



# Kenya Medical Association

## NATIONAL EXECUTIVE

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17<sup>th</sup> September 2020

### **Chief Executive Officer Council of Governors**

Dear Madam,

#### **RE: SINGLE BUSINESS PERMIT FOR PROFESSIONALS – ADVISORY**

The Kenya Medical Association (KMA) is a membership organization representing Medical and Dental Practitioners registered to practice in Kenya with a twin mission of Championing the Welfare of Doctors and Advocating for the provision of quality healthcare for all. It is domiciled at KMA Centre, Mara Road.

Kenya Medical Association members in various counties have complained that officials purportedly from County Governments are harassing doctors on trade permits. There have been several reported incidences that KMA would be happy to share with the Council of Governors. The counties of Nairobi, Kajiado, Kisumu and Embu are most notorious for this. The trend is concerning.

KMA has raised this concern with several County Governments which have acknowledged that indeed this was wrong and the County Government sent out a memo to its staff reading as follows:

***Kindly alert your teams to desist from approaching the Medical Professionals for Trade Permits. As per Schedule 4 of the Constitution the County Government licenses all businesses apart from professionals who are licensed to operate according to their professional rules and regulations.***

A letter dated 28<sup>th</sup> September 2009 to the Town Clerk of City Council of Nairobi clearly barred County Councils from demanding fees from members of the professionals whose practice is regulated by legislation as set out in the Second Schedule of the Trading Licencing Act. Such professionals include The Pharmacists (Pharmacy & Poisons Act 244), Doctors and Dentists (MPDB Act Cap 253), Nurses (Nurses Act Cap 257), Veterinary Surgeons (Vet Surgeons Act Cap 366), Advocates, CPS, Accountants, Engineers, Architects & Quantity Surveyors, Estate Agents, Auctioneers.

The same letter issued guidance that stated:

***“A Local Authority and the Minister of Local Government has not authority to approve and apply any other license by what 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 members of the above professions – Sammy Kirui, CBS Permanent Secretary. THIS LAST SENTENCE IS THE CRUX OF THE MATTER – DOUBLE JEOPARDY.*** Subsequent to this there have been several judicial pronouncements barring County Governments from imposing trading licence fees on professionals. The matter is very clear.

This is to request the Council of Governors to give clear guidelines to County Governments to prevent future misunderstanding and prevent harassment of professionals dutifully carrying out their duties towards achieving universal health coverage.

Your positive reply is highly appreciated.

Signed:



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**Dr. Andrew Were**  
**President**

Cc

All County Governments

All Law Courts

All KMA Divisional Chairmen