

## **THE ISIOLO COUNTY TRADE AND MARKETS BILL, 2022**

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*Clause*

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**A Bill for**

**AN ACT of the Isiolo County Assembly to provide for; the regulation of trade and other business activities; the establishment of the Directorate of Trade; the establishment and management of markets; and for related purposes.**

**ENACTED** by the County Assembly of Isiolo as follows ---

**PART I --- PRELIMINARY**

- Short Title                    **1.** This Act may be cited as the Isiolo County Trade and Markets Act, 2022
- Interpretation                **2.** In this Act, unless the context otherwise requires---
- “authorized officer” means an officer appointed by the Directorate under this Act and includes any other officer appointed as authorized officer under any written law;
- “busker” means any person who performs the activity of busking;
- “busking” includes any activity of sounding or playing a musical instrument, singing, reciting or performing conjuring, juggling, puppetry, miming, dancing or other entertainment or doing any of those things concurrently;
- “casual trader” means a person who attends a particular market with their goods, in the hope that they may be allocated a trading position for that day only, from the vacant positions in the market;
- “County Executive Committee Member” means the County executive committee member responsible for matters relating to trade and commerce;
- “defective goods” includes goods that ---
- (a) are in the particular circumstances, unfit for use or are dangerous; or
- (b) do not comply with a product safety or quality standard as prescribed by this law or any other law relating to the safety or quality of goods;
- “Directorate” means the Directorate of Trade and Markets established in Section 4;
- “Fund” means any fund as may be established under this Act;
- “marketable commodities” includes poultry, camel milk, wheat, traditional herbs, gums and resins, miraa, eggs, fresh meat, fish, ground provisions, vegetables and fruits;
- “market hours” means the hours on a market day appointed pursuant to section 18 for the holding of a market;

“market day” means a day appointed pursuant to section 18 for the holding of a market;

“market operator” means a person who leases, rents or otherwise provides a selling space or facility to a person for the purpose of conducting sales of goods at a public market;

“meat inspector” means any person employed by the county or national government health or agriculture authority to inspect meat.

“prescribed goods” means goods approved for sale under this Act or Regulations made under this Act in particular areas;”

“prohibited goods” means goods whose transportation, sale or consumption is illegal under this Act or any other relevant law;”

“public health officer” means a duly appointed medical officer of the county or national government.

“public market” means a public market established under this Act;

“regular trader” means a trader who has been permitted to use a particular trading position on a particular day at a particular market site;

“slaughter-house” means any licensed premises used in connection with slaughtering of animals whose meat is intended for human consumption;

“stall” means any moveable or mobile structure used for the purpose of trading; and

“trade” means carrying on the business of selling goods or services.

Objects and purpose of this Act

3. The object and purpose of this Act is to—
  - (a) promote trade development and investment in the county;
  - (b) facilitate ease of doing business within the county; and
  - (c) promote fair trade practices and consumer protection.

## **PART II --- DIRECTORATE OF TRADE AND MARKETS**

Directorate of Trade and Markets

4. There is established a Directorate of Trade and Markets under the department responsible for matters relating to trade and commerce.

Director of Trade and Markets

5. (1) The Directorate shall be headed by a Director of trade and markets.

(2) The Director shall be competitively appointed by the County Public Service Board on terms and conditions of service that the County Public Service Board may determine.

Deputy Director and other officers

6. The County Public Service Board may appoint such deputies and other officers as may be necessary for effective functioning of the Directorate.

Functions and Powers of the Directorate

7. The functions of the Directorate are to-

- (a) advise the Department on all matters affecting the development of county trading relationships with other counties;
- (b) represent, when appropriate and considered necessary by the county executive committee member, the county at meetings, conferences or similar gatherings where matters of trade affecting the county are discussed or considered;
- (c) where considered appropriate, negotiate trade agreements on behalf of the Department;
- (d) encourage and assist in the promotion of the county's produce, products, and services either on its own or in cooperation with any organization involved in exporting, including exhibiting at trade fairs;
- (e) advise on the marketing information within the County;
- (f) create awareness and civic education on laws relating to fair trading practices and consumer protection;
- (g) solicit and facilitate funding for the purpose of trade development and promotion, including discussion and negotiation with the relevant stakeholders;
- (h) advise the Department on all matters affecting the growth and development of commerce and trade in the county;
- (i) advise the Department on the criteria to be applied for the development of trade and commerce in evaluating approvals under any legislation which promotes trade, for the time being in force in the county;
- (j) administer laws relating to fair trading practices and consumer protection;
- (k) promote the development of micro and small enterprises and disseminate knowledge of sound business and commercial practice to the county;

- (l) undertake research into any aspect of county trade, commerce and industry, including the conducting of surveys, gathering statistics and publishing reports from time to time;
- (m) evaluate investment proposals suitable for funding by the Government or private investors; and
- (n) generally, act in the promotion of investment in the county.

Inspection Powers

- 8.** (1) An authorized officer shall have the power to inspect any premises or place in which that officer reasonably believes to be maintained in contravention with the provisions of this Act.
- (2) Before starting to inspect or search the premises the officer shall identify himself or herself to the occupier of the premises by producing their identity card for inspection by the occupier.
- (3) An authorized officer may at any reasonable time enter any place that the officer believes on reasonable grounds to be a place where goods are being, or have been manufactured, prepared or supplied or that is a place where services are supplied or arranged, and may ---
- (a) inspect any goods or partly manufactured goods and make such other inspections as he or she considers necessary;
  - (b) take any goods or partly manufactured goods on payment of a fair market price;
  - (c) take a sample of anything from which goods are manufactured or produced at that place;
  - (d) make inquiries of any person employed at that place or who has responsibility over that place; or
  - (e) inspect and take copies of records required to be kept under this Act or any other law regulating or applying to the business being conducted at that place.
- (4) Without derogating from any power conferred by sub-section (1) the Directorate may require the production of any accounting documents, returns, inventories or other information whether or not relating to the business of any manufacturer or trader if such information is considered necessary for the discharge of any function or power vested in the Directorate.

Confidential Information

- 9.** (1) An authorized officer who divulges confidential information obtained during the course of an investigation conducted under this Act or any other law commits an offence.

(2) This section does not apply to information that is ---

- (a) given as evidence in proceedings taken under this Act or any law relating to consumer protection;
- (b) given by the officer as part of a report prepared for the purpose of an investigation; or
- (c) a matter of public record or is otherwise in the public domain.

(3) Any person who commits an offence under this section is liable, upon conviction to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding six months, or to both.

Divisions of  
the Directorate

**10.** There shall be within the Directorate, a Market Division and such other Divisions as may be required for the effective performance of the functions of the Directorate.

Powers of the Market  
Division

**11.** The Market Division may in relation to public markets do all or any of the following ---

- (a) purchase all such measures, scales and weights, furnishings and appliances as shall be necessary for the public market;
- (b) make or cause to be made all repairs, alterations, improvements and additions to the public market as the director considers necessary;
- (c) grant permits for the sale of marketable commodities in the public market;
- (d) revoke any licence or permit for improper conduct or for infringement of this Act;
- (e) to provide and maintain sanitary facilities at public markets; and
- (f) to provide routine maintenance and cleaning of all public markets in the county.

Reports

**12.** (1) The Directorate shall within three months after the end of each financial year or within such longer period as the County Executive Committee member may in special circumstances allow, cause to be made and transmitted to the County Executive Committee member a report dealing generally with the activities of the Directorate during the preceding financial year.

(2) The Director may from time to time furnish to the County executive committee member a report relating to any particular matter or matters investigated, or being investigated which, in the opinion of the Director, require the special attention of the executive committee member or the Governor.

(3) The County Executive Committee member shall cause a copy of a report submitted under this section to be laid before the County Executive Committee.

### **PART III --- TRADE DEVELOPMENT AND INVESTMENT PROMOTION**

Trade development and investment promotion

- 13.** (1) The Directorate shall promote and facilitate trade development through—
- (a) providing business support and advisory services;
  - (b) carrying out regular assessment on business climate;
  - (c) reviewing policies and practices that affect business climate and advising the on appropriate measures to be adopted for promoting trade development;
  - (d) being an information resource centre for investors
  - (e) coordinating with other departments within the county and national departments and agencies in assisting traders and investors in obtaining the required licences and permits;
  - (f) facilitating access to markets for goods and services produced in the county;
  - (g) facilitating and promoting trade within and outside the county;
  - (h) in collaboration with other stakeholders, organizing trade fairs for promoting products;
  - (i) creating and maintaining a database of all traders within the county;
  - (j) providing sectoral and inter sectoral linkages in collaboration with private sector players within and outside the county;
  - (k) advising the Department on the trade incentives to be offered to local and foreign investors within the county; and
  - (l) performing any other role intended to facilitate and promote trading as may be assigned by the department.

Business parks

- 14.** (1) The County Government may progressively ensure that there is established in each sub-county such business parks as are necessary to facilitate trade development and investment in the county.
- (2) The business parks established under this section may be within special economic zones and may include—
- a) free trade zones;
  - b) livestock zones;
  - c) agricultural zones;



- d) business incubation hubs;
- e) information communication technology parks; and
- f) business services zones.

(3) The Directorate may collaborate with other stakeholders to facilitate the development and operationalization of the business parks established under this section.

(4) The Directorate shall in each year prioritize the essential infrastructure to be developed within the business parks for the financial year.

#### **PART IV --- PRIVATE STAKEHOLDER ENGAGEMENT**

County Public-Private  
Stakeholder Consultative  
Forum

**15.** (1) There is established the county public private sector stakeholder consultative forum which shall—

(a) be an avenue for consultation and dialogue between the county government and the private sector on matters affecting trade;

(b) provide the platform for the County Executive Committee to—

(i) articulate the county agenda, policies and programs being planned or implemented in order to promote private sector trade development;

(ii) report on the progress of addressing matters raised by the private sector related to trade and private sector development;

(c) provide a platform for—

(i) mobilizing the private sector to participate in county development programs; and

(ii) consultation with the private sector on matters relating to compliance with county and national laws.

(2) The County Executive Committee Member shall be the convener of the forum.

(3) The County Executive Committee Member shall ensure the county public-private sector forum is held at least once every year.

**PART V--- PUBLIC MARKETS**

- Establishment and control of markets
16. The directorate shall establish, maintain, manage and regulate public markets for the sale of marketable commodities therein and provide all such things as may be necessary for the convenient use of the markets.
- Public and Private Markets to be held at appointed places
17. (1) A person shall not hold any market for the sale of marketable commodities in any place not being a public market established under this Act, unless licensed by the directorate.
- (2) The Directorate may grant to any person a license to establish and use any place as market for the sale of marketable commodities and the license may be granted upon such terms and conditions as may be prescribed by the Directorate.
- (3) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding six months, or to both.
- Market days and hours
18. (1) The County Executive Committee Member in consultation with the relevant stakeholders in a place where a market is situated may designate certain days to be market days and market hours for public markets.
- (2) No person shall sell in a market place any goods other than during market hours.
- Market Administrator
19. The Directorate shall appoint or designate an officer referred to as market administrator to be responsible for the administration and management of public markets.
- Market Management Committee
20. (1) The Directorate shall establish a market management committee for each public market consisting of —
- (a) the Market Administrator, who shall be the Chairperson of the Market Management Committee; and
- (b) six persons to be elected by the market traders as representatives of different categories of traders within the market.
- (2) Persons elected under subsection (1) (b) shall serve for a period of one year and may be re-elected for one further term.
- Functions of the Market Management Committee
21. The functions of the market management committee shall be to—
- (a) regulate the entry of persons and of vehicular traffic into the market;

- (b) develop income generating programs to maintain the market;
- (c) assist the Directorate to assign stalls and other facilities within the market to traders;
- (d) assist the Directorate in dispute resolution within the market;
- (e) investigate complaints made against market traders and make recommendations to the Market Division on revocation of permits;
- (f) determine persons eligible to work at the markets;
- (g) provide liaison between the market traders and the Directorate;
- (h) ensure garbage collection and proper sanitation in the market;
- (i) supervise the conduct of those who enter the market for transacting business;
- (j) regulate the marketing of notified agricultural produce in the market area;
- (k) fixing the time for holding auctions;
- (l) collect, maintain, disseminate and supply information in respect of market activities including market intelligence;
- (m) in collaboration with other authorized officers at the county and national levels, enforce the provisions of the rules, regulations and by-laws including the conditions of licenses granted;
- (n) examination of contents of vehicles and other vessels and their seizure; and
- (o) carry out any other functions as may be assigned by the Directorate.

Maintaining public markets

- 22.** (1) The County Government shall ensure all public markets are maintained in a proper sanitary and hygienic manner.
- (2) Every tenant or occupier of a stall or a space in the public market shall –
- a) ensure that the stall or space is properly cleaned before and after market hours and as often as may be necessary during those hours;
  - b) ensure that all garbage accumulated in connection with the stall or space is placed in a prescribed receptacle at the garbage collection area designated by the Market Management Committee.

- Charges for use of stalls
- 23.** (1) The directorate may demand and take from every person stallage and other charges for ---
- (a) occupying or using any stall or place in any public market;
  - (b) bringing into any market any marketable commodities or anything which the County executive committee member may permit to be sold therein;  
or
  - (c) using any weighing or measuring instrument provided and kept in any such market.
- (2) Stallage and other charges payable in respect of any public market or weighing or measuring instruments shall be paid to the Directorate and collected by authorized officer, at such times and in a manner that may be prescribed.
- (3) Where any person liable to pay any stallage or other charge does not pay the amount due, on demand, to the authorized officer, the amount due may be recovered as a civil debt
- (4) For the purposes of recovering any sum due under this section, any action or other proceeding may be brought in the name of the Directorate or their agent.
- Establishment of a Fund and other funds
- 24.** (1) There is established a Fund to be known as a *Biashara* Fund.
- (2) The purpose of the Fund shall be to-
- (a) provide affordable and accessible credit to the market traders;
  - (b) meet the costs of market improvement and renovations;
  - (c) finance the provision of amenities and sanitation facilities within the markets; and
  - (d) provide financial resources for day-to-day management of public markets.
- (3) The Fund shall consist of –
- (a) monies received as stallages and charges for use of public markets;
  - (b) monies appropriated by county assembly for that purpose; and
  - (c) grants or donations made.

(4) The County Executive Committee Member shall make regulations prescribing the better administration of the Fund.

(5) The Directorate may establish such other funds and schemes as may be necessary for the carrying on of the objects of this Act.

Regular trader

25. (1) A regular trader, who desires to carry out any commercial activity from a public market shall obtain a license or; in the case of a casual trader, pay such fee as may be prescribed.

(2) A licence issued under sub-section (1) shall entitle the regular trader to carry out commercial activity in a market authorized by the Directorate.

(3) A regular trader shall not possess more than one authorization for a post in a market that operates in the same day and time.

(4) (1) A regular trader using a motor vehicle to carry on a commercial activity shall carry on such business only at premises or areas authorized by the Directorate for such purpose to station the motor vehicle and store the goods.

(2) The address of the premises required for use under this section must be clearly indicated on the application for the issuing of a licence.

(3) Any change in the vehicle or station must be notified to the Directorate within ten working days after the change occurs.

(4) No application shall be accepted and processed by the Directorate if the address of the station or any other address for the store where goods are to be stored are not given failing which the licence granted shall be deemed revoked.

(5) The Directorate shall have the right to inspect such premises and to demand any documentation that proves the permitted use of the premises where the application indicates the use of such premises by more than one licensee.

(6) The Directorate may refuse to issue a license if it considers that such premises should not be used as a store or station by the applicant.

(5) The license issued by the Directorate under this section shall indicate the regular trader as a non-food license trader or as a food related items license trader.

(6) In the case that the activity concerns the selling of food items, prior written approval by the county public health authorities shall be obtained in consultation with the Directorate.

Provided that with reference to food related items the Directorate, following a recommendation by the health authorities, may order the licensee to sell or not to sell specific items as ordered by the county public health authorities.

Provided further that the Directorate may in respect of non-food items, issue an order to the licensee to restrict the selling of any item that may cause an infringement of public order.

Street hawker

**26.** (1) The Directorate may from time to time designate a street or space within the county for hawking purposes subject to such terms as the Directorate shall determine.

(2) A street hawker may carry out commercial activity from a designated street or space, by moving from one place to another.

(3) A street hawker may hawk from a vehicle or may carry out commercial activity by parking his or her vehicle in accordance with the traffic regulations in a designated street or space where he or she stop to sell and serve customers and may after serving customers in that place move to another place.

Car boot sales

**27.** (1) Any person who desires to organize a car boot sale, selling items, in any public or private place from a car boot shall obtain a license from the Directorate.

(2) An application for a license under this section shall contain the following information –

(a) the name of the applicant;

(b) the place where the car boot sale will be held;

(c) the date or dates when the car boot sale will be held.

Buskers

**28.** (1) Any person who wishes to sell by busking shall comply with the following conditions ---

(a) Make an application in the prescribed Form to the Directorate;

(b) Ensure that the place or where the busker stops to sell the goods or services is at least five meters of walking distance away from the entrance of any commercial premises; for such purpose, a fixed kiosk is considered to be a commercial premises.

(c) no selling by busking can be performed in the precincts of any hotel or any shopping complex without written permission from the management of the hotel or shopping complex.

- (d) no objects used for the activity shall be placed on a street pavement in a manner that obstructs free and easy movement of pedestrians;
  - (e) no nuisance or inconvenience is caused to the neighbours or passers- by in the street; and
  - (f) perform for a maximum of two hours per day in each prescribed location.
- (2) Any person found to be in contravention of sub-section (1) shall be liable for a fine not exceeding fifty thousand shillings or three months imprisonment, or to both.

- |   |  |
|---|--|
| Assaulting or obstructing the officer collecting dues | <b>29.</b> A person who assaults or obstructs an authorized officer, whether a public officer or otherwise, or other person duly authorized to receive any stallage or other charge payable in respect of a public market or any person employed to superintend that market or to keep order therein, whilst in the execution of their duty, commits an offence and is liable on conviction to a fine of fifty thousand shillings or to imprisonment for a term not exceeding six months or to both.   |
| Disorderly behaviour in public market                 | <b>30.</b> A person who in a public market behaves in a disorderly or offensive manner or who misconducts himself or herself, commits an offence and is liable on conviction to a fine not exceeding twenty thousand shillings or to a term of imprisonment not exceeding one month, or to both.   |
| Power of removal or arrest                            | <b>31.</b> The Directorate a person in charge of any public market or other person legally authorized may remove from a market any person who behaves in a disorderly or offensive manner in the market or who misconducts himself or herself and may arrest such person without a warrant and take him or her to a police station to be dealt with in accordance with the law.  |
| Prohibited goods                                      | <b>32.</b> (1) A market operator shall not operate a public market to sell or offer for sale prohibited goods.<br><br>(2) A trader shall not sell or offer for sale prohibited goods at a public market.<br>(3) This Section does not apply where the goods have been acquired directly from the producer, manufacturer, wholesaler, distributor or retailer of the goods and where the vendor provides to the operator, supervisor or agent of the market prior to the sale or offering for sale at a commercial market, proof that the vendor is an authorized sales representative of the producer, manufacturer, wholesaler, distributor or retailer of the goods. |
| Duty to maintain and provide information              | <b>33.</b> (1) A trader shall not sell or offer for sale at a public market prescribed goods unless information with respect to the goods is maintained by the trader in accordance with this Section.   |

(2) A trader shall maintain with respect to the prescribed goods sold or offered for sale by the vendor the information prescribed by the regulations for the period prescribed by the regulations.

(3) Before a trader sells or offers for sale prescribed goods at a public market the trader shall provide to the operator of the public market the information required to be maintained pursuant to subsection (2).

(4) A market operator shall not operate a public market at which prescribed goods are sold or offered for sale unless the information required to be maintained by a trader pursuant to this Section has been provided to the operator supervisor or agent.

(5) A trader or market operator shall not falsify, obliterate or destroy the information required to be maintained pursuant to this Section.

(6) A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding three months.

Duty to maintain information

**34.** A market operator shall maintain the information provided to the operator pursuant to this Act for the period prescribed by regulations.

Access to prescribed goods

**35.** A trader shall, upon request, produce any prescribed goods or provide access to the prescribed goods to an officer of the directorate.

Seizure of prescribed goods

**36.** Where an officer finds goods at a public market and the officer is satisfied, on reasonable grounds, that the goods are ---

(a) prohibited goods; and

(b) not being sold by an authorised sales representative of the producer, manufacturer, wholesaler, distributor or retailer of the goods,

the officer may, without laying any information or obtaining any warrant, seize and remove those goods.

### **Sale of Meat**

Meat to be sold only in markets or licensed premises

**37.** (1) A person shall not sell any meat except in a public market or in a shop licensed in that behalf.

(2) Any person who contravenes subsection (1) shall commit an offence and is liable on conviction to a fine fifty thousand shillings or to imprisonment term not exceeding six months.



(3) A person licensed to sell meat shall comply with all other laws relating to the sale of meat.

Selling meat not  
slaughtered in a  
slaughterhouse or not  
examined

- 38.** (1) A person who sells meat of any animal in a public market, that is ---
- (a) not slaughtered in a public slaughter-house or in a licensed slaughter-house; or
  - (b) not examined and passed as fit for human consumption by a public health officer or a meat inspector,
- commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding six months, or to both.
- (2) Sub-section (1) does not apply to imported meat.

### **Sale of Marketable Commodities and Other Goods**

Selling marketable  
commodities within  
prescribed areas

- 39.** (1) Subject to Section 40 no person shall sell any marketable commodities in the entrance to any building or on the pavements of any road situated within the limits of a prescribed area for the purposes of this section.
- (2) Subject to sub-section (1), no person shall sell any marketable commodities in any part of any public place within the limits of a prescribed area.
- (3) A person who contravenes sub-section (1) commits an offence and is liable on conviction to a fine not exceeding twenty thousand shillings or imprisonment for a term not exceeding three months.

Exempted sales

- 40.** (1) Section 39 shall not apply to the carrying of any marketable commodities from place to place for the purpose of sale within a prescribed area except where –
- (a) any sale in accordance with the provisions of any law relating to hawkers of any marketable commodities at any building situate within any area prescribed for the purposes of that section;
  - (b) any sale of any marketable commodities in any shop or in any public market held for public purposes within any area prescribed for the purposes of that section;
  - (c) any sale of any marketable commodities in the entrance to any building situate within any area prescribed for the purposes of that section in any case where the vendor first obtains the permission of the owner or occupier of the

building to sell and conducts business without obstruction to any person lawfully using such road; or

- (d) any sale of any marketable commodities, in any part of any public place or within any area prescribed for the purposes of section 34, by any person to whom a permit is issued in accordance with section 36 and who sells at the place and in accordance with the terms and conditions specified in the permit.

Permits to sale of goods  
in prescribed areas

**41.** (1) Every person desirous of being issued a permit authorizing the sale of marketable commodities in any part of a public place or within an area prescribed for the purposes of section 31, shall make an application to the directorate.

(2) Every applicant shall produce evidence to the satisfaction of the directorate as to their good character.

(3) A permit mentioned in sub-section (1) shall be issued by the licensing authority upon payment of the prescribed fee and shall be valid for a period specified in the license not exceeding one year from the date of issue.

(4) Before issuing a permit mentioned in subsection (1) the directorate shall cause the particular part of the public place to which the permit shall relate to be defined by lines painted on the ground or by studs embedded in the ground or in such other manner as the directorate may deem fit and a number or letter marked in that place.

(5) Every person to whom a permit is issued under subsection (3) shall produce the permit when required so to do by the directorate or any officer duly authorized by the directorate.

(6) An applicant for a permit mentioned in subsection (1) who is dissatisfied by a refusal of the directorate to grant a license may appeal to the executive committee member.

(7) A person who contravenes parts of these sections commits an offence and is liable on conviction to a fine not exceeding twenty thousand shillings or imprisonment for a term not exceeding three months, or both.

## **PART VI --- FAIR TRADING PRACTICES AND CONSUMER PROTECTION**

Unfair trading practices

**42.** A trader in the public market shall not –

- (a) withhold stock or goods for purposes of speculation with intention to unduly create shortage of supply of the goods in the market and consequently increase prices;
- (b) collude with any category or group of traders so as to unduly influence supply and prices of the goods and services trade in the public market;
- (c) sell goods by way of deception as to quality and quantity claims;
- (d) misrepresent or advertise any goods and services in a deceptive manner as to the nature, quality and other descriptions; or
- (e) deal with any goods or services in a manner that contravenes any county or national legislation.

Complaints on unfair trading practices

- 43.** (1) Any person may lodge a complaint with the Market Management Committee regarding an alleged unfair trade practice against a trader in the public markets.
- (2) A complaint contemplated in subsection (1) that is not in writing shall be reduced to writing by the Market Administrator and be confirmed as correct and signed by the complainant.
- (3) The Market Management Committee shall investigate the complaint made against the trader and where the trader is found to have engaged in an unfair trading practice, the Market Management Committee shall make recommendations to the Market Division to –
- (i) deny a trader access into a market; and
  - (ii) revoke a licence or permit issued to a trader.

### MISCELLANEOUS PROVISIONS

Renting of stalls in the public market

- 44.** (1) The Directorate may lease to a person any several stalls or blocks in the portion of a public market used for the sale of meat and other marketable commodities for a period not exceeding five years at any one time.
- (2) Subject to sub-section (1) ---
- (a) no person shall be permitted to lease more than one stall or block at the same time; or
  - (b) no lessee of any stall or block shall assign the lease to any other person or permit the use of any stall or block by any other person without the written consent of the Directorate.

(3) The County Executive Committee member may by notice in writing revoke any lease granted by the Directorate under subsection (1) if –

- (a) the lease extends part of the stall or block beyond the prescribed distance from the access roads.
- (b) the lessee is engaging in business that is considered by the Directorate to threaten health, safety or life of the neighbourhood or any person living in such neighbourhood; or
- (c) by any other reason found to be unable to make use of the said stall or block.

Duties of the directorate    **45.** The directorate shall ---

- (a) recover all rent rates and other moneys to be payable under this Act;
- (b) keep a detailed cash records and books of accounts in which entries are made of all moneys received by the directorate under this Act; and
- (c) generally, carry out and enforce this Act.

General Penalty            **46.** All penalties imposed by this Act are recoverable in a summary manner and any person committing an offence against this Act, for which no punishment is provided is liable on conviction to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months.

Savings                      **47.** All markets established under or before the coming into operation of this Act are deemed to have been established under this Act, and all rules and by-laws made under the Local Government Authority Act and in force at the time of the commencement of this Act shall be deemed to have been made under this Act and shall remain in force until other provisions are made in accordance with this Act.

Regulations                **48.** The County Executive Committee Member may make regulations ---

- (a) regulating the use of markets and market buildings;
- (b) prescribing, and regulating the pattern, description and use of, weighing or measuring instruments to be used by persons selling marketable commodities in any market;
- (c) preventing nuisances and obstructions in markets and for maintaining cleanliness therein and on the approaches thereto;
- (d) prescribing the goods and services that may be sold in any market;

- (e) fixing, regulating and collecting stalls or other charges and the payment and collection thereof in any public market;
- (f) for the inspection and examination of marketable commodities sold or offered for sale in any market;
- (g) fixing the days and hours during each day on which any market may be opened and for preventing the sale and purchase of marketable commodities in any market on any day or at any times except as fixed;
- (h) prescribing the conditions subject to which the several stalls or places in any public market shall be held, occupied or used by persons having or using the same;
- (i) imposing on any person having or using any stall or place in any market the duty of taking steps and using such means for protecting from contamination of any articles of food offered or exposed for sale in any market;
- (j) prescribing the appropriation and administration of the fund;
- (k) for maintaining order and preventing disturbances in a public market;
- (l) for excluding or removing from public markets any person suffering from any infectious or contagious disease;
- (m) prescribing any area within which section 39 shall, subject to section 40, apply; and
- (n) generally, for the better carrying into effect the provisions of this Act.