

(Legislative Supplement No. 20)

LEGAL NOTICE NO. 39

THE COPYRIGHT ACT, 2001

(No. 12 of 2001)

JOINT COLLECTION TARIFFS

IN EXERCISE of the powers conferred by section 46A (a) of the Copyright Act, 2001, the Cabinet Secretary for ICT, Innovation and Youth Affairs approves the joint collection tariffs set out in the Schedule hereto and revokes the Joint Collection Tariffs issued under Legal Notice No. 107 of 2019.

SCHEDULE

Tariff No.	Category	Parameters	Classification	Consolidated Sound Recording and Audio-Visual Tariff
KPM – 01	Aircraft	Seating capacity	Charge per passenger seat per annum subject minimum annual fee of Sh. 20,000 per annum	Sh. 750
KPM – 02	Amusement parks, arcades and fairgrounds	Flat rate per class	Nairobi, Mombasa, Kisumu	Sh. 37,500
			County headquarters	Sh. 25,000
			All other areas	Sh. 12,500
KPM – 03	Professional training programmes, dance schools, disc jockey academies and music schools	Flat rate	Annual	Sh. 7,500
KPM – 04	Cinemas	Flat rate per cinema theatre	Annual	Sh. 50,000
KPM – 05	Private members' clubs	Flat rate	Nairobi, Mombasa, Kisumu	Sh. 60,000
			County headquarters	Sh. 30,000
KPM – 06	Discotheques and dance halls	Flat rate	Nairobi, Mombasa, Kisumu	Sh. 75,000

Tariff No.	Category	Parameters	Classification	Consolidated Sound Recording and Audio-Visual Tariff
			County headquarters	Sh. 45,000
			All other areas	Sh. 30,000
KPM – 07	Exhibition of video shows	Flat rate	Per hall	Sh. 5,000
KPM – 08	Hotels, motels, lodgings, serviced apartments and similar accommodation establishments including game lodges, restaurants, bars and similar establishments	Percentage of Single Business Permit and Liquor Licence subject to a minimum of Sh. 8,000	Per unit	35% of the sum of the cost of Single Business Permit and Liquor Licence or 65% of the cost of a Single Business Permit where there is no Liquor Licence
KPM – 09	Private hospitals and other similar hospitals and medical facilities	Flat rate per unit	Level 1 and 2 hospitals	Sh. 35,000
			Level 3 and 4 hospitals	Sh. 60,000
			Level 5 hospitals	Sh. 100,000
			Clinics	Sh. 12,500
KPM – 10	Mobile disc jockeys	Flat rate or per event	Per disc jockey (Annual)	Sh. 10,000
			Per disc jockey (Per event)	Sh. 750
KPM – 11	Motor vehicles – commercial vehicles, public service vehicles, tourist service vehicles, taxi cabs and car hire for public use	Flat rate per cluster of seating capacity and per passenger seat	1 to 5 seaters including taxi cabs	Sh. 2,500
			6 to 14 seaters	Sh. 4,000
			15 to 33 seaters	Sh. 6,250
			34 seaters and larger capacity vehicles	Sh. 10,000
			Motorcycles and tuk tuk taxi cabs	Sh. 300
KPM – 12	Concerts and live events	Flat rate per concert	Nairobi, Mombasa, Kisumu	Sh. 75,000
			County headquarters	Sh. 35,000
			All other areas	Sh. 20,000

Tariff No.	Category	Parameters	Classification	Consolidated Sound Recording and Audio-Visual Tariff
KPM – 13	Roadshows	Per event	Using trucks	Sh. 31,250
		Per event	Using other vehicles	Sh. 6,250
		Annual	Corporate	Sh. 562,500
		Annual	Others	Sh. 125,000
KPM – 14	Other promotional activities	Entity per day	Corporate	Sh. 25,000
			Others	Sh. 12,500
KPM – 15	Halls, gyms, showrooms, banking halls, waiting rooms, offices, staff canteens, workshops and similar establishments	Flat rate	Nairobi, Mombasa, Kisumu	Sh. 25,000
			County headquarters	Sh. 15,000
			Other areas	Sh. 10,000
KPM – 16	Hairdressing salons, barber shops, shop stores and similar establishments	Flat rate	Nairobi, Mombasa, Kisumu	Sh. 4,000
			County headquarters	Sh. 2,500
			Other areas	Sh. 1,500
KPM – 17	Broadcasting (radio and television)	Flat rate	Commercial (National – Radio)	Sh. 960,000
			Commercial (National – Television)	Sh. 600,000
			Commercial (Regional – Radio)	Sh. 480,000
			Commercial (Regional – Television)	Sh. 160,000
			Non-commercial (National – Radio)	Sh. 350,000
			Non-commercial (National – Television)	Sh. 100,000
			Non-commercial (Regional – Radio)	Sh. 100,000
			Non-commercial	Sh. 50,000

Tariff No.	Category	Parameters	Classification	Consolidated Sound Recording and Audio-Visual Tariff	
			(Regional – television)		
			Digital broadcasters (Radio)	Sh. 120,000	
			Digital broadcasters (Television)	Sh. 100,000	
			Institutional/educational (Radio)	Sh. 50,000	
			Institutional/educational (Television)	Sh. 20,000	
			Community (Radio)	Sh. 20,000	
			Community (Television)	Sh. 10,000	
KPM – 18 ALT	Broadcasting (radio and television)	Per song per play		Sh. 10	
KPM – 19	Supermarkets and large shopping malls and similar establishments	Flat rate and size per branch	Nairobi, Mombasa, Kisumu	Mini	Sh. 25,000
				Medium	Sh. 60,000
				Hyper	Sh. 300,000
			Other areas	Mini	Sh. 15,000
				Medium	Sh. 40,000
KPM – 20	Jukeboxes	Flat rate per machine per annum		Sh. 10,950	

GENERAL RULES

1. The licenses shall be payable annually (calendar year) with joint invoices being payable within one month of issue. Invoices shall be issued as they arise or within the first quarter of the calendar year.
2. A license shall be valid for one year from the date of issue.
3. The penalty for non-compliance shall be 5% of the tariff compounded for the period it remains unpaid.
4. For counties that do not have approved licenses, the users shall be charged a fixed license fee of ten thousand shillings.
5. There shall be a levy for supermarkets for sections that display visual without music or for electronics testing.

6. In the case of disc jockeys, the primary liability to pay shall belong to the organisation that causes the public performance of music. The tariff shall only include disc jockeys in unlicensed premises and exclude resident disc jockeys, teaching disc jockeys and disc jockeys at events held at places of worship.

7. For the purposes of broadcasters, national broadcasters shall be those with more than five radio or television frequencies.

8. The audio-visual tariff shall include actors.

9. The license shall not apply to charitable events or fundraisers.

10. Where a person who has been issued with a Single Business Permit is required to obtain more than one music license, that person shall pay for one music license of the higher value.

11. The levies may be paid in instalments upon the request of a user.

12. For public service vehicles and similar licensees, the license shall only be required if there is enhancement for the purposes of enjoyment of music.

Dated the 20th March, 2020.

JOE MUCHERU,
*Cabinet Secretary for ICT,
Innovation and Youth Affairs.*