

GAZETTE NOTICE NO. 11215

**THE EAST AFRICAN COMMUNITY CUSTOMS
MANAGEMENT ACT, 2004**

CONDITIONS FOR APPOINTMENT OF 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, 2006, the Commissioner of Customs Services 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. The applicant shall give prior notice in writing to the Commissioner of Customs Services of their intention to develop a Transit Shed and obtain necessary approval, before commencement of such development.
2. The proposed Transit Shed shall fulfill the following conditions:
 - a) only be located in plots of not less than 2.5 hectares, provided that this requirement shall not apply to transit sheds appointed before 12th June ,2003;
 - b) have a railway siding in case of transit sheds handling goods imported by sea and be located close to a main road or thoroughfare;
 - c) be located not more than one kilometre 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 shed shall not be used for handling transit or transshipment goods;
 - f) Have its entire surface area properly paved and fully compacted with suitable materials, preferably paving blocks;
 - g) its surface area enclosed by a perimeter stone wall of a height of not less than three metres from the ground with an electric fence fitted on the top of the wall;
 - h) floodlights installed to light up its entire surface area;
 - i) provision of suitable office accommodation for Kenya Revenue Authority officers including proper sanitation facilities for use by the officers and other authorized users of the facility;
 - j) the office provided should 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 (KRA) and facilities for electronic tracking of all the goods imported into the shed including an electronic gate pass system that can be linked to the SIMBA system;
 - l) a building, of not less than 3,000 square feet, suitable for use as a customs warehouse;

- m) provision of separate facilities, including loading and offloading facilities, for the verification of imports;
 - n) inspection facilities and an all-weather verification bay;
 - o) dedicated and specially designed motor vehicle inspection facility;
 - p) surveillance cameras and a suitable facility to accommodate mobile cargo scanning equipment;
3. Transit Sheds located near busy roads or thoroughfares shall have adequate parking yards that are consistent with local authorities' by-laws.
 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 outstanding tax liabilities.
 5. An application for appointment to operate a Transit Shed shall be made in the prescribed form and shall be submitted together with the following:
 - a) relevant architectural drawings showing its situation in relation to other developments or thoroughfares; and
 - b) a statutory fee of one thousand five hundred dollars.
 6. Upon being appointed to operate a Transit Shed, the operator shall execute a security bond to cover the duties on the goods deposited therein as the Commissioner may determine.
 7. Before additional facilities are considered for gazettelement, the number of gazetted Transit Sheds, increase in cargo volumes on an annual basis, of such sheds and the location of such facilities including the necessary approvals from the relevant local authority will be key considerations.
 8. No new application will be approved in respect of an applicant already gazetted, to operate another transit shed within the same municipality.
 9. The Commissioner may revoke the appointment of any Transit Shed whose average monthly revenue payments in a calendar year, is less than one hundred million shillings.
 10. All transit sheds gazetted prior to the publication of this notice shall be required to comply with the provisions of this Notice by or on 31st December, 2011.

Gazette Notice No.3815 of 2003, is revoked.

Dated the 20th September, 2010.

WAMBUI NAMU,
Commissioner of Customs Services.