or agency (including branches, agencies or sub-agencies) ...	1,000
5. A licence to carry on the business of stevedoring and lightbrage ...	1,000
6. A licence to carry on the business of an insurance company or insurance underwriters payable by each separate insurance company or separate group of underwriters operating through a head office, branch office, agency or sub-agency — Life (including bond investment and industrial assurance) — The receiving or collecting of life assurance renewal premiums in respect of life assurance contracts entered into and in force in a place outside the Colony and which by the nature of the contract it is obligatory on the company or underwriters to continue to receive until such contract expires, becomes void or otherwise determines; shall not, for the purposes of this Schedule be deemed to be carrying on the business of insurance ...	200
Fire, or other perils written in conjunction with fire ...	200
Marine (including transit insurance of any kind other than personal baggage insurance) ...	200

	Per annum Sh.
Accident, including burglary, personal baggage, personal accident and sickness, employers' liability and third-party risks, guaranteed live stock, motor and plate glass ...	200
Insurance business generally ...	600
7. A licence to carry on the business of a turf commission agent or turf accountant — For each individual carrying on such business whether alone or in partnership with another person or persons or as the director of a company ...	500
8. A licence to carry on the business of a coffee curer (not required by a farmer curing only his own coffee for export purposes) ...	500
9. A licence to carry on the business of stock and share broker ...	300
10. A licence to carry on the business of transporting passengers and goods by air ...	200
11. A licence to carry on the business of a fuel contractor ...	200
12. A licence to carry on the business of a ballast contractor ...	200
13. A licence to carry on the business of a tourist agency ...	100
14. A licence to carry on the sole business of a safari outfitter ...	100
15. A licence to carry on the sole business of a trophy dealer and taxidermist (the holder of this licence shall not be required to take out a licence as a petty dealer or trader under Schedule C merely in respect of his business as a trophy dealer and taxidermist) ...	100
16. A licence to carry on the business of a newspaper publisher — (a) for the publication for twelve months of one daily edition of a newspaper ...	200
(b) for the publication for twelve months of a newspaper, other than a daily newspaper, issued at intervals not exceeding seven days ...	100
17. A licence to carry on the business of an hotel, boarding and/or lodging house — (1) With twenty or more bed or sleeping rooms ...	400

	<i>Per annum</i> <i>Sh.</i>
(2) With not less than six and not more than nineteen bed or sleeping rooms—	
(a) in respect of premises situate in or within three miles of the boundaries of Nairobi Municipality or Mombasa	300
(b) in respect of premises situate in or within three miles of the boundaries of Nakuru Municipality, Eldoret Municipality, Kitale Township or Kisumu Township	200
(c) in respect of premises situated elsewhere	100
(3) With not less than two and not more than five bed or sleeping rooms	50
18. A licence to carry on the business of a restaurant keeper (not required in respect of a restaurant which may be carried on in connection with a business of an hotel, boarding and/or lodging house licensed as such under this Ordinance) :—	
For each place of business—	
(a) European	100
(b) Non-European—in a municipality, township or trading centre	10
19. A licence to carry on the business of a builder, or building contractor	300
20. A licence to carry on the business of a brickworks	200
21. A licence to carry on the business of a dry cleaner and/or laundry man (not including a dhobi working single-handed)	100
22. A licence to carry on the business of a baker (the holder of this licence shall not be required to take out a licence as a petty dealer or a trader under Schedule C merely in respect of his business as a baker)	100
23. A licence to carry on the business of a vulcanizer	50
24. A licence to carry on the business of a photographer	50
25. A licence to carry on the business of an employment bureau	80
26. A licence to carry on the business of a dealer in stone or sand	30
27. A licence to carry on the business of a commercial traveller for three months	400

SCHEDULE E

COLONY AND PROTECTORATE OF KENYA.

The Licensing Ordinance, 1934.

FORM OF APPLICATION FOR A LICENCE TO CARRY ON A BUSINESS.

(Schedule B, Schedule C and Schedule D of the Ordinances.)

A separate form must be completed in respect of each licence applied for.

1. Name under which the business is to be carried on

2. Full address where the business is to be carried on

3. Name of proprietor, partner or owning company

4. Full description of the business for which a licence is required

N.B.—Before completing this section applicants are advised to refer to the description of businesses in the relative Schedules.

5. State number and date of licence previously held; or state date of commencing business

6. State period for which licence is required

N.B.—In any case where the annual fee is not less than Sh. 300 a licence may be issued for six months with effect from the 1st January the fee payable being half the amount of the annual fee.

I hereby certify that the information given in this application is true and correct.

Signature of applicant

Date

Designation

Declaration to be completed by an applicant for a licence to carry on the business of an hotel, boarding and/or lodging house.

I hereby certify that the number of bed or sleeping rooms which I have set apart and furnished for letting is not more than

Date

Signature

Declaration to be completed by an applicant for a licence to carry on business as a petty dealer, or as a trader (section 1 and section 2 of Schedule C).

In respect of the licence for which I make application, I hereby certify that the value of the goods on hand will not at any time during the period of validity of the said licence exceed \$.....

Date..... Signature.....

Declaration to be completed by an applicant for a licence to carry on business as a manufacturer (section 3 of Schedule C).

In respect of the licence for which I make application, I hereby certify that the gross receipts derived from the business during the twelve months immediately preceding the 2nd of January, did not exceed \$.....

Date..... Signature.....

FOR OFFICIAL USE ONLY.

Licence No. Date..... Fee.....
 Issued in the name of
 in respect of premises situate
 under section of Schedule
 Station Licensing Authority.....
 Registered.....

SCHEDULE E.

COLONY AND PROTECTORATE OF KENYA.

The Licensing Ordinance, 1934.

Form of application for licence to practise a profession (Schedule A). A separate form must be completed in respect of each licence applied for. Full name of applicant.....

Description of the profession for which a licence is required.....

Business name under which the profession will be practised, i.e. proprietor, partner or owning company.....

Full address where profession will be practised.....

Date..... Signature.....

FOR OFFICIAL USE ONLY.

Licence No. Date..... Fee.....
 Issued in the name of
 in respect of premises situate at
 under section
 Date..... Licensing Authority.....

SCHEDULE F.

COLONY AND PROTECTORATE OF KENYA.

The Licensing Ordinance, 1934.

BUSINESS LICENCE.

Station.....
 Licence is hereby granted to
 of (address)
 to carry on the of
 on premises situated at
 This licence expires on the day of 19.....
 Fee paid (in words) (Sh.....)
 Date..... Licensing Authority.....

SCHEDULE F.

COLONY AND PROTECTORATE OF KENYA.

The Licensing Ordinance, 1934.

HAWKER'S LICENCE.

Station.....
 Licence is hereby granted to
 to hawk goods in the Colony for a period
 of month/s.
 This licence expires on the day of 19.....
 Fee paid (in words) (Sh.....)
 Date..... Licensing Authority.....

SCHEDULE F

COLONY AND PROTECTORATE OF KENYA

The Licensing Ordinance, 1934.

PROFESSIONAL LICENCE

Station.....

Licence is hereby granted to.....

of (address).....

to practice the profession of.....

This licence expires on the..... day of..... 19.....

Fee paid (in words).....

(Sh.....)

Date.....

Licensing Authority.....

SCHEDULE G

COLONY AND PROTECTORATE OF KENYA

The Licensing Ordinance, 1934.

PEDLAR'S LICENCE

Station.....

Licence is hereby granted to.....

of..... to peddle goods in the Colony for a period
of..... month/a.....

This licence expires on the..... day of..... 19.....

Fee paid (in words).....

(Sh.....)

Date.....

Licensing Authority.....

OBJECTS AND REASONS

The object of this Bill is to give effect to the recommendations of the Committee appointed to revise the Licensing Ordinance, 1933.

No expenditure of public moneys will be involved if the provisions of this Bill become law.

59 /

THE SECRETARIAT,

NAIROBI,

KENYA.

24th December, 1934.

Copy
D. Leg. Co. 26/3/5/53.

The Colonial Secretary of the Colony and Protectorate of Kenya presents his compliments to the Under Secretary of State for the Colonies, and has the honour to transmit twelve copies of each of the under-mentioned publications:-

Report of Select Committee of Legislative Council on the European Civil Service Provident Fund (Amendment) Bill.

Report of Select Committee of Legislative Council on the Licensing Bill.

Report of Select Committee of Legislative Council on the Asian Civil Service Provident Fund Bill.

Report of Select Committee of Legislative Council on the Liquor Bill.

REPORT
 OF THE MEMBERS OF
 THE SELECT COMMITTEE OF LEGISLATIVE COUNCIL
 APPOINTED TO CONSIDER AND REPORT UPON THE
 PROVISIONS OF A BILL TO PROVIDE FOR THE
 LICENSING OF CERTAIN PROFESSIONS, BUSINESS,
 TRADES, ARTS, CALLING AND INDUSTRIES WITHIN
 THE COLONY AND TO FIX THE LICENCE FEES PAYABLE.

Your Excellency,

We, the Members of the Select Committee of Legislative Council appointed to consider and report upon the provisions of the above Bill, have the honour to submit our report as follows -

We recommend that the following amendments be made to the Bill -

1. That Clause 2 be amended as follows -

- (a) by inserting in the definition of "hawker" a comma after the word "principal" which occurs in the first line thereof;
- (b) by deleting the definition of "native"; and
- (c) by inserting the following definition after the definition of "hotel, boarding and/or lodging house" -

"house agent" shall not include a person who acts only as a rent-collector."

2.(1) That sub-clause (2) of Clause 3 be amended by deleting the words "profession or" which occur in the second and third lines thereof and by inserting the following proviso at the end of the sub-clause -

"Provided that any single transaction for a commission on the sale of land shall be treated as carrying on the business of a land agent for gain."

(2) That sub-clause (3) of Clause 3 be amended by substituting the word "to" for the word "of" which occurs in the fifth line of the sub-clause.

(3) That sub-clause (4) of Clause 3 be amended by inserting the words "and/or commission" between the word "salary" and the word "from" which occur in the sixth line

THE SECRETARY
 LEGISLATIVE COUNCIL
 HONG KONG
 23rd December, 1934

The enclosed report of the Select Committee of Legislative Council appointed to consider and report upon the provisions of the above Bill, has the honour to submit its report as follows -

- Report of Select Committee of Legislative Council on the Licensing Bill (Provisional and Amendment)
- Report of Select Committee of Legislative Council on the Licensing Bill
- Report of Select Committee of Legislative Council on the Licensing Bill
- Report of Select Committee of Legislative Council on the Licensing Bill

3. That sub-clause (1) of Clause 5 be amended by substituting the figures "17" for the figures "15" which occur in the sixth line of the sub-clause.

4.(1) That sub-clause (1) of Clause 6 be amended by substituting the words "become due on the first" for the words "be taken out on the second" which occur in the first and second lines thereof.

(2) That paragraph (a) of sub-clause (1) of Clause 6 be amended by substituting the word "one" for the word "three" which occurs in the second line of the paragraph.

5. That sub-clause (1) of Clause 8 be amended by deleting the words "professional licence or a" which occur in the first line of the sub-clause.

6. That Clause 11 be amended by inserting the words "at each place" after the word "exhibit" which occurs in the second line thereof.

7. That paragraph (1) of sub-clause (4) of Clause 14 be amended by inserting the word and comma "vegetables," between the word "fish" and the word "fruit" which occur in the first line of the paragraph.

8.(1) That sub-clause (1) of Clause 17 be amended by deleting paragraphs (d) and (e) thereof, and substituting therefor the following paragraph -

"(d) brickmakers, butchers and bakers entering solely for, and domestic industries carried on by, natives, Somalis, Baluchis born in Africa, Malagasias and Comoro Islanders."

(2) That sub-clause (2) of Clause 17 be amended by inserting the following words between the word "profession" and the word "if" which occur in the fifth line thereof -

"or payable under this Ordinance by any person practising any profession or carrying on any business".

9. That a new Clause, to be numbered 22, be inserted after Clause 21, as follows -

PUBLIC RECORD OFFICE					
1	2	3	4	5	6
Reference -					
C.O. 533 / 455					
COPYRIGHT PHOTOGRAPH - NOT TO BE REPRODUCED PHOTOGRAPHICALLY WITHOUT PERMISSION OF THE PUBLIC RECORD OFFICE, LONDON					

"Duration of Ordinance.

22. This Ordinance shall continue in force until the thirty first day of December, 1935, and shall then expire:

Provided that such expiry shall not affect any liability, penalty or punishment incurred under this Ordinance or any legal proceeding or remedy in respect of any such liability, penalty or punishment but any such legal proceeding or remedy may be carried on or sought as if this Ordinance had not expired.

Provided further that the Governor may by Proclamation, with the approval of the Legislative Council, declare that this Ordinance shall remain in force until a date to be fixed in such proclamation.

and that the following Clauses be renumbered accordingly.

10. That Schedule B be amended by deleting Items 2, 3 and 5 therefrom and substituting therefor the following Items -

- | | Per annum
Shs. |
|--|-------------------|
| 2. A licence to carry on the business of an estate managing agent and/or secretary (not required to be taken out by any person holding a professional licence as an accountant and/or auditor) | 100 |
| 3. A licence to carry on the business of an assessor or valuator (not required to be taken out by any person holding a professional licence as a land surveyor, or as an architect and/or quantity surveyor) | 100 |
| 5. A licence to carry on the business of a stock and share broker | 200. |

11. That Schedule C be amended -
- (1) by substituting the figures "£100" for the figures "£75" which occur in the fourth line of Item 1 thereof;
 - (2) by substituting the figures "400" for the figures "450" which occur opposite paragraph (c) of Item 2 thereof;
 - (3) by relattering paragraph (d) of Item 2 thereof as paragraph (e), and by inserting the following paragraph as paragraph (d) of Item 2 thereof -

(b) any stocks on hand of liquor held by any person who is the holder of a licence, for the time being in force, issued to him in respect of the sale of such liquor under the Liquor Ordinance, 1954, or under any law amending or replacing the same."

12. That Schedule D be amended -

(1) by adding the following provision to Item 3 thereof -

"Provided that the areas of distribution covered by the following distributing licences shall, for the purposes of this Item, be deemed to be one area of distribution -

- No. 2 dated the 24th March, 1922,
- No. 5 " " 20th February, 1926,
- No. 6 " " 20th May, 1926,
- No. 7 " " 2nd October, 1950."

(2) by substituting the word "lighterage" for the word "lighetrage" which occurs in the second line of Item 5 thereof;

(3) by substituting the following Item for the item which appears as Item 6 after Item 7 thereof -

"8. A licence to carry on the business of a coffee curer (not required by a farmer curing only his own coffee for export purposes, or by a coffee curer who does not cure more than 200 tons of coffee p. r annum)..... 500"

(4) by inserting the word "wood" immediately before the word "fuel" which occurs in Item 11 thereof;

(5) by deleting paragraph (b) of Item 16 thereof and substituting therefor the following -

"(b) for the publication for twelve months of a newspaper or periodical, other than a daily newspaper.....100"

(6) by substituting the figures "200" for the figures "400" which occur opposite sub-item (1) of Item 17;

(7) by substituting the figures "120" for the figures "300" which occur opposite sub-item (2)(a) of Item 17;

PUBLIC RECORD OFFICE					
1	2	3	4	5	6
Reference -					
C.O. 533 455					
COPYRIGHT PHOTOGRAPH NOT TO BE REPRODUCED PHOTOGRAPHICALLY WITHOUT PERMISSION OF THE PUBLIC RECORD OFFICE, LONDON					

- (8) by substituting the figures "100" for the figures "200" which occur opposite sub-item (2)(b) of Item 17;
- (9) by substituting the figures "50" for the figures "100" which occur opposite sub-item (2)(a) of Item 17;
- (10) by substituting the figures "25" for the figures "50" which occur opposite sub-item (3) of Item 17;
- (11) by deleting the first five lines of Item 18 there-

of and substituting therefor the following -

"18. A licence to carry on the business of a restaurant keeper (not required in respect of a restaurant which may be carried on in connection with a business of an hotel, boarding and/or lodging house licensed as such under this Ordinance or in respect of any business which in the opinion of the Licensing Commissioners is a tea-room);"

and

- (12) by deleting Item 9 thereof and renumbering the subsequent Items accordingly.

13. That Schedule 3 be amended by adding immediately after Item 6, in the Form of Application for a Licence to Carry on a Business, the following new Items -

- "7. Is your stock insured against fire
- 8. If so, for what amount
- 9. Name of Insurance Company

We have the honour to be,

Your Excellency's obedient servants,

- SD. W. HARRAGIN (CHAIRMAN)
- SD. G. WILSH (MEMBER)
- SD. R. H. O'CONNOR (MEMBER)
- SD. W. LOBLE (MEMBER)
- SD. J. G. KEARWOOD (MEMBER)
- SD. G. H. RIDGELL (MEMBER)
- SD. A. C. T. M'CALL (MEMBER)
- SD. J. B. SINDYA (MEMBER)
- SD. R. W. HIRSTED (MEMBER)

Nairobi,
21st December, 1934.

Subject to the Minority Report attached.

1	2	3	4	5	6

Reference: C.O. 533 / 455

COPYRIGHT PHOTOGRAPH - NOT TO BE REPRODUCED PHOTOGRAPHICALLY WITHOUT PERMISSION OF THE PUBLIC RECORD OFFICE, LONDON

MINORITY REPORT

We, the undersigned, consider it is imperative to make clear our attitude in regard to the Licensing Bill, 1934. As set out, it is "A Bill to provide for the licensing of certain professions, businesses, trades, arts, callings and industries within the Colony and to fix the licence fees payable".

In its inception it was a licensing measure, designed for the protection of the trader and the public.

The fact that the fees brought in a certain amount of revenue was subsidiary to the main objects of the Ordinance: the commercial community has time and again registered its protest against this Ordinance being used for taxation other than a reasonable charge for providing for that protection which in 1919 was the object of the Ordinance.

In 1933 circumstances arose under which the commercial community and certain of the professions agreed to allow this Ordinance to be used for revenue purposes as a purely temporary measure and the Honourable the Attorney General, in introducing the 1933 Ordinance into the House, recurred the previous principles of the Ordinance and the temporary nature of the proposed amendments.

We hereby record our disagreement with the majority report on the following specific points, viz, we recommend -

1	2	3	4	5	6

Reference -
C.O. 533
455

COPYRIGHT PHOTOGRAPH - NOT TO BE REPRODUCED, PHOTODUPLICATED, OR ANY MANNER WITHOUT PERMISSION OF THE PUBLIC RECORDS OFFICE, LONDON

MINORITY REPORT

We, the undersigned, consider it is imperative to make clear our attitude in regard to the Licensing Bill, 1934. As set out, it is "A Bill to provide for the licensing of certain professions, businesses, trades, arts, callings and industries within the Colony and to fix the licence fees payable".

In its inception it was a licensing measure, designed for the protection of the trader and the public.

The fact that the fees brought in a certain amount of revenue was subsidiary to the main objects of the Ordinance: the commercial community has time and again registered its protest against this Ordinance being used for taxation other than a reasonable charge for providing for that protection which in 1919 was the object of the Ordinance.

In 1933 circumstances arose under which the commercial community and certain of the professions agreed to allow this Ordinance to be used for revenue purposes as a purely temporary measure and the Honourable the Attorney General, in introducing the 1933 Ordinance into the House, recurred the previous principles of the Ordinance and the temporary nature of the proposed amendments.

We hereby record our disagreement with the majority report on the following specific points, viz, we recommend -

(1) That Items No. 4 (Medical Practitioners and Dentists) and No. 6 (Veterinary Surgeons) shall be deleted from Schedule A. and that those professions shall be relieved from paying any licence fee under this Ordinance.

We would add that, in our opinion, any small revenue which might be lost would be more than compensated to the Colony by retaining the services of semi-retired experts in their profession who, if the tax is imposed, will cease to place their services at the disposal of the public and the profession.

(2) That Section 17 (1) (b) be amended by the deletion of all words after the word "liquor" in the 3rd line thereof or by such other alteration as shall make it clear that persons paying a licence fee under the Liquor Licensing Ordinance (in particular Hotels) shall not be called upon to pay a further licence for the same premises under this, the Licensing Ordinance.

In making this recommendation we wish to make it clear that such an amendment shall not exempt the grocer who also sells intoxicating liquor from taking out a licence under the Liquor Ordinance for the sale of such intoxicating liquor and also taking out a traders licence under this Ordinance in respect of his trade goods.

Sd. J.G. KIRKWOOD,
Sd. G.H. RIDDELL,
Sd. A.C. TAMMAYHILL.

Nairobi,
21st December, 1934.