

OFFICE OF THE DEPUTY PRIME MINISTER
AND MINISTRY OF LOCAL GOVERNMENT

OFFICE OF THE PERMANENT SECRETARY

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REPUBLIC OF KENYA

JOGOO HOUSE "A"
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NAIROBI

28th September, 2009

The Town Clerk
City Council of Nairobi
P O Box 30075
NAIROBI



RE: SINGLE BUSINESS PERMITS

The above refers.

It has come to the attention of the Ministry that some Local Authorities are demanding fees from the members of the professionals whose practice is regulated by legislation as set out in the Second Schedule to the Trading Licensing Act.

Such professionals include:

- Architects and Quantity Surveyors under Architects and Quantity Surveyors Act Cap. 525
- The Pharmacists under the Pharmacy and Poisons Act Cap. 244
- Doctors and Dentists - The Medical Practitioners and Dentists Act Cap. 253
- Nurses - The Nurses Act Cap. 257
- Surveyors - The Survey Act Cap. 299
- Veterinary Surgeons - The Veterinary Surgeons Act Cap. 366
- Auctioneers - The Auctioneers Act Cap. 526
- Engineers - The Engineers Registration Act
- Accountants - The Accountants Act Cap. 531
- Estate Agents - The Estate Agents Act Cap. 533
- Certified Public Secretaries - Certified Public Secretaries Act Cap. 535
- Advocates - The Advocates Act Cap. 16

Section 16(1) of the Trade Licensing Act does not apply to persons conducting professional and consultancy services as set out in the Second Schedule to the Act.

Since the law excludes prescribed professionals from the application of a Trade Licensing Act, the Local Authority cannot impose any other license either in form of a "business permit" or "single business permit".

Your attention is brought to the Court's ruling in the case of
NAIROBI HIGH COURT MISCELLANEOUS APP. NO. 782 OF 2000
R-VS-THE MUNICIPAL COUNCIL OF THIKA & ANOTHER
EX PARTE KENYA MEDICAL ASSOCIATION & 5 OTHERS

where, the Court in upholding the above position held that "A Local Authority and the Minister for Local Government has no authority to approve and apply any other license by whatever name called to the prescribed professions. To do so would not only be unlawful but would amount to double jeopardy of payment of two parallel licenses in respect of the professional practice.

You are requested to stop levying fees to the members of the above professions.


Sammy Kirui, CBS
PERMANENT SECRETARY

