

1936

38270

CO 533/475

38270

KENYA

TRADERS LICENSING LEGISLATION

Previous

See 46513/561
+ 4036/532 C.A.

Subsequent

1937

R. 297

2/1/36

R. 302

4/12

Mr Peckin

5/12

Mr. G...

12/12

Mr. Pl...

5

Rev. 309

7

R. 299

9/12

R. 297

11/12

R. 303

11/12

C.D.

17/12

298

5/12

R. 297

C.I.

TRADERS

1. Board of Trade (C.R.T.) - 18/11/36
 To copy of despatch from H.M.s Trade Commr. in East Africa, regarding Bill to reduce fee for non-resident commercial travellers in Kenya from £20 for 3 months to £20 p.a., and suggest Gov. of Kenya be asked to examine suggestion made therein that provision should be made for issue of licences for short periods at reduced charge for travellers whose visits to the Colony necessitate residence of less than 3 months.

See (4) 40398/36
 46543/35 EA

2 D.O.T. (2323/34) - 1/12/36
 To copy of encl. to Trade Commr. despatch 4449 of 22/10/36 (enclosed - No. 1)

C.I. Taxation
 Commission
 1936

The Trade Commissioner in Kenya made representations to the Colonial Treasurer, Nairobi, on the 22nd of September for the reduction of the fee payable for a commercial traveller's licence under the Traders Licensing Ordinance. He pointed out that the licence fee payable by a Commission Agent or Manufacturer's Representative resident in the Colony was Sh. 300/- for twelve months, but that the fee payable by a commercial traveller was Sh. 400/- for three months. He asked:

- (a) that the cost of the commercial traveller's licence be reduced from Sh. 400 to Sh. 300/-, and
- (b) that the period of validity of such licence be extended from three months to six months.

On the 19th of October he wrote to the Treasurer again, saying that he had observed with pleasure that the Licensing Ordinance Bill published in the Gazette of the 3rd of October provided for a fee of £20 per annum or for any shorter period, for a commercial traveller's licence, and asked that special provision be made for a commercial traveller's licence of shorter duration, i.e. a licence available for a month at a fee of £3.10.0. The D.O.T. sent copies of the correspondence received from the

Trade Commissioner to the Board of Trade who wrote to us on the 18th of November, suggesting that the Governor of Kenya be asked to examine the Trade Commissioner's proposals sympathetically.

I should have thought that the Trade Commissioner's correspondence with the Treasurer was sufficient, but I send a copy of No. 1, with copies of the first and second enclosures, to the Governor of Kenya, by air mail, for his consideration, and inform the Board of Trade accordingly.

C. H. Rowland
4/12/36

Internal A/T. Stamp up today and check what is being on this. I mentioned that we had had difficulty to get the first story because the electronic to No. 1 was not complete & had after trying their best to get for them from the Govt. (see doc)

C.H. 4/12

I still have thought that, for the reasons given in the Board's letter of 22/3 to the Treasurer, Kenya was bound to gain by this measure.

as proposed

J. J. Panni

400 → Better send all encs to nos. 1.
Otherwise I quite agree.

20.11.36

5 done

E. J. Panni

5/12

Air Mail 3

So Kenya 976 - was

(supp. 17 encls. 9 encls)

to 2

C.D.
14 DEC
17

4

to A/T. (supp. 5)

HP

19 DEC 1936

7 DEC 1936

8/12/36

382-20736

C. O.

Mr. Swinburn 7/12
Mr. Parkin 7/12
Mr. [unclear] 1931 file 3

Sir C. Parkinson
Sir G. Tomlinson
Sir C. Boltonley
Sir J. Shuckburgh
Permi. U.S. of S.
Parly. U.S. of S.
Secretary of State.

AIR MAIL

DEC 7 1931

7 December 1931

DRAFT

Kenya
No 976
on

I have the pleasure to transmit to you for your consideration a copy of a letter from the Board of Trade in support of a suggestion of the Kenya Trade Commission in East Africa that provision should be made in the revised Kenya traders' licensing legislation for short term licences to Commercial Travellers at reduced fees.

From [unclear] 12/11/31
including copy of the
encl. to No 2

FURTHER ACTION.

Copy to [unclear]
Ref. 1.

2. I shall be obliged should you be able to learn in the course of the year whether it has been found possible to adopt the Board's suggestion.

(Signed) W. ORMSBY GORE.

Have etc.

15/10/35
Recd.

THE Comptroller-General of the Department of Overseas Trade
presents his compliments to **The Under Secretary of State,
Colonial Office.**

and transmits herewith copy of the undermentioned paper for
information and retention.

Department of Overseas Trade

35, Old Queen Street, S.W.1

RECEIVED
2 DEC 1936

DEC 1936, 193

Reference to previous letter:

Letter from to D.O.T. dated reference

Description of Enclosure.

Name and Date.

Subject.

H.M. Trade Commissioner.

Nairobi.

O.T. 916.

19 .10.36.

Reduction in amount of licence

fee.

Copy also sent to:—

30
H.M. TRADE COMMISSIONER'S OFFICE,

P. O. Box 280,

NAIROBI,

19th October, 1936.

214/36

DB/MF

Sir,

I have the honour to refer to my letter No. 825/36 of the 22nd September on the subject of the revised Traders' Licensing Ordinance, and to state that I have observed with pleasure, from the published Bill in the Official Gazette of the 3rd October, the Government's proposal to reduce the amount of the licence fee to be payable by a Commercial Traveller (Paragraph 4 (b)) from Sh.400/- for a period of three months to a sum of Sh.240/- per annum, or any shorter period. This reduction will be appreciated by United Kingdom firms whose travelling representatives make protracted visits to this Colony from time to time.

I have recently had under consideration a Bill, published in the Special Supplement to the Tanganyika Gazette of the 25th September, to amend the Trades Licensing Ordinance of that Territory, and I observe from Paragraph 4 (iv) of that document, that the Government of Tanganyika propose to provide for the payment of a reduced fee for licences taken out by Commercial Travellers for a period of one month. The fee which it is proposed to charge in that Territory are Sh.240/- for a period of one month, Sh.40/-.

It is realised that differing local conditions in the three East African territories often preclude the possibility of complete uniformity, at any rate in the scale of charges levied by the respective Governments in matters of this kind, but I should be very grateful if the possibility of attaining uniformity of principle in this particular instance could be considered.

Commercial travellers whose visits to Kenya involve a total residence here beyond the period of three months from the date of their licences, as provided in the existing legislation, will welcome the change now proposed in the new Bill, but others whose visits are of shorter duration will still not benefit under the proposed alteration, being still liable for a fee of Sh.400/- however short their stay.

In the interests of these Commercial Travellers, who form probably the bulk of this class of visitor, I would earnestly request that, when the details of this Bill are under consideration, it may be found possible to introduce some provision similar to that referred to in the case of the Tanganyika legislation, making possible the issue of short-term licences to Commercial Travellers at reduced fees, and in this connection I would tentatively suggest a charge of Sh.70/- for a period of one month.

I have the honour to be, Sir,
Your obedient servant,
(Sgd.) D. BROAD,
Officer-in-Charge.

Handls
The Treasurer,
The Treasury,
Nairobi.

Any further communication should be addressed to:-

THE ASSISTANT SECRETARY,

at the address given opposite.

The following letters and number should be quoted:-

C.R.T. 14603/36.

Telegraphic Address:
COLASTA, PARL, LONDON.

Telephone No.: Whitehall 5140.

**COMMERCIAL RELATIONS AND TREATIES
DEPARTMENT,
BOARD OF TRADE,
GREAT GEORGE STREET,
LONDON, S.W.1.**



**RECEIVED
19 NOV 1936
G.O. REQY**

18th November, 1936.

Sir,

I am directed by the Board of Trade to state that their attention has been drawn by despatches from His Majesty's Trade Commissioner in East Africa, copies of which are enclosed, to a Bill to reduce the fee for non-resident commercial travellers in Kenya from £20 for 3 months to £20 per annum. It will be observed that the Trade Commissioner has represented to the Hon. Treasurer of the Colony that provision should be made for the issue of licenses for short periods at reduced charges for commercial travellers whose visits to the Colony necessitate a residence of less than 3 months.

I am to suggest that, if the Secretary of State concurs, the Governor of Kenya should be asked to examine sympathetically the suggestion made by His Majesty's Trade Commissioner.

The Under-Secretary of State,
Colonial Office,
S.W. 1.

Copy (M) to the Secy

C.O

QOPY 23237/34

H.M. Trade Commissioner in East Africa,
Memorial Hall,
Nairobi, Kenya.

BY AIR MAIL

DB/MF

22nd October, 1936.

No. 443 (E.A.)

Sir,

I have to refer to my despatch No. 404 (E.A.) of the 1st October regarding the action taken by me in connection with the proposed new Traders Licensing Ordinance, and in this connection to draw your attention to General Notice No. 611, appearing on page 1011 of the Special Issue of the Kenya Official Gazette dated the 3rd October.

2. It will be observed from paragraph 6 (b) of the Bill that it is proposed to reduce the fee for a Commercial Traveller's Licence from Sh. 400/- for a period of 3 months, to Sh. 400/- per annum or for any shorter period. While this proposed reduction represents a considerable concession to those commercial travellers whose visits to this country necessitate a residence over a total period exceeding 3 months, it still confers no benefits on travellers whose stay is of shorter duration.

3. On comparing the Kenya Bill with similar legislation to be introduced by the Tanganyika Government, I observed that the latter were making provision for the issue of licences for short periods at reduced charges for commercial visitors of this class. I accordingly addressed another letter (a copy of which is attached), to the Treasurer of Kenya, in an endeavour to secure some similar facility in this Colony.

4. I understand that the Bill will be before Legislative Council in the course of the next few weeks, and a further communication will be addressed to the Department in due course notifying the result of my application.

I am, Sir,

Your obedient Servant,

(Sgd) D. Broad,

Officer-in-Charge.

The Comptroller-General,
Department of Overseas Trade,
London, S.W. 1.

34
MV

23237/34
COPY.

H.M. Trade Commissioner in East Africa,
Memorial Hall,

Nairobi,

Kenya.

DB/MF.

1st October, 1936.

No. 404 (E.A.)

Sir,

I have to refer to correspondence leading up to the Department's cable No. 14 of the 18th December, 1934, regarding Traders' Licences, and to enclose, for your information, copy of a letter addressed to the Hon. Treasurer of Kenya requesting consideration of the possibility of a reduction in the amount of the licence fee required to be paid by a commercial traveller - i.e. a non-resident representative of an overseas firm who solicits orders in this Colony.

I am, Sir,

Your obedient Servant,

(Sgd) D. Broad,

Officer-in-Charge.

The Comptroller-General,
Department of Overseas Trade,
London, S.W. 1.

34
COPY

825/36

DB/MF

22nd September, 1936.

Sir,

I have the honour to refer to the Traders' Licensing Ordinance, which I understand will shortly be under review.

2. My present interest is in the amount of the licence fee payable by a Commercial Traveller, described in that Ordinance as one who, not being ordinarily resident in this Colony, solicits orders for goods on behalf of other persons. At present the cost of a licence for this class of business is Sh.400/- for 3 months, as compared with a cost of Sh.300/- for 12 months in the case of a Commission Agent or Manufacturers' Representative resident in the Colony.

3. As you are aware, there are a number of business visitors from the United Kingdom to Kenya in the class first mentioned above. They represent, in many cases, firms who employ this means of investigating the market possibilities of this Colony with a view to appointing resident agents eventually, should the prospects be sufficiently attractive. Many of these visitors call at Kenya on their outward journey to South Africa and elsewhere, and again on their return journey some time later. Thus they would often become liable for two payments of Sh.400/- each, although they would not in fact spend as long as three months in all in the Colony.

4. It is the policy of my Department to encourage United Kingdom manufacturers to pay personal visits to overseas markets and there are doubtless many, especially smaller, firms who contemplate such visits to Kenya as a result of such encouragement, but are deterred by the cost involved in relation to the problematical return in terms of orders booked.

5. It is in the interests of such firms, many of whom would doubtless be able to compete satisfactorily in this market on a basis of mutual advantage to manufacturer, agent and consumer, that I would ask your sympathetic consideration of the possibility of reducing the amount of this licence fee.

6. While not intending to draw any parallel, the following instances of licences in other parts of the British Empire might perhaps be mentioned. In the Union of South Africa a non-resident agent of a foreign firm is required to pay a fee of £10 for three months or £20 per annum as compared with £5 or £10 respectively in the case of a resident agent (3 years is taken as the qualifying period for "residence"). In Trinidad and Tobago, to turn to a smaller colonial territory, the fees for non-resident and resident agents are respectively 50 dollars and 15 dollars per annum.

7. The visits of commercial travellers of the class under consideration may fairly be assumed to result in increased importation into the Colony, with its attendant increased Customs Revenue; it must be admitted, also, that their visits result, in the aggregate, in a not inconsiderable

/Personal

personal and incidental expenditure whilst here. The better understanding of the Colony's requirements and local conditions, which they derive from a personal visit, are still further reasons for facilitating as far as is practicable the influx of commercial visitors.

8. Considerable stress has been laid, by certain of the local commercial community, on the allegation that many visitors of this type have not in the past paid the licence fees for which they are liable. Indeed this is often advanced, somewhat unreasonably, as an argument for maintaining the fee at its present high rate, but it is one which, I imagine, Government should not accept as it implies an untenable principle.

9. I should, therefore, be very grateful if consideration could be given to the foregoing aspects of the question when the Ordinance is under review, with particular regard to the following suggestions:

- (a) That the cost of the Commercial Traveller's Licence be reduced from Sh.400/- to Sh.200/-, and
- (b) That the period of validity of such licence be extended from three months to six months.

Should it prove impracticable to accede to (a) above, it would be greatly appreciated if (b) could be conceded, thereby removing an obstacle from the path of those United Kingdom firms whose representatives, as mentioned in my third paragraph, consider this Colony of sufficient importance commercially to justify more than one brief visit.

I have the honour to be,

Sir,

Your obedient Servant,

(Sgd) D. Broad,

Officer-in-Charge.

The Hon'ble The Treasurer,
The Treasury,
Nairobi.