second columns, respectively, of the Schedule hereto, at rates specified in relation thereto in the third column of that Schedule.

4. Payment in respect of the levy shall be received by the Kenya Revenue Authority.

5. (1) The Kenya Revenue Authority shall on or before the thirtieth day of each month remit to the Director-General the levy collected in respect of the immediately preceding month.

(2) The Kenya Revenue Authority shall maintain or cause to be maintained monthly records of the total quantity of petroleum products sold and the levy payable in respect thereof, and shall submit such records together with the levy remitted under subparagraph (1).

6. The Commission shall keep accounts and records of its transactions and ensure that all monies received by it through the levy are properly brought to account, and shall submit to the Minister its annual audited accounts.

SCHEDULE

<table>
<thead>
<tr>
<th>Tariff Code</th>
<th>Description</th>
<th>Rates of Levy KSh.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2110:11:10</td>
<td>Motor spirit (gasoline) regular</td>
<td>50.00 per 1,000 litres at 20°C</td>
</tr>
<tr>
<td>2710:11:20</td>
<td>Motor spirit (gasoline), premium</td>
<td>50.00 per 1,000 litres at 20°C</td>
</tr>
<tr>
<td>2710:19:21</td>
<td>Diesel oil (industrial, heavy, black for low speed marine and stationary engines)</td>
<td>50.00 per 1,000 litres at 20°C</td>
</tr>
<tr>
<td>2710:19:22</td>
<td>Kerosine</td>
<td>50.00 per 1,000 litres at 20°C</td>
</tr>
<tr>
<td>2710:19:31</td>
<td>Automotive gas oil</td>
<td>40.00 per 1,000 litres at 20°C</td>
</tr>
</tbody>
</table>

Dated the 26th June, 2008.

KIRAITU MURUNGI,
Minister for Energy.

LEGAL NOTICE NO. 92

THE ENERGY ACT

(No. 12 of 2006)

IN EXERCISE of the powers conferred by sections 78 and 79 of the Energy Act, 2006, the Minister for Energy makes the following Order:

THE ENERGY (RURAL ELECTRIFICATION PROGRAMME FUND) ORDER, 2008

1. This Order may be cited as the Energy (Rural Electrification Programme Fund) Order, 2008, and shall come into operation on 1st July, 2008.
2. In this Order, unless the context otherwise requires—

"Authority" means the Rural Electrification Authority established under section 69 of the Act;

"Board" means the Board of Directors of the Authority established under section 68 of the Act;

"Fund" means the Rural Electrification Fund established by paragraph 5;

"levy" means the Rural Electrification Programme Levy imposed under paragraph 3; and

"licensed distributor" means a person licensed by the Energy Regulatory Commission in accordance with the requirements of section 27 of the Act.

3. There is imposed a levy to be known as the Rural Electrification Programme Levy which shall comprise five per centum of all electricity consumed in the country.

4. (1) A licensed distributor shall be a remitter for purposes of collecting the levy.

(2) A licensed distributor shall, on or before the last day of each month, remit to the Authority, the amount received by way of the levy during the immediately preceding month.

(3) A licensed distributor shall maintain or cause to be maintained a monthly record of the sales of electrical energy and levy received in respect thereof and make available for inspection by the Authority in accordance with paragraph 12.

(4) If a licensed distributor fails to remit any amount due and payable by way of the levy on or before the date prescribed in subparagraph (2) a sum equal to three per centum of the amount shall be added to the amount due for each month or part thereof during which any amount due remains unpaid.

5. There is established a Fund to be known as the Rural Electrification Programme Fund.

6. The object and purpose for which the Fund is established shall be to finance provision of electricity to—

(a) rural areas; and

(b) other areas considered economically unviable for electrification by licensees;

7. The sources of the Fund are as provided under section 79 (2) of the Act.

8. The Authority shall open a special account into which all monies due to the Fund shall be paid.

9. There shall be paid out of the Fund such monies as the Board may, from time to time, approve for purposes of the programme and for the design, construction, equipment for rural electrification projects, to
a licensed distributor or to such other contractor as the Board may consider appropriate for the area in which the project is carried out.

10. The activities or undertakings financed by the Fund shall be on the basis of annual work programmes and cost estimates which shall be prepared by the Authority and approved by the Board.

11. All receipts, savings and accruals to the Fund and the balance of the Fund at the end of each financial year shall be retained for the purposes for which the Fund was established.

12. The Authority shall—

(a) administer the Fund;

(b) inspect the records of the sales of electrical energy and levy maintained by a licensed distributor in accordance with paragraph 4(3);

(c) keep books of account and other books and records in relation to the Fund of all the various activities and undertakings financed from the Fund; and

(d) cause regular audits of such books and records to be undertaken.


Dated the 26th June, 2008.

KIRAITU MURUNGI,  
Minister for Energy.

LEGAL NOTICE NO. 93

THE IMMIGRATION ACT  
(Cap. 172)  
EXEMPTION

IN EXERCISE of the powers conferred by section 4 (3) (h) of the Immigration Act, the Minister of State for Immigration and Registration of Persons exempts from the provisions of that section—

(a) Japanese Teachers who are in the employment of Nairobi Japanese School;

(b) any spouse or child of the person referred to in (a) who is not engaged in any employment, occupation, trade, business or profession (whether or not for remuneration or profit).

Dated the 10th June, 2008.

G. O. KAJWANG,  
Minister of State for Immigration and Registration of Persons.