



Kenya Medical Association

NATIONAL EXECUTIVE

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REF: KMA/NEC./SINGLE BUSINESS PERMIT

28th September, 2020

TO
CHIEF EXECUTIVE OFFICER,
COUNCIL OF GOVERNORS
WESTLANDS DELTA HOUSE
2nd FLOOR, WAIYAKI WAY

Dear Ms Jacqueline Mogeni,

RE: SINGLE BUSINESS PERMITS FOR PROFESSIONALS - ADVISORY

The above subject matter and your letter dated 28th September 2020 refer, REF: COG/6/50/1A vo. 9(62). Single business permit as the matter has been litigated and decided several times and **your position would constitute potential contempt of court.**

The Constitutional Petition No. 97 of 2016, Kenya Pharmaceutical Association v. The Nairobi City Council did not invalidate the numerous Single Business Permit of Professionals to their Regulatory Bodies. To quote the judgement:

“35. In conclusion, I find that functions of County Governments include Trade Development and regulation (**Excluding regulation of professions**). As stated earlier, pharmacy is a profession but to the extent that it also involves selling of pharmaceutical products, it is a trade as opposed to professions such as law and architecture which render services only. By being asked to pay Trade licenses for their business premises, the County Governments cannot in any manner be said to be regulating or controlling the profession.”

This judgement applies to pharmacies and premises that sell other thing and NOT DOCTORS' CLINICS.

Moreover, the High Court. Of Kenya at Nyandarua, **Judicial Review 8 of 2017** put it even more succinctly:

In the end, I come to the conclusion that by demanding single business permit from the applicants (save for Pharmacists), the same is oppressive and the respondents are acting outside their powers. I therefore grant the orders as prayed:-

i. An order of certiorari to call into this court and hereby quash the decision of the respondents having single business permit from the members of the medical profession within Nyandarua County except for pharmacists.

ii. **I also grant an order of prohibition to bar the respondents for implementing their decision to levy single business permit from members of medical professional within Nyandarua County except for pharmacists.**

I have attached the. Judicial Review 8 of 2017 for your perusal and information to the County Governments.

This is to ask the County Governments to stop harassing professionals on the issue of Single Business Permit. The Kenya Medical Association will not hesitate to take your office to court should the County Government officers continue harassing its members illegally.

Signed



Scanned with CamScanner
Dr. Were Onyino
President

All Excellency Governors
All County Executive Committee Members in Charge of Trade
All County Executive Committee Members in Charge of Health
All County Attorneys
Attorney General of the Republic of Kenya
KMPDC