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**THE KIAMBU COUNTY ALCOHOLIC DRINKS
CONTROL ACT, 2018**

No. 2 of 2018

Date of Assent: 7th March, 2018

Date of Commencement: See Section 1

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THE KIAMBU COUNTY ALCOHOLIC DRINKS CONTROL ACT, 2018

AN ACT of the County Assembly of Kiambu to establish a framework for the licensing and regulation of the production, sale, distribution, consumption and outdoor advertising of alcoholic drinks; and for connected purposes

PART I— PRELIMINARY

ENACTED by the County Assembly of Kiambu as follows—

1. This Act may be cited as the Kiambu County Alcoholic Drinks Control Act, 2018 and shall come into operation on the date of publication. Short title

2. In this Act, unless the context otherwise requires— Interpretation

“alcohol” means the product known as ethyl alcohol or any product obtained by fermentation or distillation of any fermented alcoholic product, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with the prescribed formulas;

“alcoholic drink” includes alcohol, spirit, wine, beer, liquor, traditional alcoholic drink, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic drinks, modified industrial alcohol blended for human consumption and every liquid or solid, patented or not, containing alcohol and capable of being consumed by a human being;

“Authority” means the National Authority for the Campaign Against Alcohol and Drug Abuse’ established under the National Authority for the Campaign Against Alcohol and Drug Abuse Act, 2012; Cap 222

“Authorized officer” means any officer designated as authorized officer under section 55;

“bar area” in relation to a hotel premises means any part of the hotel in which alcoholic drink is ordinarily sold or supplied for consumption in the hotel and does not include a dining area of the hotel;

“Chief Officer” means the Chief Officer of the Department for the time being responsible for alcohol drinks licensing and control;

“County Appeals Committee” means the County Alcoholic Drinks Appeals Committee appointed under section 66.

“Directorate” means the Directorate of Alcoholic Drinks Control established under section 5;

“dining area” in relation to licensed premises, means a part of the licensed premises used permanently and primarily for the consumption of meals at tables;

“cinema” has the meaning assigned to it in the Films and Stage Plays Act;

“Enforcement Committee” means the County Alcoholics Drinks Control Enforcement Co-ordinating Committee established under section 54;

“Executive Member” means the County Executive Member responsible for licensing and control of alcohol drinks;

“Fund” means the Alcoholic Drinks Control Fund established under section 12;

“health institution” means a hospital, nursing home, convalescent home, maternity home, health center, dispensary or other institution where health or other medical services are rendered free of charge or upon payment of a fee;

“illicit brew” means an alcoholic drink that—

- (a) is manufactured contrary to the provisions of the relevant laws;
- (b) is manufactured by unlicensed person or in unlicensed premises;
- (c) is not certified under the standards Act;
- (d) is a counterfeit; and
- (e) does not bear a valid Kenya Bureau of Standards stamp; or
- (f) does not bear a valid Kenya Revenue Authority excise stamp.

‘institution of basic education’ has the same meaning assigned to it under the Basic Education Act;

‘licensee’ means a holder of a license granted under this Act;

“licensing officer” means a sub-county alcoholic drinks licensing officer designated in accordance with section 11.

“locality” means a city, municipality, town, urban area, sub-county or ward as the case may be;

“manager” in relation to –

- (a) a cinema or theatre, includes an assistant manager, a person holding an office analogous to that of a manager or assistant manager of the cinema or theatre or any person in charge or in control of the cinema or theatre;
- (b) a health institution, includes the owner or a person in charge or in control of the health institution; and
- (c) a specified building, includes the owner, occupier, lessee or the person in charge or in control of the specified building.

“manufacture” means the brewing, distilling, tapping or any processing or intermediate processing of an alcoholic drink and includes the packaging, labeling, distribution or importation of an alcoholic drink for sale in the county or anywhere in Kenya;

“manufacturer” in respect of an alcoholic drink, includes any entity that is involved in its manufacture, including an entity that controls or is controlled by the manufacturer, or that is controlled by the same entity that controls the manufacturer;

“on-license” means a licence granted to a person who intends to sell an alcoholic drink for consumption at the point of sale;

“off license” means the licence granted to a person who intends to sell an alcoholic drink not for consumption at the point of sale;

“package” means the container, receptacle or wrapper in which an alcoholic drink is sold or distributed and

includes the carton in which multiple packages are stored;

“public place” means any place whether indoor or outdoor, privately or publicly owned, to which the public or a substantial group of the public have access by right or invitation, expressed or implied, whether by payment or not but excludes a place used exclusively by one or more persons for a private or other personal purpose;

“retailer” means a person who is engaged in a business that includes the sale of any alcoholic drink to consumers;

“sell” includes—

- (a) barter or exchange without use of money;
- (b) offer or expose for sale, barter or exchange without use of money;
- (c) supply, or offer to supply, in circumstances in which the supplier derives or would derive, a direct or indirect pecuniary benefit;
- (d) supply or offer to supply, gratuitously but with a view of gaining or maintaining custom, or otherwise with a view for commercial gain;

“Sub-County Committee” means the Sub-County Alcoholic Drinks Regulatory Committee established under section 16.

3. The Purpose of this Act is to provide for a framework for the licensing and control of production, sale, distribution, promotion and use of alcoholic drinks and the promotion of research, treatment and rehabilitation for person’s dependent on alcoholic drinks in order to—

Purpose of the Act

- (a) reduce and mitigate the negative health, social and economic impact and other costs on individuals and communities resulting from or associated with production, sale, supply, advertising and consumption of alcoholic drinks;
- (b) protect the health of the individual in light of the dangers of consumption of alcoholic drinks;
- (c) protect persons under the age of eighteen years from negative impact on social development as a result of exposure to advertisements of alcoholic drinks;

- (d) provide for coordination and collaboration with other government agencies and to support implementation of national policies on alcoholic drinks control in the County;
- (e) protect the health of persons under the age of eighteen years by preventing their access to alcoholic drinks;
- (f) provide a framework for provision of civic education;
- (g) facilitate and enhance community participation in alcoholic drinks control;
- (h) ensure fair and ethical business practices related to production, distribution, promotion and sale of alcoholic drinks; and
- (i) eliminate illicit brews, counterfeit, adulterated and sub-standard alcoholic drink products in the County.

PART II— ADMINISTRATION

4. (1) The Executive Member shall be responsible for the implementation of the provisions of this Act and in particular, shall-

Role of the
Executive Member

- (a) advise the County Government on all matters relating to alcoholic drinks control;
- (b) ensure that there is effective public participation in accordance with the framework for citizen participation established under county and national laws;
- (c) foster collaborations, linkages and partnerships within the County and recommend to the County Executive Committee external collaborations, linkages and partnerships, including the national bodies established to control alcoholic drinks;
- (d) promote the establishment and operationalization of treatment and rehabilitation centers within the County; and
- (e) prepare or cause to be prepared a bi-annual report on the status of alcoholic control within the County and submit to the Executive Committee and the

County Assembly.

5. (1) There is established in the County the Directorate of Alcoholic Drinks Control. Establishment of the Directorate

(2) The functions of the Directorate shall include—

- (a) regulating alcohol production, distribution, advertisement, sale and consumption of alcohol in the County to ensure the realization of the objects of this Act;
- (b) licensing and enforcing the conditions of a licence granted under this Act;
- (c) coordinate the operations of the committees established under this Act;
- (d) coordinate the establishment, implementation and operations of alcohol treatment and rehabilitation facilities and programmes;
- (e) undertake research on alcohol related matters and disseminate findings;
- (f) undertake public education, training, sensitization or in any other manner, disseminate information on matters relating to alcohol to the public in order to influence positive social development and responsible drinking culture;
- (g) recommend to the Executive Member the formulation of policies, rules and regulations for better implementation of this Act;
- (h) advice the Executive Member on matters relating to alcohol;
- (i) propose to the Executive Member collaboration and linkages programmes for better implementation of this Act;
- (j) monitor and evaluate the impact of this Act on the community development and advice the Executive Member;
- (k) prepare and submit to the Executive Member a bi-annual status report on licensing, impact of licensing, compliance with the licensing

conditions and public awareness of alcoholic drinks control; and

- (l) carry out any other functions as may be assigned by the Executive Member for better implementation of this Act.

6. (1) The Directorate shall be headed by a Director who shall be appointed by the County Public Service Board through a competitive process

Appointment of the Director

(2) A person shall only be appointed as a Director under this Act if that person—

- (a) is a Kenyan Citizen;
- (b) possesses an academic degree from a university recognized in Kenya;
- (c) has at least five years post-graduation work experience at management level;
- (d) has no pecuniary interest or is associated in the alcohol industry; and
- (e) meets the requirements of the Constitution.

(3) The Director shall be responsible for the day to day operations of the Directorate, and in particular, shall ensure that the functions of the Directorate are undertaken

7. The County Secretary may, on the recommendation of the Executive Member, remove a Director from office—

Removal from office

- (a) for gross misconduct;
- (b) where adjudged bankrupt;
- (c) for abuse of office;
- (d) due to incompetence or neglect of duty;
- (e) due to inability to perform his or her duties arising out of physical or mental incapacity;
- (f) due to a breach of the code of ethics; or
- (g) due to a conviction of a crime under this Act or a traffic offence whose penalty exceeds an imprisonment term of six months.

8. (1) The Director shall, within thirty days after the lapse of a financial year, submit to the Executive Member a

Annual report

2018

report on the operations of the Directorate.

(2) The report referred to under sub section (1) shall, in addition to any other information, contain details of—

- (a) the social and economic impact of the use of alcoholic drinks in the County;
- (b) measures adopted to control and reduce the use and negative impact of alcoholic drinks in the County;
- (c) the public participation undertaken relating to the implementation of the Act and feedback given to the public;
- (d) implementation of the treatment and rehabilitation programme;
- (e) challenges faced in the implementation of the Act; and
- (f) any information as may be required by the Executive Member.

(3) The Executive Member shall publish and publicize the annual report through the established County communication channels which shall include the County website and communication forums.

9. The Directorate, in collaboration with the relevant government agencies shall—

- (a) establish treatment and rehabilitation services, facilities and programs for person's dependent on alcoholic drinks in the county health facilities;
- (b) ensure that the rehabilitation centers are adequately staffed;
- (c) ensure that the treatment and rehabilitation services, facilities and programs —
 - i) are designed in a manner that is accessible and affordable to person's dependent on alcoholic drinks; and
 - ii) where applicable, are integrated with other social services and programs.

Establishment of rehabilitation facilities and programs

10. The County Public Service Board may, on recommendation of the Chief Officer appoint other

Appointment of other members of staff

members of staff for better implementation of this Act

11. (1) The Executive Member shall designate from among the staff of the County Government an alcoholic drinks licensing officer for every sub-county who shall be responsible to the Director.

Designation of the sub-county alcoholic drinks licensing officers

(2) The Chief Officer may from time to time re-deploy a licensing officer as shall be deemed necessary for better implementation of this Act.

(3) The licensing officer shall—

- (a) receive applications for an alcoholic drinks licence for tabling before the sub-county committee;
- (b) on recommendations of the sub-county committee, issue or refuse to issue an alcoholic drink licence;
- (c) on a regular basis inspect and monitor the licensed premises to ensure compliance with the conditions of a licence;
- (d) prepare and submit status reports to the Director at least on a quarterly basis;
- (e) recommend the withdrawal of a license to the Director on the basis of non-compliance with the conditions of the license; and
- (f) exercise any other function incidental thereto or as may be assigned from time to time by the Director.

PART III— ALCOHOLIC DRINKS CONTROL FUND

12. (1) There is established the Alcoholic Drinks Control Fund.

Establishment of the Fund

(2) The Fund shall consist of—

... may be appropriated by the County

... and other fees as may be payable

... including contributions, gifts or way of testamentary bequest

8. (1) The ... lapse of a financial ... ng from any investment of

Journal of the Executive Member of Kiambu County Government

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- (d) prepare and submit status reports to the Director at least on a quarterly basis;
- (e) recommend the withdrawal of a license to the Director on the basis of non-compliance with the conditions of the license; and
- (f) exercise any other function incidental thereto or as may be assigned from time to time by the Director.

PART III— ALCOHOLIC DRINKS CONTROL FUND

12. (1) There is established the Alcoholic Drinks Control Fund.

Establishment of
the Fund

(2) The fund shall consist of—

- (a) monies as may be appropriated by the County Assembly;
- (b) license fees and other fees as may be payable under this Act;
- (c) sums received including contributions, gifts or grants from or by way of testamentary bequest by any person;
- (d) monies earned or arising from any investment of

the Fund;

- (e) such sums as may be realized from property forfeited to the county; and
- (f) all other sums which may in any manner become payable to, or vested in the Fund.

(3) The Fund shall be used for meeting the capital and recurrent expenditure relating to—

- (a) carrying out any of the functions of the Directorate;
 - (b) operations of the Committees;
 - (c) developing and providing rehabilitation services, facilities and programs; and
- any other matter related to the implementation of this Act.

(4) Notwithstanding the provisions of sub-section (3), an amount of—

- (a) not more than thirty percent of the Fund shall be allocated for purposes of enforcement;
 - (b) not less than thirty percent of the Fund shall be allocated for the implementation of treatment and rehabilitation services programs and related infrastructure; and
- not more than three percent of the Fund shall be allocated for administration costs.

(5) The receipts, earnings or accruals of the Fund and its balances at the close of each financial year shall not be paid into the county revenue account but shall be retained for the purposes of the Fund.

13. (1) The County Executive Member responsible for Finance shall designate an officer to administer the Fund.

Administration of
the Fund

(2) The officer administering the Fund may, with the approval of the County Executive Committee Member responsible for Finance, invest or place in a deposit account any of the monies of the Fund and any interest earned on monies so invested or deposited.

(3) The officer administering the Fund shall—

- (a) ensure compliance with the provisions of the

Public Finance Management Act, 2012;

- (b) supervise and control the administration of the Fund;
- (c) impose conditions on the use of any expenditure personally authorized and may impose any restriction or other requirement concerning the use of expenditure;
- (d) prepare quarterly reports of the operations of the fund and submit to the County Executive Committee Member responsible for Finance;
- (e) cause to be kept proper books of account and records in relation to the operations of the Fund;
- (f) prepare, sign and submit to the Auditor General in respect of each financial year a statement of accounts relating to the Fund within three months after the end thereof; and
- (g) furnish such additional information as may be required for examination and audit by the Auditor-General.

(4) The County Executive Committee Member responsible for Finance may designate to the Directorate such staff as may be necessary to assist in the management of the Fund.

PART IV— LICENSING

14. (1) A person shall not manufacture or otherwise produce, sell, distribute or dispose of or deal with any alcoholic drink in the County except in accordance with a license issued under this Act.

Control of
alcoholic drinks

(2) A person who contravenes the provisions of sub section (1) commits an offence and, in addition to any other remedy under this Act, is liable to a fine of a sum not exceeding one million shillings or imprisonment for a term not exceeding two years or both.

(3) Sub section (1) shall not apply to—

- (a) the bona fide administration or sale for purely medical purposes, and in accordance with any written law for the time being in force governing the administration and sale of medicine, by a

medical practitioner, a veterinary surgeon registered under the Veterinary Surgeons Act or a pharmacist registered under the Pharmacy and Poisons Act, of a medicine containing alcoholic drink;

- (b) the sale of spirituous or distilled perfume, or perfumery;
- (c) the sale of industrial alcohol;
- (d) the sale by a trustee in bankruptcy of an alcoholic drink forming part of the bankrupt's estate;
- (e) the sale by the liquidator of a company of an alcoholic drink forming part of the company's assets; and
- (f) the sale of alcoholic drink to the members only of any canteen, club, institute, mess or similar institution of the disciplined forces for reasons other than for personal profit.

15. (1) A person shall not manufacture, distribute, store, sell or in any other manner dispose of or handle an illicit brew.

Prohibition from manufacturing, distribution or sale of illicit brew

(2) A person who contravenes the provisions of subsection (1) commits an offence and on conviction, shall be liable to a fine of a sum not exceeding three million shillings or to imprisonment for a term not exceeding three years.

(3) For the avoidance of doubt, a licensee or owner of a premises or any person in charge or found to be in charge of a premises, or any person responsible for any activity in the manufacturing, distributing, storing, selling or in any other manner disposing or handling an illicit brew commits an offence under this Act.

(4) Any illicit brew seized by an authorized officer shall be stored or destroyed in accordance with the regulations or directions prescribed by the Executive Member or by an order from the Governor.

16. (1) There is established for every sub-county a Sub-County Alcoholic Drinks Regulatory Committee

Sub-County Alcoholic Drinks Regulatory

comprising of—

- (a) the Governor or a nominee of the Governor who is not below the rank of a Chief Officer;
- (b) the sub-county administrator for the respective Sub County;
- (c) the sub-county public health officer;
- (d) the licensing officer as an *ex officio* member and who shall be the secretary;
- (e) the sub-county officer responsible for environmental matters;
- (f) the sub-county planning officer; and
- (g) a person who is a resident within the County representing a ward appointed by the Governor from persons nominated in a public baraza convened by the Governor or his or her nominee.

(2) The Governor shall be the Chairperson and in his or her absence, the sub-county administrator shall chair the meetings

(3) In making the appointment in subsection (1) (g), the Governor shall ensure—

- (a) gender parity;
- (b) the representation of the youth;
- (c) that sufficient notice of the public baraza of a period not less than two weeks has been published and published within the sub-county in accordance with the communication channels approved by the County;
- (d) the nominations are only made where the members of the public present in the public baraza comprise of at least fifty per cent of the residents of the particular area, provided that where this percentage is not attained at either the first or a subsequent public baraza in the particular area, the Governor shall, without further reference to the public, appoint such person as he or she shall deem to represent the particular area.

(4) The members of the sub-county committee may co-opt a person who has particular expertise to assist in the committee in the implementation of its mandate.

(5) A Sub-County Committee shall—

- (a) consider applications for issuance of a licence;
- (b) recommend to the licensing officer the issuance of an alcoholic drinks license;
- (c) monitor the general compliance with the provisions of this Act and make recommendations to the Director, including recommending the suspension or cancelation of a license;
- (d) hear the views or objections from the public and make recommendations to the Director; and
- (e) perform such other functions as may be assigned by the Executive Member.

(6) A member of a Sub-County Committee except the *ex-officio* member shall hold office for a term of three years' renewable once.

(7) The Executive Member may, with the approval of the County Executive Committee, remove a member of the Sub-County Committee from office for—

- (a) gross misconduct or misbehavior;
- (b) incompetence or neglect of duty;
- (c) inability to perform his duties arising out of physical or mental incapacity;
- (d) adjudication of bankruptcy;
- (e) violation of the code of ethics; or
- (f) conviction of a criminal offence under this Act or a traffic offence whose penalty exceeds an imprisonment term of six months.

(8) The conduct of business and affairs of the Sub-County Committee shall be in the manner prescribed under the regulations.

17. (1) Where a decentralized unit of the County Government is established in accordance with any other written law, an alcoholic drinks regulatory committee

Establishment of alcoholic drinks regulatory committees in decentralized units

responsible for the decentralized unit shall be established under this Act.

(2) In determining the composition and functions of an alcoholic drinks regulatory committee established under this section, the provisions of section 16 and other applicable provisions of this Act shall apply with the necessary modifications.

18. A person shall not be a member of any committee established under this Act if such person—

Restriction on membership of the Committees

- (a) holds a license under this Act;
- (b) is a partner in a firm or director or shareholder of a company or other body which is the holder of a license under this Act;
- (c) is directly or indirectly employed as an agent of a person, firm or company which is the holder of a license under this Act;
- (d) is an un-discharged bankrupt;

has been convicted of a criminal offence or an offence under this Act including a traffic offence whose penalty is less than six months' imprisonment.

19. In carrying out its functions, the sub-county committee shall ensure that there is effective public participation in accordance with the framework for citizen participation established under the relevant written laws

Public participation and inter agency collaboration.

20.(1) A person who intends to produce, manufacture, import, sell or distribute any alcoholic drink in the County or to operate an establishment for the sale of an alcoholic drinks shall apply to the licensing officer for a licence under this Act in the format prescribed in Second Schedule.

Application for a license

(2) An application under subsection (1) shall be accompanied by—

- (a) information on the nature, orientation and other justification for the establishment of the manufacturing plant or the establishment for sale of an alcoholic drink;
- (b) plot number and physical address of the location of the premises to house the proposed

establishment;

- (c) details of the sizes and related infrastructure to support the proposed business;
- (d) the type and class of licence applied for;
- (e) evidence of compliance with the laws relating to physical planning and building code, public health and environmental laws;
- (f) signed declaration in the prescribed form of commitment not to sell illicit or unlicensed alcoholic drinks;
- (g) the fees as prescribed in the Third Schedule; and
- (h) such other requirement as may be prescribed by regulations under this Act.

(3) An applicant for a manufacturer's licence under this Act shall, in addition to the requirements under subsection (2) provide—

- (a) certification from the Kenya Bureau of Standards;
- (b) standardization mark from Kenya Bureau of Standards, Excise licence from Kenya Revenue Authority, evidence of compliance with the National Authority for the Campaign Against Alcoholic and Drug Abuse Act, 2012; and
- (c) a list of the alcoholic drinks the applicant has been approved to manufacture, including the ingredients of the alcoholic drinks.

(4) In addition to any other requirements under this Act, an applicant for a wholesale, depot or distributor's alcoholic drinks licence shall provide written authority to sell alcoholic drinks from a licensed manufacturer.

(5) Where an application for a licence has been refused, no subsequent application in respect of that business shall be considered by the Sub-county Committee until the expiry of sixty days and subject to the applicant attending to the reasons given for the refusal.

21. (1) A person licensed under this Act who intends to continue with the business for which the licence was

Application for
renewal of licence

granted shall, during the last quarter of the year, apply for a renewal of licence under this Act.

(2) An application in subsection (1) shall be in the format prescribed in the Second Schedule subject to payment of the prescribed fees and signing of the declaration required in section 20 (2) (f).

(3) The procedure for considering an application for a license shall apply in considering an application under this section with the necessary modifications.

(4) A person who submits their application for renewal of a license after the period prescribed under sub-section (1) shall, in addition to any other remedy under this Act, be charged a penalty equivalent to one percent of the licence fee for every month of delay.

(5) Where an application for renewal of a licence has been made in accordance with this Act and by the date of expiration of the licence no decision has been made thereon, such licence shall continue in force until the decision is made.

(6) Where a renewal has been refused or a licence has been cancelled, no subsequent application in respect of that business shall be considered by the Sub-county Committee until the expiry of sixty days and subject to the applicant attending to the reasons given for the refusal or cancellation.

22. A person who holds a licence under this Act and intends to transfer his or her business to another premises shall apply for inspection and grant of a licence of the proposed new business premises in the format prescribed in the Second Schedule and pay the fee prescribed under this Act.

Application for transfer of business

23. Where a licensee dies, the deceased estate's administrators may apply to the Director for authority to hold the licence for the period of the validity of the licence in the format prescribed in the Second Schedule and shall during such validity comply with the conditions of this Act.

Authority to hold a licence on probate

24. (1) Applications made under this Part shall be considered on a quarterly basis unless otherwise prescribed by the Executive Member by a public notice.

Procedure for consideration of an application

(2) The licensing officer shall, within seven days from the last day of every quarter, publish and publicize a public

notice setting forth—

- (a) the names of all the applications received for consideration in the quarter;
- (b) the type of licence applied for;
- (c) the premises in respect of which the licence is applied for;
- (d) the period within which the public may submit written objections for the sub-county committee's consideration; and
- (e) the date, time and place when the sub-county committee shall sit to hear any public views or objections.

(3) A notice under subsection (1)—

- (a) shall be placed at the office of the Sub-County Administrator ;
- (b) shall be posted in a conspicuous place at or near the applicant's premises; and
- (c) may, in addition to the requirements under (a) and (b) be published in any other place as the Executive Member may deem necessary.

(4) Within twenty one days from the date of the notice issued in accordance with sub-section (3), the licensing officer, the sub-county public health officer, the sub-county physical planning officer and the enforcement officer in charge of a sub-county shall prepare and submit a report of their findings to the sub-county committee on all matters within their jurisdiction relevant to the application before the Sub-County Committee without any cost to the applicant.

(5) Within thirty days from the date of the notice issued in accordance with sub-section (3), the licensing officer shall table before the sub-county committee the following for consideration -

- (a) a list of all applications received for consideration during the quarter;
- (b) the reports prepared in accordance with sub-section (4); and

(c) any written report or objection received from the public relating to any application under consideration.

(6) A sub-county committee shall consider all the applications made during the quarter and any other matter referred to it and may recommend an application for grant of licence if the—

- (a) applicant has met the requirements for the licence applied for as prescribed in the First Schedule to this Act and any other written law, and in particular, the occupational health standards, environmental law and regulations, safety regulations;
- (b) premises in respect of which the application is made is in good repair, clean and wholesome condition with adequate and proper sanitary arrangements;
- (c) applicant, in respect of an off-licence, is licensed and operates a supermarket and has taken measures to ensure that the area in which the sale of an alcoholic drink is to take place is not accessible to persons under the age of eighteen years;
- (d) applicant, in respect of a manufacturer's licence to brew, distill, bottle or manufacture an alcoholic drink, possesses the necessary qualifications and has complied with all requirements stipulated under any relevant written law;
- (e) the premises is not located in a building used for residential purposes except a building used for the exclusive use of a hotel which has complied with sub-sections (6) (f) and (g);
- (f) the premises is located at least three hundred metres from any nursery, primary, secondary or other learning institutions for persons under the age of eighteen years and at least two hundred meters from a residential area, or in the alternative, a wall or barrier of such quality and standard has been constructed to demarcate the residential area, the nursery, primary, secondary

or other learning institution from the premises in order to ensure that the person below the age of eighteen years is protected from accessing an alcoholic drink; and

- (g) the premises is located within a residential area, the application for a licence in respect of that premises is accompanied by written consent of at least eighty five percent of residents of that area in the format prescribed under the Second Schedule and the sub-county committee has verified the authenticity of such consent either by physical inspection or during public hearing.

(7) Notwithstanding the provisions of this Act, the Sub-county Committee shall only recommend the renewal of a license to a person who—

- (a) has satisfied the requirements of this Act;
- (b) has not been convicted of an offence under this Act or an offence of which the penalty is an imprisonment term of more than six months without the option of a fine in Kenya or elsewhere;
- (c) is above eighteen years of age; or
- (d) is not adjudged bankrupt.

(8) Notwithstanding the provisions of this Act, the Sub-county Committee may refuse to recommend the grant of a licence in the public interests or where at least twenty per cent of the residents of the particular area object to the consent given under sub-section (6) (g), either in writing or by presentation during a public hearing convened under this Act, objects to the grant of the licence on such grounds, including—

- (a) public nuisance;
- (b) noise pollution;
- (c) the need to protect persons below the age of eighteen years; or
- (d) where the public is of the view that the number of such premises in respect of which such licenses have been granted is sufficient for the requirement of

the locality.

25. (1) The Sub-county committee may inspect the premises for purposes of verifying the particulars of an application, or for determining the compliance with the provisions of this Act or for the purposes of determining an objection or petition made by the public.

Inspection of
premises

(2) The Sub-county Committee may require the personal appearance before it of the applicant or of the manager of the premises to which the application relates or any other person whose attendance is considered by the Sub-county Committee to be necessary during such inspections.

26. (1) The Sub-county committee may, as shall be deemed necessary and by notice in the public issued in accordance with the relevant written laws, hold public hearing to receive the public views or objections to any application made under this Act.

Public hearing

(2) The public hearing in particular areas specified in the notice shall only be deemed to have a quorum if ninety per cent of the members present comprise of the resident of the particular area.

(3) Where a quorum is not realized, the Chairman shall adjourn the meeting to a later date and if no quorum is realized in the subsequent meeting, the sub-county committee shall determine the procedure for receiving the public views and determining any objections received.

27. (1) Any person may lodge an objection to an application for a licence.

Objections

(2) Every objection to an application shall be in writing addressed to the licensing officer, and the objector shall serve the objections and the grounds for the objection on the applicant personally or by registered mail at least seven days before the date notified for public hearing, and the onus of proof of such service shall be on the objector.

(3) The Sub-county Committee may on its own motion take notice of any matter or thing which, in the opinion of the Committee, constitutes an objection to an application.

(4) An objector and the applicant may either appear in person or by representation of an advocate during the

public hearings of an objection.

(5) A licensing officer may in writing authorize any person to appear before the Sub-county Committee for purposes of representing the inhabitants of that part in respect of which any objection has been lodged to an application.

(6) Every Sub-county Committee shall maintain records of all its proceedings, and in particular, the records of the purpose for which an application was made, the evidence given, any arguments adduced, the decision and recommendations made thereon.

28. (1) On recommendation of the sub-county committee, the licensing officer may either— Grant of a licence

- (a) issue a licence in the format prescribed in the Second Schedule; or
- (b) refuse to issue a licence and within fourteen days notify the applicant of the decision for the refusal in writing, give reasons for the refusal to the applicant and the Director.

(2) A licence granted under sub-section (1) shall be issued upon payment of the fee prescribed in the Third Schedule to this Act.

(3) The licensing officer shall cause to be published, at the sub-county and ward administrator's offices and in any other manner as the Executive Member may determine, a list of the premises licensed under this Act and the type of licence granted.

29. (1) A license issued under this Act shall expire on the thirty first day of December of each year. Validity of a
license and
conditions

(2) A licence granted under this Act—

- (a) shall only apply to the premises specified in the licence. For the avoidance of doubt, a licence shall not apply to more than one premises;
- (b) shall specify the hours authorized for sale of an alcoholic drink as stipulated under the First Schedule;
- (c) shall not be transferable to another person; and

(d) may prescribe any other condition as the Director may specify.

30. (1) A person issued with a licence under this Act shall display the licence in a conspicuous place easily accessible for inspection by any person.

Display of a licence

(2) A license shall be displayed on the premises to which it relates.

(3) In addition to the requirements under this Act, a person licensed under this Act shall display in a conspicuous place a list of the alcoholic drinks manufactured, distributed, stored, offered for sale or in any other way handled by the licensee.

31. (1) A person licensed under this Act shall only manufacture, distribute, store or offer for sale an alcoholic drink licensed or authorized by the Authority in accordance with the relevant written laws.

Maintenance of records

(2) A person who holds a manufacturer's licence under this Act shall maintain a list of all alcoholic drinks which the person has manufactured, distributed, disposed or in any other manner handled in the prescribed form and shall ensure that the authority to distribute the alcoholic drink within the County is only granted to a person licensed under this Act.

(3) A person who holds depot, distributors, wholesale or supermarket alcoholic drinks licence under this Act, shall maintain records of the person who supplied of any alcoholic drinks held in their premises sufficient to identify the source of an alcoholic drink, including the written authority to sell the alcoholic drink and delivery notes, which records may be inspected by any officer authorized under this Act.

(4) A person who holds a depot, distributors or wholesale alcoholic drinks off-licence shall only distribute or sell an alcoholic drink to a person licensed under this Act.

(5) A person who holds a general retail, private members club, night club or a temporary alcoholic drinks on- licence under this Act shall maintain records of the person who supplied the alcoholic drink held or being sold at that premises, including the delivery notes and other

document sufficient to identify the source of an alcoholic drink.

(6) A person who contravenes this section commits an offence and shall be liable upon conviction to a fine not exceeding two hundred thousand Kenya shillings or to an imprisonment term not exceeding one month or to both.

(7) In addition to any other remedy under this Act or any other written law, an alcoholic drink held by any person without the requisite documents prescribed under this section or where such documents are proved to be false documents shall be deemed to be illicit brew within the definition of this Act.

32. (1) The Director may on recommendation of the Sub-County Committee, the Sub-County alcoholic drinks licensing officer or by petition of at least twenty per cent of the residents suspend or cancel a license where satisfied that-

Suspension or
cancellation of a
license

(a) the licensee has contravened the provisions of this Act or other relevant written laws including noise pollution and general nuisance;

(b) the licensee has contravened the conditions of the declaration made in accordance with section 20 (2) (f);

(c) the business to which the license relates is being conducted in a manner that is contrary to the provisions of this Act;

(d) the license has failed to comply with the conditions of a license granted under this Act; or

(e) any requirement for the grant of a license under this Act has been violated.

(2) Notwithstanding sub-section (1), the Director shall not suspend or cancel a licence unless the licensee—

(a) has been served with a notice of not less than seven days of the intention to suspend or cancel the licence and the reasons for such intention; and

(b) has, within fourteen days from the date of such service, been given the opportunity to be heard by the sub-county committee convened for that

purpose;

- (c) has been notified of the decision of the sub-county committee.

(3) Upon cancellation or suspension of the licence, the licensee shall with immediate effect cease to manufacture, distribute or sell an alcoholic drink except in accordance with the written direction for sale or disposal of an alcoholic drink as may be given by the Director.

33. (1) Notwithstanding the provisions of this Act, the Director may on his or her motion or on recommendation of the Sub-county Committee or any other authorized officer for purposes of protection of the public interest, suspend the licence or order the closure of a premises manufacturing, distributing, storing, selling or in any other manner handling an alcoholic drink without first according the licensee or the owner or occupier of the premises a hearing.

Temporary closure
of a premises

(2) Where an order is issued in accordance with the provisions of sub-section (1), the Director shall within seven days direct the Sub-county Committee to inspect the premises and investigate and file a report, giving details of the breach of public interest and any other findings.

(3) The Sub-county Committee shall within fourteen days submit a report of its findings and its recommendation to the Director, who on consideration of the report may-

- (a) revoke the order to temporary closure;
- (b) suspend the licence for a further period until the licensee complies with the directions given; or
- (c) cancel the licence.

34. (1) Licenses which may be granted under this Act shall be those specified in the First Schedule, and the provisions of that Schedule and of any rules made under this Act shall have effect in relation to the respective licenses therein specified.

Types and
conditions of
licences

(2) A license shall not be granted to apply to more than one premises.

35. (1) For purposes of general retail of alcoholic drinks within the County, the hours authorized for sale of

Authorized hours
for sale of an
alcoholic drink

an alcoholic drink shall be those specified in the First Schedule for each type of license

(2) The provisions of sub-section (1) shall apply to a person holding an alcoholic drinks licence under this Act except a person holding manufacturer, depot, distributor and wholesale alcoholic drink licence.

(3) A person found in a licensed premises or in a public place drinking an alcoholic drink during the hour not authorized for sale of an alcoholic drink commits an offence and shall be liable upon conviction to a fine not exceeding one thousand or to imprisonment for a term not exceeding one month or to both

(4) A person, other than a holder of a manufacturers', depot or distributor or wholesale alcoholic drinks licence, who sells or in any other way disposes an alcoholic drink during the hours not authorized for sale of an alcoholic drink commits an offence and on conviction, is liable to a fine of a sum not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

36. (1) The Executive Member may, subject to public participation and the approval of the County Assembly, by an order published in the Gazette classify and zone specific areas or streets within the County to be alcohol sale free zones. Zones

(2) Where an area has been classified as an alcohol sale free zone, no alcoholic drink license shall be issued in respect of any premises within that area.

PART V— GENERAL REQUIREMENTS

37. (1) A licensee shall not employ a person under the age of eighteen, to sell, control or supervise the sale of alcoholic drinks or to have the custody or control of alcoholic drinks on licensed premises.

Employment for sale of alcoholic drinks.

(2) Where a licensee permits another person to manage, superintend or conduct the day-to-day business of a licensed premises, the licensee shall not be relieved of the obligations under this Act.

(3) In addition to any other requirements under any other written laws, a person shall only be employed to

handle an alcoholic drinks if that person—

- (a) is a registered contributor of the National Social Security Fund and the National Hospital Insurance Fund, Kenya Revenue Authority and has committed in writing, to either directly or through the employer, to remit monthly statutory deductions;
- (b) has met the requirements under the public health laws and regulations; and
- (c) is a Kenyan or has obtained the necessary permit to work in Kenya.

(4) A licensee shall, in respect to every employee, comply with all statutory requirements, including remitting any deductions and maintaining a valid insurance under the occupational health and safety laws, public health and any other applicable laws and regulations.

(5) A person who contravenes the provisions of sub section (1) commits an offence and, in addition to any other remedy under any other written law, shall upon conviction be liable to a fine of a sum not exceeding one million shillings or an imprisonment term not exceeding three years or to both.

38. (1) A licensee, an agent or an employee of a licensee may refuse to admit to, and may expel from, the licensed premises any person who is drunk and disorderly, violent, or quarrelsome.

Drunken behavior.

(2) Any person referred to in subsection (1) who, on being requested by the licensee, the licensee agent or employee, or by an enforcement officer, to quit the licensed premises, refuses to do so, commits an offence and shall be liable upon conviction to a fine not exceeding two hundred and fifty thousand shillings or an imprisonment term not exceeding one year or to both.

(3) A licensee who permits any drunkenness leading to violent, quarrelsome or riotous conduct to take place on the premises to which the license relates commits an offence and on conviction is liable to a fine of a sum not exceeding fifty thousand shillings or to imprisonment for a term not exceeding three months or to both.

39. No person shall hold a lien over any person's property for a debt incurred from consumption of an

Debt from sale of an alcoholic drink

alcoholic drink unless that person possesses the authority of a valid court order.

40. (1) A licensee under this Act shall not allow a person under the age of eighteen years to enter or gain access to the area in which the alcoholic drink is manufactured, stored, sold or consumed.

Access by persons
under age of

(2) A person shall not enter or gain access to an area referred to under subsection (1) if such a person is in custody or accompanied by a person under the age of eighteen years.

(3) A person who contravenes the provisions of this section commits an offence and shall be liable upon conviction to a fine not exceeding two hundred and fifty thousand shillings or an imprisonment term not exceeding one year or to both.

41. (1) A Sub-county public health officer or any person authorized by him or her in writing in that behalf may enter and inspect any licensed premises for the purpose of ascertaining compliance with any public health requirements.

Reports by public
health officers and
County
Enforcement
Officers

(2) An enforcement officer of the County not below the rank of Inspector may without written authority enter and inspect any licensed premises to confirm compliance with the provisions of this Act.

42. (1) A person shall not manufacture, distribute or sell an alcoholic drink in the County that does not conform to the requirements of this Act or any other written law regulating alcoholic drinks.

Conformity with
requirements

(2) A person who contravenes the provisions of this section in relation to the manufacture and distribution of an alcoholic drink commits an offence and shall be liable to a fine not exceeding three million shillings, or to imprisonment for a term not exceeding three years, or to both.

43. (1) A person shall not sell, supply or provide an alcoholic drink to a person under the age of eighteen years.

Supply to minor

(2) A person shall not in any manner assist a person under the age of eighteen year to access an alcoholic drink.

(3) A person who contravenes the provisions of subsection (1) and (2) commits an offence and shall be liable upon conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding one year, or to both.

(4) For the purposes of this section, the following documentation may be used to verify a person's age—

- (a) a national identity card issued by the Republic of Kenya; or
- (b) a passport issued by the Republic of Kenya or any other country;

44. (1) A person shall not hawk or sell an alcoholic drink in any other place other than the place or premises licensed in accordance with this Act.

Hawking of
alcoholic drinks

(2) A person who contravenes the provisions of this Act commits an offence and on conviction is liable to a fine of a sum not exceeding one million shillings or to imprisonment for a term not exceeding twelve months or to both.

45. (1) Any person manufacturing, distributing, storing, selling or in any other manner disposing of an alcoholic drink shall display in a conspicuous place signs in the prescribed form and with the prescribed content, that inform the public that the sale or the availing of an alcoholic drink to a person under the age of eighteen years is prohibited by law.

Display of signs

(2) A person who contravenes the provisions of this section commits an offence and shall be liable upon conviction to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

46. (1) A person shall not sell or permit an alcoholic drink to be sold by way of a vending machine.

Vending machines

(2) A person who contravenes this section commits an offence and shall be liable upon conviction to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding twelve months, or to both

47. (1) A person shall not sell, manufacture, pack or distribute an alcoholic drink in sachets or such other form as may be prescribed under this Act or any other relevant

Packaging

written law.

(2) Notwithstanding the provisions of subsection (1)-

- (a) a person shall not manufacture, pack, distribute or sell in the County an Alcoholic drink in a container less than 250 milliliters;
- (b) any other distilled or fortified alcoholic drink shall only be manufactured, packed, sold or distributed in glass bottles, cans, keg or jar of the kind specified or authorized by the Authority; and
- (c) labeling on containers should have the health warnings as prescribed under national standards and legislation.

(3) A person who contravenes this section commits an offence and shall be liable upon conviction to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

48. (1) A person found by an enforcement officer of the County or a police officer to be drunk and incapable or drunk and disorderly in or near a street, road, licensed premises, shop, hotel or other public place shall be arrested without warrant and brought without unreasonable delay before a Magistrate. Disorderly conduct

(2) A person convicted of being drunk and incapable or drunk and disorderly in or near a place referred to in subsection (1) shall be liable upon conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding one month or to both.

(3) Upon conviction under sub-section (2), the convicting Magistrate may issue an order for community service to a person convicted of the offence under this section for more than one time in accordance with provisions of the Community Service Orders Act, 1998.

Notwithstanding the provisions of sub section (3), a person convicted under subsection (2) on more than three occasions in any period of twelve months shall undergo at his own cost, such rehabilitation program as may be appropriate in a public health institution.

49. (1) A person who is required by any provision of this Act to disclose any information and fails to do so when making any application under this Act or tenders false information commits an offence under this Act and on conviction is liable to a fine of a sum not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding six months.

Non-disclosure of material facts

(2) In addition to any other remedy under this Act, the Director may cancel a licence obtained by reason of the false information or the non-disclosure of information.

50. (1) A person shall not manufacture, distribute, keep for sale, offer for sale or sell-

Manufacture and sale of adulterated drinks

(a) any alcoholic drink which has been in any way adulterated, or diluted by any person; and

(b) any non-alcoholic drink which has been in any way adulterated with alcohol, or which contains any of the substances prohibited under any written law.

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(2) A person who, while manufacturing an alcoholic drink adulterates the alcoholic drinks by way of adding impurities, prohibited substances or additives to the alcoholic drink commits an offence and shall, upon conviction be liable to a fine not exceeding ten million shillings or to imprisonment for a term not exceeding ten years, or to both.

(3) A person who knowingly distributes an alcoholic drink that is adulterated commits an offence and shall, upon conviction be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding two years, or to both.

(4) A person who knowingly sells an alcoholic drink that is adulterated commits an offence and shall, upon conviction be liable to a fine not exceeding five hundred thousand Kenya shillings or to imprisonment for a term not exceeding two years, or to both.

(5) For the avoidance of doubt, a licensee or owner of a premises or any person in charge or found to be in charge of a premises, or any person responsible for any activity in the manufacturing, distributing, storing, selling or in any

other manner disposing or handling an adulterated alcoholic drink commits an offence under this Act.

PART VI —ADVERTISEMENT AND PROMOTION

52. (1) A person shall not promote an alcoholic drink by way of outdoor advertisement- Prohibited advertisement and promotion

- (a) in a manner that is false, misleading or deceptive or that is likely to create an erroneous impression about the characteristics, health effects, health hazards or social effects of an alcoholic drink or encourage person below the age of eighteen years to drink alcoholic drink;
- (b) in places demarcated under any written law as residential areas or within a distance of three hundred meters from nursery, primary, secondary school, or other institution of learning for persons under the age of eighteen years or a place of worship, health facility or a public playground, public road reserve or any other public land or property or in public service vehicles; or
- (c) where a premise is demarcated by a wall or a barrier in accordance with the provisions of this Act.

(2) A person who contravenes the provisions of this section commits an offence and shall be liable upon conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding one year, or to both.

53. (1) A person shall not promote an alcoholic drink in such a manner as to encourage more consumption of an alcoholic drink in order to win an award or prize. Encouraging consumption

(2) A person who contravenes any of the provisions of this section commits an offence and shall, on conviction, be liable upon conviction to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding three years, or to both.

PART VII —ENFORCEMENT

54. (1) There is established the County Alcoholic County Alcoholic Drinks Control

Drinks Control Enforcement Coordinating Committee.

Enforcement
Coordinating
Committee

(2) The Enforcement Committee shall consist of –

- (a) the Chief Officer who shall be the chairperson of the Committee;
- (b) one authorized officer nominated by the Executive Member;
- (c) the County Director of Enforcement;
- (d) the County Public Health Officer;
- (e) one officer appointed by Kenya Bureau of Standards;
- (f) one officer appointed by the Authority; and
- (g) any other officer as the Governor may designate.

(3) The Directorate shall provide secretariat services to the Enforcement Committee.

(4) The Executive Member may establish an enforcement committee at the sub county level similar to the sub-county committee established under this Act with necessary modifications.

(5) The functions of the Enforcement Committee shall be to—

- (a) coordinate enforcement under this Act;
- (b) monitor and evaluate the enforcement process and system under the Act;
- (c) advise the Executive Member on the necessary measures to be adopted in ensuring effective enforcement and compliance under this Act; and
- (d) carry out any other function as may from time to time be assigned by the Executive Member.

55. (1) The Executive Member shall in writing appoint any person or class of persons to be authorized officers for purposes of this Act.

Authorized officers

(2) Notwithstanding the provisions of sub-section (1), the following officers shall be deemed to be authorized officers for the purpose of this Act—

- (a) the sub-county licensing officers;
- (b) public health officers appointed under the relevant

public health laws;

(c) officers appointed as enforcement officers under the Kenya Revenue Authority Act, Kenya Bureau of Standards Act, Standards Act, National Government Coordination Act, Weights and Measures Act and Anti-counterfeit Act; and

(d) any other person upon whom any written law vests functions of the maintenance of law and order.

(3) An authorized officer may be called upon from time to time to work together with the Enforcement Committee for purposes of enforcing this Act.

56. (1) For the purposes of ensuring compliance with this Act, an authorized officer may, at any reasonable time, enter any place in which the officer believes on reasonable grounds that any person or persons is in any way contravening the provisions of this Act.

Places authorized
officers may enter

(2) An authorized officer entering any premises under this section shall, if so required, produce for inspection by the person who is or appears to be in charge of the premises his identification.

57. In carrying out an inspection in any place pursuant to section 56, an authorized officer may—

Powers of officers

(a) examine an alcoholic drink or anything referred to in that section;

(b) require any person in such place to produce for inspection, in the manner and form requested by the officer, the alcoholic drink or thing;

(c) open or require any person in the place to open any container or package found in the place that the officer believes on reasonable grounds contains the alcoholic drink or thing;

(d) conduct any test or analysis or take any measurements; or

(e) require a person found in the place to produce for inspection or copying, any written or electronic information that is relevant to the administration or enforcement of this Act.

58. In carrying out an inspection, an authorized officer may—

Use of records

- (a) reproduce the data in the form of a print- out or other intelligible output and take it for examination or copying;
- (b) use or cause to be used any copying equipment in the place to make copies of any data, record or document; and
- (c) scrutinize any other record system in use in that place.

59. (1) An authorized officer shall not enter a dwelling place except with the consent of the occupant or under the authority of a warrant. Entry of dwelling place

(2) The time of such entry shall be between six o'clock in the forenoon and six o'clock in the afternoon of any day of the week.

60. An authorized officer who has analyzed or examined an alcoholic drink or thing under this Act, or a sample of it, shall issue a certificate or report setting out the results of the analysis or examination Certificate of analysis

61. (1) The owner of a place inspected by an authorized officer under this Act or the person in charge of the place and every person found in the place shall — Assistance of officers

(a) provide all reasonable assistance to enable the authorized officer to carry out his duties under this Act; and

(b) furnish the authorized officer with such information as the officer reasonably requires for the purpose for which entry into the place has been made.

(2) Upon inspection, an authorized officer shall issue the respective certification once satisfied with the inspection

62. (1) A person, who obstructs, hinders or knowingly makes a false or misleading statement to an authorized officer under this Act commits an offence and is liable upon conviction to a fine not exceeding one hundred thousand or an imprisonment term of three months or to both. Obstruction

63. (1) An authorized officer may seize any alcoholic drink or thing in relation to which the officer believes that Seizure

this Act has been contravened and a full inventory thereof shall be made at the time of such seizure by the officer.

(2) The authorized officer may direct that any alcoholic drink or thing seized be kept or stored in the place where it was seized or that it be removed to another place.

(3) Unless authorized by an officer, no person shall remove, alter or interfere in any manner with any alcohol, alcoholic drink or other thing seized.

64. A person convicted of an offence under this Act for which no other penalty is provided shall be liable to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding three years, or to both. General penalty

PART VIII – GENERAL PROVISIONS

65. (1) The Executive Member with the approval of the County Executive Committee may make regulations generally for the better carrying out of the provisions of this Act. Regulations

(2) Without prejudice to subsection (1), regulations may be made for the following purposes of prescribing—

- (a) forms and formats of application, licence and notices;
- (b) fees payable;
- (c) types and conditions of licenses;
- (d) the conduct of stakeholders forum and stakeholders associations.
- (e) the conduct of the business of a committee established under this Act;
- (f) the code of conduct of members of a committee established under this Act;
- (g) storing and destruction of illicit brews; and
- (h) any other requirement for better implementation of this Act.

66. (1) There is established the County Alcoholic Drinks Appeals Committee comprising— County Alcoholic
Drinks Control
Appeals
Committee

- (a) the Executive Member who shall be the chairperson;
- (b) an officer of the County not attached to the department responsible for alcoholic drinks control, who shall be the secretary;
- (c) the County Director of public health;
- (d) an advocate of the High Court of Kenya from the County Public Service;
- (e) the County Director for physical planning;
- (f) not more than six residents of the County appointed by the Governor from a list of ten names of persons nominated by the public during a public baraza convened by the Governor or his or her representative, one of whom shall be a youth and provided that not more than two persons shall be from the same ward.

(2) The County Appeals Committee shall be responsible for—

- (a) receiving and hearing appeals from the decisions made by any person or committee under this Act; and
- (b) carrying out any other function as may be assigned by the Governor.

(3) A member of the County Appeals Committee appointed under sub-section (3) (f) shall hold office for a term of three years' renewable once.

(4) A member of the County Appeals Committee under sub section (1) may be removed from office for—

- (a) gross misconduct or misbehavior;
- (b) incompetence or neglect of duty;
- (c) inability to perform the duties under this Act arising out of physical or mental incapacity;
- (d) adjudication of bankruptcy;
- (e) breach of the code of ethics; or
- (f) conviction of a crime under this Act or a traffic

offence whose penalty exceeds an imprisonment term of six months;

67. (1) A person who is aggrieved by a decision made under this Act may appeal to the County Appeals Committee within thirty days of such decision.

Conduct of Appeals

(2) An appeal under this Section shall be in writing addressed to the Executive Member setting out the grounds of the appeal.

(3) The County Appeals Committee shall within thirty days consider and make a final determination on the appeal.

(4) The appellant may appear in person or by representation by an advocate for the hearing and determination of the appeal.

(5) The County Appeals Committee may in writing require any person to appear before it for purposes of giving evidence or providing expert opinion in respect of any matter under consideration, provided that any person adversely mentioned in an appeal shall be given an opportunity to be heard by the County Appeals Committee.

(6) Where the County Appeals Committee considers it necessary to take evidence in respect of any matter before it, such evidence shall be given on oath and the chairperson shall be empowered to administer the oath.

(7) For purposes of Chapter XI of the Penal Code, all proceedings before a County Appeals committee shall be deemed to be judicial proceedings.

(8) The County Appeals Committee shall maintain records of all its proceedings and in particular, records of the purposes for which an appeal was made, the evidence given, the arguments adduced and its determination.

(9) In making its determination, the County Appeals Committee may—

- (a) uphold the decision appealed against;
- (b) reverse the decision appealed; or
- (c) give direction on the action to be taken.

68. (1) Every member of a Committee under this Act

Code of ethics

shall abide by the code of ethics prescribed.

(2) A member of a committee under this Act shall not transact any business unless the person has signed the code of ethics.

(3) A member of a committee who violates the code of ethics shall cease being a member of the respective committee.

69. (1) Notwithstanding any other provision of this Act to the contrary, a person who, immediately before the commencement of this Act held an alcoholic drinks license which would have otherwise been valid under the Kiambu County Alcoholic Drinks Control Act, 2013, shall be required to immediately and not later than thirty days from the date of commencement of this Act to apply for a license under this Act. Transitional clause

(2) An application under sub-section (1) shall act as a stay against any proceedings or enforcement actions that would have otherwise been undertaken under this law.

(3) An application under this section shall be made in accordance with the procedure set out under Part IV of this Act.

**FIRST SCHEDULE
TYPES OF LICENCES, AUTHORISED HOURS AND
CONDITIONS**

1. (1) A person may apply for any licence under this Act and may only be granted such a licence if that person has met the requirements prescribed for that licence under this Act. Eligibility

(2) A person licenced to operate under a particular licence shall comply with the conditions of the licence and shall not use the licence beyond the limits of operations prescribed for each of the licence.

(3) A person who contravenes the provisions of subsection (2) commits an offence and on conviction, in addition to any other penalty provided under this Act, is liable to a fine of a sum not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years or to both.

2. (1) The alcoholic drink licenses shall be generally classified into the following two categories— General
classification of
alcoholic drinks
licenses

- (a) alcoholic drink on-licence to authorize the sale of an alcoholic drink for consumption at the point of sale; and
- (b) alcoholic drink off-licence for sale or handling of an alcoholic drink not for consumption at the point of sale.

• (2) Notwithstanding the provisions of subsection (1), an alcoholic drink on-licence shall be categorized into the following classes—

- (a) class D licence for a premises covering an area between 30 square meters to 50 square meters to hold not more than 50 patrons in one sitting;
- (b) class C for a premises covering an area above 50 square meters to 100 square meters to hold not more than 100 patron in one sitting;
- (c) class B for a premises covering an area above 100 square meters to 200 square meters to hold not more than 200 patrons in one sitting; and
- (d) class A for a premises of an area above 200 square meters .

(3) For purposes of this Act—

- (a) the word “patron” shall be construed to mean any person to whom an alcoholic drink is sold or served for consumption at the point of sale; and
- (b) the phrase “in one sitting” shall be construed to mean the total number of patron drinking within the licensed premises, whether sitting, standing or however positioned.

(4) In making an application under this Act, a person shall ensure that they apply within the class applicable to the size of their premises.

(5) In addition to any other requirements under this Act, a person shall ensure that they do not exceed the maximum number of patrons allowed for the class of licence in one sitting, failure to which, the person shall be guilty of an offence under this Act and may on conviction, be liable to a fine of a sum not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

3. (1) A person who sells or intends to sell an alcoholic drink for consumption at the point of sale may apply for any of the following types of alcoholic drinks on-licence under any of the applicable class-

- (a) general retail alcoholic drinks on-licence;
- (b) private members club alcoholic drinks on-licence;
- (c) night club alcoholic drinks on-licence; and
- (d) temporary alcoholic drinks on-licence.

(2) In addition to any other requirements prescribed under this Act, a person shall not be granted an alcoholic drink on-licence unless that person has provided the following within the premises—

- (a) the minimum of two toilet facilities dedicated for each gender with a urinal for the male, for exclusive use of the alcoholic drinks premises, separated and clearly marked for a Class D licence;
- (b) the minimum of three toilet facilities dedicated for each gender with a urinal for the male, for exclusive use of the alcoholic drinks premises, separated and clearly marked for a Class C licence;

Types of licences and general conditions of an alcoholic drinks on-licence

- (c) the minimum of four toilet facilities dedicated for each gender with a urinal for the male, for exclusive use of the alcoholic drinks premises, separated and clearly marked for a Class B licence; and
 - (d) the minimum of five toilet facilities dedicated for each gender with a urinal for the male, for exclusive use of the alcoholic drinks premises, separated and clearly marked for a Class A licence.
 - (e) a well ventilated and well lit premises;
 - (f) provision of water supply;
 - (g) a clear separation and designation of a dining area from the bar area where the person intends to offer food together with an alcoholic drink and to put measures to ensure that no drink is offered in any other place other than the designated bar area and that persons below the age of eighteen years do not access the bar area;
 - (h) a permanent or semi-permanent serving counter; and
 - (i) any other requirements as may from time to time be prescribed under the National Authority for the Campaign Against Alcohol and Drug Abuse Act, 2012 or the amendment thereof, which is not in contravention with the provisions of this Act.
- (3) Notwithstanding the generality of the foregoing, the following shall not be eligible to apply under the general retail alcoholic drinks on-licence category—
- (a) supermarket;
 - (b) wholesalers;
 - (c) depots and distributors; and
 - (d) manufacturers.
- (4) For the avoidance of doubt, a person holding an alcoholic drinks off-licence shall not offer for sale an alcoholic drink for consumption at the point of sale and in particular—
- (a) a person holding a wholesale alcoholic drinks off-licence shall not display an alcoholic drink or offer

for sale an alcoholic drink of such quantity as to reasonably construe that the wholesaler is selling an alcoholic drink as a retailer;

- (b) a depot or distributor shall not operate or allow the consumption of an alcoholic drink within its premises or from a motor vehicle distributing the alcoholic drink;
- (c) a supermarket shall not allow any person to consume an alcoholic drink within its premises; and
- (d) where a factory canteen is established or intended to be established, an application for general retail alcoholic drinks on-licence shall be made and accompanied by a letter of no objection from the authority responsible for regulating fair trade and competition in the Country.

4. A general retail alcoholic drink on-licence authorizes a person to sell an alcoholic drink within the licensed premises between the following hours—

Specific conditions for a general retail alcoholic drink on-licence

- (a) 5pm-11pm on week days; and
- (b) 2 pm- 11 pm on weekends and public holidays.

5. (1) A person shall not be eligible for a private members club alcoholic drinks on-licence unless the Sub-County Committee is satisfied that—

Specific conditions for a private members club alcoholic drinks on-licence

- (a) the regulations, by-laws or instruments of governance provided together with the application promote ethical behavior among its members;
- (b) the members' club is incorporated under the Society's Act as a non-profit making organization and existing solely for the benefit of the members and no profits are drawn by any member of the club or any person managing or associated with the operation or governance of the club;
- (c) in addition to any other facilities, the members' club has provided for sporting activities, open sporting fields and related infrastructure; and
- (d) the members' club is not a threat to the general security of the public or its members.

(2) A private members' club alcoholic drinks on-licence authorizes a person to sell alcohol to its members or the members' guests at any time of the week.

(3) Notwithstanding the generality of sub-section (2), a person in charge of a members' club shall ensure that adequate measures have been put in place to ensure that a person under the age of eighteen years has no access to an alcoholic drink while within the club premises.

6. (1) A person who is operating or intending to operate a night club shall, in addition to any other requirements under this Act, submit the following together with the application for a licence—

Specific conditions
for a night club
alcoholic drinks
on-licence

(a) a copy of the rules and regulations binding the patrons to observe good and ethical behavior;

(b) a written consent of at least fifty per cent of the residents of the area residing within a three kilometer radius which consent shall be verified by the sub-county committee by inspection or in a public hearing convened in accordance with the provisions of this Act.

(2) In addition to any other requirements under this Act, a premises shall not be recommended for a licence under this section unless the Sub-County committee is satisfied that there is adequate sound proofing and the sound meets the prescribed sound decibel prescribed for a night club by the National Environmental Management Authority.

(3) Notwithstanding the generality of this section, a night club which intends to promote any activity within the mandate of the Kenya Film Classification Board shall first obtain a license from this Board and attach the licence to the application made under this Act.

(4) A night club alcoholic drinks on-licence authorizes a person to sell an alcoholic drink between the following hours—

(a) 5pm-11pm during weekdays; and

(b) 5pm- 3 am during weekends and public holidays.

7. (1) A person who intends to sell an alcoholic drink for the purposes of a specific occasion, ceremony or event which shall not exceed a period of six hours shall apply for a temporary alcoholic drinks licence for that particular day.

Specific conditions for a temporary alcoholic drinks on-licence

(2) A person who holds a licence under this section shall only sell an alcoholic drink during the prescribed hours authorized for a general retail alcoholic drinks on-licence.

8. A person who manufactures, stores, distributes or sells an alcoholic drink not for consumption at the point of sale may apply for any of the following types of alcoholic drink off-licence-

Types and general conditions of an alcoholic drinks off-licence

- (a) wholesale alcoholic drink off-licence;
- (b) depot and distributors alcoholic drink off-licence;
- (c) supermarkets alcoholic drinks off-licence;
- (d) manufacturers alcoholic drinks off-licence;
- (e) importers alcoholic drinks licence; and
- (e) temporary brewing off-licence.

9. (1) A person who sells or intends to sell alcoholic drinks as a wholesaler shall apply for a wholesale alcoholic drinks licence.

Specific conditions for a wholesale alcoholic drink licence

(2) A person shall not qualify to apply under this category unless the person has written authority to sell an alcoholic drink from a licenced manufacturer or a licenced distributor.

(4) In addition to any other requirements prescribed for this licence under this Act, a person shall only be granted a licence under this section if—

- (a) the person gives a written undertaking to only sell an alcoholic drink within the licensed premises;
- (b) the proposed premises is not located within 300 meters from a learning institution or 200 hundred meters from a residential area or in the alternative, with the consent of the residents; and
- (c) the proposed premises meets the minimum area of 20 square feet provided that no alcoholic drink shall be stored outside the licensed premises.

10. (1) A person who stores and distributes alcoholic drinks or who intends to store or distribute an alcoholic drink shall apply for a Depot and Distributor's alcoholic drinks licence.

Specific conditions for a Depot or distributors' alcoholic drinks licence

(2) A person shall not qualify to apply under this category unless the person is a licenced manufacturer or has written authority to store and distribute from a licenced manufacturer.

(3) In addition to other requirements prescribed for this category under this Act, a person who intends to distribute an alcoholic drink within the County shall be required to operate a depot within the County.

(4) A holder of a licence under this category shall only sell an alcoholic drink on wholesale.

11. (1) A person who sells or intends to sell an alcoholic drink within the set up of a supermarket shall apply for supermarket alcoholic drinks licence.

Specific conditions for a supermarket alcoholic drinks licence

(2) A person shall not qualify to apply under this category unless the person is a licenced manufacturer or has written authority to sell within the supermarket premises from a licenced manufacturer or distributor.

(3) In addition to any other requirements under any written laws, a person shall not qualify for a licence under this section unless—

- (a) they have partitioned and clearly separated the area for the sale of liquor from the sale of other items within the supermarket and ensure that the partitioning is opaque;
- (b) they put measure to ensure that the area for the sale of liquor is not accessed by person below the age of eighteen years;
- (c) no advertisement of the alcoholic drinks shall be carried out on the barrier or partition to a supermarket;
- (d) they have put the prescribed warning sign in a conspicuous place restricting access to persons below the age of eighteen years.

12. (1) A person who is or intends to establish an alcoholic drinks manufacturing plant within the County shall, upon being granted a licence to manufacture by the Authority in accordance with the national laws, shall, before commencing any manufacturing of any alcoholic drink, apply for a alcoholic drinks manufacturers' licence under this Act.

Specific conditions
for an alcoholic
drinks
manufacturers'
off-licence

(2) Notwithstanding the provisions of a national law, the sub-county alcoholic drinks licensing officer may decline to issue a licence under this section if—

- (a) the proposed location of the manufacturing plant is within an area declared an alcohol free zone or within a residential area or near a learning institution in contravention with the provisions of this Act;
- (b) the establishment of the plant would be against the County Government policy;
- (c) the person has not paid the prescribed fee; or
- (d) in the public interest.

(3) A person licensed under this section must be a member and maintain the membership of a national umbrella body of manufacturers recognized by the Authority.

13. (1) A person who on a small scale brews traditional alcoholic drinks for consumption at a traditional or cultural ceremony, shall apply for a temporary brewing licence for every occasion of brewing.

Temporary
brewing off-licence

(2) The applicant shall disclose the—

- (a) name and type of the traditional brew;
- (b) ingredients used or to be used to brew;
- (c) quantity intended to be brewed; and
- (d) place of consumption of the brew.

(3) The sub-county committee shall, prior to grant of the licence under this section, ensure that the brew meets the quality standards set out by the Standards Act and the Kenya Bureau of Standards.

(4) An application under this section shall not be charged any fee.

(5) A person who fails to comply with the provisions of this Act shall be deemed to manufacture illicit brew within the definitions of this Act.

14. (1) A person who imports or intends to import alcoholic drinks and to operate within the County shall apply for an importers' wholesale alcoholic drinks-off licence.

Alcoholic drinks
importers licence

(2) The conditions of a whole sale alcoholic drinks off-licence shall apply to a licence under this section with the necessary modifications.

**SECOND SCHEDULE
FORMS AND FORMATS**



FORM A

**THE KIAMBU COUNTY ALCOHOLIC DRINKS CONTROL
ACT**

**APPLICATION FOR TEMPORARY ALCOHOLIC DRINKS
LICENCE**

- 1. Name of Applicant.....
- 2. Applicant Postal Address.....
- 3. Physical Address to which temporary licence should be made applicable..... (include road, plot number)
- 4. Period for which temporary licence is required from the day of 20..... to day of 20.....
- Date.....
- Signature.....



FORM B

THE KIAMBU COUNTY ALCOHOLIC DRINKS CONTROL
ACT

**DECLARATION OF COMMITMENT NOT TO SELL
ILLCIT OR UNLICENSED ALCOHOLIC DRINKS**

- 1. Name of Applicant.....
 - 2. Applicant Postal Address.....
 - 5. Location or proposed location of the licensed place
- (include plot number, road and ward)

I/We..... holders of identity card
 number/incorporation number..... do hereby
 undertake to only manufacture, sell, store, distribute or in any other
 manner handle alcoholic drinks authorized by the Authority and licensed
 under this Act and further, I undertake that during the validity of this
 licence, I shall sell the following types and brands of alcoholic drinks.

.....

I agree and authorize the Director to cancel my licence without further
 notice to me in the event that I do not comply with the provisions of this
 undertaking.

Date.....

Signature.....

Witnessed by
 Commissioner for oaths



FORM C

THE KIAMBU COUNTY ALCOHOLIC DRINKS CONTROL ACT

**APPLICATION FOR TRANSFER/REMOVAL OF
ALCOHOLIC DRINKS/ TRANSFER OF BUSINESS
PREMISES/ AUTHORITY TO HOLD ON PROBATE**

LICENCE

1. Name of Applicant..... of

2. Applicant Address..... Postal

3. Type and Number of license held
.....

4. Address of Premises specified therein

5. Name of transferee/address of premises to which it is desired to remove
license / Transfer business (include plot number)

.....

Date.....

Signature of Applicant



FORM D

THE KIAMBU COUNTY ALCOHOLIC DRINKS CONTROL ACT

APPLICATION FOR THE GRANT OR RENEWAL OF AN ALCOHOLIC DRINKS LICENCE

(To be completed in Triplicate)

1.Name of Applicant.....

2.Applicant Postal Address.....

3. Address and Plot Number of Premises.....

(Give sufficient details to adequately identify the premises)

Street, Phone Number.....

4.Name by which premises known.....

5.If for renewal, give expiring Licence Number.....

6.Licence to run from.....to.....

7. Type of Licence applied for

Date.....

Signature of Applicant.....



FORM E

THE KIAMBU COUNTY ALCOHOLIC DRINKS CONTROL ACT
APPLICATION FOR THE GRANT OR RENEWAL OF A
LICENCE - MANUFACTURER AN ALCOHOLIC
DRINK

1.Name of Applicant.....

2. Type of Business.....

(a) Sole proprietorship (the business is owned by one
person).....

Personal Identification Number.....(b)

Partnership.....

..... Names,

Postal Address and Phone Contacts of the

Partners.....

.....

(c)Limited Liability Company

Name, Postal Address and Phone Contacts of the Directors

.....

.....

Contact person.....

3. Postal Address.....

4. Physical Address (exact place of manufacture).....

5. Tel.....

7. Email.....

8. Town, Sub-county, Ward, Village.....

9. Business Registration No* or Certificate of Incorporation No*.....

10. Is this a New/Renewal application?.....If renewal, provide details of No.....

11. Do you have manufacturer's certificate? Yes*..... No.....

12. List type of brands of alcoholic drinks to be manufactured

Alcoholic Drink Number

Standards Certification

.....

.....

.....

13. Brief description of alcoholic drink(s).....

(a) Unit Capacity in Milliliters and cost in shillings of the alcoholic drink(s).....

(b) Alcoholic content.....

(c) Mode of Transport and storage conditions.....

Describe the purpose for which the alcoholic drink(s) will be used e.g. retail, wholesale or Export etc.)

No. 2

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Kiambu County Alcoholic Drinks Control

2018

14. Declaration by Applicant:

I hereby
declare and certify that the information given in this application
including attachments thereto is true and correct to the best of my
knowledge and belief.

Date.....

Signature.....

Official Stamp.....

- *Delete where applicable*

2018

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Kiambu County Alcoholic Drinks Control

No. 2



FORM F

THE KIAMBU COUNTY ALCOHOLIC DRINKS
CONTROL ACT

**APPLICATION FOR THE GRANT OR RENEWAL OF AN
ALCOHOLIC DRINKS LICENCE- WHOLESALERS
OR DISTRIBUTORS**

(To be completed in Triplicate)

1. Name of Applicant.....
2. Applicant Postal Address.....
3. Address and Plot Number of Premises (depot in case of distributor).....
(Give sufficient details to adequately identify the premises)
Street, Phone Number.....
4. Name by which premises known.....
5. If for renewal, give expiring license Number.....
6. License to run from.....to.....
7. Type of license applied for.....
- Date.....
- Signature of Applicant.....



FORM G

THE KIAMBU COUNTY ALCOHOLIC DRINKS CONTROL ACT

ALCOHOLIC DRINK LICENCE – ON LICENCE

TYPE OF LICENCE.....

LICENCE No.

This alcoholic drink licence is granted under the provisions of the Kiambu County

Alcoholic Drinks Control Act, 2018 to respect of premises situate at

..... of i
..... n
[Full details of premises to be

..... inserted by issuing officer]

This licence is granted subject to the provisions of the Kiambu County Alcoholic Drinks

Control Act, 2018 and to the following conditions

.....
.....
.....

This licence shall expire on

Fees paid: Sh.

Date of issue

Sub-county Committee alcoholic drinks licensing officer

.....

2018

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Kiambu County Alcoholic Drinks Control

No. 2

FORM H



THE KIAMBU COUNTY ALCOHOLIC DRINKS
CONTROL ACT

ALCOHOLIC DRINKS ASSURANCE LICENCE

LICENCE No.

This alcoholic drink license is granted under the provisions of the Kiambu County Alcoholic Drinks Control Act, 2018 to of having satisfied that he/she has an interest in premises to be built/being built* at.....for the purpose of being used for sale of alcoholic drink for consumption therein, and having supplied a signed copy of the plans, and subject to the provisions of the Kiambu County Alcoholic Drinks Control Act, 2018 he/she will be granted aalcoholic drink license.

Fees paid: Sh.

Date of issue

Chairman,

Sub-county Committee.....

FORM I



THE KIAMBU COUNTY ALCOHOLIC DRINKS

CONTROL ACT

SEIZURE FORM

To.....
.....
.....

Whereas I have reason to believe that the stock of goods detailed below which is/are at the premises of

..... do not meet the requirements of Kiambu County Alcoholic Drinks Control, 2018.

DETAILS OF THE GOODS

Name of the manufacturer/distributor/retailer/wholesaler

.....
Address.....

Physical location.....

Goods are marked/branded as follows.....

Physical seal.....

Description of goods.....

Quantity.....

Now therefore

I.....

an authorized officer under section 55 of the Kiambu County Alcoholic Drinks Control Act, 2018 hereby seize and detain the said goods under section 63 of Kiambu County Alcoholic Drinks Control Act, 2018.

Name of authorized officer.....

Designation.....

Signature.....

Date.....

Manufacturer/distributor/retailer/wholesaler

Name.....

Designation.....

Signature.....

Date.....

WITNESS OFFICIAL RUBBER STAMP

Name.....

Designation.....

Signature.....

• (To be filled in duplicate)

No. 2
FORM J



THE KIAMBU COUNTY ALCOHOLIC DRINKS CONTROL
ACT

SEIZURE FORM

(To be used incase of seizure of alcoholic drink of thing where they
are to be kept or stored in the premises where they seized)

To (Name and address of the vendor/manufacturer)

.....
.....
.....
.....

Whereas I have reason to believe that the stock of goods detailed below
which is/are at the premises of

.....
..... do not meet the provisions of the
Kiambu County Alcoholic Drinks Control Act, 2018

DETAILS OF THE GOODS

Name of the
manufacturer/distributor/retailer/wholesaler.....
...

Address.....

Physical
location.....

Goods are marked/branded as
follows.....

Physical
seal.....

Description of
goods.....

Quantity.....

Now therefore I.....
an authorized officer under section 55 of the Kiambu County Alcoholic
Drinks Control Act, 2018 hereby seize and detain the said goods under
section 63 of the Kiambu County Alcoholic Drinks Control Act, 2018 And
direct you to keep the sealed stock in safe custody subject to such orders
as may be issued subsequently in relation thereto.

Be it known to you that removal or alteration or interference in any
way with the said article(s) without any authority is an offence under
section 63(3) of the said Act.

Name of authorized
officer.....

Designation.....

Signature.....

Date.....

Manufacturer/distributor/retailer/wholesaler

Name.....
.....

Designation.....

Signature.....

Date.....

WITNESS OFFICIAL RUBBER STAMP

Name.....

Designation.....

Signature.....

To be filled in duplicate

No. 2

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Kiambu County Alcoholic Drinks Control

2018

FORM K



THE KIAMBU COUNTY ALCOHOLIC DRINKS
CONTROL ACT

**CERTIFICATE BY THE COUNTY PUBLIC HEALTH
OFFICE**

This certificate has been issued to.....

(State full names in Block Letters).

by the..... County Public Health Office
in.....Sub-county certifying that the above named
premises has met the laid out public health and sanitation standards on.....
.....day of20.....

Authorized

Signature.....

2018

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Kiambu County Alcoholic Drinks Control

No. 2



FORM L

THE KIAMBU COUNTY ALCOHOLIC DRINKS CONTROL ACT

RESIDENTS CONSENT FORM

We, the undersigned, holders of the Identity card Number attached to this consent and being resident as owners/ occupiers of the properties described herein do hereby confirm that we are aware of the application fortype of licence and we consent to the grant of the licence applied for.

s/n	Name and identification card/ passport number	Plot /house number	Telephone number	Signature

Attach copies of the national identity card numbers of the signatories.



FORM M

THE KIAMBU COUNTY ALCOHOLIC DRINKS CONTROL ACT

APPLICATION FOR THE GRANT OR RENEWAL OF A LICENCE TO IMPORT AN ALCOHOLIC DRINK

1. Name of applicant.....
2. Postal Address.....
3. Physical Address.....
4. Tel.....
5. Fax.....
6. E-mail.....
7. Business Registration No*.....
8. Is this a New/Renewal application? If Renewal, provide details of No.....
9. List type and brands of alcoholic drinks to be imported

Alcoholic Drink	Standards Certification Number
[REDACTED]	[REDACTED]
.....
.....

.....

.....

.....

.....

10. Brief description of alcoholic drink(s).....

(a) Unit Capacity in millilitres and Cost in Shillings of the alcoholic drink(s).....

(b) Alcoholic content.....

(c) Mode of transportation and storage conditions.....

(d) Describe the purpose for which the alcoholic drink (s) will be used (e.g. retail, wholesale)

11. Declaration by Applicant:

I hereby declare and certify that the information given in this application including attachments thereto is true and correct to the best of my knowledge and belief.

Date:

Signature:

Official Stamp.....

**THIRD SCHEDULE
LICENCE FEES**

Type of Licence	Fees		
	for 7 months and above	for 6 months and below	
1. General retail alcoholic drink -on Licence for a premises within town or municipality			
(a) Class D	50,000	30,000	
(b) Class C	60,000	40,000	
(c) Class B	80,000	60,000	
(d) Class A	100,000	80,000	
2. General retail alcoholic drink-on licence for a premises within urban areas other than a town			
(a) Class D	30,000	18,000	
(b) Class C	40,000	20,000	
(c) Class B	50,000	30,000	
(d) Class A	60,000	40,000	
3. General retail alcoholic drink-on licence for a premises situated elsewhere other than in town or urban areas			
(a) Class D	15,000	9,000	
(b) Class C	18,000	10,000	
(c) Class B	20,000	12,000	
(d) Class A	30,000	15,000	
4. Manufacturer's alcoholic drink license for each alcoholic drink or product manufactured			
	for 7 months and above	for 6 months and below	
(a) one million litres and above per annum	1,000,000		
(b) Between 500,000 – 999,999 litres per annum	500,000		
(c) Between 12,000 – 499,999 litres per annum	250,000		

(d) 12,000 and below	50,000		
5. Wholesale alcoholic off-licence for each premises	50,000	30,000	
6. Wholesale importers alcoholic drinks off-licence for each premises	100,000	80,000	
7. (1) Distributor alcoholic drink license	50,000	30,000	
(2) Depot license, in addition to (1) per depot	20,000	15,000	
8. Supermarket alcoholic drink license			
	Annual licensing fee		
(a) In respect of supermarkets for each premises situate in town	80,000		
(b) In respect of supermarkets for each premises situate within urban areas other than towns	50,000		
(c) In respect of supermarkets for each premises situate elsewhere other than in a town and urban area	30,000		
	Charges per application		
9. Temporary alcoholic drink license per day.	1,000		
10. Authority to hold licence on probate	1,000		
11. Removing an alcoholic drink license	1,000		
12. Transfer of business premises	10,000		
13. Issue of an assurance under the Act	1,000		
14. Issue of a duplicate license	500		

15. Application fee	1,000		
16. Members club alcoholic drinks on-license			
(a) In respect to a premises situate within town	100,000		
(b) In respect of premises situate within urban areas other than a town	80,000		
(c) In respect of premises situate elsewhere than in town or urban area	50,000		
17. Night club alcoholic drinks license			
(a) In respect to a premises situate within town	100,000		
(b) In respect of premises situate within urban areas other than a town	80,000		
(c) In respect of premises situate elsewhere than in town or urban area	50,000		