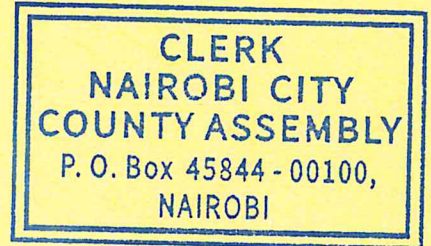


SPECIAL ISSUE

Kenya Gazette Supplement No. 3 (Nairobi County Bills No. 3)



REPUBLIC OF KENYA



KENYA GAZETTE SUPPLEMENT

NAIROBI COUNTY BILLS, 2026

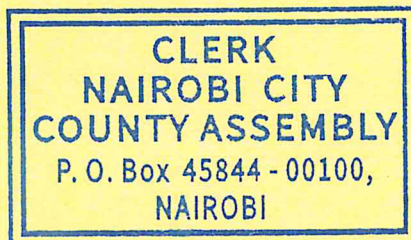
NAIROBI, 23rd March, 2026

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CLERK
NAIROBI CITY
COUNTY ASSEMBLY
P. O. Box 45844 - 00100,
NAIROBI

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COUNTY ASSEMBLY
P. O. Box 45844 - 00100,
NAIROBI

**THE NAIROBI CITY COUNTY ALCOHOLIC DRINKS
CONTROL AND LICENSING (REPEAL) BILL, 2026**

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CLERK
NAIROBI CITY
COUNTY ASSEMBLY
P. O. Box 45844 - 00100,
NAIROBI

**THE NAIROBI CITY COUNTY ALCOHOLIC DRINKS
CONTROL AND LICENSING (REPEAL) BILL, 2026**

A Bill for

AN ACT of the Nairobi City County Assembly to effect Article 185 (2) and Paragraph 4 (c) of Part II of the Fourth Schedule of the Constitution of Kenya and to provide for the control, licensing, regulation and general administration of the manufacture, production, sale, distribution, import, export, consumption and advertisement of alcoholic drinks and implementation of sensitization programs against alcoholic abuse in the County and for connected purposes

ENACTED by the County Assembly of the Nairobi City, as follows—

PART I—PRELIMINARY

Short title and Commencement

1. This Act may be cited as the Nairobi City County Alcoholic Drinks Control and Licensing (Repeal) Act, 2026 and shall come into operation on the date of publication in the *Gazette*.

Interpretations

2. (1) In this Act, unless the context otherwise requires—

“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 prescribed formula;

“alcoholic drink” includes alcohol, spirit, wine, beer, liquor, traditional alcoholic drink, and any one or more of such varieties containing one-half of one per cent 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;

“Alcoholic drinks premises”-means any establishment, venue, or property where alcoholic beverages are sold, served, or consumed;

“Authority” means the National Authority for the Campaign against Alcohol and Drug Abuse (NACADA) established under the National Authority for the Campaign against Alcohol and Drug Abuse Act, 2012; or its successor in law as the national public body or department responsible for matters relating to alcoholic drinks;

“Authorized officer” means an authorized officer within the meaning of section 49;

“Board” means the Nairobi City County Alcoholic Drinks Control and Licensing Board established under section 5 of this Act;

“Chief officer” means the Chief Officer for the time being responsible for matters relating to Alcoholic Drinks Control and Licensing;

“County” means Nairobi City County;

“County Assembly” means the Nairobi City County Assembly;

“County Executive Member” means County Executive Committee Member for the time being responsible for matters relating to Alcoholic Drinks Control and Licensing;

“County Public Service Board” means Nairobi City County Public Service Board;

“Directorate”- means the Alcoholic Drinks Control and Licensing Directorate established under section 11 of this Act;

“entity” includes a company, corporation, firm, partnership, association, society, trust or other organization, whether incorporated or not;

“Fund” means the Nairobi City County Alcoholic Drinks Control Fund established under section 54 of this Act;

“Governor” means the Governor of Nairobi City County;

“Harmful constituent” means any constituent of an alcoholic drink which the County Executive Committee Member may, under section 57 prescribe;

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

“Illicit trade” means any practice or conduct prohibited by law and which relates to production, shipment, receipt, possession, distribution, sale or purchase of alcohol or its products, including any practice or conducted intended to facilitate such activity;

“Licensee” means a person who holds a license granted under this Act;

“Locality” unless where context otherwise provides to the contrary, means a city, municipality, town, urban area, sub-county or ward as the case may be within Nairobi City County;

“Manager” in relation to—

- (a) a health institution, includes the owner or a person in charge or in control of the health institution;
- (b) a specified building, includes the owner, occupier, lessee or the person in charge or in control of the specified building; and
- (c) a specified premise, includes the owner, occupier, lessee or the person in charge or in control of the specified premises.

“Manufacture” means the brewing, distilling, tapping or any processing or intermediate processing of an alcoholic drink and includes the packaging, labelling, distribution or importation of an alcoholic drink for sale in the County;

“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;

“Off-license” means a license for the sale of alcoholic drink to be consumed elsewhere than on the premises where it was sold;

“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;

“Product” means unique alcoholic drink produced by a manufacturer or unique brand produced by a manufacturer or distiller or bistro;

“Restricted area” an area outside the permitted zone;

“Relevant agency” means authority (NACADA) as described above or its successor in law. as the national public body or department responsible for matters relating to alcoholic drinks;

“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; and
- (e) online sale of alcohol;

“Sensitive area” means residential, health facilities, learning institutions or key government and diplomatic installations or any other restricted areas by an Act of Parliament or County Government laws;

“Sub-county Committee” means the sub-county alcoholic control and licensing committee established and appointed under section 13 of the Act; and

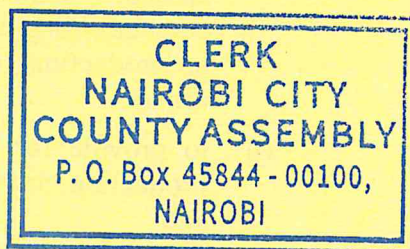
“Vending machine” means a machine or device that is constructed to contain alcoholic drinks, and which can automatically retail any alcoholic drink upon the insertion of a coin, token or similar object into the machine or device.

(2) Meanings ascribed to words, phrases or expressions in the national legislation shall apply to those words, phrases or expressions respectively where the words, phrases or expressions are used in this Act and the words, phrases or expressions used in this Act shall have corresponding meaning as set out in the national legislation unless the context requires otherwise.

Application

3. This Act shall apply to any person or entity that engages in any alcoholic drinks activity or business venture conducted within the county and shall include but not limited to—

- (a) production or manufacture;
- (b) import or export;
- (c) distribute;
- (d) wholesale or retail;
- (e) sale;
- (f) promote or market;
- (g) exchange for barter trade; and
- (h) online sale of alcohol.



Objects and Purpose

4. The object and purpose of this Act is to give further effect to paragraph 4(c), Part II of the Fourth Schedule of the Constitution and establish a legislative framework to—

- (a) protect the health of the individual in the light of the dangers of excessive consumption of alcoholic drinks;
- (b) protect consumers of alcoholic drinks from misleading or deceptive inducements and inform them of the risks of excessive consumption of alcoholic drinks;
- (c) protecting the health and prohibit access and consumption of alcohol by persons under the age of eighteen and control the exposure of such persons to advertisements of alcoholic drinks;
- (d) promote research and dissemination of information on the effects of alcoholic drink consumption, in particular the health risks that may arise therefrom;
- (e) regulate the production, manufacture, distribution, import, export, sale (including online sales), consumption of alcoholic drinks and the promotion of research programs relating to alcoholic drinks;
- (f) implement the National Government and County Government policy on the control of alcoholic drinks;
- (g) to provide for the county institutions and for procedures applicable to the control and licensing of alcoholic drinks within the county;
- (h) control, reduce and mitigate the negative health, social and economic impact on individuals and communities resulting from production, sale and consumptions of alcoholic drinks;
- (i) provide for effective measures to eliminate illicit trade in alcohol including smuggling, illicit manufacture and counterfeiting; ensure fair and ethical business practices related to production, distribution, promotion and sale of alcoholic drinks;
- (j) to provide for fair and ethical business practices related to production, distribution, promotion and sale of alcoholic drinks; and
- (k) to provide a framework for public awareness on the negative effects of excessive consumption of alcoholic drinks, the

implementation rehabilitation programmes of those affected by consumption of alcoholic drinks;

PART II—ADMINISTRATION

Establishment of Board

5. (1) There is established the Nairobi City County Alcoholic Drinks Control and Licensing Board which shall comprise of—

- (a) a Chairperson with demonstrable relevant knowledge and experience appointed by the Governor;
- (b) the Chief Officer for the time being responsible for matters related to Alcoholic Drinks Control and Licensing;
- (c) the Chief Officer for the time being responsible for matters related to Public Health or a representative designated in writing who shall not be below the level of Director;
- (d) the Chief Officer for the time being responsible for Inspectorate, Enforcement and Compliance or a representative designated in writing who shall not be below the level of Director;
- (e) the Chief Officer for the time being responsible for matters related to Finance or a representative designated in writing who shall not be below the level of Director;
- (f) the County Commissioner or a representative designated in writing by the Commissioner;
- (g) three persons who are residents of Nairobi appointed by the Governor, who shall be persons conversant with issues relating to alcohol licensing and control within the County; and
- (h) the Director, for the time being in charge of Alcoholic Drinks Control and Licensing who shall be the Secretary and an *ex-officio* member of the Board.

(2) In appointment of the Chairperson and members under this section, the appointing authority shall ensure ethnic balance, gender parity and representation of the youth and persons with disability and that the persons appointed shall subscribe to the highest level of Leadership and Integrity.

(3) In appointment of the Board Members at least one person shall possess financial management expertise or qualification.

(4) The appointment of the Chairperson and members appointed under sub-section (1) (a) and (g) shall be by notice in the Kenya Gazette.

(5) The Chairperson and members of the Board appointed under sub-section (1) (a) and (g) shall hold office for a term of three (3) years and may be eligible for re-appointment for one further term.

(6) The Chairperson of the Board shall meet the following qualifications—

- (a) hold a degree from a recognized University;
- (b) has proven Business Management or other relevant professional experience;
- (c) has served in a position of senior management for a period of at least three years;
- (d) has not served in the same entity as an employee in the preceding three (3) years; and
- (e) meets the requirements of Chapter Six of the Constitution.

Functions of the Board

6. (1) The functions of the Board shall be—

- (a) to advise and ensure the implementation of the national and county government policy on the control and regulation of the alcoholic drinks within the County;
- (b) to entertain appeals arising from the decision of the Sub-county Committee created under section 13 of this Act;
- (c) on its own motion review any action or decision of the sub-county committees under this Act;
- (d) to advise the county government generally on issues of control and licensing of alcoholic drinks within the County;
- (e) to review and advise programmes Budgets and reports from the Directorate;
- (f) to regulate the conduct of the Sub-county licensing committees and ensure the full implementation of both the National and County Governments policies on alcohol control and licensing;
- (g) in collaboration with other relevant county and national government agencies establish treatment and rehabilitation facilities and programs for persons dependent on alcoholic drinks in the County; and
- (h) generally, administer this Act and, as appropriate, any relevant provision of the National Alcoholic Drinks Control Act, 2010; and

- (i) perform any other functions as is necessary to ensure the better carrying into effect of this Act.

(2) In execution of its functions, the Board shall be responsible to the County Executive Committee Member at the time responsible for Alcoholic Drinks Control and Licensing. The Board shall provide quarterly reports to the County Executive Committee Member or such other frequency as the County Executive Committee Member may from time to time determine.

(3) The Chairperson of the Board shall be the official spokesperson of the Board on issues related to alcohol licensing and control.

Vacancy in the Board

7. (1) The office of the chairperson or a member of the Board appointed under section 5 (1)(a) and (g) shall become vacant if the holder—

- (a) dies;
 - (b) resigns from office by notice in writing to the Governor through the County Executive Committee Member;
 - (c) is convicted of an offence and is sentenced to imprisonment for a term exceeding six (6) months;
 - (d) has been absent from three consecutive meetings of the Board without a notice to the chairperson; or
 - (e) is removed in accordance with sub-section (2).
- (2) A member of the Board may be removed from office for—
- (a) violation of the Constitution or any other law;
 - (b) gross misconduct, whether in the performance of the member's or office holder's functions or otherwise;
 - (c) physical or mental incapacity to perform the functions of the office for a period exceeding six months;
 - (d) in any particular case, failure to declare his or her interest in any matter being considered or to be considered by the board or committee; or
 - (e) incompetence or negligence of duty or;
 - (f) bankruptcy.
 - (g) being absent for three consecutive meetings without permission.

(3) Before a member is removed from office under subsection (2), the member shall be given an opportunity to provide a defence against any of the allegations against him or her.

(4) The County Executive Committee Member shall notify the Governor as soon as practicable and ensure that where a vacancy occurs in Board, it is as soon as it is practicable be filled in accordance with the provisions of the Act.

Conduct of Business of the Board

8. (1) The Board shall, before assuming office, take and subscribe to the oath or affirmation of office prescribed in the First Schedule.

(2) The procedure of conduct of business and affairs of the Board shall be conducted in accordance with the Second Schedule, but subject thereto, the Board may regulate its own procedure, subject to be law governing meetings and proceedings of Boards of State Corporations.

(3) The Board may invite any person to attend any of its meetings and to participate in its deliberations, but that person shall not vote on any matter requiring decision of the Board.

(4) The Board members shall vote to elect a Vice-Chair who shall be of the opposite gender to the Chairperson.

(5) Six Board members shall be quorate to conduct the business of the Board.

Remuneration

9. The Chairperson and members of the Board shall be paid such reasonable remuneration or allowances (including expenses related to functions) as may be set out by the County Executive Committee Member responsible for Finance and guided by the Salaries and Remuneration Commission.

Disclosure of Interest

10. A member of the Board who has an interest in a matter for consideration by the Board shall disclose, in writing, the nature of that interest and shall not participate in any deliberations of the Board relating to that matter.

Role of County Executive Committee Member

11. (1) The County Executive Committee member shall—

- (a) formulate the policies and standards for Alcoholic Drinks Control and Licensing within the county and ensure the implementation of this Act;

- (b) implement functions provided for under Section 197 (1) of The Public Finance Management (County Governments) Regulation, 2015 in relation to the Fund;
- (c) develop in collaboration with other county and national government departments strategies and plans for implementing this Act and control of alcohol abuse and any other relevant national legislation and coordinate and support their implementation;
- (d) promote collaboration with other counties, national government institutions, non- governmental organizations, civil society and private sector in the establishment of treatment and rehabilitation programs;
- (e) promote collaboration with other relevant county and national government agencies in the establishment of treatment and rehabilitation programs including sensitization and education for persons dependent on alcoholic drinks in each Ward;
- (f) ensure that the treatment and rehabilitation programs are designed in a manner that is accessible to person's dependent on alcoholic drinks;
- (g) prepare regulations for the implementation of the objects and purpose of this Act and perform such other functions as may be necessary for the operationalization of this Act.

(2) The County Executive Committee Member and the County Public Service Board shall ensure that the Directorate has adequate human, financial and any other appropriate resources to enable it carry out the functions assigned under this Act.

Alcoholic Drinks Control and Licensing Directorate

12. (1) The County Executive Committee shall establish a Directorate of Alcoholic Drinks Control and Licensing whose functions shall be—

- (a) implement the decisions of the Board; provide that such decisions shall be ratified and communicated in writing by the Board;
- (b) fully implement both the national and county governments policies on alcohol control and licensing including the implementation of this Act;
- (c) regulate, control and license all alcohol related activities within the County;

- (d) implement the policies and standards for alcohol licensing and control within the Ccounty;
- (e) receive, consider and process from sub-county committees' applications for liquor licenses and grant licenses in accordance with this Act;
- (f) establish and maintain both a manual and electronic register a list of all entities that deal with alcoholic drinks in the County;
- (g) in conjunction with the department responsible for inspectorate, enforcement and compliance carry out inspection and enforcement for the purpose of this Act;
- (h) support and facilitate the Board and Sub- County Committees in carrying out their functions;
- (i) coordinate and assign relevant administrative units to conduct research and monitor trends directly or in collaboration with state and non-state agencies, departments and institutions and serve as the repository of data and statistics related to alcoholic drinks licensing and control;
- (j) record keeping, including all reports from the sub county committees;
- (k) carry out public education and sensitization on alcoholic drinks control in the county directly and in collaboration with other public or private bodies and institutions;
- (l) investigate, monitor and evaluate compliance of policies and regulations for alcoholic drinks activities established to ensure compliance with this Act;
- (m) facilitate citizen participation in matters related to alcoholic drinks control in accordance with framework for citizen participation established under any relevant written law;
- (n) in collaboration with other relevant county departments, prepare and submit an alcoholic drinks status report in the prescribed manner to the County Executive Committee Member and County Assembly;
- (o) monitoring and evaluating the implementation of this Act including the operations of the Sub- County Committees and contributing to the necessary policy measures to be adopted;
- (p) facilitate the county sub-committee to prepare alcohol abuse control status reports containing such matters as may be specified by the County Executive Committee Member.

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

(3) The County Public Service Board may appoint technical staff and other employees as may be necessary for the proper discharge of the functions of the directorate under this act, and upon such terms and conditions of service as the County Public Service Board may determine.

(4) The Directorate shall report to the Chief Officer responsible for Alcoholic Drinks Control and Licensing.

Establishment of Sub-county Alcoholic Drinks Control and Licensing Committees

13. (1) There shall be, for every Sub-county, a committee, to be known as the Sub-County Alcoholic Drinks Control and Licensing Committee.

(2) The Sub-county committee shall consist of—

- (a) the Sub-County Liquor Licensing Officer who shall be the chairperson;
- (b) Sub-county Administrator appointed under the County Governments Act.
- (c) the Sub-county Public Health Officer;
- (d) the officer for the time being responsible for security and compliance at the Sub-county;
- (e) the officer responsible for Co-ordination of National Government functions in the respective Sub-county;
- (f) the officer for the time being responsible for environment at the sub-county;
- (g) the officer for the time being responsible for planning at the sub-county;
- (h) three residents of the Sub-county appointed by the Governor, from the community.

(3) In appointment of members under sub-section 13 (2) (h) the appointing authority shall ensure ethnic balance, gender parity and representation of the youth and persons with disability.

(4) The appointment of the members of the sub-county committees under section 13 (2) (h) shall be by notice in the *Gazette*.

(5) The Chairperson of the sub-county committee and members of the Sub-county Committee shall, before assuming office, take and subscribe to the oath or affirmation of office prescribed in the First Schedule.

(6) The Chairperson and members of the sub-county committees shall be paid such reasonable allowances as may be prescribed by the County Executive Committee Member responsible for Finance and guided by the advisory of the Salaries and Remuneration Commission.

(7) The members of the sub-county committee members appointed under sub-section (2) (h) shall hold office for a term of three years and maybe eligible for re-appointment for one further term.

Functions of Sub- county Committees

14. (1) The functions of the Committee shall be to—

- (a) receive, review, recommend and submit applications for licenses to the Directorate for issuance of licenses in accordance with this Act;
- (b) conduct inspections of liquor premises to ensure adherence to licensing conditions and relevant legislation;
- (c) collaborate with community stakeholders to implement measures to protect public health by addressing issues related to alcohol consumption such as promoting responsible drinking and reducing alcohol-related harm;
- (d) collaborate with community stakeholders, including local organizations and law enforcement, to address alcohol- related issues and promote community awareness;
- (e) provide reports and recommendations to the directorate regarding the status of alcohol licensing and control at the sub county;
- (f) perform any other functions as may be assigned by the Governor or the County Executive Committee Member.

(2) The Sub-county Committee may, in the discharge to its functions under this Act, make visits to the premises at such times as it may deem consider appropriate.

(3) In carrying out its functions the Sub-county Committee shall—

- (a) ensure that there is effective public participation in accordance with the framework for citizen participation established under the County Governments Act or any other relevant written law;

- (b) collaborate with ward administrators, village administrators and councils appointed under the County Governments Act, 2012 and the officers in charge of Co-ordination of National Government functions in the wards and villages.

PART III—LICENSING PROVISIONS

Licensing

15. (1) A person shall not—

- (a) manufacture or otherwise produce;
- (b) sell, distribute, store, dispose of or otherwise deal in;
- (c) sell online;
- (d) buy or barter;
- (e) export from the county or import to the county; or
- (f) advertise or market or promote any alcoholic drink in the county except under and in accordance with a license issued under this Act.

(2) A person who contravenes the provisions of subsection (1) commits an offence.

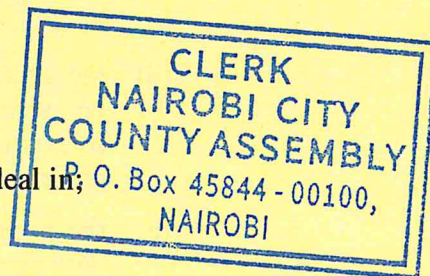
(3) No exemptions to the requirement for a license is provided for in this Act or any other Act.

(4) The Directorate in consultation with the Chief Officer may grant or decline to grant any application for a license, or grant a license subject to such conditions as it may consider fit to impose, and, in exercising this discretion, the Directorate shall have regard to the public interest: Provided that the Directorate, in consultation with the Chief Officer shall, before granting any license in respect of any night club or pub in a sensitive area residential area, health facilities, learning institutions or embassies consult with the planning department and environmental department to ensure that the Licensee meets the stipulated conditions for zoning and noise control.

(5) In discharging the functions stipulated in sub-section (4) above the Directorate shall be required to give reasons in writing in cases of declining to grant a license.

(6) The Directorate shall in consultation with the Chief Officer specify the terms and conditions of a license consistent with the conditions of this Act and any other relevant legislation.

(7) The licensee shall comply with terms and condition of the license. The following terms and conditions shall generally apply—



- (a) the available premises are suitable with regard to the nature of the license being sought;
 - (b) the premises conform to the prescribed requirements of the occupational health and safety regulations;
 - (c) the applicant possesses the infrastructure and equipment necessary to carry out the business applied for;
 - (d) the applicant for a license to brew, distil bottle or manufacture an alcoholic drink possesses necessary qualifications and relevant requirements stipulated under Standards Act or any other relevant written law;
 - (e) the premises have sufficient number of competent staff in line with such norms as may be prescribed;
 - (f) the applicant has been issued with the requisite business-related licenses and permits by the county; and
 - (g) any further conditions as the Directorate may deem fit for public interest.
- (8) An applicant shall be grant a license upon payment of the prescribed fee.
- (9) Any person who contravenes the provisions of subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding five years.

License for Premises

16. (1) The Sub-county Committee shall not recommend a grant for a new license for the sale of an alcoholic drink to be consumed on the premises unless the Sub-county Committee is satisfied—

- (a) that it shall 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 that the number of such premises in respect of which such licenses have already be granted is insufficient for the requirement of the locality given the population density per square kilometre and the permitted maximum number of such premises as shall be prescribed by law: Provided that license SHALL NOT be granted to sell alcoholic drinks in any institution of basic education including primary and secondary schools or any residential area or sensitive area as have been demarcated by or under the relevant written laws;

- (b) that the premises in respect of which the application is made are in good repair and are in a clean and wholesome condition, and are provided with adequate and proper sanitary arrangements;
 - (c) that the premises in respect of which the application is made are located at least three hundred meters from any nursery, primary, secondary or other learning institutions for persons under the age of eighteen years;
 - (d) the premises fall outside the prescribed alcoholic drink selling zones;
 - (e) the premises have been issued with the requisite business-related licenses and permits by the County.
- (2) The Sub-county Committee shall not recommend for a grant of a license for the sale of an alcoholic drink in—
- (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 eighteen years;
 - (b) in an outlet or premises located within a fuel station or a fast-food restaurant 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 eighteen years.
- (3) Despite sub-section (1), the Sub-county Committee may recommend for issuance of a license to a premise located within three hundred meters of any nursery, primary, secondary or other learning institution for persons under the age of eighteen (18) years only if—
- (a) the premises do not share a wall with the institution and are sealed off by a physical and non-transparent barrier that ensures zero visibility of the premise from the locality of the institution;
 - (b) the premises display on its outside any of the prescribed health messages in a clear and visible manner;
 - (c) the premises do not bear any outdoor alcoholic drinks promotion or advertisement;
 - (d) the applicant does not engage in activities that interfere with learning in the institution or activities calculated to attract the age of eighteen to the premises.

Persons not Eligible for a License

17. (1) The Sub-County Committee shall not recommend a grant of license or transfer a license to any person who—

- (a) has failed to satisfy the Sub-county Committee, if called upon to do so of his suitability to be granted a license under this Act;
- (b) has been convicted of an offence under this Act or of any offence of which the sentence is imprisonment without the option of a fine in Kenya or elsewhere for a period in excess of six (6) months;
- (c) in the case of a retail license, is not resident in Kenya;
- (d) is under eighteen (18) years of age; or
- (e) is an undischarged bankrupt.

(2) The Sub-county Committee may decline to recommend for renewal an existing license where the Sub-county Committee is satisfied that—

- (a) the licensee is not a suitable to hold the license;
- (b) 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 or more than three times within one year;
- (c) has been convicted of an offence and sentenced to imprisonment without the option of a fine in Kenya or elsewhere for a period in excess of six (6) months;
- (d) the business to which the license relates is conducted in a manner that is in breach of this Act, or any other written law or conditions set by the Sub-county Committee;
- (e) the conditions of the license have not been satisfactorily fulfilled; or
- (f) the premises to which the license relates —
 - (i) is not in a proper state of repair;
 - (ii) is not provided with proper sanitary arrangements; or
 - (iii) does not comply with the requirements of public health and the owner of the premises or the licensee refuses or is unable to give satisfactory guarantees that the necessary repairs shall be carried out, or due compliance effected, as

the case may be, within a time specified by the Sub-county Committee.

(3) In discharging the functions stipulated in sub-section (2) above the Sub-county Committee shall be required to give reasons in writing in cases of declining to recommend the grant of a license.

Application for License

18. (1) A person intending to manufacture or otherwise produce any alcoholic drink in the county or to operate an establishment for the sale of an alcoholic drink shall make an application as prescribed in the Regulations to the Sub-county Committee where the premises is to be situated and shall pay a prescribed fee.

(2) Notwithstanding the generality of sub-section (1)—

- (a) an application for a grant or renewal of an alcoholic retail drinks license shall be made in the prescribed form in the Licensing Regulations;
- (b) an application for a grant or renewal of a license to manufacture or otherwise produce; sell (including online sale), dispose of, or deal with an alcoholic drink shall be made in the prescribed form in the Licensing Regulations;
- (c) an application for a grant or renewal of a license to import or cause to be imported; or export or cause to be exported any alcoholic drink shall be made in the prescribed form in the Licensing Regulations;
- (d) an application for the transfer or removal of a license shall be made in the prescribed form in the Licensing Regulations;
- (e) an application for a temporary alcoholic drink license or a temporary extension alcoholic drink license shall be made in the prescribed form in the Licensing Regulations.

(3) Upon receipt of the applications as prescribed in sub-section 1 and 2 above the Sub-county Committee shall within a period seven (7) days publicize and publish the list of the applicants.

(4) Any objection to the issuance of the licence shall be lodged within seven days from the date of publication.

(5) Following the recommendation of the sub-county committee and upon meeting all the conditions the directorate shall process the application and where the applicant is eligible, he/she shall be issued with a license subject to the terms and conditions specified for the category of license applied for.

(6) Notwithstanding that a license has been issued by the Directorate, a licensee shall bear the responsibility of obtaining all requisite approvals in accordance with all relevant County and National Government Legislations as may be required for the provision of the licensed services or premises, or maintenance thereof of any premises.

Sub-county Committees' Recommendation for Licensing

19. (1) Except as otherwise provided in this Act, a Sub-county Committee may recommend for the issuance of a new license or renewal or transfer or withdrawal or removal of a license and may include therein such conditions as it may deem appropriate and in line with the Regulations.

(2) All applications for new, renewal or variation of alcoholic Activity license shall be channelled through the Sub-county Committee, who shall recommend to the Directorate for issuance of a new license or renewal or variation or revocation of the license.

(3) In considering applications under sub-section (1), the sub-county committee may recommend a grant for a new license for the sale of an alcoholic drink to be consumed on the premises if the sub-county committee is satisfied that—

- (a) the premises do not share a wall with the institution and are sealed off by a physical and non-transparent barrier that ensures zero visibility of the premise from the locality of the institution;
- (b) the premises display on its outside any of the prescribed health messages in a clear and visible manner;
- (c) the premises do not bear any outdoor alcoholic drinks promotion or advertisement; and
- (d) the applicant does not engage in Activities that interfere with learning in the institution or Activities that are calculated to attract persons under the age of eighteen to the premises.

(4) The Sub-county Committee shall not recommend for issuance of a new license for the sale of an alcoholic drink to be consumed on the premises unless the Sub-county Committee is satisfied—

- (a) that it would be in accordance with this Act 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 that the number of such premises in respect of which such licenses have already been granted is insufficient for the requirement of the locality given the

population density per square kilometre and the permitted maximum number of such premises as shall be prescribed by law;

- (b) provided that no license shall be recommended for issuance 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;
- (c) that the premises in respect of which the application is made are in good repair and are in a clean and wholesome condition, and are provided with adequate and proper sanitary arrangements;
- (d) that the premises in respect of which the application is made are located at least three hundred meters from any nursery, primary, secondary or other learning institutions for persons under the age of eighteen (18) years.

(5) The Sub-county Committee shall not recommend the issuance a license for the sale of an alcoholic drink in 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 eighteen years.

(6) The Sub-county Committee may recommend for the revocation a license in accordance with this Act any relevant county and national government Act and the Licensing regulations.

(7) An applicant whose application for a new license, to renew or transfer a license has been refused or cancelled or revoked, may, within twenty-one (21) days of such refusal appeal against such refusal in accordance with the Act.

Objection

20. (1) Any person may lodge an objection to a licensee application.

(2) An objector in sub-section (1) above shall request for the decision of the Sub-county Committee to grant the license which shall be provided in writing by the Sub-county Committee.

(3) An objection to an application shall be made in writing to the Secretary of the Sub-county Committee and the objector shall serve notice of the grounds of the objection on the applicant, personally or by post within a period of seven (7) days from the date of the publication.

(4) The Board may, on its own motion, take notice of a matter which, in the opinion of the Committee, constitutes an objection to an application, whether or not any objection has been lodged.

(5) The sub-county committee shall inform the applicant in writing of the nature of the objection, and shall, if the applicant so requests, adjourn the hearing for such period, not being more than seven days, as the sub-county committee considers necessary to enable the applicant to reply thereto.

(6) The sub-county shall give a determination to the objection within a period of fourteen days from the date of the hearing.

(7) If a license is granted despite objection; the objector can further lodge an appeal with the Nairobi City County Dispute Resolution Committee provided for under section 29 of the Act.

License to a Corporate Body

21. (1) A license issued to a body corporate shall be issued in the name of the body corporate.

(2) Provided that the sub-county committee may require prior disclosure of the directorship of the body corporate or refuse to recommend for issuance of a license to the body corporate if any of the directors does not qualify to be granted the license individually.

(3) No transfer of a license issued to a body corporate shall be necessary on any change in the office of the company secretary, but any person for the time being holding such office shall be entitled to the privileges granted by and shall be subject to the duties and liabilities imposed upon the holder of, such license.

Types of Licenses, License Hours and Validity of License

22. (1) The several licenses which may be granted under this Act, shall be those specified in the licensing regulations. The provisions of the regulations and any of rules made under this Act shall have effect in relation to the respective licenses therein specified.

(2) Save as otherwise provided in this Act, no license may be granted so as to be applicable to more than one premises.

(3) The Directorate shall, when a license is granted, renewed, withdrawn or cancelled, include in the license a sufficient description of the licensed premises.

(4) The alcoholic drink license hours shall be as specified in the Licensing regulations.

(5) The County Executive Committee Member shall, with the approval of the Governor or County Executive Committee, prescribe the license type and operation hours of each type of license granted under this Act.

(6) The fees payable for each type of license shall be prescribed or amended by the County Finance Act.

(7) All licenses issued under this Act shall have a validity period of 12 months from the date of issuance.

Requirement for Multiple Licenses

23. (1) A Licensee shall be required to get multiple licenses in relation to—

- (a) a manufacturer - for every product or brand of alcoholic drink they manufacture;
- (b) a Wholesaler or Retailer- for every new premises or branch that they open;
- (c) a bistro - for manufacturing and retailing;
- (d) importer/distributor-for both import and distributor or wholesale; or
- (e) a holder of National Government License in a similar category.

(2) The County Executive Committee Member shall provide for effective and efficient regulations to effect for issuance of Multiple Licenses in line with county's licensing policy.

(3) The County Finance Act may provide for a pro-rata basis for payment of license fees in cases of multiple licenses.

Change of Particulars, Transfer and Assignment of Licenses

24. (1) A licensee shall notify the Sub-county Committee of his/her intention to change particulars in manner prescribed by the licensing Regulation.

(2) A licensee shall not transfer or assign a license granted under the Act without the written consent of the Directorate and in a manner prescribed by the Regulation.

(3) Where a licensee sells or leases or otherwise disposes of the premises or business specified in his/her license, he/she may apply in writing to the Sub-county Committee for the transfer of his/her license to the purchaser or lessee or otherwise of such premises, and the Sub-county Committee may, if it thinks fit, recommend a transfer of such license.

(4) No further fee shall be payable in respect of a license granted under subsection (3) if, at the date of the grant, the license which was temporarily transferred was valid for a period of more than six months.

(5) In the event of the death, bankruptcy or unsoundness of mind of a licensee, or in any similar event to which the Sub-county Committee declares in writing that this section should be applied, it shall be lawful, for the purposes of this Act for the executor, administrator, trustee or manager, as the case may be or any other person approved by the Directorate, to carry on the business of the licensee without any transfer or grant of a license either personally or by an agent approved by the Directorate.

(6) Every person to whom a license may have been transferred under sub-section (2), and every person permitted to carry on a business without a transfer or grant of a license in pursuance of sub-section (3), shall possess all the rights and be liable to all the duties and obligations of the original licensee.

Obligation of a Licensee to Provide Quality Services

25. (1) A licensee shall, in addition to the terms and conditions of the license—

- (a) improve service quality, by identifying service deficiencies and making appropriate changes;
- (b) maintain service quality and hygiene while considering environmental and operating conditions;
- (c) ensure that practices increasing consumer satisfaction and safety and decreasing user complaints are encouraged;
- (d) avoid discrimination, relating to the quality of the service offered, between consumers;
- (e) ensure special needs of disabled consumers are also considered when developing quality of service parameters.

(2) The Directorate, in consultation with the Chief Officer, may authorize an inspection or investigation on matters relating to the quality of service, of a licensee from time to time to ensure compliance or carry out any other visits or inspections in accordance with this Act.

Display of License

26. (1) Every license shall be prominently and conspicuously displayed on the premises to which it relates, and any licensee who fails or neglects so to display his/her license commits an offence.

(2) 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.

(3) Any person causing or permitting to be on his/her premises or on premises under his/her control any words, letters or sign falsely importing that he/she is a licensee commits an offence.

(4) Any person who contravenes the provisions of subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand (50,000) shillings or to imprisonment for a term not exceeding six months.

Reports by Public Health Officers and County Inspectorate and Cancellation of License

27. (1) A public health officer within whose jurisdiction the premises falls, shall report to the Sub-County Committee any licensed premises which are deficient in their state of sanitary or drainage conditions, or which are in bad repair.

(2) A public health officer may enter and inspect any licensed premises for the purpose of ascertaining whether a report under subsection (1) is required.

(3) An authorized officer of the County Inspectorate shall report in writing to the chairperson of the appropriate Sub-county Committee every case in which a licensee is of drunken habits or keeps a disorderly house or commits any breach of any of the provisions of this Act or of his or her license.

(4) Upon receipt of a report made under section 27 the Sub-county Committee shall—

- (a) send, by registered post or other verifiable mode of dispatch, a copy of the report to the licensee concerned therewith, informing him that at a meeting of the Sub-county Committee to be held on a date to be specified, but not less than thirty days there from, the report will be considered by the Sub-county Committee;
- (b) send a copy of the report to every member of the Sub-county Committee and to the County Inspectorate;
- (c) inform the Public Health Officer or the authorized officer of the County Inspectorate of the date upon which the Sub-county Committee will consider the report and require him or her to attend on the date specified.

(5) Any licensee concerning whom a report is to be considered shall be notified to appear in person or by advocate before the Sub-county Committee within fourteen days from the date of the notification.

(6) The sub-county committee, having duly considered the report and having heard the licensee, if he appears, may, if it thinks fit, recommend the Directorate for cancellation of the license of the licensee reported upon, or it may make such an order in respect of such license or the licensed premises specified therein as, in the opinion of the Sub-county Committee, is necessary.

(7) The Directorate after receiving the recommendation for cancellation from the Sub-county Committee may cancel the license; the Directorate may conduct further investigation on the matter and take any action it deems fit and just.

(8) Any person aggrieved by the decision of the sub - county committee upon any such report may within twenty-one (21) days appeal against the decision to the Nairobi City County Liquor Licensing-Dispute Resolution Committee.

(9) If a license is cancelled and no appeal is filed by the licensee against the cancellation, after fourteen days of the date of the appeal, or if such appeal is dismissed, the licensee shall be entitled, on payment of the proportionate part of the fee for the appropriate license, to a license of such description and for such period, not exceeding three months, as the sub-county committee may deem necessary for the purpose of disposing of the alcoholic drink or apparatus on the premises, such license to run from the date of the decision of the sub-county committee or of the decision on appeal as the case may be.

(10) Any person who sells an alcoholic drink or offers or exposes it for sale or who bottles an alcoholic drink except under and in accordance with, and on such premises as may be specified in a license issued in that behalf under this Act commits an offence and is liable—

- (a) for a first offence, to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding nine months, or to both;
- (b) for a second or subsequent offence, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or to both,
- (c) and in addition to any penalty imposed under paragraph (a) or (b), the court may order, the forfeiture of all alcoholic drinks found in the possession, custody or control of the person

convicted, together with the vessels containing the alcoholic drink.

(11) Except as may be provided for in this Act, no person shall—

- (a) sell an alcoholic drink in any workplace, office, factory, public park or any public recreational facility, public transport vehicle, public beach, sports stadium or public street;
- (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.

(12) Notwithstanding the legal consequences for breach of license provided above the licensee shall have his license cancelled and revoked by the Board.

(13) The Board shall be guided by principles of fair administrative action in the process of cancellation and revocation of the license.

(14) The County Executive Committee Member shall provide further regulations to better implement the process of cancellation and revocation of the licenses in cases of breach of license requirements.

Application for Review and Appeal

28. (1) A person who—

- (a) being an applicant for a grant, renewal or transfer of a license is aggrieved by the decision or recommendation of the Sub-county Committee on the application;
- (b) being the licensee is aggrieved by the suspension, revocation or termination of the license thereof; or
- (c) having made an objection to any such application as aforesaid, being an objection that the Sub-county Committee is bound to take into consideration, is aggrieved by the decision of the sub-county committee thereon may, within 14 days of the decision being made and in the prescribed manner make an appeal or request for review to the Nairobi City County Liquor Licensing Committee under section 29.

(2) An application to the Dispute Resolution Committee shall be by way of a simple notice of appeal or letter stating the grounds of appeal delivered to the Directorate.

Appeals to the High Court

29. Notwithstanding the provisions of Section 29 (11) above any person being dissatisfied with the decision of the Board may within 14 days appeal to the High Court to seek redress.

PART IV—GENERAL REQUIREMENTS

Conformity with Requirements

30. (1) No person shall manufacture or distribute or sell (including online sales) 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, distribution and importation of an alcoholic drink commits an offence.

(3) A person who contravenes the provisions of this section in relation to sale of an alcoholic drink commits an offence.

(4) Late application for renewal of a licence will attract a penalty as prescribed under the relevant laws.

Non- Waiver of Liability

31. Where a licensee permits another person to manage (employs a manager), superintend or conduct the day-to-day business of the premises in respect of which he or she is licensed, the licensee shall not be relieved of his or her duties and obligations under this Act.

Supply and Access of Alcohol to Under-age Persons

32. (1) No person shall sell, supply or provide knowingly an alcoholic drink to a person under the age of eighteen (18) years or primary or secondary school going students.

(2) No person holding a license to manufacture, store or consume alcoholic drinks under this Act shall allow a person under the age of eighteen (18) years to enter or gain access to the area in which the alcoholic drink is manufactured, stored or consumed.

(3) No adult may allow a person under the age of eighteen (18) years to accompany him or her or gain access to an area in which alcoholic drink is manufactured, stored, distributed or consumed.

(4) Notwithstanding the provisions of any other written law, no licensee shall employ a person under the age or apparent age of eighteen (18) years, or knowingly employ a person who has been convicted of an offence under this Act or any other Act at any time in force regulating the

sale of alcoholic drinks, to sell, control or supervise the sale of alcoholic drinks or to have the custody or control of alcoholic drinks on licensed premises.

(5) No person shall manufacture or sell objects including sweets, snacks and toys that contain, resemble or imitate alcoholic drinks.

(6) Notwithstanding the provisions of this section, it shall be a defence to an offence under this section if it is established that the accused person attempted to verify that the young person was at least eighteen (18) years of age by asking for and being shown any of the documents specified in sub-section (7) for the purpose of verifying the age of the young person and believed, on reasonable grounds, that the documentation was authentic.

(7) 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;
- (b) a passport issued by the Republic of Kenya or any other country or
- (c) any other documentation as the County Executive Committee Member may prescribe.

(8) A person who contravenes the provisions of section commits an offence.

Licensees to Maintain Suppliers and Supplies Register

33. (1) A licensee shall maintain a physical or electronic record of all the alcoholic suppliers and supplies with an aim to ensure full traceability of the products sold at a licensed premise.

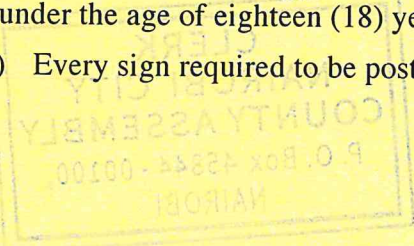
(2) A licensee shall verify the accuracy and authenticity of the information contained in its register particulars as required by the regulations from time to time.

(3) A licensee who fails to maintain records under this Act and its regulations commits an offence.

Display of Signs

34. (1) Every licensee 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 eighteen (18) years is prohibited by law.

(2) Every sign required to be posted under sub-section (1) shall—



- (a) be displayed on a surface measuring not less than 12 inches by 8 inches in size and of the colour and other particulars stipulated under the relevant Regulations;
- (b) bear the word "WARNING" in capital letters followed by the prescribed health warning which shall appear in conspicuous and legible type and shall be black on a white background or white on a black background and shall be enclosed by a rectangular border that is the same colour as the letters of the statement; Any sale or availing of an alcoholic drink to a person under the age of eighteen (18) years constitutes an offence and is punishable by law as set out under the relevant Regulations;
- (c) be in English or in Kiswahili.

(3) A retailer who contravenes any of the provisions of this section commits an offence.

Vending Machines

35. (1) No person shall 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 to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding twelve months, or to both.

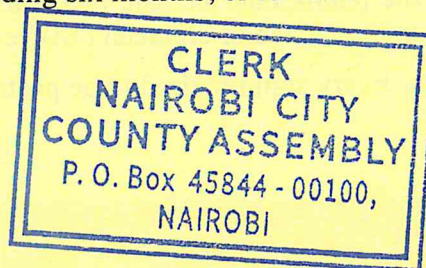
Selling in Plastic and Sachets

36. (1) No person shall sell, manufacture, pack or distribute an alcoholic drink in sachets or in plastic packaging or such other form as may be prescribed.

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

- (a) no person shall manufacture, pack, distribute or sell an alcoholic drink in a container of less than 200 millilitre;
- (b) the alcoholic drink previously known as chang'aa or any other distilled alcoholic drink shall only be manufactured, packed, sold or distributed in glass bottles of the kind specified in paragraph (a).

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



Information Required on Packages

37. (1) No person shall sell or distribute within the county an alcoholic drink, sign or advertisement without the following health warnings—

- (a) excessive alcohol consumption is harmful to your health;
- (b) excessive alcohol consumption can cause liver damage;
- (c) excessive alcohol consumption impairs your judgment; do not drive or operate machinery;
- (d) not for sale to persons under the age of 18 years;
- (e) any other alcoholic product warning that conforms to any applicable national legislation.

(2) A person who contravenes any of the provisions of this section commits an offence and shall be liable upon conviction to a fine not exceeding one million Kenya shillings or to imprisonment not exceeding a term of three years or both.

Forgery of Licenses and Fake Licenses

38. (1) A person who, with intent to deceive any person—

- (a) forges within the meaning of Chapter XXXIV of the Penal Code, or alters or uses or lends to or allows to be used by any other person, a license, or any document, license is to be identified as being licensed under this Act; or
- (b) makes or has in his/her possession any document. So closely resembling a license. or any such document as aforesaid, as to be calculated to deceive: commits an offence and shall be liable. On conviction to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding three years.

(2) A person who, for the purpose of—

- (a) obtaining a license;
- (b) obtaining a variation of a license;
- (c) preventing the grant or variation of any license;
- (d) Contravention of conditions of a license;
- (e) procuring the importation of any condition;
- (f) limitation in relation to a license;
- (g) knowingly makes any false statement, commits an offence.

Sale to Authorized Officer

39. Any person who knowingly sells, supplies or offers an alcoholic drink to an authorized officer on official duty or to a County Enforcement Officer in uniform or who harbours or suffers to remain on licensed premises any such County Enforcement Officer except for the purpose of keeping or restoring order or otherwise in the execution of his/her duty, commits an offence.

Matters Relating to Conviction

40. *Non-Disclosure of Conviction*

- (1) (a) any 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.
- (b) every licensee who is convicted of an offence under this Act shall produce his/her license to the court convicting him, and the court shall endorse every such conviction on the license and the relevant administrative officer of the court shall inform the relevant sub-committee.
- (c) if in any proceedings before a court it appears that a licensee—
 - (i) whether he was present in the licensed premises or not, has permitted an unlicensed person to be the owner or part owner of the business of the licensed premises or to have a substantial interest in that business, except with the consent of the County Executive Committee Member; or
 - (ii) is convicted of an offence under this Act and a previous conviction within the preceding twelve months of the same or any other offence under this Act or three such previous convictions within the preceding five years is or are proved; or
 - (iii) is twice convicted within twelve months of selling, offering or keeping for sale any adulterated alcoholic drink, then the court may, in addition to any other penalty which it may lawfully impose, order that the license be forfeited, and that no license shall be issued or transferred to him for such a period as the court may order.

Endorsement of Conviction on License

(2) A licensee who is convicted of an offence under this Act shall produce his license to the court convicting him, and the court shall endorse every such conviction on the license and the relevant

administrative officer of the court shall inform the relevant sub-county committee.

Forfeiture of license upon conviction

- (3) If in any proceedings before a court, it appears that a licensee—
- (a) whether he was present in the licensed premises or not, has permitted an unlicensed person to be the owner or part owner of the business of the licensed premises or to have a substantial interest in that business, except with the consent of the sub-county committee, or
 - (b) is convicted of an offence under this Act and a previous conviction within the preceding twelve months of the same or any other offence under this Act or three such previous convictions within the preceding five years is or are proved; or
 - (c) is twice convicted within twelve months of selling, offering of keeping for sale any adulterated alcoholic drink, the court may, in addition to any other penalty which it may lawfully impose, order that the licenses be forfeited, and that license shall not be issued or transferred to him or her for such period as the court may order.

Consumption of Alcohol in Un-licensed Premises in Relation to Off-license Premises

41. (1) If any person purchases any alcoholic drink from a licensee whose license does not cover the sale of that alcoholic drink for consumption on the premises, and drinks the alcoholic drink on the premises where it is sold, or in any premises adjoining or near to those premises, if belonging to the seller of the alcoholic drink or under his/her control or used by his/her permission, or on any highway adjoining or near any such premises, and it is proved to the court that the drinking of the alcoholic drink was with the privity or consent of the licensee who sold the alcoholic drink, the licensee commits an offence.

(2) If a licensee whose license does not cover the sale of alcoholic drink to be consumed on his/her premises himself takes or carries, or employs or suffers any other person to take or carry, any alcoholic drinks out of or from his/her premises for the purpose of being sold on his/her account, or for his/her benefit or profit, and of being drunk or consumed in any premises (whether enclosed or not, and whether or not a public thorough fare) other than the licensed premises, with intent to evade the conditions of the license, the licensee commits an offence, and, if the premises is any house, tent, shed or other building belonging to the licensee or hired, used or occupied by him, the licensee shall be deemed,

unless the contrary is proved, to have intended to evade the conditions of the license.

Sale of Adulterated Drinks

42. (1) A person shall not keep for sale, offer for sale—

- (a) any alcoholic drink which has been in any way adulterated, or diluted by any person;
- (b) any non-alcoholic drink which has been in any way adulterated with alcohol, or which contains any of the substances prohibited under the Alcoholic Drinks Control Act.

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

(3) On the conviction of a licensee of an offence under subsection (2), the court may in addition to any other penalty it may lawfully impose, if it finds that the drink in respect of which the offence was committed was adulterated by a substance or substances which rendered the drink unfit for human consumption and unless the licensee proves to the satisfaction of the court that he or she took all reasonable precautions against such adulteration took place without his or her knowledge or consent order that the license be forfeited and a license shall not thereafter be granted or transferred to him or her.

Proof of Sale and Burden of Proof

43. (1) In any proceedings under this Act relating to the sale or consumption of an alcoholic drink, such sale or consumption shall be deemed to be proved if the court is satisfied that a transaction in the nature of a sale took place, whether or not any money has been shown to have passed, or as the case may be, if the court is satisfied that any consumption was about to take place.

(2) Evidence of consumption or intended consumption of an alcoholic drink, on licensed premises by some person other than the licensee or a member of his/her family or his/her employee or agent shall be prima facie evidence that the alcoholic drink was sold by or on behalf of the licensee to the person consuming or about to consume the alcoholic drink.

(3) The onus of proving that a person is licensed under this Act shall lie on that person.

(4) The fact that a person not licensed under this Act to sell alcoholic drinks has a signboard or notice upon or near his/her premises

fitted with a bar or other place containing bottles, casks or vessels so displayed as to induce a reasonable belief that alcoholic drink is sold or served therein, or having alcoholic drink concealed, or more alcoholic drink than is reasonably required for the person residing therein, shall be deemed to be prima facie evidence of the unlawful sale of alcoholic drink by that person.

(5) In any proceedings under this Act, where a person is charged with selling alcoholic drink without a license or without an appropriate license, such alcoholic drink being in a bottle and appearing to be unopened and labelled by its bottler, the contents of such bottle shall be deemed, unless the contrary is proved, to be alcoholic drink of the description specified on the label thereof.

Zoning and Noise Pollution

44. (1) The County Government shall establish zones where licensees are allowed to establish alcoholic drink premises, any other place not within the established alcohol activity zone shall be considered a restricted area. and it shall be an offense for any person to engage in alcohol related activity in a restricted area.

(2) Any person who is a licensee, manager of a licensed premises or a director of corporate holding a license who sells alcohol in a restricted area shall be liable for a fine of Kenya Shillings One Million or a sentence of 3 years imprisonment.

(3) Notwithstanding the provisions of sub-section (2) above the authorized officer may in addition seize and dispose of opened and unopened containers of liquor suspected of being brought into the restricted area illegally.

(4) Any licensee whose premises falls within a residential area within the meaning provided under the Physical Planning Act shall be required to adhere to noise control conditions and regulations stipulated under the Environmental Management and Co-ordination (Noise and Excessive Vibrations Pollution) (Control) Regulations to ensure that the residents are not affected by the noise or vibrations coming from the licensed premises.

(5) The Directorate in consultation with the Chief Officer may request for an environmental assessment report as a condition for the grant of a license if he deems it necessary so as to control the noise level and other environmental requirements.

(6) The County Executive Committee Member shall authorize officers under this Act issue enforcement notices, suspend or revoke the license of any premises that violates the control of noise regulations.

PART V—ADVERTISEMENT AND PROMOTION

Prohibited Advertisement and Promotion of Alcohol

45. (1) No person shall promote an alcoholic drink by way of advertisement or promotion or sell—

- (a) at any event or Activity associated with persons under the age of eighteen years or an event with primary school, secondary or high school going persons or using such things or materials that are associated with persons under the age of eighteen or persons attending primary, secondary or high school;
- (b) 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 the alcoholic drink;
- (c) in a manner as to encourage more consumption of an alcoholic drink in order to win an award or prize;
- (d) that consumption of a particular alcoholic drink is acceptable before or while engaging in driving, operating machinery, sports or other activities that require concentration in order to be carried out safely;
- (e) that the drinking of alcoholic drink has a therapeutic value or that it has the ability to prevent, treat or cure any human disease;
- (f) through painting or decorating a residential building 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; and
- (g) in places demarcated under any written law as residential areas or within a distance of 100 hundred metres 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 or any other public land or property or in public service vehicle.

(2) A licensee shall not—

- (a) award, grant or give to a person an alcoholic drink for consumption in or outside the licensed the premises without any consideration equivalent to the market price of the alcoholic drink; or

- (b) promote any alcoholic drink in manner as to encourage consumption of an alcoholic drink to win an award or prize.
- (3) A person who contravenes the provisions of this section commits an offence and 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.
- (4) Pursuant to Article 24 (2) of the Constitution, the right to freedom of expression set out in Article 33 of the Constitution is limited to the extent specified in this section for the purpose of—
 - (a) protecting consumers of alcoholic drinks from misleading or deceptive inducements to use alcoholic drinks; and
 - (b) protecting persons under the age of eighteen (18) years from negative impact on health and social development from exposure to advertisements of alcoholic drinks.

Communication Media

46. (1) No person shall, on behalf of another person, with or without consideration, publish broadcast or otherwise disseminate any promotion that is prohibited by this Part.

(2) No person shall, by means of a publication that is published outside Kenya, or a broadcast that originates outside Kenya, or any other communication that originates outside Kenya, promote any product the promotion of which is regulated under this Part, or disseminate promotional material that contains an alcohol-related brand element in a manner that is contrary to the requirements of this Part.

(3) Any person who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding three million Kenya shillings or to imprisonment for a term not exceeding three years, or to both.

Display of Notice

47. (1) The manager or owner of a premises where an alcoholic drink is sold shall cause to be displayed therein, clear and prominent notices in English or Kiswahili stating that drinking of alcoholic drinks is prohibited for persons under the age of eighteen years and the prescribed penalty thereof.

(2) Every notice under sub-section (1) shall be in such form and of such size, and shall be posted in such place, as may be prescribed.

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

PART VI—ENFORCEMENT

Authorized Officers

48. (1) The following persons shall be deemed to be authorized officers for purposes of this Act—

- (a) County Enforcement and Compliance Officers whose names have been gazetted;
- (b) County Officers in charge of Liquor Licensing; and
- (c) Public Health Officers appointed under the Public Health Act.

(2) The Directorate shall issue authorized officers with Identification badges with an identifiable number which the officer should wear and produce when asked to by the licensee.

Premises Authorized Officers may Enter

49. (1) For the purposes of ensuring compliance with this Act, an authorized officer may, at any reasonable time, enter any premises in which the officer believes on reasonable grounds that any person or persons is in any way contravening the provisions of this Act Provided that such an officer shall, when enforcing the Act under this section be accompanied by an authorized officer appointed under section.

(2) An authorized officer entering any premises under this section shall, produce for inspection by the person who is or appears to be in charge of the premises the identification badge issued to him under section 49 (2).

(3) Pursuant to Article 24(2) of the Constitution, the right to privacy set out in Article 31 of the Constitution is limited to the extent specified in this section for the purpose of protecting consumers of alcoholic drinks by ensuring fair and ethical business practices related to production, distribution, promotion and sale of alcoholic drinks as specified in this Act.

(4) An authorized officer may not enter a dwelling premise except with the consent of the occupant or under the authority of a warrant issued under sub-section 5.

(5) Upon an ex-parte application, a magistrate or judge of the High Court, may issue a warrant authorizing the authorized officer named in the warrant to enter and inspect a dwelling premise, subject to any

conditions specified in the warrant, if the magistrate or judge is satisfied by information on oath that—

- (a) the dwelling premises is a premise referred to in sub-section 4;
- (b) entry to the dwelling premises is necessary for the administration or enforcement of this Act;
- (c) the occupant does not consent to the entry, or that entry has been refused or there are reasonable grounds for believing that it will be refused.

(6) An authorized officer executing the warrant issued under sub-section (5) shall not use force unless such officer is accompanied by a police officer and the use of force is specifically authorized in the warrant.

Powers Inspection of Officers

50. (1) In carrying out an inspection in any premises pursuant to this section, an authorized officer may—

- (a) examine an alcoholic drink or any substance suspected to be an alcoholic drink;
- (b) require any person in such premises to produce for inspection, in the manner and form requested by the officer, the alcoholic drink or substance suspected to be an alcoholic drink;
- (c) open or require any person in the premises to open any container or package found in the premises that the officer believes on reasonable grounds contains the alcoholic drink or substance suspected to be an alcoholic drink;
- (d) authorize conduct of any test or analysis or take any measurements; An authorized officer who has analysed or examined an alcoholic drink or under this Act, or a sample of it, shall issue a certificate or report setting out the results of the analysis or examination;
- (e) require any person found in the premises to produce for inspection or copying, any written or electronic information that is relevant to the administration or enforcement of this Act;
- (f) use or cause to be used any computer system in the premises to examine data contained in or available to the computer system that is relevant to the administration or enforcement of this Act;
- (g) reproduce the data in the form of a print-out or other intelligible output and take it for examination or copying;

- (h) use or cause to be used any copying equipment in the premises to make copies of any data, record or document; and
- (i) scrutinize any other record system in use in that premises.

Co-operation with Authorized Officers

51. The owner of a premises inspected by an authorized officer under this Act or the person in charge of the premises and every person found in the premises shall—

- (a) provide all reasonable assistance to enable the authorized officer to carry out his/her 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 premises has been made.

(2) The inspecting agent in subsection (1) shall issue the respective inspection completion and certification certificate once satisfied with the inspection.

(3) No person shall obstruct or hinder or knowingly make a false or misleading statement to an authorized officer who is carrying out duties under this Act. Contravention of this sub-section is an offence punishable by a fine not exceeding Kenya shillings fifty thousand or an imprisonment not exceeding 3 months in prison.

Seizure and Order of Restoration

52. (1) During an inspection under this Act, an authorized officer may seize any alcoholic drink or material by means of which or in relation to which the officer believes, on reasonable grounds, that this Act has been contravened and a full inventory thereof shall be made at the time of such seizure by the officer.

(2) At least two authorized officers shall counter sign the inventory.

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

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

(5) Any person from whom an alcoholic drink or material was seized may, within thirty (30) days after the date of seizure, apply to the High Court for an order of restoration, and shall send notice containing

the prescribed information to the Directorate within the prescribed time and in the prescribed manner.

(6) Pursuant to Article 24(2) of the Constitution, the rights to privacy and property set out in Articles 31 and 40 of the Constitution are limited to the extent specified in this section for the purpose of protecting consumers of alcoholic drinks by ensuring fair and ethical business practices related to production, distribution, promotion and sale of alcoholic drinks as specified in this Act.

(7) The High Court may order that the alcoholic drink or material be restored immediately to the applicant if, on hearing the application, the court is satisfied that—

- (a) the applicant is entitled to possession of the alcoholic drink or material seized; and
- (b) the alcoholic drinks or material seized is not and will not be required as evidence in any proceedings in respect of an offence under this Act.

(8) Where upon hearing an application made under sub-section (7) the court is satisfied that the applicant is entitled to possession of the alcoholic drink or material seized but is not satisfied with respect to the matters mentioned in paragraph (b) of sub-section (7), the court may order that the alcoholic drink or material seized be restored to the applicant on the expiration of one hundred and eighty (180) days from the date of seizure if no proceedings in respect of an offence under this Act have been commenced before that time.

General Provisions for Offences

53. (1) Offences under this Act, other than the offences specified under Part V (Advertisement and Promotion) shall be cognizable offences.

(2) Where a corporation, registered society or other similar legal entity commits an offence under this Act, any director or officer of the corporation, society or legal entity who acquiesced in the offence commits an offence and shall, on conviction, be liable to the penalty provided for by this Act in respect of the offence committed by the corporation, society or legal entity, whether or not such corporation, society or legal entity has been prosecuted.

(3) In any prosecution for an offence under this Act, it shall be sufficient proof of the offence to establish that the offence was committed by an employee or agent of the accused.

(4) Any Act done or omitted to be done by an employee in contravention of any of the provisions of this Act shall be deemed also to be the Act or omission of the employer, and any proceedings for an offence arising out of such Act or omission may be taken against both the employer and the employee.

(5) Any person convicted of an offence under this Act for which no other penalty is provided shall be liable to a fine not less than fifty hundred thousand shillings, or to imprisonment for a term not exceeding one year, or both.

PART VII—FINANCIAL PROVISIONS

Establishment of the Fund

54. (1) There is established a fund known as the Nairobi City County Alcoholic Control and Licensing Fund in accordance with section 116 (1) of the Public Finance Management Act, 2012.

(2) The Fund shall consist of—

- (a) such monies or assets as may accrue to the Directorate in the course of the exercise of its powers or the performance of its functions under this Act;
- (b) such monies as may be appropriated by the County Assembly;
- (c) such license and other fees as may be payable under this Act;
- (d) such sums as may be realized from property forfeited to the County Government under this Act;
- (e) sums received, including contributions, gifts or grants from or by way of testamentary bequest by any person;
- (f) monies earned or arising from any investment of the fund;
- (g) 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) research, documentation and dissemination of information on alcoholic drinks in the County;
- (b) promoting cessation and rehabilitation programs in the County;
- (c) financing the operations of the Sub-county Committees and voluntary programmes in the County in accordance with such guidelines as may be prescribed;

- (d) carrying out the functions of the Nairobi City County Alcoholic Drinks Control and Licensing Board established by this Act and the objects of this Act; and
 - (e) any other matter incidental to the matters set out in paragraphs (a), (b), (c) and (d).
- (4) Notwithstanding the provisions of sub-section (3), an amount of—
- (a) not more than thirty per cent of the fund shall be allocated for the purpose of enforcement;
 - (b) not less than thirty per cent of the fund shall be allocated for the promotion of rehabilitation programs; and
 - (c) not more than three per cent of the Fund shall be allocated for administration cost.
- (5) The receipts, earning or accruals of the Fund shall not be treated as County Revenue 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 in accordance with section 116(3) and 116(10) of the Public Finance Management Act, 2012.

Administration of the Fund

55. (1) The County Executive Committee Member for Finance shall designate a person responsible for administering the Fund.

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

(3) The Fund Administrator appointed under sub-section (1) above shall—

- (a) prepare accounts for the Fund for each Financial year;
- (b) not later than three (3) months after the end of each Financial year, submit Financial Statements relating to those accounts to the Auditor-General;
- (c) present quarterly financial statements/ reports to the County Assembly in accordance with section 116 (7) of the Public Finance Management Act, 2012;
- (d) prepare annual budget estimates as per the prescribed law, subject to the annual budget cycle of the County;
- (e) supervise and control the administration of the Fund;

- (f) ensure that the accounts for the fund and the annual financial statements relating to those accounts comply with the accounting standards prescribed and published by the Accounting Standards Board from time to time in accordance with section 116 (8) of the Public Finance Management Act, 2012.

(4) If any immovable property is assigned to the fund under section 55(2)(d) of this Act, the fund administrator shall deal with the property in accordance with relevant procurement and asset disposal legislation.

Annual Programmes Reports

56. (1) The County Executive Committee Member responsible for Nairobi City County Alcoholic Control and Licensing in consultation with the Board and directorate shall prepare and submit to the CEC and the County Assembly an annual report of its activities including details of expenditure and furnish such additional information as may be deemed sufficient and necessary by the Governor, the County Assembly and the Auditor-General.

(2) The County Executive Committee Member responsible for Nairobi City County Alcoholic Control and Licensing in consultation with the Board and directorate shall, through regular publications, inform the public of its activities and operations and ensure that such activities and operations shall be accessible to the public.

PART VIII—TRANSITIONAL AND MISCELLANEOUS

Regulations

57. (1) The County Executive Committee Member shall make Regulations generally for the better carrying out of the objects of this Act.

(2) Without prejudice to the generality of sub-section (1), the Regulations shall—

- (a) prescribe anything required by this Act to be prescribed or prohibit anything required by this Act to be prohibited;
- (b) prescribe the forms of applications, notices, licenses and other documents for use under this Act;
- (c) prescribe zones where alcoholic drinks can be sold or prohibited;
- (d) prescribe substances as harmful constituents of an alcoholic drink;

- (e) prescribe the hours within which the sale of alcoholic drinks shall be permitted in the County;
- (f) prohibit the addition or use of any harmful constituent or ingredient;
- (g) in the production of alcoholic drinks;
- (h) prescribe the fees payable under this Act;
- (i) licensing;
- (j) cancellation and Revocation of license;
- (k) advertisement and promotion;
- (l) rehabilitation;
- (m) appeal and review process; and
- (n) conduct of the Board.

(3) Without prejudice to the generality of sub-section (2), the County Executive Committee Member in charge of Finance shall provide for Regulation in relation to Management, Operation and Winding up of the Fund in line with the Public Finance Management (County Governments) Regulation, 2015.

(4) Pursuant to Article 94(6) of the Constitution, the legislative authority delegated to the County Executive Committee Member in this section shall be exercised only for the purpose and intent specified in this section and in accordance with the principles and standards set out in the Interpretation and General Provisions Act and the Statutory Instrument Act, 2013.

Transitional Clause

58. (1) Notwithstanding any other provision of this Act to the contrary, a person who, immediately before the commencement of this Act—

- (a) was, in accordance with any law, a manufacturer, importer, exporter, distributor or retailer of any alcoholic drink shall be deemed to be a manufacturer, importer, exporter, distributor or retailer of any alcoholic drink under this Act;
- (b) was a manufacturer, importer, exporter, distributor or retailer of any alcoholic drink or the owner or manager of any premises contemplated under this Act;
- (c) shall, within nine months of such commencement, comply with the requirements of this Act.

(2) Notwithstanding any other provision of this Act to the contrary, a person who, immediately before the commencement of this Act was holding any position to the Board or the Directorate shall be deemed to hold the same position under this Act provided that no Board member or sub-county committee member shall serve more than two terms.

(3) Section (2) above does not affect any powers conferred by or under this Act or any other law on a person or an authority to make provision for the abolition of an office, for the removal from office on stated and reasonable grounds of persons holding or acting in that office and from requiring persons to retire from office.

(4) Where a matter has been commenced before the coming into force of this Act by a person or an authority having power in that behalf under the repealed Act, that matter may be carried on and completed by that person or authority on or after the commencement and it shall not be necessary for that person or authority to commence that matter de novo.

(5) A license, permit, direction, notice, order or any other document that was granted, issued or made under the repealed Act, and that was valid immediately before the coming into force of this Act, shall be given effect as if granted, issued or made under this Act.

Repealed

59. (1) The Nairobi City County Alcoholic Drinks Control and Licensing Act, 2014 is hereby repealed.

(2) Without prejudice to the generality of the application of section 3 of the Interpretations and General Provisions Act, the transitional provisions set out in section 60 above shall have effect upon the commencement of this Act.

FIRST SCHEDULE

OATH OR SOLEMN AFFIRMATION OF BOARD MEMBERS

I..... having been appointed as Chairman/Board Member of the Nairobi City County Liquor Licensing Board do swear/solemnly affirm that I will without fear or favour, affection or ill-will, discharge the functions of the office of Chairman/Board Member, and that I will not, directly or indirectly, reveal any matter relating to such functions to unauthorized persons or otherwise in the course of duty.

So, help me God. Signed.....

Sworn/Declared before me this..... day of..... 20.....

Before me.....Signed.....Chief Magistrate

SECOND SCHEDULE**CONDUCT OF THE BUSINESS AND AFFAIRS OF THE BOARD**

1. The Board shall have at least four meetings in each calendar year, but not more than three times in a quarter. Not more than four months shall pass between one meeting of the Board and the next meeting.

2. The first order of business of the Board shall be to elect a vice-chair person.

3. The Chairperson may at any time, and shall within fourteen days of receipt of a written request by at least three of the members of the Board, convene a special meeting of the Board.

4. The Chairperson shall preside at every meeting of the Board at which the Chairperson is present, and in the absence of the Chairperson, the vice-chairperson shall, with respect to that meeting and the business transacted thereat, have all the powers of the Chairperson.

5. The quorum for a meeting of the Board shall be a simple majority, three of whom shall be the Chairperson or Secretary to the Board, Chief Officer and at least one private member.

6. The decisions of the Board shall be carried by a majority of the members present (except the Secretary) and voting and in the event of an equality of votes the Chairperson shall have a casting vote.

7. Minutes of all meetings shall be kept and entered in books kept for that purpose.

8. If any person is present at a meeting of the Board or any committee at which any matter which is the subject of consideration is a matter in which that person or that person's spouse is directly or indirectly interested in a private capacity, that person shall as soon as reasonably practicable after the commencement of the meeting declare such interest and shall not, unless the Board or the Committee otherwise directs, take part in any consideration or discussion of, or vote on, any question connected to such matter.

9. The disclosure of interest shall be recorded in the minutes of the meeting at which it is made.

10. No proceedings of the Board shall be invalid by reason of a vacancy in the Board.

11. All instruments made by, and all decisions of the Board shall be signified under the hand of the Chairperson or Secretary.

12. The Board shall be paid Remuneration and allowances as shall be determined by the County Executive Committee Member for Finance on advisory of the Salaries and Remuneration Commission.

13. Except as is otherwise provided by this Schedule, the Board may regulate its own proceedings.

CLERK
NAIROBI CITY
COUNTY ASSEMBLY
P. O. Box 45844 - 00100,
NAIROBI

MEMORANDUM OF OBJECTS AND REASONS

The Bill seeks to provide for the implementation of section 4 (c) of Part 2 of the Fourth Schedule of the Constitution of Kenya on liquor licensing by the County Government.

The Bill proposes to integrate the control of alcoholic drinks into the promotion of health care, control of outdoor advertisement in accordance with the Fourth Schedule of the Constitution of Kenya.

Further the Bill seeks to apply the Alcoholic Drinks Control Act, 2010 in line with the devolved government system.

PART 1 of the Bill provides for of the Bill provides for the preliminaries, which include the interpretation of terms used in the Bill as well as the application scope of the bill, objects and purpose of the Bill. The objects include protection of persons under the age of eighteen years from the negative impact of alcoholic drinks, promotion of ethical business practices, as well as provision of public education.

PART II of the Bill seeks to offer functional and reporting clarity of the offices involved in the smooth administration of liquor licensing and control. The Bill proposes to create an 11-member Board appointed by the Governor in line with Mwongozo Code of corporate governance, the Bill proposes the Director to be the secretary and an ex-officio member of the Board in order to give the Board continuity and institutional memory;

The Board has been given oversight, review and appellate functions.

The Bill further proposes to create a Liquor Licensing Directorate, which will be an office in the County Public Service. The Directorate will be responsible for supporting the sub-county committees, carrying out public education, facilitating citizen participation, facilitating establishment of treatment and rehabilitation programs, carrying out research and advising on policy to be adopted in the county among others.

The Bill streamlines the role of the Chief officer and County Executive Committee Member in charge of liquor licensing in order to clarify line of authority and reporting lines. The Bill further proposes to streamline the role of sub-county committees to be to recommend for licenses.

PART III of the Bill provides for the licensing framework including procedure and conditions related to control and licensing of alcoholic drinks. The Bill proposes the establishment of sub-county alcoholic drinks control committee. The Bill also proposes the establishment of Nairobi City County Alcoholic Drinks Control and Licensing Dispute Resolution Committee to hear and determine disputes in line with

constitutional values and principles of fair administrative action and public participation.

The Bill further proposes for a mechanism for Nairobi residents to object grant of licenses and also the Board can suo moto review the decision of the Sub-county Committee to recommend for grant of license

PART IV of the Bill provides for general requirements related to sale, manufacture, distribution and consumption of alcoholic drinks.

The Bill Proposes for Licenses to maintain a register of suppliers and supplies to enable traceability and reign in the sale of adulterated drinks.

PART V proposes control of advertisements in relation to alcoholic drinks. The Bill proposes prohibition of advertisements near schools for persons under the age of eighteen years, painting

Residential buildings with alcoholic drinks brand names or colours as well as giving of free drinks.

PART VI of the Bill provides for enforcement of the Bill. The Bill proposes appointment of authorized officers to enforce the Bill.

The Bill proposes a guidance of the enforcement process such as premises the enforcement officer may enter; inspection powers and seizure and order of restoration process.

PART VII The Bill also proposes the establishment of the Nairobi City County Alcoholic Drinks Control and Licensing Fund, which will consist of money appropriated by County Assembly and license fees payable under the Act. The Fund will be used for financing the implementation of the Act.

The Bill further proposes to align the fund with the provisions of Section 116 of the Public Finance Management Act (Cap. 412A) as read together with section 197 (1) and section 198 of The Public Finance Management (County Governments) Regulations, 2015.

The Bill further proposes for the Directorate and the Board to release Annual Programmes Reports to illustrate what the fund has done in every year.

PART VIII of the Bill provides for transitional and miscellaneous provisions. The Bill proposes to empower the executive member responsible for alcoholic drinks control and licensing powers to make regulations for better carrying out purposes of the Act.

The Bill further provides for the repeal of the existing Act - The Nairobi City County Alcoholic Drinks Control and Licensing Act, 2014.

First Schedule of the Bill proposes an Oath of Solemn Affirmation of Board Members; Sub-county Committee Members and Members of the Dispute Resolution Committees.

Second Schedule of the Bill proposes for a conduct of the business and affairs of the Board.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill delegates legislative powers to the County Executive Committee Member for the time being responsible for Alcoholic Drinks Control and Licensing matters and County Executive Committee Member for the time being finance has been given powers to regulate the Fund in line with section 198 of the Public Finance Management (County Governments) Regulations, 2015.

Statement on whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill may occasion additional expenditure of public Funds to be provided through the estimates.

Dated the 16th March, 2026.

CLARENCE K. MUNGA,
Member of County Assembly.

