

(Legislative Supplement No. 38)

LEGAL NOTICE NO. 84

## THE COPYRIGHT ACT

(Cap. 130)

CONSOLIDATED MUSIC TARRIFS FOR THE PERIOD 1ST JANUARY 2023 TO  
31ST DECEMBER 2024

IN EXERCISE of the powers conferred by section 46(A) of the Copyright Act, the Cabinet Secretary for Youth Affairs, Sports and the Arts, approves the consolidated music tariffs set out in the Schedule and revokes the joint collection tariffs issued under Legal Notice No. 39 of 2020.

## SCHEDULE

<i>Tariff No.</i>	<i>Tariff Category</i>	<i>Tariff Parameter</i>	<i>Consolidated sound and audiovisual tariff 2023-2024 (all amount in Kenya Shillings) unless indicated</i>
CMT.1	Aircraft	Rate per passenger seat	750 subject to a minimum of 20,000
CMT. 2	Amusement Parks, arcades and fairgrounds	Flat rate depending on size of town	Nairobi ,Kisumu, Nakuru and Mombasa 30,000
			County Headquarters -20,000
			Others -15,000
CMT. 3	Music schools, professional training programs, dance schools, disk jockey academies and similar establishments.	Flat rate, per number of learners	1-500 learners- 3,000/= 501-1000- 6,000/= 1001-2000- 9,000/= 2001 and above – 12,000/=
CMT. 4	Cinemas	Flat rate	Annual -100,000/=
CMT. 5	Private Member Clubs	Flat rate depending on the location	Nairobi, Kisumu , Nakuru and Mombasa – 60,000/- County HQ- 45,000/- Others- 30,000/-
CMT. 6	Discotheques, night clubs and dance halls	Flat rate depending on the size of town	Nairobi, Kisumu,Nakuru, Mombasa – 150,000/= County HQ- 80,000/= Others - 50,000/=
CMT.7	Video exhibition halls	Flat rate ,annual	5,000/-

<i>Tariff No.</i>	<i>Tariff Category</i>	<i>Tariff Parameter</i>	<i>Consolidated sound and audiovisual tariff 2023-2024 (all amount in Kenya Shillings) unless indicated</i>
CMT.8	Hotels and other accommodation establishments	Percentage of single Business Permit and Liquor license	70% of SBP and Liquor License Or 100% of SBP Subject to a minimum of 9,000/=
CMT.9	Restaurants ,bars, cafes and similar establishments	Percentage of single Business Permit and Liquor license	80% of SBP and liquor License Or 100% of SBP Subject to a minimum of 9,000/=
CMT.10	Medical facilities	By levels of hospitals, flat rate	Level 1 &2- 50,000/= Level 3- 80,000/= Level 4- 200,000/= Level 5- 500,000/= Level 6- 1,000,000/= Clinics - 25,000/=
CMT. 11	Mobile Disc Jockeys	Flat rate Per event per annum	Per event - 30,000/= Per annum - 20,000/=
CMT. 12	Concerts and live events	Percentage of income or flat rate	5% of income in paid concerts subject to a minimum of 40,000/=
CMT. 13	Road Shows	Per Event /per annum	<u>Per Event</u> Per event trucks – 50,000/= Other Vehicles - 20,000/= <u>Per Annum</u> Corporates - 990,000/= SMEs - 300,000/=
CMT. 14	Other promotional activities	Per Event/ Per annum	<u>Per Event</u> Corporates- 50,000/= SMEs- 20,000/= <u>Per Annum</u> Corporate 990,000/= SMEs 300,000/=
CMT. 15	Banking Halls, Gyms, Show Rooms, and Similar Establishments	Flat rate depending on location	a. Nairobi Kisumu ,Nakuru and Mombasa – 25,000/= b. County HQ- 15,000/= c. Other Urban Areas- 10,000/=
CMT. 16	Shop Stores, Hairdressers, salons, barbershops and similar establishments	Flat rate depending on location	a. Nairobi, Kisumu, Nakuru, and Mombasa- 7,500/= b. County HQ -5,000/= c. Other urban areas 4,000/=

<i>Tariff No.</i>	<i>Tariff Category</i>	<i>Tariff Parameter</i>	<i>Consolidated sound and audiovisual tariff 2023-2024 (all amount in Kenya Shillings) unless indicated</i>
CMT. 17	Commercial Broadcasting Services (Television and Radio)	Percentage rate of gross revenue, depending on music consumption, less statutory taxes subject to a minimum amount.	a. Below 30% music content – 4.5 % b. Between 30% and 70% music content -7.25% c. Over 70% - 10% (Subject to a minimum fee of 500,000 for radio and 300,000 for television)
CMT. 18	Non Commercial broadcasters/radio	Percentage rate of gross revenue, depending on music consumption, less statutory taxes subject to a minimum amount.	a. Below 30% music content- 1% b. Between 30-70% -2% c. Over 70% - 3% (Subject to a minimum fee of 400,000 for radio and 200,000/= for television)
CMT. 19	Digital /Online Broadcasters radio and Tv	Percentage Music usage subject to a minimum.	a. Below 30% music content- 1% b. Between 30-70% -2% c. Over 70% - 3% (Subject to a minimum fee of 160,000 for radio and 130,000/= for television)
CMT. 20	Supermarkets	Flat rate depending on size and location of supermarket	<u>Nairobi, Mombasa Kisumu and Nakuru</u> a. Mini-Supermarket -60,000/= b. Medium - 200,000/= c. Hyper 350,000/=
			<u>All other locations</u> a. Mini-supermarket 40,000/= b. Medium 150,000/= c. Hyper 300,000/=
CMT. 21	Shopping arcades, Malls and Similar large establishments	Flat rate depending on location	Nairobi, Kisumu, Nakuru and Mombasa – 300,000/= County HQ – 250,000/= Others – 200,000/=
CMT. 22	Junkeboxes	Flat rate per machine per annum	15,000/=
CMT. 23	New Media (Caller per ring backtones, downloads, streaming, simulcast including Content Service Providers and	Percentage of gross revenue or minimum flat rate.	15% of gross revenues subject to a minimum of 500,000/=

<i>Tariff No.</i>	<i>Tariff Category</i>	<i>Tariff Parameter</i>	<i>Consolidated sound and audiovisual tariff 2023-2024 (all amount in Kenya Shillings) unless indicated</i>
	Telecommunication companies.		
CMT. 24	Political Campaigns and Events	Flat rate ,per type of election seat	a. Per each political party- 600,000/= b. Per each Presidential candidate- 400,000/= c. For each gubernatorial candidate – 150,000/= d. For each senatorial seat 100,000/= e. Women representative candidate – 50,000/= f. Member of parliament candidate – 50,000/= g. MCA candidate- 12,500/=
CMT.25	Public transport terminus	Flat rate per terminus classification ,location	a. International airport in Nairobi- 400,000/= b. International Airport in other Cities – 300,000/= c. Other Airports – 200,000/= d. Airstrips- 100,000/= e. Railway Stations- 50,000/= f. Bus Station - 20,000/=
CMT. 26	Commercial Motor Vehicles	Flat rate per each cluster per annum	a. Lorries ,trucks ,pickups, and similar commercial vehicles – 4,000/= b. 1 to 5 seaters including taxis – 4,000/= c. 6-14 seaters – 5,500/= d. 15-33 seaters 8,000/= e. 34 seater and above – 12,000/= f. Train Coaches per wagon- 20,000/= g. Marine vessel per each with over 20 pax capacity 50,000/=

## Conditions:

1. License shall be payable annually (Calendar year) and valid for one year.
2. Invoices are payable within one month of issue.
3. In the case of disc jockeys, primary responsibility will be on the owner of the premises.

4. Audio visual tariff shall include actors' tariff.
5. The license shall not include events for raising funds, churches or other charitable causes.
6. Community and institutional broadcasting stations as well as TukTuks and Boda Boda are exempted from this tariff.

Dated the 2nd June, 2023.

ABABU NAMWAMBA,  
*Cabinet Secretary for Youth Affairs, the Arts and Sports.*

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LEGAL NOTICE NO. 85

THE FOREST CONSERVATION AND MANAGEMENT ACT

(No. 34 of 2016)

DECLARATION OF MACALDER FOREST.

IN EXERCISE of the powers conferred by section 31(2) of the Forest Conservation and Management Act, the Cabinet Secretary for Environment and Forestry declares that the area described in the Schedule hereto be a forest area.

SCHEDULE

An area of land approximately 2494.95 hectares (6165.02 Acres), situated Approximately 25 kms north west of Migori Township, Migori County the boundaries of which are more particularly delineated, edged green, on Boundary Plan No. 175/517 which is signed and sealed with a seal of Survey of Kenya, and deposited at the Survey Records Office, Survey of Kenya, Nairobi and a copy of which may be inspected at the office of the County Forest Conservator, Migori County and Kenya Forest Service Headquarters, Nairobi.

Made on 13th June, 2023.

SOIPAN TUYA,  
*Cabinet Secretary Ministry of  
Environment, Climate Change and Forestry.*

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LEGAL NOTICE NO. 86

THE FOREST CONSERVATION AND MANAGEMENT ACT

(No. 34 of 2016)

DECLARATION OF DANDU HILL FOREST

IN EXERCISE of the powers conferred by section 31(2) of the Forest Conservation and Management Act, the Cabinet Secretary for Environment and Forestry declares that the area described in the Schedule hereto be a forest area.

SCHEDULE

An area of land approximately 1779.70 hectares (4397.73 Acres), situated Approximately 227 kms south west of Mandera Township, Mandera County the boundaries of which are more particularly

delineated, edged green, on Boundary Plan No. 175/519 which is signed and sealed with a seal of Survey of Kenya, and deposited at the Survey Records Office, Survey of Kenya, Nairobi and a copy of which may be inspected at the office of the County Forest Conservator, Mandera County and Kenya Forest Service Headquarters, Nairobi.

Made on 13th June, 2023.

SOIPAN TUYA,  
*Cabinet Secretary Ministry of  
Environment, Climate Change and Forestry.*

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LEGAL NOTICE NO. 87

THE FOREST CONSERVATION AND MANAGEMENT ACT

(No. 34 of 2016)

DECLARATION OF TAKABA HILL FOREST

IN EXERCISE of the powers conferred by section 31(2) of the Forest Conservation and Management Act, the Cabinet Secretary for Environment and Forestry declares that the area described in the Schedule hereto be a forest area.

SCHEDULE

An area of land approximately 1171.92 hectares (2895.87 Acres), situated Approximately 190kms South West of Mandera Township, Mandera County the boundaries of which are more particularly delineated, edged green, on Boundary Plan No. 175/20 which is signed and sealed with a seal of Survey of Kenya, and deposited at the Survey Records Office, Survey of Kenya, Nairobi and a copy of which may be inspected at the office of the County Forest Conservator, Mandera County and Kenya Forest Service Headquarters, Nairobi.

Made on 13th June, 2023.

SOIPAN TUYA,  
*Cabinet Secretary Ministry of  
Environment, Climate Change and Forestry.*

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LEGAL NOTICE NO. 88

THE FOREST CONSERVATION AND MANAGEMENT ACT

(No. 34 of 2016)

DECLARATION OF FOREST AREA

GARRISA ARBORETUM AND TREE NURSERY

IN EXERCISE of the powers conferred by section 31(2) of the Forest Conservation and Management Act, the Cabinet Secretary for Environment and Forestry declares that the area described in the Schedule hereto be a forest area.

SCHEDULE

An area of land approximately 8.823 hectares (21.802 Acres), situated within Garissa Township, Garissa County the boundaries of which are more particularly delineated, edged green, on Boundary Plan

No. 175/522 which is signed and sealed with a seal of Survey of Kenya, and deposited at the Survey Records Office, Survey of Kenya, Nairobi and a copy of which may be inspected at the office of the County Forest Conservator, Garissa County and Kenya Forest Service Headquarters, Nairobi.

Made on 13th June, 2023.

SOIPAN TUYA,  
*Cabinet Secretary Ministry of  
Environment, Climate Change and Forestry.*

LEGAL NOTICE NO. 89

THE FOREST CONSERVATION AND MANAGEMENT ACT

(No. 34 of 2016)

DECLARATION OF FOREST AREA

WOTE TREE NURSERY AND ARBORETUM

IN EXERCISE of the powers conferred by section 31(2) of the Forest Conservation and Management Act, the Cabinet Secretary for Environment and Forestry declares that the area described in the Schedule hereto be a forest area.

SCHEDULE

WOTE TREE NURSERY AND ARBORETUM

An area of land approximately 1.917 hectares (4.736 Acres), situated within Wote Township, Makueni County the boundaries of which are more particularly delineated, edged green, on Boundary Plan No. 175/521 which is signed and sealed with a seal of Survey of Kenya, and deposited at the Survey Records Office, Survey of Kenya, Nairobi and a copy of which may be inspected at the office of the County Forest Conservator, Makueni County and Kenya Forest Service Headquarters, Nairobi.

Made on 13th June, 2023.

SOIPAN TUYA,  
*Cabinet Secretary Ministry of  
Environment, Climate Change and Forestry.*

LEGAL NOTICE NO. 90

THE FOREST CONSERVATION AND MANAGEMENT ACT

(No. 34 of 2016)

DECLARATION OF FOREST AREA

MASALANI FOREST TREE NURSERY

IN EXERCISE of the powers conferred by section 31(2) of the Forest Conservation and Management Act, the Cabinet Secretary for Environment and Forestry declares that the area described in the Schedule hereto be a forest area.

## SCHEDULE

An area of land approximately 1.484 hectares (3.667 Acres), situated within Masalani Township, Garissa County the boundaries of which are more particularly delineated, edged green, on Boundary Plan No. 175/523 which is signed and sealed with a seal of Survey of Kenya and deposited at the Survey Records Office, Survey of Kenya, Nairobi and a copy of which may be inspected at the office of the County Forest Conservator, Garissa County and Kenya Forest Service Headquarters, Nairobi.

Made on 13th June, 2023.

SOIPAN TUYA,  
*Cabinet Secretary Ministry of  
Environment, Climate Change and Forestry.*

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## LEGAL NOTICE No. 91

## THE FOREST CONSERVATION AND MANAGEMENT ACT

(No. 34 of 2016)

## DECLARATION OF CHETAMBE (WEBUYE) FOREST

IN EXERCISE of the powers conferred by section 31(2) of the Forest Conservation and Management Act, 2016 the Cabinet Secretary for Environment, Climate Change and Forestry declares that the area described in the Schedule hereto be a public forest area.

## SCHEDULE

An area of land approximately 105.96 hectares, situated approximately 25 Kilometers East of Bungoma town, Bungoma County, the boundaries of which are more particularly delineated, edged green, on Boundary Plan No. 175/516 which is signed and sealed with a seal of Survey of Kenya, and deposited at the Survey Records Office, Survey of Kenya, Nairobi and a copy of which may be inspected at the office of the County Forest Conservator, Bungoma and Kenya Forest Service Headquarters, Nairobi.

Made on 13th June, 2023.

SOIPAN TUYA,  
*Cabinet Secretary Ministry of  
Environment, Climate Change and Forestry.*

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## LEGAL NOTICE No. 92

## THE COMPETITION ACT

(No. 12 of 2010)

## EXCLUSION

THE ACQUISITION OF TNT EXPRESS N.V. BY FEDEX  
ACQUISITION B.V.

IN EXERCISE of the powers conferred by section 42(1) of the Competition Act, 2010, the Competition Authority excludes the



acquisition of TNT Express N.V. by Fedex Acquisition B.V. from the provisions of Part IV of the Act due to the following reasons—

- (a) the merger will not affect competition negatively;
- (b) the parties combined turnover, which is higher than the value of the assets, was KSh. 508, 093,648.96 for the preceding year; and
- (c) the transaction meets the threshold for exclusion as provided under the Competition (General) Rules, 2019.

Made on the 12th June, 2023.

ADANO W. ROBA,  
*Acting Director-General.*

LEGAL NOTICE NO. 93

### THE COMPETITION ACT

(No. 12 of 2010)

#### EXCLUSION

#### THE PROPOSED ACQUISITION OF CONTROL OF THE LSG GROUP BY AURELIUS INVESTMENT LUX ONE S.A.R.L

IN EXERCISE of the powers conferred by section 42(1) of the Competition Act, 2010, the Competition Authority excludes the proposed acquisition of control of the LSG Group by Aurelius Investment LUX One S.A.R.L from the provisions of Part IV of the Act due to the following reasons—

- (a) the merger will not affect competition negatively;
- (b) the acquirer had no assets in Kenya for the preceding year 2021, while the assets of the target were valued at KSh. 595,380,314;
- (c) the combined value of assets of the parties which is higher than the turnover was 595,380,314 which is above KSh. 500 million but less than KSh. 1 billion; and
- (d) the transaction meets the threshold for exclusion as provided under the Competition (General) Rules, 2019.

Made on the 7th June, 2023.

ADANO W. ROBA,  
*Acting Director-General.*