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GAZETTE NOTICE NO. 8791

THE EAST AFRICAN COMMUNITY CUSTOMS MANAGEMENT ACT, 2004

CONDITIONS FOR APPOINTMENT OF A FACILITY AS A TRANSIT SHED

PURSUANT to the provisions of section 12 of the East African Community Customs Management Act, 2004, and regulation 57 of the East African Customs Management Regulations, 2010, the Commissioner of Customs and Border Control prescribes the conditions set out in the schedule hereto as the minimum conditions to be fulfilled by an applicant to operate a Transit Shed.

SCHEDULE

1. An applicant seeking to operate a Transit Shed shall give prior notice in writing to the Commissioner of their intention to develop and obtain the necessary approval before commencement of such development.

2. A proposed Transit shed shall observe the following conditions:

- (a) be located in plots of not less than 2.5 hectares, provided that this requirement shall not apply to transit sheds operating within airports or ports and specialized transit sheds licensed to handle bulk cargo;
- (b) be located close to a main road or thoroughfare in case of transit sheds handling goods imported by sea;
- (c) be located not more than one kilometer from the airport, in the case of transit sheds used for handling of goods imported by air;
- (d) be located close to existing customs areas, in the case of transit sheds at frontier ports;
- (e) where located more than ten (10) kilometer radius from the port, the transit sheds shall not be used for handling transit goods;
- (f) have its entire surface area properly paved and fully compacted with suitable materials, preferably paving blocks;
- (g) have its surface area enclosed by a perimeter stone wall of a height of not less than three meters from the ground with an electric fence;

- (h) have floodlights installed to light up its entire surface area;
- (i) provide suitable office accommodation for Kenya Revenue Authority officers and other relevant Government agencies including proper sanitation facilities for use by the officers and other authorized users of the facility;
- (j) the office provided shall be installed with computer facilities and such other suitable office equipment for use by the resident Kenya Revenue Authority officers;
- (k) provide computer software that is compatible with that of Kenya Revenue Authority and facilities for electronic tracking of all the goods imported into the shed;
- (l) provide a building, of not less than 3,000 square feet, suitable for use as a customs warehouse;
- (m) provide loading and offloading facilities including sufficient labor for the verification of goods;
- (n) provide cargo inspection facilities and an all-weather verification bay including suitable facilities to accommodate mobile cargo scanning equipment;
- (o) provide a dedicated and specially designed motor vehicle inspection facility for transit sheds handling motor vehicles;
- (p) provide a dedicated facility for transit cargo for Transit Sheds handling transit goods;
- (q) provide a dedicated facility for export cargo for Transit Sheds handling export goods;
- (r) provide surveillance cameras accessible to the Kenya Revenue Authority officers;

3. An application for appointment to operate a Transit Shed shall be made in the prescribed form and shall be submitted to the Commissioner together with the relevant architectural drawings showing its layout and location in relation to neighboring developments or thoroughfares.

4. A person shall not be qualified for appointment to operate a Transit Shed if that person, or where the applicant is a company, the company or its director(s) have any criminal record or have been found to engage in tax fraud related activities.

5. A person shall not be qualified for appointment to operate a Transit Shed if that person, or where the applicant is a company, the company or its director(s) have any outstanding tax liabilities.

6. A person shall not be qualified for appointment to operate a Transit Shed if that person, or where the applicant is a company, the company or its director(s) have already been gazetted to operate another Transit Shed within the same municipality.

7. Upon being appointed to operate, a Transit Shed shall execute a security bond to cover the duties on the goods deposited therein as the Commissioner may determine and pay a statutory fee of twenty thousand dollars.

8. Transit Sheds shall apply to the Commissioner, for renewal of appointment to operate every two years from the date of appointment and pay a renewal fee of twenty thousand dollars. Transit Sheds gazetted prior to the publication of this notice shall be required to renew their appointment by 31st January, 2016.

9. A transit shed shall install and maintain a Stock Management System of a standard approved by the Commissioner.

10. A Transit Shed shall submit to the Commissioner, quarterly returns on all goods received into and delivered from the transit shed and the stock of all cargo in the shed at the close of business on the last day of the last month of the quarter. The report shall be submitted on or before the 10th day of the following month immediately following the end of the quarter.

11. A Transit Shed shall permit the Commissioner at all reasonable times, to inspect stocks against records held by the transit shed for purposes of reconciliation.

12. A Transit Shed located near busy roads or thoroughfares shall have adequate parking yards that are consistent with local authorities' by-laws.

13. A Transit Shed shall procure security protection services from a service provider approved by the Commissioner.

14. A Transit Shed shall be a non-smoking area and no naked flames or fires shall be lit in the premises and notices to this effect shall be placed in conspicuous places specifying this prohibition.

15. Cargo destined for Kenya shall be consigned to Kilindini Port and the mechanism for allocation of cargo between Transit Sheds, shall be determined jointly by Kenya Ports Authority and Kenya Revenue Authority.

16. Charges and fees to be levied by Transit Sheds shall be regulated by Kenya Ports Authority and Kenya Revenue Authority in consultation with the Association representing shed owners.

17. Each Transit Shed shall appoint a manager who, jointly with the Customs Manager in charge of the facility, shall oversee cargo verification and countersign verification reports.

18. No Cargo shall be designated to a Transit shed that fails to meet the regulations prescribed herein or which fails to rectify within 45 days, any breaches to the Regulations or other deficiencies communicated in writing.

19. Transit Sheds whose average monthly cargo throughput consistently falls below 2000 TEUs may have their appointment revoked in order to allow more effective deployment of Customs staff and other resources provided that this requirement shall not apply to transit sheds operating within airports and ports and specialized transit sheds licensed to handle bulk cargo.

20. All Transit Sheds gazetted prior to the publication of this notice shall take measures to comply with the provisions of this Notice by 31st January, 2016.

Gazette Notice No.11215 of 2010 is hereby revoked.

Dated the 23rd November, 2015.

J. N. MUSYOKI,
Commissioner of Customs and Border Control.

GAZETTE NOTICE NO. 8792

THE COUNTY GOVERNMENTS ACT

THE NYANDARUA COUNTY ASSEMBLY STANDING ORDERS

CHANGE OF PLACE OF SITTING OF THE COUNTY ASSEMBLY

NOTICE is given to all members of the County Assembly and the public that pursuant to articles 1 and 29 (3) of the County Assembly Standing Orders, the Nyandarua County Assembly shall hold its sittings and the sittings of its Committees for the period starting 23rd November, 2015 to 5th December, 2015 (both days inclusive) at the Manunga Catholic Parish in Kipipiri Sub-County.

Dated the 11th November, 2015.

JAMES N. WAHOME,
Speaker to the County Assembly.