



LEGAL NOTICE NO.....

STANDARDS ACT, 1974

Cap 496

PROPOSED STANDARDS LEVY ORDER, 2023

ARRANGEMENT OF THE ORDER

Order

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STANDARDS ACT, 1974
Cap 496

IN EXERCISE of the powers conferred by Section 10B of the Standards Act, 1974 the Cabinet Secretary for Investments, Trade and Industry makes the following Order—

THE STANDARDS (STANDARDS LEVY) ORDER, 2023

Citation.	1. This Order may be cited as the Standards (Standards Levy) Order, 2023.
Interpretation.	2. In these Order, unless the context otherwise requires—
	“ classes of industry ” means any of the activities and services as specified in the Second Schedule;
	“ levy, ” means the charge payable in terms of order 3;
	“ manufacturer, ” means any person, or persons, who engages in the process of manufacture in terms of section 2 of the Act;
	“ turnover ” means volume of sales;
	“ Penalty ” means the sum of five percent added to levy due pursuant to Section 10B(3) of the Act.
Levy	3. (1) A manufacturer shall, subject to the provisions of Section 10B of the Act, pay, a levy recoverable at source, at the rate of zero point two percent of the turnover in respect of manufacture undertaken each month net of Value Added Tax, Excise Duty and discounts. (2) The levy under paragraph (1) is subject to a maximum of Kenya Shillings Six Million per year.
Exemption	4. The provisions of these Order shall not apply to a manufacturer whose turnover does not exceed Kenya Shillings Five Million per annum.
Liability for non-payment of any sum due.	5. (1) Any person who fails to pay any amount payable under Order 3 within the prescribed time shall be liable to pay a penalty pursuant to Section 10B(3) of the Act (2) Non-payment of any sum due under these Order shall be deemed to be a civil debt recoverable summarily by the Director or a person duly authorized by him.

Waiver of Penalty	6. (1) A person liable to a penalty under Order 5 may apply in writing to the Director for the waiver of the penalty.
	(2) The Director, upon the advice of the Council, may waive in whole or in part any penalty due from any manufacturer for any period of time upon fulfilment of the following conditions:
	a. The Applicant has a demonstrated history of compliance with levy payment;
	b. The Applicant provides justifiable reasons for non-payment supported by evidence; and
	c. The Applicant demonstrates readiness to settle the principal amount owing.
	(3) The Director shall maintain a record of each waiver granted together with the reasons for the waiver.
Notification	7. (1) A person who manufactures or intends to manufacture within any class of industry as specified in the Second Schedule shall notify the Director, in the form set out in Form SL. 1 in the First Schedule.
	(2) Failure to notify the Director as aforesaid shall not affect the obligation of a manufacturer to pay the levy in terms of this Order.
Register of manufacturers	8. The Director shall maintain or cause to be maintained a register of all manufacturers.
Levy Compliance Certificate	9. (1) A manufacturer may apply to the Director for a levy compliance certificate.
	(2) The Director shall issue a levy compliance certificate, at no cost, which shall be valid for a period of one year from the date of issue upon the applicant fulfilling the requirements of these Order.
	(3) The Director may revoke a levy compliance certificate issued under these Order, if the Director determines that the person—
	(a) has failed to honour a demand for Levy issued by the Director; or

	(b) has violated the provisions of the Act.
	(4) The Director shall grant a fair hearing to a person to whom (3) above applies.
Maintenance of records by manufacturers	10. (1) Every manufacturer shall maintain or cause to be maintained monthly records in the Standards Levy Return Form in the format set out in Form SL. 2 in the First Schedule.
	(2) Every manufacturer shall in accordance with these Order maintain records relating to their turnover, taxes and discounts.
	(3) Every manufacturer shall pay the levy by transmitting to the Director Form SL. 2 duly completed together with the amount of the levy on or before the twentieth day of the succeeding month.
Revocation <i>L.N 267/1990</i>	11. (1) The Standards Levy Order, 1990 is revoked.
	(2) Despite provisions of Paragraph (1), any authorization, charge, fee, or certificate in force at the commencement of these Order shall until expiry have effect as if issued or paid under this Order.
	(3) Any proceedings taken under the revoked Order or pending immediately before the commencement of this Order shall continue under the revoked Order.

FIRST SCHEDULE

FORM SL. 1: STANDARDS LEVY NOTIFICATION FORM
[r.7(1)]

To
The Director, **Registration No.**.....
Kenya Bureau of Standards, (1) Companies Act:
P.O. Box 54974 -00200 (2)Co-operative:
Nairobi. (3) Business Name:
(4) Partnership:

Name of Business.....
Physical address.....

Address
Telephone No.
Admin. Location
Email

KRA PIN No.....

Name and address of proprietor or partners; and in the case of companies, the Chief Executive and Directors.

Class(es) of industry (*as per Second Schedule*)
.....
.....

All commodities manufactured or to be manufactured (where applicable).
.....
.....

Date upon which manufacture commenced or will commence..... 20
Total turnover in the last calendar year KShs

If applicant has branches operating, give name and address of branches.....
.....
.....

Signature Name and Designation of the Signing Officer

Date of Application: _____

FORM SL. 2: STANDARDS LEVY RETURN

[R.10(1),10(3)]

1. Name of Firm.....

Address

Telephone No.

Entry No.

2. Period covered by this return from, 20..... to, 20

3	4	5	6	7
Class of industry	Total Turnover in Ksh	Rate of Levy	Total Levy payable Ksh	Amount Paid

I,, hereby certify that the information in this return is true,
correct and complete.

.....
Signature and position
(Company stamp)



**Kenya Bureau of
Standards**

Standards for Quality life

Certificate No:.....

Date:

CERTIFICATE OF COMPLIANCE

this is to certify that

Company name: Pin of entry number (.....)

is complaint in respect of the standards act no. 496 of 2012 with provisions of standards levy order of 2023 for the period up to and including 30th June 20xx.

this certificate has been issued based on information available at the time of issue. Kenya Bureau of Standards reserves the right to withdraw the certificate if new evidence materially affects the compliance status of the recipient.

DISCLAIMER: THIS CERTIFICATE IS SYSTEM ISSUED AND DOES NOT REQUIRE A SIGNATURE

To confirm the authenticity of this certificate verify using the APP

SECOND SCHEDULE

CLASSES OF INDUSTRY

[Rule 7(1)]

The list below is for guidance purposes only and is not to be construed to override the definition in Section 2 of the Act.

BUILDING AND CONSTRUCTION

1. Construction and repair of roads
2. Construction of bridges
3. Waterways, sewers and drainage construction, repair, and renovations
4. Construction, alteration, and renovation of buildings
5. Construction and installation of irrigation systems
6. Drilling of borehole
7. Construction of dams
8. Earth and excavation works
9. Masonry and concrete works
10. Flooring, roofing, glazing and timber works
11. Interior design and painting works
12. Plumbing and water proofing works
13. Ceramics and natural stones works
14. Aluminum works, steel works and fabrications
15. Lift and elevators installation
16. Partitioning and ceilings installation
17. Woodwork and furniture making
18. Construction and installation of fences and security systems
19. Quarrying and mining
20. Manufacturing of construction materials and components
21. Saw milling
22. Gemstone cutting, processing of gems and precious stones
23. Mining and semi precious stones and materials

TEXTILES MANUFACTURERS

1. Extraction of Fibres (plant, synthetics, animal, blended)
2. spinning, knitting Weaving, embroidery,
3. Textiles and apparels making
4. Dyeing and printing
5. Hides and skins processors
6. Leather processing
7. Leather products manufacturing
8. Dry-cleaning
9. Footwear manufacturing
10. Handbags, wallets, purses making

MECHANICAL ENGINEERING

1. Assemblers
2. Crankshaft grinding
3. Panel beating and spray painting
4. General repair and maintenance
5. Metal works
6. Containers and tanks
7. Garages
8. Lift assemblers and maintenance firms
9. Body builders
10. Spare parts manufacturers/re conditioning/engraves
11. Steel plants, Steam boilers and gas installation
12. Refrigeration and air conditioning
13. Fuel pump installation
14. Highway control materials

ELECTRICAL ENGINEERING

1. Power generation, installation, and distribution
2. Electrical and electronic equipment
3. Telephone equipment wiring, installation and maintenance
4. Electrical rewinding and repairs
5. Alarm, CCTV, and electric fencing installation,
6. Air conditioning, refrigeration, and ventilation
7. Electrical communication, installation fitting and wiring
8. Lift installation and elevators
9. Electronic communication installation
10. Computer engineering installation, repair, and maintenance
11. Software development
12. Network and fiber installation
13. Medical and laboratory equipment installation
14. Electrical works, installation fitting and wiring
15. Airconditioning works

FOOD AND AGRICULTURE

1. Prepackaged foods
2. Fresh fruits and vegetables
3. Flowers and ornamentals
4. Abattoirs and meat processing
5. Bulk food processing
6. Animal feeds
7. Fish/sea foods products
8. Jaggeries
9. Coffee/tea processing
10. Bakeries, confectioners, and food compounders

11. Millers
12. Tobacco and related products

CHEMICALS

1. Petroleum, gas, coal, and related products
2. Water treatment and filtration works
3. Agricultural chemicals and fertilizers and re-packing of the same
4. Paint and solvents
5. Pulp, paper, and paper products
6. Organic and inorganic chemicals and compounds
7. Glass products
8. Rubber
9. Adhesives
10. Polishes and waxes
11. Polymer and polymer products
12. Cinematography photographic studios
13. Cosmetics and beauty products
14. Pharmaceuticals and medical devices
15. Advertising and sales promotion material design and production
16. Printing, publishing, and screen printing
17. Soaps, detergents, bleaches, and disinfectants
18. Ceramics
19. Medical, analytical, and industrial gas