

**KIAMBU COUNTY ALCOHOLIC DRINKS CONTROL BILL,
2017**

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DRAFT

A Bill for

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	
Short title	<p>1. This Act may be cited as the Kiambu County Alcoholic Drinks Control Act, 2017 and shall come into operation on the date of publication.</p>
Interpretation	<p>2. In this Act, unless the context otherwise requires-</p> <p>‘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;</p> <p>‘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;</p> <p>‘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;</p> <p>‘Authorized officer’ includes-</p> <ul style="list-style-type: none">a) a public health officer appointed under the Public Health Act;b) officers appointed as enforcement officers under the National Police Services Act, Standards Act, Weights and

		<p>Measures Act and Anti- Counterfeit Act; or</p> <p>c) any other person upon whom any written law vests functions of the maintenance of law and order.</p> <p>‘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;</p> <p>‘chief officer’ refers to the chief officer responsible for alcohol drinks control;</p> <p>‘cinema’ has the meaning assigned to it in the Films and Stage Plays Act;</p> <p>‘County Appeals Committee’ means the County Alcoholic Drinks Appeals Committee appointed under section 24</p> <p>‘Directorate’ means the Directorate of Alcoholic Drinks Control established under section 4;</p> <p>‘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;</p> <p>‘Enforcement Committee’ means the County Alcoholics Drinks Control Enforcement Coordinating Committee established under section 53;</p> <p>‘Executive Member’ means the County Executive Committee Member responsible for alcohol drinks control;</p> <p>‘Fund’ means the Alcoholic Drinks Control Fund established under section 9;</p> <p>‘Hotel’ includes a facility used for the reception of guests and travelers desirous of dwelling or sleeping therein;</p> <p>‘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;</p> <p>‘institution of basic education’ has the same meaning assigned to</p>
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	<p>it under the Basic Education Act.</p> <p>‘licensee’ means a holder of a license granted under this Act;</p> <p>‘locality’ means a city, municipality, town, urban area, sub-county or ward as the case may be;</p> <p>‘manager’ in relation to –</p> <ul style="list-style-type: none">(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;(c) a specified building, includes the owner, occupier, lessee or the person in charge or in control of the specified building <p>‘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;</p> <p>‘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;</p> <p>‘off license retail outlet’ includes premises that deal in wines and spirits;</p> <p>‘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;</p> <p>‘retailer’ means a person who is engaged in a business that includes the sale of any alcoholic drink to consumers;</p> <p>‘restaurant’ means a place, premises or commercial establishment where meals are prepared, served and sold to customers;</p> <p>‘sell’ includes-</p> <ul style="list-style-type: none">(a) barter or exchange without use of money;(b) offer or expose for sale, barter or exchange without use of
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		<p>money;</p> <p>(c) supply, or offer to supply, in circumstances in which the supplier derives or would derive, a direct or indirect pecuniary benefit;</p> <p>(d) supply or offer to supply, gratuitously but with a view of gaining or maintaining custom, or otherwise with a view for commercial gain;</p> <p>‘Sub-County Committee’ means the Sub-County Alcoholic Drinks Regulatory Committee appointed under section 13.</p>
Purpose of the Act	3.	<p>The purpose of this Act is to provide a framework for the 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–</p> <p>(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;</p> <p>(b) protect the health of the individual in light of the dangers of consumption of alcoholic drinks;</p> <p>(c) protect persons under the age of twenty one years from negative impact on social development as a result of exposure to advertisements of alcoholic drinks;</p> <p>(d) provide for coordination and collaboration with other government agencies and to support implementation of national policies on alcoholic drinks control in the equity;</p> <p>(e) protect the health of persons under the age of twenty one years by preventing their access to alcoholic drinks;</p> <p>(f) provide a framework for provision of civic education;</p> <p>(g) facilitate and enhance community participation in alcoholic drinks control; and</p> <p>(h) ensure fair and ethical business practices related to production, distribution, promotion and sale of alcoholic drinks.</p>
PART II - ADMINISTRATION		
Establishment of Directorate	4.	(1) There is established in the County the Directorate of

			Alcoholic Drinks Control.
		(2)	<p>The functions of the Directorate shall be–</p> <ul style="list-style-type: none"> (a) to support and facilitate the committees established under this Act; (b) to carry out civic education on alcoholic drinks control in the county directly and in collaboration with other public or private institutions; (c) to facilitate citizen participation in matters related to alcoholic drinks control in accordance with the relevant County and National legislations; (d) in collaboration with relevant county and national agencies, promote the establishment of treatment and rehabilitation facilities and programs; (e) to promote and facilitate the elimination of substandard, illicit brews and counterfeit alcoholic drink products in the County; (f) to develop strategies and plans for implementing this Act and other relevant national legislations; (g) to collaborate with other county and national government departments in matters relating to alcohol abuse; and (h) monitor and evaluate the implementation of this Act; (i) carry out research directly or in collaboration with other institutions and serve as the repository of data and statistics related to alcoholic drinks control (j) recommend to the Executive Member and participate in the formulation of policies, laws and regulations related to alcoholic drinks control; <p>carryout such other roles necessary for the implementation of the objects and purpose of this Act and perform such other functions as may, from time to time, be assigned by the county executive member.</p>
Appointment and powers of the Director	5.	(1)	The Directorate shall be headed by a Director who shall be appointed by the County Public Service Board through a competitive process.

		(2)	The Director shall on the recommendation of the sub-county committee – (a) grant or renew a license; (b) suspend or cancel a license
		(3)	A person shall not be appointed as a Director unless such a person- (a) holds a degree in health, social science, administration, law or any related field from a recognized university; (b) has at least five years' experience in a managerial position; (c) has no pecuniary interest or is associated in the alcohol industry; (d) has complied with Article 10 of the Constitution; (e) is an undischarged bankrupt;
Removal of office		6.	A Director may be removed 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;
Annual reports		7.	(1) The Director shall prepare annual reports which shall be submitted to the Executive Member.
		(2)	The annual report referred to under sub section (1) shall contain; (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

			<p>County;</p> <p>(c) the level of public participation in implementing the Act and feedback from residents of the County in relation to appropriate processes for mitigating the impact of alcoholic drinks use;</p> <p>(d) data on use of treatment and rehabilitation services in each ward; and</p> <p>(e) challenges faced in the implementation of the Act.</p>
		(3)	The Executive Member shall publish and publicize the annual report through the established County communication methods which shall include the County website and communication forums.
Establishment of rehabilitation facilities and programs	8.		<p>The Directorate in collaboration with the relevant government agencies shall-</p> <p>(a) establish treatment and rehabilitation services, facilities and programs for person's dependent on alcoholic drinks in county health facilities;</p> <p>(b) ensure that the rehabilitation centers are adequately staffed;</p> <p>(c) ensure that the treatment and rehabilitation services, facilities and programs –</p> <p>i) are designed in a manner that is accessible and affordable to person's dependent on alcoholic drinks; and</p> <p>ii) where applicable, are integrated with other social services and programs.</p>

PART III - ALCOHOLIC DRINKS CONTROL FUND

Establishment of the Fund	9.	(1)	There is established the Alcoholic Drinks Control Fund.
		(2)	<p>The fund shall consist of-</p> <p>(a) such monies as may be appropriated by the County Assembly;</p> <p>(b) such license fees and other fees as may be payable under this Act;</p> <p>(c) sums received including contributions,</p>

			<p>gifts or grants from or by way of testamentary bequest by any person;</p> <p>(d) monies earned or arising from any investment of the Fund;</p> <p>(e) such sums as may be realized from property forfeited to the county; and</p> <p>(f) all other sums which may in any manner become payable to, or vested in the Fund.</p>
		(3)	<p>The Fund shall be used for meeting the capital and recurrent expenditure relating to–</p> <p>(a) carrying out the functions of the Directorate;</p> <p>(b) operations of the Committees;</p> <p>(c) developing and providing rehabilitation services, facilities and programs; and</p> <p>(d) any other matter related to the implementation of this Act.</p>
		(4)	<p>An amount of –</p> <p>(a) not less than thirty percent of the budget of the Fund shall be allocated for treatment and rehabilitation services programs; and</p> <p>(b) not more than three percent of the budget of the Fund shall be allocated for administration costs.</p>
Administration of the Fund	10.	(1)	<p>The County Executive Committee Member responsible for Finance shall designate an officer to administer the Fund.</p>
		(2)	<p>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.</p>
		(3)	<p>The officer administering the Fund shall-</p> <p>(a) supervise and control the administration of the Fund;</p>

			<p>(b) impose conditions on the use of any expenditure personally authorized and may impose any restriction or other requirement concerning the use of expenditure;</p> <p>(c) prepare quarterly reports of the operations of the fund and submit to the County Executive Committee Member responsible for Finance;</p> <p>(d) cause to be kept proper books of account and records in relation to the operations of the Fund;</p> <p>(e) 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</p> <p>(f) furnish such additional information as may be required for examination and audit by the Auditor-General.</p>
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		(4)	The County Executive Committee Member for Finance may designate to the Directorate such staff as may be necessary to assist in the management of the Fund.
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PART IV - LICENSING

Control of alcoholic drinks	11.	(1)	<p>A person shall not-</p> <p>(a) manufacture or otherwise produce;</p> <p>(b) sell, distribute or dispose of or deal with;</p> <p>any alcoholic drink in the County except in accordance with a license issued under this Act.</p>
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		(2)	A person who contravenes the provisions of sub section (1) commits an offence and is liable to a fine not exceeding one million shillings or imprisonment for a term not exceeding two years or both.
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		(3)	<p>Sub section (1) shall not apply to-</p> <p>(a) the importation of alcoholic drinks into the country if the alcoholic drink has been imported to the country pursuant to an import license issued under the Alcoholic Drinks Control Act, 2010;</p>
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<p>Cap .366 Cap. 244</p> <p>No. 5 of 1996</p>			<p>(b) 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;</p> <p>(c) the sale of spirituous or distilled perfume, or perfumery;</p> <p>(d) the sale of industrial alcohol;</p> <p>(e) the sale by auction by an auctioneer, licensed under the Auctioneers Act, 1996, of an alcoholic drink in quantities not less than those authorized to be sold under a wholesale alcoholic drink license belonging to a wholesale dealer, on the licensed premises of the dealer;</p> <p>(f) the sale by a deceased person's legal personal representative of an alcoholic drink forming part of the estate of the deceased person;</p> <p>(g) the sale by a trustee in bankruptcy of an alcoholic drink forming part of the bankrupt's estate;</p> <p>(h) the sale by the liquidator of a company of an alcoholic drink forming part of the company's assets;</p> <p>(i) the sale of alcoholic drink at the county assembly buildings, if sold with the permission of the Speaker of the county assembly; and</p> <p>(j) 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.</p>
<p>Sub-County Alcoholic Drinks Regulatory Committee</p>	<p>12.</p>	<p>(1)</p>	<p>There is established for every sub-county a Sub-County Alcoholic Drinks Regulatory Committee.</p>
		<p>(2)</p>	<p>A Sub-County Committee shall-</p> <p>(a) receive and consider applications in accordance with this Act;</p> <p>(b) recommend to the Director the grant of a license;</p>

			<p>(c) recommend to the Director suspend or cancel a license;</p> <p>(d) hear objections from the public; and</p> <p>(e) perform such other functions as may be assigned by the Executive Member.</p>
		(3)	<p>A Sub-County Committee shall consist of–</p> <p>(a) the sub-county administrator for the respective Sub County who shall be the chairperson;</p> <p>(b) the sub-county public health officer;</p> <p>(c) one officer designated from the Directorate who shall be the secretary;</p> <p>(d) a physical planning officer in the sub-county;</p> <p>(e) Six residents consisting of two males, two females and two youths of the opposite gender from the respective sub-county appointed in a public baraza convened by the Governor or his nominee; and</p> <p>(f) One member appointed by the Governor.</p>
		(4)	<p>A resident member of a Sub-County Committee shall hold office for a term of three years’ renewable once.</p>
		(5)	<p>A member of the Sub-County Committee under subsection (1) shall be removed from office for–</p> <p>(a) gross misconduct or misbehavior;</p> <p>(b) incompetence or neglect of duty;</p> <p>(c) inability to perform his duties arising out of physical or mental incapacity;</p> <p>(d) adjudication of bankruptcy;</p> <p>(e) violation of the code of ethics; or</p> <p>(f) conviction of a criminal offence under this Act or a traffic offence whose penalty exceeds an imprisonment term of six months.</p>
		(6)	<p>The conduct of business and affairs of the Sub-County Committee shall be in the manner prescribed under the regulations.</p>
Restriction on membership of the	13.		<p>A person shall not be a member of a committee</p>

Committees			<p>established under this Act if such person—</p> <ul style="list-style-type: none"> (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 undischarged bankrupt; (e) has been convicted of a criminal offence or an offence under this Act except a traffic offence whose penalty is less than six months' imprisonment.
Public participation and inter agency collaboration.	14.		<p>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.</p>
Application for a license	15.	(1)	<p>A Sub-County Committee shall publish and publicize a notice to the members of the public inviting them to apply for a license under this Act.</p>
		(2)	<p>A person who intends to produce, manufacture sell or distribute any alcoholic drink in the County or to operate an establishment for the sale of an alcoholic drink shall within fourteen days of the notice issued under subsection (1) -make an application to the Sub-County Committee in the prescribed form;</p>
		(3)	<p>An application under subsection (1) shall be accompanied by-</p> <ul style="list-style-type: none"> (a) detailed information on the nature, orientation and other justification for the establishment of the manufacturing plant or the establishment for sale; (b) for a manufacturer's license, certification from Kenya Bureau of Standards; (c) the fees as prescribed ; (d) a list of the intended brands authorized by the Authority to which the person intends to

			<p>manufacture, distribute or sell; and</p> <p>(e) such other requirement as may be prescribed by regulations under this Act.</p>
		(4)	The sub-county public health officer, the sub-county physical planning officer and the Inspector General of Police or his/her appointee shall submit a report to the sub-county committee on all matters within their jurisdiction relevant to the application before the Sub-County Committee.
Maintenance of lists	16.	(1)	<p>A person who intends to produce, manufacture sell or distribute any alcoholic drink in the County or to operate an establishment for the sale of an alcoholic drink shall-</p> <p>a) maintain a list of all alcoholic drinks manufactured, distributed, or sold in the prescribed form;</p> <p>b) maintain a list of persons who supply to the licensed persons' inputs for manufacturing alcoholic drinks in the case of a manufacturer and the persons who supply alcoholic drinks to a licensed person in the prescribed form;</p> <p>c) submit quarterly the list described under paragraphs (b) and (c) to the Executive Member through the available County channels.</p>
		(2)	A person who contravenes this section commits an offence and shall be liable upon conviction to a fine not exceeding twenty thousand Kenya shillings or to an imprisonment term not exceeding one month or to both.
Licensed Brands	17.	(1)	In granting a license, the Director shall issue a letter of approval on the applicants list of intended brands submitted under section 15(3).
		(2)	A person who intends to amend the list submitted under section 15(3) shall seek a letter of approval from the Director.
Notices	18.	(1)	A Sub-County Committee shall, within Fourteen days after the deadline of submission of an application for a license, issue a notice setting forth-

			<ul style="list-style-type: none"> (a) the names of all applicants; (b) the type of license applied for; (c) the premises in respect of which the license is applied for; (d) the time, date and place of the meeting of the Committee; and (e) the objection period, provided that the period specified in the notice shall not exceed twenty-one days from the date of the notice.
		(2)	<p>A notice under subsection (1) -</p> <ul style="list-style-type: none"> (a) shall be placed at the office of the Sub-County Administrator for a period of not less than twenty-one days; (b) shall be posted in a conspicuous place at or near the applicant's premises; (c) may, in addition to (a) and (b) be published in any other place as the Executive Member may deem necessary.
Grant of a license	19.	(1)	<p>In considering an application under Section 15(2), a sub-county committee shall take into account -</p> <ul style="list-style-type: none"> (a) the suitability of the proposed premises with respect to the nature of the license applied for; (b) whether the premises conforms to the prescribed requirements of the occupational health and safety regulations; (c) whether the applicant possesses the infrastructure and equipment relevant to the business applied for; (d) if an applicant for a license 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 competence of staff employed in the applicants premises; and (f) Such other requirement as may be prescribed by regulations under this Act.

		(2)	A Sub-County Committee shall, after considering an application under subsection (1) either <ul style="list-style-type: none"> (a) reject an application; (b) recommend to the Director to grant or renew a license with or without conditions; or (c) recommend to the Director to suspend or cancel a license.
		(3)	A license granted under subsection (2) shall be issued upon payment of the prescribed fee.
		(4)	Where the Director grants a license under this section, he or she shall cause to be published a list of the licensed premises at the sub-county and ward administrator's office and in any other manner as the Executive Member may determine.
		(5)	Where an application is rejected, the Sub-County Committee shall within fourteen days notify the applicant in writing of the decision to reject giving reasons.
License of premises for sale of alcoholic drinks	20.	(1)	The Director shall not grant a new license for the sale of an alcoholic drink to be consumed on the premises unless satisfied that— <ul style="list-style-type: none"> (a) (i) it would be in the public interest for provision to be made for the sale of alcoholic drink for consumption on the premises in the particular locality in respect of which the application is made; and (ii) that the number of such premises in respect of which such licenses have already been granted is insufficient for the requirement of the locality; <p>Provided that no license shall be granted to sell alcoholic drinks in any institution of basic education including primary and secondary schools or any residential area as have been demarcated by or under the relevant written laws;</p> <ul style="list-style-type: none"> (b) the premises in respect of which the application is

		<p>made is in good repair and is in a clean and wholesome condition, provided with adequate and proper sanitary arrangements; and</p> <p>(c) the premises, other than hotel premises, in respect of which the application is made is located at least three hundred metres from any nursery, primary, secondary or other learning institutions for persons under the age of twenty one years, provided that where a hotel is located within three hundred metres from the school, it shall not bear any outdoor promotion or advertisement related to alcoholic drinks;</p>
		<p>(2) The Director shall not grant or renew a license for the sale of alcoholic drinks in—</p> <p>(a) a supermarket or such other related retail chain store unless it is satisfied that the applicant has taken measures to ensure that the area in which the sale is to take place is not accessible to persons under the age of twenty one years;</p> <p>(b) a restaurant;</p> <p>(c) an outlet or premises located within a fuel station or within a distance of one hundred meters from a bus park as designated by the county government unless satisfied that the applicant has taken measures to ensure that the area in which the sale is to take place is not accessible to persons under the age of twenty one years and that such an outlet shall stock and sell lawful alcoholic drinks; and</p> <p>(d) wholesale outlets selling <i>wines and spirits</i> and general retail (off license) outlets popularly known as <i>wines and spirits</i>.</p>
Persons not eligible for a license	21.	Notwithstanding the provisions of this Act, the Director shall not

		<p>grant or renew a license to any person who—</p> <ul style="list-style-type: none"> (a) has failed to satisfy the requirements of this Act; (b) has 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) in the case of a retail license, is not resident in Kenya; (d) is under twenty one years of age; or (e) is an undischarged bankrupt. (f) has failed to obtain a trade license under the Kiambu County Trade Licenses Act.
Suspension or cancellation of a license	22.	<p>The Director may on recommendation of the Sub-County Committee suspend or cancel a license where satisfied that-</p> <ul style="list-style-type: none"> (a) the licensee has been convicted of an offence under this Act or any Act at any time in force regulating the manufacture, distillation, distribution or sale of an alcoholic drink; (b) the licensee has been convicted of an offence and sentenced to imprisonment without the option of a fine in Kenya or elsewhere for a period exceeding six months; (c) the business to which the license relates is conducted in a manner that is contrary to the provisions of his Act; (d) the conditions of a license granted under this Act have not been satisfied; or any requirement for the grant of a license under this Act has been violated.
Validity and renewal of license	23.	<p>(1) A license issued under this Act shall-</p> <ul style="list-style-type: none"> (a) be subject to the payment of the prescribed fee; (b) expire on the thirty first day of December of each year; (c) not apply to more than one premises; (d) specify in the License the hours stipulated under the First Schedule within which the sale of alcohol is permitted and any other relevant condition; and (e) not be transferable to another person.
		<p>(2) Notwithstanding the provisions of subsection (1) a person whose license has expired and has at the time of</p>

			such expiry applied for a renewal shall continue to operate lawfully until the application for renewal is either granted or rejected.
		(3)	Where an application for a license has been rejected, or a license has been cancelled, no subsequent application by the former applicant or licensee shall be considered by the Sub-County Committee during the period of six months from the date of such refusal or cancellation.
County Alcoholic Drinks Appeals Committee	24.	(1)	There is established the County Alcoholic Drinks Appeals Committee.
		(2)	The County Appeals Committee shall be responsible for– <ul style="list-style-type: none"> (a) receiving and hearing appeals from the decisions of the sub county committees; (b) carrying out any other function as may be assigned by the Executive Member.
		(3)	The County Appeals Committee shall consist of– <ul style="list-style-type: none"> (a) the Chief Officer who shall be the chairperson; (b) the Director 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) four residents of the County appointed by the Executive Member through a competitive process one of whom shall be a youth and provided that not more than two persons shall be of the same gender
		(4)	A member of the County Appeals Committee appointed under subsections 3(f) shall hold office for a term of three years' renewable once.
		(5)	A member of the County Appeals Committee under subsection (1) shall be removed from office for– <ul style="list-style-type: none"> (a) gross misconduct or misbehavior;

			<p>(b) incompetence or neglect of duty;</p> <p>(c) inability to perform the duties under this Act arising out of physical or mental incapacity;</p> <p>(d) adjudication of bankruptcy;</p> <p>(e) breach of the code of ethics; or</p> <p>(f) conviction of a crime under this Act or a traffic offence whose penalty exceeds an imprisonment term of six months;</p>
		(6)	The Conduct of business and affairs of the County Appeals Committee shall be as prescribed in the regulations.
Appeals	25.	(1)	A person whose application for the grant or renewal of a license has been rejected may appeal to the County Appeals Committee within fourteen days of such rejection.
		(2)	The County Appeals Committee shall within twenty-one days consider and make a final determination on the appeal.
		(3)	The County Appeals Committee may- <p>(a) uphold the decision of the sub-county committee;</p> <p>(b) reverse the decision of the sub-county committee;</p> <p>or</p> <p>(c) give direction on the action to be taken.</p>
Code of ethics	26.	(1)	Every member of a Committee under this Act 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.
Types and conditions of licenses	27.	(1)	Licenses which may be granted under this Act shall be those specified in the Second 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.
		(2)	The Director shall, where a license is granted, renewed, withdrawn or cancelled, include in the license a sufficient description of the licensed premises.
		(3)	A license shall not be granted to apply to more than one premises
		(4)	A person intending to sell an alcoholic drink in the premises classified as lodging shall apply for general retail alcoholic drink license.
		(5)	<p>(a) A holder of a hotel alcoholic drink license shall-not sell alcoholic drink to a person other than a lodger unless in area situate in premises within the hotel where the holder possesses a general alcoholic drink retail license where sale of alcoholic drink occurs under conditions for a general alcoholic drink license;</p> <p>(b) designate an area as a bar area where sale and consumption of alcoholic drink shall only take place and which shall be a restricted area for access to persons under the age of eighteen years; and</p> <p>(c) not sell an alcoholic drink in the area designated as dining area.</p>
		(2)	A person who contravenes subsection (5) commits an offence and shall upon conviction be liable to a fine not exceeding one hundred thousand shillings or to an imprisonment term not exceeding six months or to both.
Zones	28.	(1)	The Executive Member may, by an order published in the County Gazette and with the approval of the County Assembly classify and zone specific areas or streets within the County to be alcohol sale free zones.
		(2)	Where an area has been classified as an alcohol sale free zone, no alcoholic drink license shall be issued for sale of

			alcoholic drinks within that area.
Display of license	29.	(1)	A license shall be displayed on the premises to which it relates.
		(2)	A licensee shall also display a list of alcoholic drinks brands approved by the Authority.
		(3)	A person who contravenes the provisions of subsection (1) and (2) commits an offence and upon conviction shall be liable to a fine not exceeding one hundred thousand shillings or an imprisonment term not exceeding six months or to both.
		(4)	Where a wholesale alcoholic drink license is granted so as to be applicable to more premises than one, it shall be displayed in the premises first named therein and copies thereof displayed in the other outlets.
Employment for sale of alcoholic drinks.	30.	(1)	A licensee shall not employ a person under the age of twenty one, to sell, control or supervise the sale of alcoholic drinks or to have the custody or control of alcoholic drinks on licensed premises.
		(2)	Where a licensee permits another person to manage, superintend or conduct the day-to-day business of the premises in respect of which he is licensed, the licensee shall not be relieved of his obligations under this Act.
		(3)	A person who contravenes the provisions of sub section (1) commits an offence and shall upon conviction be liable to a fine not exceeding one million shillings or an imprisonment term not exceeding three years or to both.
Drunken behavior.	31.	(1)	A licensee, an agent or an employee of a licensee may refuse to admit to, and may expel from, the premises to which his license relates any person who is drunk and disorderly, violent, or quarrelsome.
		(2)	Any person referred to in subsection (1) who, on being requested by the licensee, his agent or employee, or by a police 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.
Debt from sale of alcoholic drinks.	32.		No suit shall be maintainable to recover any debt alleged to be due in respect of the sale of any alcoholic drink which was delivered for consumption on the premises where it was sold unless it was sold for consumption with a meal supplied at the time of sale or unless the person to whom it was sold or supplied was at the time of the sale a lodger on such premises.
			A person who contravenes the provisions of this section commits an offence and upon conviction shall be liable to a fine not exceeding one hundred thousand shillings or an imprisonment term not exceeding six months or to both.
Access by persons under age of twenty one years.	33.	(1)	A licensee under this Act shall not allow a person under the age of twenty one years to enter or gain access to the area in which the alcoholic drink is manufactured, stored, sold or consumed.
		(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 twenty one 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.
Reports by public health officers and County Enforcement Officers	34.	(1)	A Sub-county public health officer or any person authorized by him in writing in that behalf may enter and inspect any licensed premises for the purpose of ascertaining compliance with any public health

			requirements.
		(2)	County Enforcement officers 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.
PART V – GENERAL REQUIREMENTS			
Conformity with requirements	35.	(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.
		(2)	A person who contravenes the provisions of this section in relation to manufacture and distribution of an alcoholic drink commits an offence and shall be liable to a fine not exceeding two million shillings, or to imprisonment for a term not exceeding five years, or to both.
Supply to persons under age twenty one years	36.	(1)	A person shall not sell, supply or provide an alcoholic drink to a person under the age of twenty one years.
		(2)	A person who contravenes the provisions of subsection (1) commits an offence and shall be liable upon conviction to a fine not exceeding one hundred and fifty thousand shillings, or to imprisonment for a term not exceeding one year, or to both.
		(3)	For the purposes of this section, the following documentation may be used to verify a person's age- <ul style="list-style-type: none"> (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;
Display of signs	37.	(1)	A retailer shall post, in the prescribed place and manner, 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 twenty one years is prohibited by law.

		(2)	A retailer 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.
Vending machines.	38.	(1)	A person shall not sell or permit an alcoholic drink to be sold by way of an automatic vending machine.
		(2)	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 twelve months, or to both
Packaging	39.	(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 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 200 milliliters; (b) any other distilled or fortified alcoholic drink shall only be manufactured, packed, sold or distributed in glass bottles of the kind specified in paragraph (a); 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
PART VI - SALE AND CONSUMPTION			
Sale to intoxicated person	40.		A licensee who sells an alcoholic drink to a person already in a state of intoxication or by any means encourages or incites him

		to consume an alcoholic drink commits an offence and shall be liable upon conviction to a fine not exceeding ten thousand shillings.
Disorderly conduct	41.	(1) A person found by a police officer or an enforcement 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
		(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.
Cap 10		(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.
		(4) 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.
Sale to a driver of a vehicle.	42.	(1) A person shall not knowingly sell, offer for sale or supply an alcoholic drink to a person who being in charge of driving a vehicle or being likely to be driving a vehicle immediately after the consumption of the alcoholic drink.
		(2) A person who contravenes this section commits an offence and shall be liable upon conviction to a fine not exceeding twenty thousand or to imprisonment for a term not exceeding one month.
Consumption of alcoholic drinks outside	43.	(1) A person found by a police officer or an enforcement officer to be buying and or consuming an alcoholic

of licensed hours			drink in an alcoholic drink outlet outside the licensed hours shall be arrested without warrant and brought without unreasonable delay before a Magistrate
		(2)	A person who consumes an alcoholic drink outside of the licensed hours commits an offence and is liable upon conviction to a fine not exceeding one thousand or to an imprisonment term not exceeding one month or to both.
Breach of license	44.	(1)	A person who sells, offers, or exposes an alcoholic drink for sale or who bottles an alcoholic drink except under and in accordance with a license issued in that behalf under this Act commits an offence and is liable upon conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.
		(2)	Except as may be provided for in this Act, a person shall not- <ul style="list-style-type: none"> (a) sell, supply or offer for sale an alcoholic drink in a workplace, office, factory, public park or any public recreational facility, public transport vehicle, public beach, sports stadium or public street; or (b) sell, purchase or consume an alcoholic drink in an alcoholic drink selling outlet after the expiry of the hours for which the outlet is licensed to sell the alcoholic drink.
		(3)	A person who contravenes the provisions of subsection (2) 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 one year or to both.
Sale to authorized officer	45.		A person who knowingly sells, supplies or offers an alcoholic drink to an authorized officer or to a police officer in uniform or who harbors or suffers to remain on licensed premises any such police officer except for the purpose of keeping or restoring order or otherwise in the execution of his duty, commits an

		offence and is liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding three months or to both.
Non-disclosure of conviction	46.	A person who is required by any provision of this Act to disclose any conviction and fails to do so when making any application commits an offence.
Manufacture and sale of Adulterated drinks No. 4 of 2010	47.	<p>A person shall not manufacture, distribute, keep for sale, offer for sale or sell-</p> <ul style="list-style-type: none"> (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. (c) 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. (d) 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. (e) 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.
Manufacture and sale of illicit brew	48.	(1) A person shall not manufacture, distribute, keep for sale, offer for sale or sell any illicit brew.
		(2) any person who contravenes subsection 1 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

PART VII – ADVERTISEMENT AND PROMOTION

Prohibited advertisement and promotion	49.	<p>(1) A person shall not promote an alcoholic drink by way of outdoor advertisement-</p> <ul style="list-style-type: none"> (a) in a manner that is false, misleading or deceptive or that are likely to create an erroneous impression about the characteristics, health effects, health hazards or social effects of an alcoholic drink; (b) through painting or decorating any building or premises, except the interior part of licensed premises, with the name of the alcoholic drink or manufacturer, colour and brand images or logos associated with a manufacturer or an alcoholic drink or any other related form; (c) 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 twenty one 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 vehicle.
		<p>(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.</p>
Promotion at underage events.	50.	<p>(1) A person shall not promote an alcoholic drink –</p> <ul style="list-style-type: none"> (a) at any event or activity associated with persons under the of twenty one years; or (b) using such things or materials that are associated with persons under the age of twenty one years.
		<p>(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 shilling or imprisonment for a term not exceeding three years or to</p>

			both such fine and imprisonment.
Encouraging consumption	51.	(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.
		(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 VIII – ENFORCEMENT			
Authorized officer	52.	(1)	The Executive Member shall for each sub-county designate a county officer to be an authorized officer for purposes of this Act.
		(2)	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.
		(3)	An authorized officer entering any premises under this section shall, if so required, produce his or her identification for inspection by the person who is or appears to be in charge of the premises.
County Alcoholic Drinks Control Enforcement Coordinating Committee.	53.	(1)	There is established the County Alcoholic Drinks Control Enforcement Coordinating Committee.
		(2)	The Enforcement Committee shall consist of – (a) the chief officer responsible for alcoholic drinks control who shall be the chairperson of the Committee; (b) one authorized officer appointed under section 52; (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

			(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 sub county level similar to the county committee established under this Act with necessary modifications
Functions of Enforcement Committee.	54.		<p>The functions of the Enforcement Committee shall be to-</p> <ul style="list-style-type: none"> (a) coordinate enforcement under this Act; (b) monitor and evaluate the enforcement process and system under the Act; (c) advise the county 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.
Places authorized officers may enter	55.	(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
		(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.
Powers of officers	56.		<p>In carrying out an inspection in any place pursuant to section 55, an authorized officer may—</p> <ul style="list-style-type: none"> (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

		<p>any container or package found in the place that the officer believes on reasonable grounds contains the alcoholic drink or thing;</p> <p>(d) conduct any test or analysis or take any measurements; or</p> <p>(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.</p>
Use of records.	57.	<p>In carrying out an inspection, an authorized officer may-</p> <p>(a) reproduce the data in the form of a print- out or other intelligible output and take it for examination or copying;</p> <p>(b) use or cause to be used any copying equipment in the place to make copies of any data, record or document; and</p> <p>(c) scrutinize any other record system in use in that place.</p>
Entry of dwelling place	58.	<p>(1) An authorized officer shall not enter a dwelling place except with the consent of the occupant or under the authority of a warrant.</p> <p>(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.</p>
Certificate of analysis.	59.	<p>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.</p>
Assistance of officers	60.	<p>(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 —</p> <p>(a) provide all reasonable assistance to enable the authorized officer to carry out his duties under this Act; and</p> <p>(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.</p> <p>(2) Upon inspection, an authorized officer shall issue the</p>

		respective certification certificate once satisfied with the inspection.
Obstruction	61.	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.
Seizure	62.	(1) An authorized officer may seize any alcoholic drink or thing in relation to which the officer believes that this Act has been contravened and a full inventory thereof shall be made at the time of such seizure by the officer.
		(2) An 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 moved 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.
General penalty	63.	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.

PART IX –GENERAL PROVISIONS

Regulations	64.	<p>(1) The Executive Committee Member with the approval of the County Executive Committee may make regulations generally for the better carrying out of the provisions of this Act.</p> <p>(2) Without prejudice to subsection (1), regulations may be made for the following purposes—</p> <ul style="list-style-type: none"> (a) forms of notices; (b) fees payable; (c) licenses; (d) regulation of the business of the committees under this Act
Transitional clause	65.	<p>(1) Notwithstanding any other provision of this Act to the contrary, a person who, immediately before the commencement of this Act was in accordance with the Kiambu County Alcoholic Drinks Control Act, 2013, a manufacturer, distributor or retailer of any alcoholic drink in under that Act shall be deemed to be a manufacturer, distributor or retailer of any alcoholic drink under this Act.</p>
		<p>(2) A manufacturer, distributor or retailer of any alcoholic drink in the contemplated referred to in subsection (1), shall, within four months of upon commencement of this Act, comply with the requirements of this Act</p>
		<p>(3) Upon enactment of this Act, all the existing Committees under the Kiambu County Alcoholic Drinks Control Act, 2013 shall stand dissolved and new committees shall be established in accordance with this Act.</p>
Repeals	66.	The Kiambu County Alcoholic Drinks Act, 2013 is repealed.

FIRST SCHEDULE

(s.26)

	LICENSE	License Hours, Conditions and Exceptions
1.	General Retail Alcoholic Drink Licence (on licence) for retail outlets commonly known as Bar	(a) From Monday to Friday during the hours of 5.00 p.m. to 11.00 p.m.; and (b) During weekends and public holidays during the hours of 2:00 pm to 11:00 p.m.
2.	Supermarket or Franchised Retail Chain Stores Alcoholic Drink Licence (Off-Licence)	Authorized to sell alcoholic drink on any day of the week during the hours of 5.00 p.m. to 9:00 p.m.
3.	Hotel Alcoholic Drink Licence	Authorized to sell alcoholic drink on any day of the week to a lodger - for his own consumption and his guest's consumption on the premises, at any hour.
4.	Members Club Alcoholic Drink Licence A members club licence shall only be held to a members club that is a non-profit association	Authorized to sell alcoholic drink to members on any day of the week at any hour.

	incorporated under the Society's Act and existing solely for the benefit of members and where no profits are drawn by any member of the club or any person managing or associated with the operations and governance of the club	
5.	Temporary or Occasional Alcoholic Drinks license.	Authorized to sell alcoholic drink on the day and during the hours stipulated in the license by the County Committee for the purposes of specific occasions, ceremonies or events as indicated in the application provided that the licence shall not be granted for a period exceeding six hours.
6.	Theatre Alcoholic Drink License.	Authorized to sell alcoholic drink during the hours of 5.00 p.m. to 11:00. p.m.

SECOND SCHEDULE

(s.26)

TYPES OF LICENCES

The following licenses may be granted under this Act .

1. Manufacturer's License

Subject to the conditions specified in the license, a Manufacturer's license authorizes the holder to-

- (a) manufacture and store the manufactured alcoholic drink in his depot;
- (b) sell the product of his manufacturing plant by wholesale in accordance with the conditions that are for the time being, applicable to a holder of a wholesale license or by delivery from depot throughout Kenya in accordance with the Alcoholic Drinks Control Act, 2010:

Provided that the manufacturer shall be required to possess a license to distribute the product of his manufacturing plant within the county; and bottle the alcoholic drink subject to such conditions as may be prescribed.

- (c) For the purposes of this paragraph, 'depot' means premises of whatever description which are occupied by a Manufacturer for of his trade.

2. Wholesale License

A wholesale license authorizes the licensee to sell an alcoholic drink at the premises at wholesale specified in the license, subject to such conditions as may be:

Provided that a licensee shall not sell any alcoholic drink for consumption in the premises

3. Retail License

A retail license authorizes the licensee to sell an alcoholic drink on the premises, at the hours and subject to such other conditions as are specified in the license.

4. Distributor's License

A distributor's license authorizes the licensee to distribute or supply an alcoholic drink within the county subject to such other conditions as are specified in the license:

Provided that a distributor of an alcoholic product in the county shall establish a depot in the county and possess a license for the depot and for distributing the product.

DRAFT

THIRD SCHEDULE
FORMS



FORM A

APPLICATION FOR TEMPORARY ALCOHOLIC DRINK LICENCE

1. Name of Applicant.....
2. Applicant Postal Address.....
3. Type and number of license held.....
4. Type of license.....
5. *Address to which temporary license should be made applicable.....
6. *Period for which temporary license is required.....

Date.....

Signature.....

DRAFT

**Delete where not applicable*



FORM B

**APPLICATION FOR TRANSFER/REMOVAL OF ALCOHOLIC DRINK
LICENCE**

1. Name of Applicant.....
2. Applicant Postal Address.....
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
.....

Date.....

Signature of Applicant.....

DRAFT



FORM C

**APPLICATION FOR THE GRANT OR RENEWAL OF AN ALCOHOLIC
DRINK RETAIL 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 License Number.....
 6. License to run from.....to.....
 7. Type of License applied for.....
- Date.....
- Signature of Applicant.....

DRAFT



FORM D

**APPLICATION FOR THE GRANT OR RENEWAL OF A LICENCE
TO MANUFACTURE OR PRODUCE 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*.....

DRAFT

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

Standards Certification Number

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

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.....

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

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



FORM E

PARTICULARS CONCERNING CLUBS

(To be completed in block capitals)

These particulars relate to an application which has been made for the grant of a

.....

(Particulars of type of license)

(Full names of applicant) who intends to hold such license on behalf of a club)

PARTICULARS

1. Name of club concerned
2. Address and situation of club premises
3. State whether the club is registered or exempted from registration under the provisions of the law for the time being relating to companies or societies.
.....
1. Registration no.
2. Particulars of types or categories of membership existing
3. Total membership of club
4. State whether entrance fees or subscriptions are payable
5. Give details of the objects or purpose for which the club is established.
.....
6. State whether any persons, other than members, may pay for or be charged for food, drink or accommodation offered by the club.....
7. State whether the club is a members' club or a proprietary club; that is, who owns the club property, the freehold title or leasehold title to the land upon which the club situate, and who retains any profits earned or made by the club
.....
8. State whether any limit is imposed on temporary membership, and whether temporary members are required to pay both entrance fees and subscriptions.
.....
9. Particulars of the applicant's office or position in the club
I, the applicant, hereby declare that the
Foregoing particulars are correct in every detail.
Date
- Signature of Applicant



FORM F

**APPLICATION FOR THE GRANT OR RENEWAL OF AN ALCOHOLIC
DRINK WHOLESALE OR DISTRIBUTORSHIP LICENCE**

(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.....

DRAFT



FORM G

ALCOHOLIC DRINK LICENCE

TYPE OF LICENCE.....

LICENCE No.

This alcoholic drink license is granted under the provisions of the Kiambu County Alcoholic Drinks Control Act, 2013 to of in respect of premises situate at [Full details of premises to be inserted by issuing officer]

This license is granted subject to the provisions of the Kiambu County Alcoholic Drinks Control Act, 2013 and to the following conditions

.....

This license shall expire on

Fees paid: Sh.

Date of issue

DIRECTOR,

DRAFT



FORM H

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, 2013.

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.....

DRAFT

Now therefore I..... an authorized officer under section 50 of the Kiambu County Alcoholic Drinks Control Act, 2013 hereby seize and detain the said goods under section 62 of Kiambu County Alcoholic Drinks Control Act, 2013.

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)



FORM I

SEIZURE FORM

(To be used in case 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, 2013

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 50 of the Kiambu County Alcoholic Drinks Control Act, 2013 hereby seize and detain the said goods under section 62 of the Kiambu County Alcoholic Drinks Control Act, 2013 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 62 (3) of the said Act.

Name of authorized officer.....

Designation.....

Signature.....

Date.....

Manufacturer/distributor/retailer/wholesaler

Name.....

Designation.....

Signature.....

Date.....

DRAFT

WITNESS OFFICIAL RUBBER STAMP

Name.....

Designation.....

Signature.....

To be filled in duplicate

DRAFT



FORM J

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.....

DRAFT

FOURTH SCHEDULE
LICENCE FEES

<i>Type of License</i>	<i>Fees</i>		
	For 12 months	for 6 months or less	
1. General retail alcoholic drink license (on License)			
(a) in respect of premises situate within a town	50,000	30,000	
(b) in respect of premises situate within urban areas other than a town	30,000	18,000	
(c) in respect of premises situate elsewhere than in town or urban areas	15,000	9,000	
2. Manufacturer's alcoholic drink license for each alcoholic drink or product manufactured			
(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		
3. Wholesale alcoholic drink license for each premises			
(1) Distributor alcoholic drink license	50,000	30,000	
(2) Depot license, in addition to (1) per depot	20,000	15,000	

4. Hotel alcoholic drink license (on license)			
(a) In respect to a premises situate within town	50,000	30,000	
(b) In respect of premises situate within urban areas other than a town	20,000	12,000	
(c) In respect of premises situate elsewhere than in town or urban area	5,000		
5. Members 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		
6. Supermarket or retail chain stores alcoholic drink license			
(a) In respect of supermarkets or retail chain stores for each premises situate in town	80,000		
(b) In respect of supermarkets or retail chain stores for each premises situate within urban areas other than towns	50,000		
(c) In respect of supermarkets or retail chain stores for each premises situate elsewhere other than in a town and urban area	30,000		
2) Theatre alcoholic drinks license	15,000	7,000	
3) Temporary or occasional alcoholic drink license per day.		1,000	
4) Transferring an alcoholic drink license		1,000	

5) Removing an alcoholic drink license		500	
6) Issue of a duplicate license		500	
7) Application fee		1,000	

DRAFT