

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(FOURTH SESSION)

NCCA/TJ/PL/2025(32)

4<sup>TH</sup> MARCH 2025

PAPER LAID


SUBJECT: REPORT OF A COMMITTEE

Pursuant to Standing Order 135, I beg to lay the following Paper on the Table of this Assembly, today Thursday 4<sup>th</sup> March 2025:

- THE REPORT OF THE SECTORAL COMMITTEE ON TRADE, TOURISM AND COOPERATIVES ON CONSIDERATION OF THE NAIROBI CITY COUNTY BETTING, LOTTERIES AND GAMING BILL, 2023.

*(Chairperson, Sectoral Committee on Trade, Tourism and Cooperatives)*

Copies to:  
The Speaker  
The Clerk  
Hansard Editor  
Hansard Reporters  
The Press

Report laid by Hon.  
Paul Ndungu on  
4<sup>th</sup> March 2025  
  
A/S/2025



GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY  
(FOURTH SESSION)

*[Handwritten signature]*  
20/02/2025

NCCA/TJ/PL/2025(32)

20<sup>TH</sup> FEBRUARY 2025

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PAPER LAID

SUBJECT: REPORT OF A COMMITTEE

Pursuant to Standing Order 135, I beg to lay the following Paper on the Table of this Assembly, today Thursday 20<sup>th</sup> February 2025:

- THE REPORT OF THE SECTORAL COMMITTEE ON TRADE, TOURISM AND COOPERATIVES ON CONSIDERATION OF THE NAIROBI CITY COUNTY BETTING, LOTTERIES AND GAMING BILL, 2023.

*(Chairperson, Sectoral Committee on Trade, Tourism and Cooperatives)*

Copies to:  
The Speaker  
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COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY – FOURTH SESSION

SIXTH REPORT OF THE SECTORAL COMMITTEE ON TRADE, TOURISM &  
COOPERATIVES ON THE SECOND READING OF THE NAIROBI CITY COUNTY  
BETTING, LOTTERIES AND GAMING BILL, 2023

Clerk's Chambers  
Nairobi City County Assembly  
City Hall Buildings  
Nairobi.

FEB, 2025

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## 1.0 PREFACE

### 1.1 Committee Mandate

Mr. Speaker Sir,

The Sectoral Committee on Trade, Tourism and Cooperatives is established under Standing Order No. 209. Its mandate pursuant to Standing Order 209(6) is to:-

- a) *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;*
- b) *study the programme and policy objectives of departments and the effectiveness of the implementation;*
- c) *study and review all county legislation referred to it;*
- d) *study, assess and analyse the relative success of the departments as measured by the results obtained as compared with its stated objectives;*
- e) *investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;*
- f) *vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185(Committee on Appointments); and*
- g) *make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.*

In accordance with the Third Schedule of the Standing Orders, the Sectoral Committee is mandated to consider all matters relating to *trade development and regulation, including markets, trade licenses (excluding regulation of professions), fair trading practices, local tourism and cooperative societies; and Betting and Casinos and other forms of Gambling.*"

## 1.2 Committee Membership

The Committee comprises the following Members:-

1. Hon. Paul Ndung'u, MCA      Chairperson
2. Hon. Jeckoniah Onyango, MCA      Vice Chairperson
3. Hon. Abel Osumba Atito, MCA
4. Hon. David Magoba, MCA
5. Hon. Stazo Omung'ala, MCA
6. Hon. Absalom Odhiambo, MCA
7. Hon. Shadrack Machanje, MCA
8. Hon. Jane Wanjiru, MCA
9. Hon. Peter Owera, MCA
10. Hon. Joel Munuve, MCA
11. Hon. Silas Matara Ongwae, MCA
12. Hon. John Rex Omolleh, MCA
13. Hon. Victor Omondi Ochola, MCA
14. Hon. Mwaniki Kwenya, MCA
15. Hon. Gerald Irungu, MCA
16. Hon. Moses Kitema, MCA
17. Hon. Mark Ruiyi Thiga, MCA
18. Hon. James Karis, MCA
19. Hon. Ciciliah Wairimu Njathi, MCA
20. Hon. James Koria, MCA
21. Hon. Lydia Okoth, MCA
22. Deonysias Waithira
23. Hon. Hashim Kamau, MCA



## 2.0 BACKGROUND

Mr. Speaker Sir,

The Nairobi City County Nairobi City County Betting, Lotteries and Gaming Bill, 2023 was read a First Time on Tuesday, 5<sup>th</sup> December, 2023 and thereafter committed to the Sectoral Committee on Trade, Tourism and Cooperatives for consideration pursuant to Standing Order 135(3).

Mr. Speaker Sir,

Pursuant to Article 196(b) of the Constitution of Kenya and Standing Order 135(3) which require public participation in the legislative and other business of the Assembly and its Committees, the Committee placed two notices in the local dailies. The first one was on Tuesday 30<sup>th</sup> January, 2024, calling for any representations and amendments from the public on the Bill. The second one called for a Public Participation forum in Charter Hall on Tuesday 27<sup>th</sup> February 2024 at 10.00 am . The Committee also identified key stakeholders in the Sector and invited them to either submit their comments or attend Committee meetings where they could give their views on the Bill.

The Committee wrote letters to the following stakeholders to submit their written memoranda on the said bill;

- i) County Executive Committee Member for Business and Hustler Opportunities;
- ii) Association of Gaming Operators Kenya (AGOK);
- iii) Betika Kenya;
- iv) Betting Control & Licensing Board;
- v) Odibet Kenya;
- vi) Jockey Club of Kenya; and
- vii) Kenya Association of Manufacturers.

The Committee held four (4) meetings and a retreat to consider the Bill and all representations received. The retreat included a meeting held with the County Executive Committee Member responsible for Business and Hustler Opportunities, and the sponsor of the Bill Hon. Chege Mwaura, MCA. Only the County Executive Committee Member responsible for Business and Hustler Opportunities and one(1) stakeholder presented memoranda on the said Bill.


It is worth noting that the County Executive conducted a second retreat with the Committee in Mombasa County held from November 13<sup>th</sup> to 18<sup>th</sup> 2024, to discuss their final amendments to the Bill.

Mr. Speaker Sir;

The Committee thanks the Offices of the Speaker and the Clerk of the County Assembly for the support and services extended to Members of the Committee while considering the Bill. I am grateful to the Members of the Committee whose support and commitment enabled the Committee to accomplish this task. The Committee also extends its appreciation to the stakeholder who submitted memorandum on the Bill. Special thanks to the County Executive for their views and the Secretariat for the technical support provided.

On behalf of the Committee, I now have the honor and pleasure to present this report of the Committee on the consideration of the Nairobi City County Betting, Lotteries and Gaming Bill, 2023 for adoption.

Thank You.

Signed  .....

Hon. Paul Ndung'u (MCA)  
(CHAIRPERSON)

SECTORAL COMMITTEE ON TRADE, TOURISM AND COOPERATIVES

DATED THIS 19<sup>th</sup> DAY OF FEB, 2025

### 3.0 COMMITTEE CONSIDERATION OF THE NAIROBI CITY COUNTY BETTING, LOTTERIES AND GAMING BILL, 2023

While examining the Bill, the Committee noted the following:

- i. The Bill's principal objective is to provide a framework for controlling betting, lotteries, and gaming in Nairobi City County. It establishes a mechanism for licensing betting and gaming activities in Nairobi City County and creates the Nairobi City County Betting and Gaming Control Fund to facilitate research on betting and gaming trends and mitigate the effects of excessive betting and gaming in the County.
- ii. **Part I** of the Bill sets out preliminary provisions including the short title, interpretation of terms, objects and application provisions.
- iii. **Part II** of the Bill provides for the institutional and funding framework for control of betting and gaming in Nairobi City County. This part establishes the Nairobi City County Betting, Lotteries and Gaming Control Board as the competent authority to provide coordinative and advisory mandate on programmes and projects for the control of betting and gaming in Nairobi City County. The funding framework shall be through the Nairobi City County Betting, Lotteries and Gaming control Fund which shall provide funds for research and dissemination of findings on betting and gaming as well as awareness creation on the effects of excessive gaming and betting.
- iv. **Part III** of the Bill provides for enforcement mechanisms by establishing the functions and powers of gaming inspectors. This Part also requires the County Executive Committee Member to appoint such number of gaming inspectors as may be necessary for the enforcement of the provisions of this Act.
- v. **Part IV** of the Bill provides for details the general provisions on betting, gaming and lotteries licenses and permits. These include validity, renewal procedures, transfer, display and revocation of licenses issued under the Act
- vi. **Part V** of the Bill provides for miscellaneous matters including offences related to gaming and betting and the repeal of the Nairobi City County Betting, Lotteries and Gaming Act, 2014.

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

The Bill provides for the power of the County Executive Committee Member to make Regulations for the better carrying into effect of the provisions. The Bill does not limit fundamental rights and freedoms.

- o Statement that the Bill concerns county governments

The Bill concerns county governments in terms of Article 110 (1) (a) of the Constitution as it affects the functions and powers of County Governments set out in the Fourth Schedule.

- o Statement that the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall occasion additional expenditure of public funds to be provided for through the annual estimates.

#### 4.0 MEMORANDUM FROM THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR BUSINESS AND HUSTLER OPPORTUNITIES

Clause	the specific provisions in the Nairobi City County Betting, Lotteries & Gaming Bill, 2023	Proposed Amendment (provide the exact wording of how your proposed amendment should read.)	Explain the reason for the Proposed Amendment
Clause 2	N/A	"Betting Premises" means premises used for purposes of betting to which the public has access.	The definition of betting premises is necessary since it appears several times in the proposed bill and the counties are mandated to license the betting premises.
Clause 2	N/A	"Betting Shop" a place where people can go to bet on something such as horse race or other sport events. It can be a subsidiary of a bookmaker or totalizator	This definition is important to differentiate a betting shop from the main company betting premises or totalizator premises
Clause 2	N/A	"Fund" means the County Betting, Lotteries and Gaming Fund established under section 52.	The definition of the word fund is necessary since the proposed bill seeks to establish a fund.

			The creation of a fund should also encompass the gaming and Betting activities to be able to pool the amounts received from these activities to give back to the society.
Clause 2	N/A	“Gaming” means the playing of a game of chance for prize winning and includes lottery and betting.	The definition of gambling is necessary since it is a technical term used in the proposed bill several times.
Clause 2	N/A	“Gaming Machine” means any device which is operated electronically or mechanically or both that is designed for- a) Placing bets for playing a game of chance which does not require action by a player other than the manipulation of the machine; b) Playing a game of chance which requires no action by a player other than the manipulation of the machine; or c) The purpose of playing a game of chance or a game of fixed chance and Skill, which may result in payable winnings.	The definition of gaming machine is necessary since it is a technical term used in the proposed Bill.
Clause 2	N/A	“Good Cause” means a charitable cause or an event for charity.	The definition of good cause is necessary since the term has been used in the proposed Bill.
Clause 2	N/A	“Gross Winnings” means total revenue received from all betting, lotteries and gaming activities before any deductions are made.	The definition of gross winnings is necessary to determine what gross revenue means.
Clause 2	N/A	“Prize Competition” means a scheme or competition in respect of which direct or indirect consideration is paid to participate, and of which the result is	The definition of prize competition is necessary since it appears several times in the

		determined partly by a considerable element of chance.	proposed Bill and under the Gazette Notice No. 10170 Vol. CXXV – No. 251 of 27 <sup>th</sup> November 2023 it has been listed as one of the activities to be licensed by county governments.
Clause 3	1. This Act shall apply to—  (a) Any person who desires to acquire, occupy, use or permit the use of a premise for—  i. betting; ii. establishment of a casino; iii. use of a totalizator;	1. This Act shall apply to—  (a) Any person who desires to acquire, occupy, use or permit the use of a premise for—  i. betting; ii. establishment of a casino; iii. use of a totalizator; or iv. Prize Competitions for promotions within the county.	Adding the phrase “Prize Competitions” is necessary since the Gazette Notice No. 10170 Vol. CXXV – No. 251 of 27 <sup>th</sup> November 2023 mandates the counties to license prize competitions within the county.
Clause 5 (1)	There is established a Board to be known as Nairobi City County Betting, Lotteries and Gaming Control Board which shall consist of	There is established an Advisory Board to be known as Nairobi City County Betting, Lotteries and Gaming Board.	An advisory Board to limit the powers of the members of the Board and avoid them from having vested interest in the Gaming industry.
Clause 5 (1) (b)	The Chief Officer for the time being responsible for Security, Compliance and Disaster Management or a representative designated in writing who shall not be below the level of Director.	The Chief Officer for the time being responsible for Security and Compliance.	Security and Disaster Management are no longer in the same sector hence naming the sector as such would cause conflict.
Clause 5(1) (d)	The Chief Officer for the time being responsible for	The Chief Officer for the time being responsible for Betting, Lotteries & Gaming or a representative designated in	This would avoid confusion in case the department is

	Trade or a representative designated in writing who shall not be below the level of Director.	writing who shall not be below the level of Director	moved to another sector
Clause 5 (1)(e)	Six persons appointed by the Governor who shall be persons conversant and with 5 years' experience' in Trade or Finance matters; and	Five persons appointed by the Governor who shall be persons conversant and with 5 years' experience' in Trade or Finance matters; and	The number of persons appointed by the Governor (6) was too high and contrary to the Mwongozo Guidelines. The Board Members should be between 7-9 members.
Clause 6 (a)	Promote the implementation of National policies, norms and standards in relation to betting, lotteries and gaming activities in the County	Advise on the implementation of National policies, norms and standards in relation to betting, lotteries and gaming activities in the County	This is an advisory Board hence, its powers are limited to advisory.
Clause 6(d)	Recommend for issuance of lottery licenses for betting, lotteries and gaming activities within the County	advise on the issuance of lottery licenses for betting, lotteries and gaming activities within the County	This is an advisory Board hence, its powers are limited to advisory.
Clause 6 (e)	Consider and determine appeals against the decisions of the Director	Delete	This should be an advisory board
Clause 6 (f)	Act as the trustee and manager of the fund established under section 52 of this Act	Delete	This is an advisory Board hence, its powers are limited to advisory.  The Board can't be the trustee and manager of the fund since Section 116 of the Public Finance Management Act mandates the CECM Finance to appoint

			an administrator of county public funds.
Clause 6 (g)	Prescribe guidelines, policies and procedures for the conduct of games comprising the County lottery	Advise on guidelines, policies and procedures for the conduct of gaming and betting	This should be an advisory board hence its powers are limited
Clause 6 (h)	Arbitrate and mediate on any dispute arising from the licensing and control of Betting, Lotteries and gaming activities in the county	Delete	The Board's powers are only limited to advisory hence cannot conduct dispute resolution. This can only be done by a dispute resolution committee.
Clause 11 (3a)	Possesses a university degree in any area related to trade, business administration, sociology, economics or commerce from a university recognized by the Commission for University Education	Possesses a relevant university degree course from a university recognized by the Commission for University Education	Should not be limited to specific degree courses which can change from time to time
Clause 14 (j)	Conduct daily supervision of casinos and generation of casino returns	Conduct daily supervision of casinos and generation of casino returns and other duty as prescribed by the Public Service Board	Duties can be added by the Public Service Board as need arises.
Clause 27	A licensee whose license is lost, destroyed or mutilated may make an application for a duplicate in the prescribed form upon payment of fifty thousand Kenya shillings	Delete	Due to advancement of technology, the requirement becomes obsolete since the license can be downloaded online
Clause 29	N/A	Add-  (1) There shall be a established a Dispute Resolution Committee to be known as	Establishing a Dispute Resolution Committee is important to reduce



	<p>the County Betting, Lotteries &amp; Gaming Dispute Resolution Committee</p> <p>(2) The Dispute Resolution committee shall consist of a Chairperson and four other members appointed by the Governor.</p> <p>(3) The Chairperson shall be an Advocate of the High Court with minimum 5 years' experience.</p> <p>(4) The members of the Dispute Resolution committee shall hold office for such terms and conditions as the County Executive Committee member may determine.</p> <p>(5) The Dispute Resolution Committee may on any appeal or request for review-affirm or reverse the decision of the Director or make any other such other orders as the committee considers necessary and fit.</p> <p>(6) Where the Dispute Resolution Committee has received an appeal or request for review under this section, it shall consider that appeal or the review and, if it determines that the grounds of appeal or review are frivolous or vexatious or do not disclose sufficient reason for interfering with the decision of the Director, may summarily reject the appeal or request for review.</p> <p>(7) Save as may be prescribed, the Dispute Resolution Committee shall regulate its procedure and proceedings as it may consider appropriate.</p> <p>(8) The County Executive Committee Member shall make rules for regulating the practice and procedure of the Dispute Resolution Committee Member.</p> <p>(9) Without prejudice to the generality of subsection (8), such rules may provide for—</p> <p>(a) regulating the sittings of the Dispute Resolution Committee;</p> <p>(b) prescribing forms and fees in respect of</p>	<p>litigations against the County</p>
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		<p>proceedings in the Dispute Resolution Committee and regulating the costs of and incidental to any such proceedings;</p> <p>(c) prescribing the time within which any requirement of the rules is to be complied with; and</p> <p>(d) any other matter required under this Act or any other written law.</p>	
Clause 29	A person aggrieved by any decision of the Director under this Bill may appeal to the Board within twenty-one days from the date upon which such decision is conveyed to a licensee	A person aggrieved by any decision of the Director under this Bill may appeal to the County Betting, Lotteries and Gaming dispute resolution committee within twenty-one days from the date upon which such decision is conveyed to a licensee	The Board's powers are only limited to advisory hence cannot conduct dispute resolution. This can only be done by a dispute resolution committee.
Clause 29	N/A	<p>Add –</p> <p>Any person being dissatisfied with the decision of the Dispute Resolution Committee may within 14 days appeal to the High Court to seek redress.</p>	Appeal is a right of the aggrieved person
Clause 32	Pursuant to Article 209 (3) (b) of the Constitution ,there shall be an entertainment tax on all betting, lotteries and gaming activities licensed under this Act chargeable at a rate of 10% on the gross winnings of all Betting, Lotteries & Gaming activities.	Pursuant to Article 209 (3) (b) of the Constitution ,the County may charge an entertainment tax on all betting, lotteries and gaming activities licensed under this Act with a percentage determined by the miscellaneous Nairobi City County Finance Act.	This will allow adjustments in the miscellaneous Nairobi City County Finance Acts and avoid litigations.
Clause 52(1)	There is hereby established a fund to be known as the County Lottery Distribution Trust Fund, which shall vest in and be administered by the Board	There is hereby established a fund to be known as the County Betting, Lotteries and Gaming Fund, which shall be managed by the County Executive Committee Member	Establishing a Fund to pool resources together from Betting, Lotteries and Gaming activities is necessary to support "good causes" activities and giving back to society affected by

			gambling. The Administrator should be the County Executive Committee Member because the board is supposed to be advisory.
Clause 52 (5)(e)	N/A	Such licenses and other fees as may be payable under this Act	It is necessary for the licenses and other fees payable from the Betting and other gambling activities to go back to the Fund created which shall be in turn used for good causes.
Clause 52 (6)	N/A	The monies in the Fund shall be used to facilitate the conduct of goods & services of good causes in the County or for any other purposes provided in the Act.	Giving back to the society
Clause 52 (6)(a)	N/A	a) Charitable causes including – (i) Facilitate the protection and rehabilitation of vulnerable or problem gamblers; (ii) Providing care and protection for the physically or mentally afflicted, the needy, the aged, orphans and vulnerable children; and (iii) Aid to the needy, such as through the provision of food, shelter, or healthcare services;	Giving back to the society
Clause 52 (6)(b)	N/A	b) Sports, recreation, arts and culture including- (i) Support for county teams to participate in local and regional sports. (ii) Facilitation for the acquisition and provision of equipment to sports and recreation facilities (iii) Support for the identification, nurturing and development of talent in sports and arts (iv) Facilitating training and capacity building programmes for persons involved in sports and recreation, creative arts, artistic production,	Giving back to the society

		contemporary and cultural practitioners (v) Facilitating the identification, development and capacity building of technical personnel and sports support personnel involved in sports and recreation (vi) Promotion of culture, arts, and heritage, such as through the support of museums or cultural events	
Clause 52 (6)(c)	N/A	c) Emergencies including (i) response to emergencies or crises affecting communities or populations including natural disasters, conflicts, public health crises, or other unforeseen events that require urgent intervention; and ii) response as well as disaster risk reduction initiatives that help communities prepare for and respond to emergencies and disasters	Giving back to the society

To add the following fees and charges in the Second Schedule			
<b>Betting satellite shops license</b>			
Item	Unit of measure	Category	Charges
Application/ renewal fee	Per shop	Betting	10,000
Grant fee	Per shop	Betting	100,000
Annual fee	Per shop	Betting	50,000
Transfer (location fee)	Per shop	Betting	50,000
<b>Public gaming (casino) license</b>			
Item	Unit of measure	Category	Charges
Application/ renewal fee	Per casino	Gaming	25,000
Grant fee	Per casino	Gaming	3,000,000
Annual fee	Per casino	Gaming	500,000
Transfer (location fee)	Per casino	Gaming	200,000
<b>Draw permit for 3 months</b>			
Item	Unit of measure	Category	Charges
Draws permit	Per draw	Draw	5,000
<b>Bingo permit for 3 months</b>			
Item	Unit of measure	Category	Charges
Bingo permit	Per Bingo	Bingo	30,000

### GENERAL COMMENTS

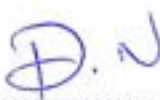
1. Fourth Schedule Part 2 (4a) of the 2010 constitution mandates the County Governments to regulate betting, casinos & other forms of Gambling.
2. Gazette Notice No. 16170 dated 27<sup>th</sup> November 2023 by Inter-Governmental Relations Technical Committee on the delineation of functions of National & County governments. County functions are; -
  - a) Implement national policy, legislation, standards & norms on Betting, casinos & other forms of gambling;
  - b) Undertake periodic monitoring & evaluation of betting, lotteries and gaming;
  - c) Develop and implement County specific legislation on betting & other forms of gambling;
  - d) License betting, casinos & other forms of gambling within a county;
  - e) Issue single business permits for national betting, casinos and other forms of gambling;
  - f) Enforce policies, legislation, standards & norms on betting, casinos & other forms of gambling;
  - g) License prize competitions for promotions within the county;
  - h) License and supervise lotteries within the county;
  - i) License and issue pool table permits within the county; and
  - j) Handle complaints on betting, casinos and other forms of gambling at the county level.

5.0 SUBMISSION OF MEMORANDUM ON THE SAID BILL, 2023 BY THE BETTING CONTROL AND LICENSING BOARD

The submissions stated that the Gambling Control Bill, 2023 is before the National Assembly, and any proposals or comments relating to the proposed County Bill should be in line with the National Law to avoid conflict and/or duplication of Laws in the Gaming sector.

6.0 COMMITTEE STAGE AMENDMENTS

NOTICE is given that the Sectoral Committee on Trade, Tourism and Cooperatives is in agreement with the said Bill with amendments from the Nairobi City County Betting, Lotteries and Gaming Bill, 2023 at the Committee Stage.

Signed  .....  
Hon. Hon. Paul Ndung'u MCA  
(Chairperson)

SECTORAL COMMITTEE ON TRADE, TOURISM AND COOPERATIVES

DATED THIS 19<sup>th</sup> DAY OF FEB, 2025

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000251

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**MATRIX ON THE DRAFT NAIROBI CITY COUNTY BETTING, LOTTERIES AND GAMING BILL, 2023**

Clause	Copy and paste here the specific provisions in the draft Nairobi City County Betting, Lotteries & Gaming Bill, 2023 you wish to comment about	Proposed Amendment (provide the exact wording of how your proposed amendment should read.)	Explain the reason for the Proposed Amendment	Comments (Agreed to /Rejected /proposals)
Clause 2	N/A	"Betting Shop" a place where people can go to bet on something such as horse race or other sport events. It can be a subsidiary of a bookmaker or totalisator	This definition is important to differentiate a betting shop from the main company betting premises or totalisator premises	Agreed to
Clause 2	N/A	"Directorate" means the Department of Betting, Lotteries and Gaming headed by a Director.	The definition is important because it appears in the Bill. Clause 10.	Agreed to
Clause 2	N/A	"Fund" means the County Betting, Lotteries and Gaming Fund established under section 52.	The definition of the word fund is necessary since the proposed bill seeks to establish a fund.  The creation of a fund should also encompass the gaming and Betting activities to be able to pool the amounts received from these activities to give back to the society.	Agreed to
Clause 2	N/A	"Gaming" means the playing of a game of chance for prize winning and includes lottery and betting.	The definition of gambling is necessary since it is a technical term used in the proposed bill several times.	Agreed to
Clause 2	N/A	"Gaming Machine" means any device which is operated electronically or mechanically or both that is designed for-	The definition of gaming machine is necessary since it is a technical term used in the proposed Bill.	Agreed to

		<p>a) Placing bets for playing a game of chance which does not require action by a player other than the manipulation of the machine;</p> <p>b) Playing a game of chance which requires no action by a player other than the manipulation of the machine; or</p> <p>c) The purpose of playing a game of chance or a game of fixed chance and skill, which may result in payable winnings.</p>		
Clause 2	N/A	"Good Cause" means a charitable cause or an event for charity.	The definition of good cause is necessary since the term has been used in the proposed Bill.	Agreed to
Clause 2	N/A	"Gross Winnings" means total revenue received from all betting, lotteries and gaming activities before any deductions are made.	The definition of gross winnings is necessary to determine what gross revenue means.	Agreed to
Clause 2	N/A	"Prize Competition" means a scheme or competition in respect of which direct or indirect consideration is paid to participate, and of which the result is determined partly by a considerable element of chance.	The definition of prize competition is necessary since it appears several times in the proposed Bill and under the Gazette Notice No. 10170 Vol. CXXV – No. 251 of 27 <sup>th</sup> November 2023 it has been listed as one of the activities to be licensed by county governments.	Agreed to
Clause 3	1. This Act shall apply to—	1. This Act shall apply to—	Adding the phrase "Prize Competitions" is necessary since the Gazette Notice No. 10170 Vol. CXXV – No. 251 of 27 <sup>th</sup> November 2023 mandates the counties to license prize	Agreed to



Clause 5 (1)	<p>(a) Any person who desires to acquire, occupy, use or permit the use of a premise for—</p> <ul style="list-style-type: none"> <li>i. Betting; establishment of a casino;</li> <li>ii. use of a totalizator;</li> <li>iii. Prize Competitions for promotions within the county.</li> </ul>	<p>(a) Any person who desires to acquire, occupy, use or permit the use of a premise for—</p> <ul style="list-style-type: none"> <li>i. betting; establishment of a casino;</li> <li>ii. use of a totalizator; or</li> <li>iii. Prize Competitions for promotions within the county.</li> </ul>	<p>competitions within the county. Correct the spelling of "Betting".</p>	
Clause 5 (1) (b)	<p>There is established a Board to be known as Nairobi City County Betting, Lotteries and Gaming Control Board which shall consist of</p> <p>The Chief Officer for the time being responsible for Security, Compliance and Disaster Management or a representative designated in writing who shall not be below the level of Director.</p>	<p>There is established an Advisory Board to be known as Nairobi City County Betting, Lotteries and Gaming Board.</p>	<p>An advisory Board to limit the powers of the members of the Board and avoid them from having vested interest in the Gaming industry.</p>	<p>Agreed to</p>
Clause 5(1) (c)	<p>The Chief Officer for the time being responsible for Revenue or a representative designated in writing who shall not be below the level of Director.</p>	<p>The Chief Officer for the time being responsible for Security and Compliance.</p>	<p>Security and Disaster Management are no longer in the same sector hence naming the sector as such would cause conflict.</p>	<p>Agreed to</p>
		<p>The Chief Officer for the time being responsible for Revenue or a representative designated in writing who shall not be below the level of Director</p>	<p>Being a revenue stream the Chief Officer Revenue would be more directly involved.</p>	<p>Disagreed</p>

Clause 5(f) (d)	The Chief Officer for the time being responsible for Trade or a representative designated in writing who shall not be below the level of Director.	The Chief Officer for the time being responsible for matters related to Betting, Lotteries & Gaming or a representative designated in writing who shall not be below the level of Director	This would avoid confusion in case the department is moved to another sector	Agreed to
Clause 5 (f) (e)	Six persons appointed by the Governor who shall be persons conversant and with 5 years' experience' in Trade or Finance matters; and	Five persons appointed by the Governor who shall be persons conversant and with 5 years' experience' in Trade or Finance matters; and	The number of persons appointed by the Governor (6) was too high and contrary to the Mwongozo Guidelines. The Board Members should be between 7-9 members.	Proposal to be 3 years experience
Clause 6 (a)	Promote the implementation of National policies, norms and standards in relation to betting, lotteries and gaming activities in the County	Advise on the implementation of National policies, norms and standards in relation to betting, lotteries and gaming activities in the County	This is an advisory Board hence, its powers are limited to advisory.	Agreed to
Clause 6(d)	Recommend for issuance of lottery licenses for betting, lotteries and gaming activities within the County	Advise on the issuance of lottery licenses within the County	This is an advisory Board hence, its powers are limited to advisory.	Agreed to
Clause 6 (e)	Consider and determine appeals against the decisions of the Director	Delete	This should be an advisory board	Agreed to
Clause 6 (f)	Act as the trustee and manager of the fund established under section 52 of this Act	Delete	This is an advisory Board hence, its powers are limited to advisory.	Agreed to

				The Board can't be the trustee and manager of the fund since Section 116 of the Public Finance Management Act mandates the CECM Finance to appoint an administrator of county public funds.	
Clause 6 (g)	Prescribe guidelines, policies and procedures for the conduct of games comprising the County lottery	Advise on guidelines, policies and procedures for the conduct of gaming and betting		This should be an advisory board function hence its powers are limited	Agreed to
Clause 6 (h)	Arbitrate and mediate on any dispute arising from the licensing and control of Betting, Lotteries and gaming activities in the county	Delete		The Board's powers are only limited to advisory hence cannot conduct dispute resolution. This can only be done by a dispute resolution committee.	Agreed to
Clause 11 (3a)	Possesses a university degree in any area related to trade, business administration, sociology, economics or commerce from a university recognized by the Commission for University Education	Possesses a relevant university degree course from a university recognized by the Commission for University Education		Should not be limited to specific degree courses which can change from time to time	Agreed to
Clause 12	The Director shall have power to -	The Directorate shall have power to -		The powers should be to the Directorate and not the Director	Agreed to

Clause 14 (j)	Conduct daily supervision of casinos and generation of casino returns	Conduct daily supervision of casinos and generation of casino returns and other duties as prescribed by the County Public Service Board	Duties can be added by the County Public Service Board as need arises.	Agreed to
Clause 16	The Director shall issue betting, lotteries & gaming licences under this Act with respect to -	The Directorate shall issue betting, lotteries & gaming licences under this Act with respect to -	The powers should be to the Directorate and not the Director	Agreed to
Clause 27	A licensee whose license is lost, destroyed or mutilated may make an application for a duplicate in the prescribed form upon payment of fifty thousand Kenya shillings	Delete	Due to advancement of technology, the requirement becomes obsolete since the license can be downloaded online	Agreed to
Clause 29	A person aggrieved by any decision of the Director under this Bill may appeal to the Board within twenty-one days from the date upon which such decision is conveyed to a licensee	A person aggrieved by any decision of the Director under this Bill may appeal to the County Betting, Lotteries and Gaming dispute resolution committee within twenty-one days from the date upon which such decision is conveyed to a licensee	Delete the entire clause, appeals are covered under clause 63	Agreed to
Clause 32	Pursuant to Article 209 (3) (b) of the Constitution .there shall be an entertainment tax on all betting, lotteries and gaming activities licensed	Pursuant to Article 209 (3) (b) of the Constitution ,the County may charge an entertainment tax on all betting, lotteries and gaming activities licensed under this Act with a percentage determined by the	This will allow adjustments in the miscellaneous Nairobi City County Finance Acts and avoid litigations.	Agreed to

	under this Act chargeable at a rate of 10% on the gross winnings of all Betting, Lotteries & Gaming activities.	miscellaneous Nairobi City County Finance Act.		
Clause 52(1)	There is hereby established a fund to be known as the County Lottery Distribution Trust Fund, which shall vest in and be administered by the Board	There is hereby established a fund to be known as the County Betting, Lotteries and Gaming Fund managed by an Administrator appointed by the County Executive Committee Member in charge of Finance.	Establishing a Fund to pool resources together from Betting, Lotteries and Gaming activities is necessary to support "good causes" activities and giving back to society affected by gambling. The Administrator should be the County Executive Committee Member because the board is supposed to be advisory.	Agreed to
Clause 52 (5)(e)	N/A	Such licenses and other fees as may be payable under this Act	It is necessary for the licenses and other fees payable from the Betting and other gambling activities to go back to the Fund created which shall be in turn used for charitable causes.	Agreed to
Clause 52 (6)	N/A	The monies in the Fund shall be used to facilitate the conduct of goods & services of good causes in the County or for any other purposes provided in the Act.	Giving back to the society	Agreed to
Clause 52 (6)(a)	N/A	<p>a) Charitable causes including –</p> <p>(i) Facilitate the protection and rehabilitation of vulnerable or problem gamblers;</p> <p>(ii) Providing care and protection for the physically or mentally afflicted, the needy, the aged, orphans and vulnerable children; and</p> <p>(iii) Aid to the needy, such as through the provision of food, shelter, or healthcare services;</p>	Giving back to the society	Agreed to

<p>Clause 52 (6)(b)</p>	<p>N/A</p>	<p>b) Sports, recreation, arts and culture including-</p> <ul style="list-style-type: none"> <li>(i) Support for county teams to participate in local and regional sports.</li> <li>(ii) Facilitation for the acquisition and provision of equipment to sports and recreation facilities</li> <li>(iii) Support for the identification, nurturing and development of talent in sports and arts</li> <li>(iv) Facilitating training and capacity building programmes for persons involved in sports and recreation, creative arts, artistic production, contemporary and cultural practitioners</li> <li>(v) Facilitating the identification, development and capacity building of technical personnel and sports support personnel involved in sports and recreation</li> <li>(vi) Promotion of culture, arts, and heritage, such as through the support of museums or cultural events</li> </ul>	<p>Giving back to the society</p>	<p>Agreed to</p>
<p>Clause 52 (6)(c)</p>	<p>N/A</p>	<p>c) Emergencies including</p> <ul style="list-style-type: none"> <li>(i) response to emergencies or crises affecting communities or populations including natural disasters, conflicts, public health crises, or other unforeseen events that require urgent intervention; and</li> </ul>	<p>Giving back to the society</p>	<p>Agreed to</p>

	ii) response as well as disaster risk reduction initiatives that help communities prepare for and respond to emergencies and disasters	
<b>To add the following fees and charges on the Second schedule (Agreed to)</b>		
<b>Betting satellite shops license</b>		
<b>Item</b>	<b>Unit of measure</b>	<b>Category</b>
Application/ renewal fee	Per shop	Betting
Grant fee	Per shop	Betting
Annual fee	Per shop	Betting
Transfer (location fee)	Per shop	Betting
<b>Draw permit for 3 months</b>		
<b>Item</b>	<b>Unit of measure</b>	<b>Category</b>
Draws permit	Per draw	Draw
<b>Bingo permit for 3 months</b>		
<b>Item</b>	<b>Unit of measure</b>	<b>Category</b>
Bingo permit	Per Bingo	Bingo
		<b>Charges</b>
		10,000
		100,000
		50,000
		50,000
		<b>Charges</b>
		5,000
		<b>Charges</b>
		30,000
<p>1. The proposed Bill, appears to lack proper organization. While drafting a Bill, it is advisable to adhere to a structured format for better clarity and best practices. Hence, part VII and part IX should be part V and VI since both parts are addressing issues to do with control and licensing</p>		





**NAIROBI CITY COUNTY BETTING, LOTTERIES AND GAMING BILL 2023**

**ARRANGEMENT OF CLAUSES**

**PART I— PRELIMINARY**

**Clauses**

- 1—Short title
- 2—Interpretation
- 3—Application
- 4— Object and purpose

**PART II— ADMINISTRATION OF THE ACT**

- 5—Establishment of the Nairobi City County Betting, Lotteries and Gaming Control Board
- 6—Functions of the Board
- 7— Vacancies in the Board
- 8— Conduct of business and affairs of the Board
- 9— Remuneration
- 10— Directorate of Betting, Lotteries & Gaming
- 11— Director of Betting, Lotteries & Gaming
- 12— Powers of the Director
- 13—Appointment of gaming inspectors
- 14—Duties of a gaming inspector
- 15—Powers of a gaming inspector

**PART III— LICENSES AND PERMITS**

- 16— Licensing Betting, Lotteries & Gaming activities
- 17— Requirements for a licence or permit
- 18— Application for a licence or permit
- 19— Validity of a licence or permit
- 20— Renewal of a licence or permit
- 21— Refusal to grant or renew a license or permit
- 22— Suspension of a License
- 23— Revocation of a license

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- 24— Display of a license or permit
- 25— Transfer of a license or permit
- 26— Investigation by the Director
- 27— Duplicate license
- 28— Register of licenses
- 29— Appeals
- 30— Books to be kept by a Licensee
- 31— Submission of accounts by a licensee
- 32— Entertainment tax on Betting, lotteries and gaming activities

**PART IV - CONTROL AND LICENSING OF BETTING AND LOTTERIES**

- 33— Licensing required to conduct totalisator
- 34— Authorization of a public lottery for a charitable purpose
- 35— Powers of the Director with respect to a public lottery
- 36— Lottery conducted for charitable, sporting or other purposes
- 37— Lottery incidental to entertainment
- 38- Private lottery
- 39- Submission of accounts and returns in respect to a lottery

**PART V- THE NAIROBI CITY COUNTY LOTTERY**

- 40- Establishment of the County lottery
- 41- Licensing of County lottery
- 42- Duration of license
- 43- Obligations of a license
- 44- Enforcement of conditions of a license
- 45- Revocation of County Lottery license
- 46- Suspension of a license

**PART VI- CONDUCT OF THE COUNTY LOTTERY**

- 47- County lottery games
- 48- Persons prohibited from participating in a County lottery
- 49- Offenses relating to County lottery tickets
- 50- Draws

51- Apportionment of the proceeds of the County lottery

**PART VII- FINANCIAL PROVISIONS**

52- Establishment of the fund

53- Annual Budget and Estimates

54- Books of Accounts

55- Annual programmes and reports

56- Distribution of funds

57- Administration of the fund

**PART VIII- PUBLIC GAMING PREMISES (CASINO) LICENSE**

58- Casinos and other forms of gaming

59- Officers of the directorate to be present

**PART IX- AMUSEMENTS WITH PRIZES, PRIZE COMPETITIONS, GAMING MACHINES AND POOL TABLES**

60- Amusement machines

61- Authorization of prize competitions

62- Control of betting and gaming machines

63- Appeal

**PART X- OFFENSES AND PENALTIES**

64- Use of unlicensed public gaming premise

65- Use of unlicensed betting premise

66- Use of totalisators in unlicensed premises

67- Conduct of unlicensed prize competitions

68- Conduct of unlicensed lottery

69- Conduct of unlicensed funfair

70- Use of unlicensed pool tables and amusement machines

71- Issuance of false statements

72- Prohibition against touting

73- Protection of minors

74- Register of licenses and permits

75- Regulations and transitional provisions

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76- Repeal of Nairobi City County Betting, Lotteries and Gaming Act, 2014.

**FIRST SCHEDULE**

**SECOND SCHEDULE**

**THE NAIROBI CITY COUNTY BETTING, LOTTERIES AND GAMING BILL 2023**

A Bill for

**AN ACT** of the Nairobi City County Assembly for the control and licensing of betting, gaming and totalisator premises, and other forms of gaming within the County; for authorization of prize competitions and public lotteries within the County; for the imposition of the entertainment tax and for connected purposes.

**ENACTED** by the Nairobi City County Assembly as follows—

**PART I— PRELIMINARY**

Short title            1. This Act may be cited as the Nairobi City County Betting, Lotteries and Gaming Act, 2023

Interpretation      2. In this Act—

“amusement machine” means a machine or a device whether operated electronically or manually or otherwise on which an amusement game is played exclusively for amusement purposes and is operated by insertion of money or amusement machine token;

“bet” means a wager or stake of money or any other valuable thing by or on behalf of any person; agreement to wager or stake by or on behalf of any person money or a valuable thing on a horse race, fight, game, sport, lottery or exercise or any other event, race or contingency;

“betting premise” means premise to which the public has or may have access to and to which is kept or used for the purpose of betting;

“billiard” means a game played on a large table in which one uses a long stick called cue to hit the ball against each other or into pockets around the sides of the table

“bingo” means a game where a player marks off numbers on cards or screens as the numbers are drawn randomly, the winner being the first to mark off all the numbers required and includes the playing by electronic means or by online communication;

“Board” means the Board established under section 5 of the Act;

“bookmaker” means a person who, whether on his own account or as a servant or agent to another person, carries on, whether occasionally or regularly, the

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business of receiving and negotiating bets and shall not include—

- (a) a person who carries on, or is employed to operate a totalisator in respect of which a licence has been issued under this Act; or
- (b) a person employed in a business that is wholly concerned with a pool betting scheme in respect of which a licence has been issued under this Act;

“casino” means any designated premise, a public room or building where games of chance/gambling takes place; the designated place is accessible to any member of the public and a person may participate in a game approved under this Act;

“child” means a person under the age of eighteen;

“County” means the Nairobi City County

“County Executive Committee Member” means the County Executive Committee Member for the time being responsible for matters related to Betting, Lotteries and Gaming in the County;

“County Lottery” means a lottery established pursuant to Section 40 of this Act;

“director” means the person appointed as such under Section 11 of this Act

“draw” means an act of selecting names/tickets randomly to decide the winners in a lottery from opponents in a sporting activity or for promotion of a Company/legal entity;

“Entertainment tax” means tax levied on betting, lotteries and gaming activities pursuant to Article 209 (3) (b) of the constitution;

“funfair” means an event held in a park, field or indoors at which a person pays to ride a machine or to participate in a game for a pre-determined prize;

“gaming inspector” means an authorised officer of the County government charged with the responsibility of regulating casino games, betting and lotteries, enforce standards and norms, oversee gaming activities in and out of gaming premises;

“licensee” means a person issued with a licence under this Act;

“lottery” includes a sweepstake, a raffle and any scheme, arrangement, system plan or device for the sale, gift, disposal or distribution of any property depending upon or as determined by a slot or a chance, whether by throwing or

casting a dice, or by withdrawing of a ticket, card, slot, numbers or figures, or by means of a wheel.

“permit” is a short term warrant or authority granting the holder opportunity to carry out specified activities varied for a period not exceeding three months as per this Act.

“pool table” means a billiard table on which a pool game is played;

“pool betting scheme” is a form of gambling, specifically a variant pari-mutuel betting where gamblers pay a fixed price into a pool from which taxes and a house “stake” are removed and a selection is made on the outcome where the winner takes it all;

“public gaming premise” means a premise which is kept or used for gaming and to which the public has access for the playing a licensed gaming;

“public place” has the meaning assigned to it under the Interpretation and General Provisions Act;

“totalisator” means an instrument, a machine, a contrivance, or a scheme for enabling any number of persons to make bets on any event or contingency and includes a device showing the number and amount of bets staked in a race to facilitate the division of the total among those backing the winner, the machine registers bets and divides the total amounted bet among the winners;

“totalisator premise” means a public place where the totalisator is placed or operated;

“tombola” means a game where a player pays for a ticket whose prize is pre-assigned and involves drawing the ticket from a hat or tombola drum to find the winning ticket;

Application

3. This Act shall apply to—
  - (1) Any person who desires to acquire, occupy, use or permit the use of a premise for—
    - (a) betting
    - (b) establishment of a casino
    - (c) use of a totalisator
  - (2) All betting, lotteries and gaming activities conducted within the County.

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Objects  
and  
purpose  
of the Act

- (3) Any person who possesses or permits the use of a pool table or amusement machine, in a public place.
4. The objects and purpose of this Act is to—
- (a) provide for the implementation of National Government policy, standards and norms in relation to betting, lotteries and gaming in the County;
  - (b) give further effect to paragraph 4 of the Fourth Schedule to the Constitution which mandates the County Government with the function of betting, lotteries and gaming regulation and licensing;
  - (c) to provide for the County institutions and for procedures applicable to the regulation and licensing of betting, lotteries and gaming within the County; and
  - (d) make provision for periodic monitoring and evaluation of betting, lotteries and gaming activities within the County.

**PART II— ADMINISTRATION OF BETTING, LOTTERIES AND GAMING  
ACTIVITIES IN THE COUNTY.**

Establishment  
of the Board

5. (1) There is established a Board to be known as Nairobi City County Betting, Lotteries and Gaming Control Board which shall consist of—
- (a) a non-executive chairperson knowledgeable in matters of business, trade, betting and gaming appointed by the Governor;
  - (b) the Chief Officer for the time being responsible for Security, Compliance and Disaster Management or a representative designated in writing who shall not be below the level of Director;
  - (c) the Chief Officer for the time being responsible for Finance 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 Trade or a representative designated in writing who shall not be below the level of Director;
  - (e) six persons appointed by the Governor who shall be persons conversant and with 5 years' experience' in Trade or Finance matters;
  - (f) the Director in charge of Betting, Lotteries and Gaming in the County who shall be the Secretary to the Board and an *ex officio* member of the Board;



(2) In appointment of the chairperson and members under this Section, the appointing authority shall ensure regional balance, gender parity and representation of the youth and persons with disability.

(3) The appointment of the chairperson and members appointed under subsection (1) (a) and (e) shall be by notice in the *Kenya Gazette*.

(4) The chairperson and members of the Board appointed under subsection (1) (a) and (e) shall hold office for a term of three years and shall be eligible for re-appointment for one further term.

Functions  
of the  
Board

**6. The Board shall —**

- (a) promote the implementation of National policies, norms and standards in relation to betting, lotteries and gaming activities in the County;
- (b) coordinate with the National Betting Control and Licensing Board on matters of mutual interest;
- (c) advise the County Executive Committee Member on best practices in licensing and control of betting and gaming;
- (d) recommend for issuance of lottery licenses for betting, lotteries and gaming activities within the County;
- (e) consider and determine appeals against the decisions of the Director;
- (f) act as the trustee and manager of the fund established under Section 52 of this Act;
- (g) prescribe guidelines, policies and procedures for the conduct of games comprising the County lottery;
- (h) arbitrate and mediate on any dispute arising from the licensing and control of betting, lotteries and gaming activities in the County;

Vacancy  
in the  
Board

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

- (a) dies;
- (b) resigns from office by notice in writing to the County Executive Committee Member;
- (c) is convicted of an offence and is sentenced to imprisonment for a term exceeding six 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 subsection (2).

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- (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;
  - (d) incompetence; or
  - (f) bankruptcy.

(3) The County Executive Committee Member shall 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  
and  
affairs of  
the Board

8. The procedure of conduct of business and affairs of the Board shall be conducted in accordance with the First Schedule, but subject thereto, the Board may regulate its own procedure

Remuneration

9. The Chairperson and members of the Board shall be paid such remuneration or allowances as the County Executive Committee Member, may, on the advice of the Salaries and Remuneration Commission determine.

Directorate  
of betting,  
Lotteries  
and  
Gaming

10. (1) There is established a Directorate of Betting, Lotteries and Gaming activities within the County.

- (2) The functions of the Directorate shall be to—
- (a) regulate, control and licence gaming activities within the County;
  - (b) implement the policies and standards for betting, lotteries, casinos and other forms of gambling within the County;
  - (c) issue licenses in accordance with this Act and on the basis of clearly defined and transparent criteria;
  - (d) advising the County Executive Committee Member on matters affecting the gaming industry in the County;
  - (e) establish and maintain a register of all gaming machines and devices in the County;
  - (f) establish a central electronic real time gaming monitoring system;
  - (g) ensuring compliance with the provisions of this Act;
  - (h) carrying out inspections and enforcement for the purpose of this Act;

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- (i) undertake and coordinate research and surveys within the County in relation to gaming industry;
- (j) supervise any draws for prize competitions conducted within the County;
- (k) investigate, monitor and evaluate compliance of policies and regulations for betting, lotteries and gaming activities established to ensure compliance with this Act;
- (l) performing such other functions as may be assigned by the County Executive Committee Member.

Director  
of  
Betting,  
Lotteries  
and  
Gaming

**11. (1)** There shall be a Director of Betting, Lotteries and Gaming activities who shall be appointed by the County Public Service Board.

(2) The Director of Betting, Lotteries & Gaming shall be the head of the Directorate.

(3) A person shall be eligible for appointment as a Director of Betting, Lotteries & Gaming if the person—

- (a) possesses a university degree in any area related to trade, business administration, sociology, economics or commerce from a university recognized by the Commission for University Education;
- (b) has at least 10 years' working experience in the gaming and betting industry;
- (c) is a person of integrity and meets the requirements of Chapter 6 of the Constitution of Kenya;
- (d) is not convicted of any criminal offence whose penalty does not exceed six (6) months.

Powers of  
the  
Director

**12.** The Director shall have power to—

- (a) approve or reject applications for licenses under this Act;
- (b) issue licenses under this Act and any other legislation applicable;
- (c) suspend licenses issued under this Act; and
- (d) cancel licenses issued under this Act.

Appointment  
of gaming  
inspectors  
No. 17 of  
2012

**13. (1)** Pursuant to Section 59(1) of the County Governments Act, the County Public Service Board shall recruit such number of gaming inspectors, as may be necessary, for the purpose of enforcing the provisions of this Act.

(2) The County Executive Committee Member shall, by notice in the *Kenya Gazette*, gazette the officers appointed under sub section (1).

Duties of  
a gaming  
inspector

**14.** A gaming inspector shall —

- (a) carry out inspections of betting, gaming and totalisator premises to ensure compliance with the set standards in respect to licensing;

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- (b) inspect pool tables, funfairs and amusement machines to ensure compliance with the set standards in respect to licensing;
- (c) preside over public lotteries and prize competitions draws conducted within the County;
- (d) monitor and report to the Director on trends and innovations within the industry;
- (e) conduct investigations to prevent illegal betting and gaming within the County;
- (f) conduct inspections to identify and eliminate illegal betting and gaming within the County;
- (g) enforce measures to ensure responsible gambling;
- (h) resolve disputes arising from gaming and betting activities conducted in casinos;
- (i) verify daily opening and closing of the casino floats, casino promotional draws, jackpots and refill of slot machines; and
- (j) conduct daily supervision of casinos and generation of casino returns.

Powers of  
a gaming  
inspector

15. In performing the functions under this Act, a gaming inspector shall—

- (a) require a person to produce a licence issued under this Act for purposes of inspection and verification;
- (b) open or require the owner of a property or the person in charge to open any part of a building that the inspector believes on reasonable grounds that betting, lotteries or gaming activities are taking place;
- (c) seize any machine or instrument which, the gaming inspector believes, on reasonable grounds, that it has been used to contravene this Act;
- (d) conduct any test or analysis or take any measurements as may be necessary to determine whether there is a contravention of the provisions of this Act by any person; and
- (e) require a person to produce for inspection any written or electronic information that is relevant to the administration or enforcement of this Act.

**PART III— LICENCES AND PERMITS**

Licensing  
betting,  
lotteries  
and  
gaming  
activities.

16. The Director shall issue betting, lotteries and gaming licences under this Act with respect to—

- (1) All premises conducting the following activities—
  - (a) Public gaming (casinos);
  - (b) Betting; and

(c) Totalisators

- (2) Pool tables
- (3) Amusement machines
- (4) A pool betting scheme
- (5) A *bingo*
- (6) Price competitions held within the County
- (7) Public lotteries conducted within the county
- (8) All gaming equipment
- (9) Funfairs
- (10) Any other betting, lotteries and gaming activities where a draw is conducted within the County.

Requirements  
for a licence

17. (1) A person who intends to operate any betting, lotteries or gaming activities within the County shall obtain a licence.
- (2) A person who operates any business under sub section (1) without a licence commits an offence and shall be liable on conviction as per Part X of this Act

Application  
for licence.

18. (1) An application for the grant of a licence shall—
- (a) be lodged with the Director;
  - (b) be in the approved form;
  - (c) contain such information and be accompanied by such documents as are required by the approved form;
  - (d) be signed in a manner specified in the approved form; and
  - (e) be accompanied by the prescribed application fee in the Second Schedule.
- (2) An application may be made in an electronic format approved by the Directorate.
- (3) The Director may, before dealing with an application, require the applicant to furnish such additional information or documents as is necessary to enable the application to be dealt with.
- (4) The Director may grant a licence upon considering all the requirements under this Section.
- (5) The Director shall keep and maintain an updated database of all licence holders.
- (6) The prescribed application fee shall not be refundable

Validity  
of a  
licence or  
permit

19. (1) A licence issued under this Act shall be valid for a period of one year from the date of issue, unless revoked under the terms of this Act.
- (2) A permit issued under this Act shall be valid for a period of three months

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from the date of issue unless revoked under the terms set out in this Act.

Renewal  
of a  
licence

20. (1) The Director may, on application by a licensee, renew a license for a further period of one year.
- (2) An application under this section shall—
- (a) be made in the prescribed form and forwarded to the Director together with the prescribed fee;
  - (b) be lodged with the Director at least three months prior to the expiry of the license; and
  - (c) be considered in accordance with the provisions of section 18.

Refusal to  
grant or  
renew a  
licence

21. (1) The Director may refuse to grant or renew a license or permit if it is satisfied that—
- (a) the information contained in the application is false or untrue in any material particulars; or
  - (b) the application does not meet any of the requirements for the issue or renewal of a license or permit.
- (2) Where the Director refuses to grant or renew a license or permit, it shall forthwith notify the applicant in the prescribed form specifying the reasons for such refusal.
- (3) A person aggrieved by the decision of the Director under this section may, within twenty-one days from the day of notification of reasons under subsection (2), lodge an appeal at the Board.

Suspension  
of a  
licence.

22. The Director may suspend a licence issued under this Act for a period not exceeding six months where a licensee is charged with any offence involving fraud, dishonesty or any offence related to gaming.

Revocation  
of a  
licence.

23. (1) The Director may revoke a license issued under this Act—
- (a) where a licensee is in breach of any of the provisions of this Act;
  - (b) where he discovers that a licensee made a statement in connection with the application which he knew to be false or untrue;
  - (c) where the gaming business is wound up or dissolved; or
  - (d) if the licensee is in breach of any condition attached to the license.

(2) Where the revocation of a license is contemplated under sub section (1), the Director shall serve the licensee with a notice of revocation in the prescribed form.

(3) A notice under subsection (2) shall be served not less than twenty one days before the date of the intended revocation and shall specify the grounds for such revocation.

(4) The revocation of a license shall take effect upon the expiry of the notice under subsection (3).

(5) A licensee whose license is revoked shall surrender the license to the Director and shall not be eligible to hold a license under this Act for a period of five years starting from the effective date of the revocation.

Display  
of a  
licence.

24. (1) A license shall, during the period of its validity, be prominently displayed by the licensee or permit holder at a place of business, in a place to which the public has access.

(2) Where the license allows for the establishment of a branch, a copy of the license shall be similarly displayed at such branch.

Transfer  
of a  
licence or  
permit

25. (1) The holder of a license issued under this Act may apply after a period of five years to transfer a license or a permit to any person who may qualify to be a licensee under this Act upon payment of the prescribed fees.

(2) The Director shall, upon receipt of application to transfer, carry out an investigation on the suitability of the proposed licensee.

(3) The Director may require for purposes of subsection (2), the submission of further information as it may deem necessary, including—

- (a) a written authorization from the applicant permitting the Director to procure information directly from third parties;
- (b) a report from relevant investigative agencies ; and
- (c) any other information as the Director may deem appropriate.

(4) The Director shall not grant the transfer of a license where it has reason to believe that the transfer is likely to result in the grant of a license to a person who is not eligible to hold a license under this Act.

Investigation  
by the  
Director.

26. (1) The Director may from time to time and on its own motion or upon receipt of information from any person, investigate the conduct of a licensee under this Act in any gaming premise for which a license has been granted.

(2) The Director may direct any person who is investigated pursuant to subsection (1) to take such action as may be necessary to rectify any shortcomings discovered, and may take such action, including revocation or

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cancellation of a license, as may be appropriate where the licensee fails or refuses to comply with directions issued by the Director.

Duplicate licence.

27. A licensee whose license is lost, destroyed or mutilated may make an application for a duplicate in the prescribed form upon payment of fifty thousand Kenya shillings.

Register of licences.

28. The Director shall keep a register of licenses in such form as he may determine and shall record in respect of every license—

- (a) particulars of the gaming activity to which a license relates;
- (b) the name, identity and registration number of a licensee;
- (c) the date of expiry of the license;
- (d) particulars of any revocation or suspension of the license;
- (e) particulars of any amendment to a license; and
- (f) any other particulars that the Director may require to be recorded.

Appeals

29. A person aggrieved by any decision of the Director under this Act may appeal to the Board within twenty-one days from the date upon which such decision is conveyed to a licensee.

Books to be kept by a licensee.

30. (1) The Director shall prescribe books of accounts to be kept by a licensee.

(2) A licensee shall enter or cause to be entered regularly particulars of entries on the books of accounts as prescribed by the Director.

Submission of accounts by a licensee.

31. (1) A licensee shall submit to the Director properly audited statement of accounts at least once in every twelve months.

(2) Accounts submitted under this section shall be audited by an auditor whose appointment to audit the accounts shall be approved by the Board.

Entertainment tax on betting, lotteries and gaming activities

32. (1) Pursuant to Article 209 (3) (b) of the Constitution, there shall be an entertainment tax on all betting, lotteries and gaming activities licensed under this Act chargeable at a rate of 10% on the gross winnings of all betting, lotteries and gaming activities.

(2) The entertainment tax under subsection (1) shall be paid by all the licensees under this Act to the County Revenue Fund upon assessment by the Director, not later than the 20<sup>th</sup> day of the month following the month of collection.



(3) The entertainment tax payable by a licensee under this Act shall be a debt due to the County Government and failure to remit the tax shall lead to suspension of the licence under Section 22 of this Act.

#### **PART IV-CONTROL AND LICENSING OF BETTING AND LOTTERIES.**

Licence  
required to  
conduct  
totalisator

33. (1) No person shall conduct the business of a totalisator in any premise within the County without a totalisator licence.

(2) A totalisator licence shall, subject to any condition imposed under this Act, authorise the conducting of the categories of totalisators specified in the licence.

(3) The holder of a totalisator licence shall conduct totalisators in accordance with rules made by such licence which shall be approved by the Director.

(5) Every transaction effected by means of a totalisator shall be recorded in such a manner as may be prescribed by the Director to ensure that as far as practicable the record is in an uninterrupted view of the public.

Authorization  
of a public  
lottery for  
charitable  
purpose

34. (1) The Director shall, upon recommendation by the Board, issue a license authorizing the promotion and conduct of a lottery within the County intended to raise funds for charitable purposes which may include charitable activities for social service, public welfare, relief of distress, patriotic purposes, recreational or sporting purposes.

(2) The Director shall set a minimum of twenty five and a maximum of forty five per centum of the gross revenue of a county public lottery to be devoted to the object for which a lottery is promoted.

(3) The promotion of a lottery under this section shall be granted to an individual or a body corporate.

(4) A promoter of a lottery authorized under this section who devotes proceeds of the lottery to activities not permitted or to a purpose other than expenses and prizes permitted commits an offence and shall be liable upon conviction to a fine not exceeding twenty million shillings or to imprisonment for a term not exceeding five years or to both.

Powers of  
the  
Director  
with  
respect to a

35. (1) The Director shall, in respect of any public lottery impose such conditions as it may deem necessary to ensure that a lottery is promoted and conducted efficiently for the purpose for which it is being promoted.

(2) In conducting a lottery under subsection (1), a promoter—

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public  
lottery.

- (a) may deduct operating expenses not exceeding twenty per centum of gross proceeds of the lottery;
- (b) shall take reasonable measures to ensure that a purchaser of a ticket or a chance in a lottery is protected against fraud;
- (c) shall guarantee the expected proceeds, or any part thereof of the lottery;
- (d) shall ensure proper and equitable distribution of the charitable funds of the lottery; and
- (e) shall take such steps as it may deem necessary to ensure that any conditions imposed by the Director are complied with.

Lottery  
conducted for  
charitable,  
sporting or  
other purposes

36. (1) A lottery may be promoted and conducted on behalf of a society established for—

- (a) charitable purposes;
- (b) participation in a sport, support of athletics, or cultural activities; or
- (c) purposes for raising money to be applied for purposes of public good and are not for private gain or purposes of commercial undertaking.

(2) The Director may, upon the issue of a license under this section impose such conditions to the manner in which a person issued with a license may conduct the promotion and conduct of a lottery under this section, including—

- (a) requiring a promoter to be a member of a society duly authorized to act as such;
- (b) prohibiting the payment of remuneration to a promoter or any person who operates on a betting premises or a person engaged by way of business or employed in the promoter's organization in connection with the lottery;
- (c) capping the prize of a ticket to twenty thousand shillings;
- (d) a ticket or chance shall be sold for a price not exceeding twenty shillings;
- (e) requiring the application of the whole proceeds, upon deduction of sums lawfully appropriated on account of expenses or for the provision of prizes, to purposes of the society, as described in subsection (1);
- (f) requiring the amount of proceeds appropriated on account of expenses not to exceed fifteen per cent of the whole proceeds;
- (g) capping the amount of the proceeds appropriated for the provision of prizes not to exceed one half of the whole proceeds;
- (h) requiring the price of each ticket or a chance and to be the same on all the tickets;
- (i) capping the value of tickets or chances to not more than one million shillings;

- (j) requiring every ticket, notice of a lottery lawfully exhibited, distributed or published to specify the name of the society sponsoring the lottery, the name and address of the promoter and the date on which the draw, determination or event to which the prize winners are ascertained is expected to take place;
- (k) prohibiting the delivery of a ticket through post to a person who is not a member of the society;
- (l) prohibiting the admittance a person to participate in a lottery except upon payment to the promoter of the whole price of the ticket or chance;
- (m) prohibiting a promoter from receiving money for or on account of a ticket or chance; and
- (n) requiring payment for expenses or prizes out of proceeds of the lottery.

(3) Where any condition set out in subsection (2) is contravened, any person including a promoter of a lottery commits an offence and shall be liable upon conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

Lottery  
incidental to  
entertainment

37. (1) The Board may, issue a license for a lottery promoted and conducted as an incident of entertainment

(2) The Board may, upon the issue of a license under this section impose such conditions to the manner in which a person issued with a license may conduct the lottery, including—

- (a) requiring that the ticket or chance to be sold or issued in a premise which the lottery may take place;
- (b) requiring that the result of the lottery is declared on the premises in which the lottery took place;
- (c) requiring that the facility provided for participating in a lottery or the gaming entertainment is not held for private gain;
- (d) requiring that a prize in a lottery is in the custody and disposal of a promoter of a lottery;
- (e) requiring that a ticket or chance in a lottery is issued or allotted upon the receipt of the full price;
- (f) requiring the price of a ticket or chance to be the on each ticket;
- (g) prohibiting money prize in a lottery; and
- (h) capping the price of a ticket or a chance to not more than fifty shillings.

(3) This section shall apply to entertainments including bazaars, sales of work, fetes, dinners, dances, sporting or athletic events limited to one or more days.

(4) Any person who participates in the promotion and conduct of a lottery under this section, who contravenes the conditions specified in

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subsection (2) commits an offence and shall upon conviction be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.

Private  
Lottery.

38. (1) The Director may, issue a license for a private lottery.

(2) The Director may, upon the issuance of a license under this section impose such conditions to be met by a person issued with a license, including—

- (a) requiring the net proceeds of lottery to be devoted to the provision of prizes for purchasers of tickets or chances, or, in the case of a lottery promoted for the members of the society shall be devoted to the purposes of the society;
- (b) requiring a notice or advertisement of a lottery, to be exhibited on a premise or the club of the members whom the lottery is promoted;
- (c) requiring the price of each ticket or a chance and to be the same on all the tickets;
- (d) requiring each ticket to bear the name and address of a promoter of the lottery and a statement of a person to whom the sale of the tickets or chances is restricted;
- (e) requiring a ticket or a chance to be issued or allotted by a promoter by way of sale upon receipt of a full price;
- (f) prohibiting the return of money or any valuable thing received by a promoter; and
- (g) prohibiting delivery of a ticket in a lottery through the post office.

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

Submission  
of accounts  
and returns  
in respect to  
a lottery.

39. A promoter and a beneficiary of a lottery promoted or conducted under this Act shall be required to submit accounts and make returns in such form and within such period as the Director may specify.

**PART V-THE NAIROBI CITY COUNTY LOTTERY**

Establishment  
of the County  
Lottery.

40. There is established the Nairobi City County Lottery.

Licensing  
of County  
Lottery

**41. (1)** The Director shall issue one license authorizing a competent person to operate a County Lottery subject to such conditions as it may deem fit to impose.

(2) The issuance of a license under subsection (1) shall be through an open and competitive bidding process.

(3) The Director shall, before granting a license, satisfy himself that—

- (a) the applicant has appropriate knowledge or experience to conduct a county lottery in accordance with this Act and any condition imposed on the license;
- (b) the applicant has the necessary financial and other resources to conduct the lottery;
- (c) there is no direct financial interest on any applicant by a member of a governing council of a political party; and
- (d) the applicant is a fit and proper person to conduct the lottery.

(4) An applicant issued with a license under subsection (1), shall—

- (a) conduct the County Lottery in accordance with this Act, all other applicable laws and the conditions attached to the license issued by the Director; and
- (b) ensure that the interests of every participant in the county lottery are adequately protected.

Duration  
of licence.

**42. (1)** A license for a County lottery shall be valid for a period of seven years or for such period as may be prescribed by the Act.

(2) The Director may, where a license has been granted for more than seven years, at least one year before expiry thereof, extend that license for such a period that would cumulatively with the initial period amount to ten years.

Obligations  
of a licensee.

**43. A licensee shall—**

- (a) ensure that such requirements as the Director may from time to time, determine or approve are complied with;
- (b) provide such information regarding the conduct of a county lottery as the Director may require from time to time;
- (c) make such arrangements as may be specified in a license for the payment of such sums out of the gross proceeds of the lottery as may be specified by the Director;
- (d) do such things within the terms of a license, including the transfer of property or any rights, other than intellectual property rights as the Director may require, upon the expiration of a license;
- (e) obtain the approval of the Director for any lottery and the rules thereof before a lottery is conducted;

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- (f) allow a gaming inspector or any person designated by the Director to enter any premises or facility belonging to or under the control of a licensee or a member of the management of the licensee, or, premises to which a licensee has a right of access, at any reasonable time, if such entry is necessary for the protection of the integrity of the lottery, to—
  - (i) examine or inspect any machine, document or data in a licensed premise or facility and make copies or extracts from it;
  - (ii) seize, for the purpose of examination of information any machine, document or data, on the conduct of a County lottery;
  - (iii) seal or otherwise secure any such premise, facility or machine on or in which any document or data which has a bearing on the conduct of a County lottery is stored or captured;
  - (iv) secure a valid and enforceable written undertaking from a person controlling a licensee in any way not to change, transfer, cede the control of a licence or in any way encumber the licence to another person without the consent of the Director; and
  - (v) take such steps as may be reasonably necessary to protect the integrity and conduct of a lottery.

Enforcement  
of conditions  
of a licence.

44. (1) Where the Director has reason to believe that—

- (a) a person has contravened a condition in a license which cannot be remedied; or
- (b) there is a reasonable likelihood that the contravention in a license is of a continuous nature,

the Director may apply to the High Court for an order prohibiting the contravention, or, requiring a licensee or any other person to take such steps as the Court may direct.

(2) The liability of a licensee to pay any money under this Act shall not be affected by a license ceasing to be valid for any reason.

Revocation  
of county  
lottery  
licence

45. The Director may revoke a County Lottery license where—

- (a) in his opinion, a licensee or his or her representative has grossly violated the provisions of this Act
- (b) a person licensed is no longer a fit and proper person to conduct a County lottery;
- (c) a condition contained in the license has been materially contravened;
- (d) any information given to the Director by a licensee, or by any person who in any way controls a licensee or any agent or representative of a licensee is materially false in—

- (i) connection with the application for the license;
  - (ii) accordance with a condition in the license; or
  - (iii) making representations in respect of financial matters regarding a County lottery or in respect of any aspect of the management of the lottery;
- (e) any person who is managing a business or any part of a business of a licensee or who is a supplier of goods or services to a licensee and connected to a lottery operation is in the opinion of the Director not a fit and proper person to do so due to insolvency, liquidation, imprisonment or for any other sufficient reason;
- (f) a licensee has failed to take adequate steps to prevent a commission of fraud by his or her employees, agents, representatives, suppliers or by participants in a lottery;
- (g) a licensee or any of his or her employees, agents, representatives or suppliers has prevented the Director or any person designated by the Director in carrying out their duties as contemplated under the Act; or
- (h) a person who in any way controls a licensee is declared insolvent or is liquidated.

Suspension  
of a license

46. (1) The Director may order a suspension of a license in the notice under section 45 from the date of service of the notice for a period not more than thirty days after the licensee has furnished the reasons why the license should not be revoked.

(2) Where the Director suspends a license under subsection (1), it shall inform the County Executive Committee Member who shall forthwith inform the public through a *Gazette* notice.

(3) Where a license for a county lottery ceases to be valid under subsection (1), the Director shall inform the licensee in writing the date upon which the license was suspended.

#### PART VI-CONDUCT OF THE COUNTY LOTTERY

County  
lottery  
games

47. (1) A licensee may with the approval of the Director, conduct such games as it may consider appropriate for purposes of a county lottery.

(2) The Board shall prescribe guidelines, policies and procedures for the conduct of games comprising a County lottery.

(3) Guidelines issued under subsection (2) shall include—

- (a) the type and number of games to be conducted by a licensee;
- (b) the method and location of setting up or validating winning tickets;

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- (c) the manner of payment of prizes to holders of winning tickets;
- (d) the frequency of games and draws or determination of winning tickets;
- (e) the method to be used in selling tickets, which may include the use of electronic or mechanical devices;
- (f) the prizes of each ticket, the number and value of prizes;
- (g) the conduct of draws and determination of winners of each game;
- (h) requirements governing lottery tickets; and
- (i) any other guideline necessary to ensure the efficient and effective operation of county lottery games.

Persons prohibited from participating in a county lottery

48. (1) A ticket purchased for value or awarded as a prize in a lottery is prohibited for sale to—

- (a) a child;
- (b) a director, agent or employee of a licensee;
- (c) a member or employee of the Board or Directorate;
- (d) a person who prints county lottery tickets or an employee of such a person, or a director of such company; or
- (e) a person who supplies computers or other electronic devices of any kind or parts for the same, or equipment or programming or instructions for use, or who operates, maintains or repairs any such devices used by a licensee.

(2) The prohibition under subsection (1) shall cease to apply to a person specified in paragraphs (b), (c), (d) and (e) after the expiry of two years from the period their directorship, agency or employment with a licensee or the Board or Directorate.

Offences relating to county lottery tickets.

49. (1) Any person who knowingly allows a person prohibited to participate in unauthorized lottery commits an offence and shall be liable upon conviction to a fine not exceeding one million shillings or imprisonment for a term not exceeding two years or to both.

(2) In addition to the penalty imposed under subsection(1), in a case where a county lottery ticket is held in contravention of the provisions of section 47—

- (a) a ticket in respect of which the offence is committed shall not be entered in the lottery draw, and if it is so entered and is drawn as the winning ticket, the owner of such a ticket



shall not be entitled to any prize in respect of the ticket; and

- (b) where a prize is awarded in the lottery to the owner of such a ticket, the prize shall be returned to the licensee within one month after receipt.

(3) Where a prize to which paragraph (2)(b) applies is not returned as required such a prize or an amount of money equal to its value may be recovered by a licensee through a civil suit.

**Draws**

**50.** (1) All draws conducted within the County shall be held within a licensee's premise and prize draws shall be open to members of the public.

(2) Draws for all games comprising of a lottery shall be conducted at such times as may be determined by the licensee with the approval of the Director.

(3) A gaming inspector shall supervise the selection of winning entries in all draws.

(4) Any equipment used in a public draw to select a winning number or entry for a prize shall be examined and tested by the Director together with an internal auditor of a licensee or a designated representative prior to and after each public draw.

(5) A licensee shall adopt rules, policies and procedures to conduct fair and equitable draws and establish a system for verifying validity of tickets presented for the awarding of prizes.

**Apportionment  
of the proceeds  
of the County  
lottery**

**51.** (1) The gross revenue of a county lottery shall be distributed as follows—

- (a) forty five per centum to the holders of winning tickets;
- (b) twenty per centum to the licensee to meet its administrative costs;
- (c) fifteen per centum to the Fund established under section 52 for distribution to good causes; and
- (d) twenty per centum to agents and retailers of the Lottery.

(2) Monies payable to the Fund under this section shall be remitted by a licensee to the Fund within fourteen days after such draw or at such other time as the Director may require, whichever is earlier.

**PART VII-FINANCIAL PROVISIONS**

Establishment  
of the Fund.

52. (1) There is hereby established a Fund to be known as the County Lottery Distribution Trust Fund, which shall vest in and be administered by the Board.

(2) The object of the Fund shall be to retain, and distribute the proceeds of the County Lottery in such manner as may be prescribed by this Act.

(3) The County Executive Committee Member for Finance shall appoint the administrator of the Fund'

(4) The administrator of the Fund shall allocate 1.5% of the fund for administrative expenses'

(5) The Fund shall consist of—

(a) sums paid to the Fund under section 51;

(b) interest from the investment of money standing to the credit of the Fund;

(c) such monies or assets as may accrue to or vest in the Fund in the course of the exercise of its powers or the performance of its functions under this Act; and

(d) all monies from any other source provided for or donated or lent to the Board.

Annual  
Budget and  
Estimates

53. (1) At least three months before the commencement of each financial year, the Board shall cause to be prepared budget estimates of the Fund for that year.

(2) The Board shall approve the annual estimates at least ninety days before the commencement of the financial year to which they relate and, once approved, the sum provided in the estimates shall be submitted to the County Executive Committee Member for final approval.

(3) No expenditure shall be incurred for the purposes of the Board except in accordance with the annual estimates approved under subsection (3), or in exceptional circumstances, in accordance with an authorization of the Board given with prior written approval of the county executive committee member.

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Books of  
Accounts

54. (1) The Board shall cause to be kept proper books of accounts and records of the Fund.  
(2) The accounts and financial statements and records of the Board shall be audited and reported upon in accordance with provisions of the Public Audit Act

Annual  
programmes  
and reports.

55. (1) The Board shall submit reports and programmes to the County Executive Committee Member at the beginning of each financial year indicating—
- (a) the amount of money likely to be available for distribution in that year;
  - (b) the priority programs to be allocated money in that year; and
  - (c) the criteria to be applied in making allocations.
- (2) The Board 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.

Distribution  
of funds.

56. The Board shall, in consultation with the County Executive Committee Member, prescribe the amount and manner in which the money in the Fund shall be distributed to different good causes related to sports.

Administration  
of the Fund

57. The County Executive Committee member for finance shall prescribe regulations setting out the administration and management of the fund.

**PART VIII- PUBLIC GAMING PREMISES (CASINO) LICENSE**

Casinos  
and other  
forms of  
gaming

58. (1) A person may be granted a licence to operate within the county upon satisfying the conditions under section 18 of this Act.
- (2) In considering an application for a public gaming premises licence under sub section (1), the Director shall determine—
- (a) whether the casino will enhance the neighbourhood and environment;
  - (b) the extent to which the casino will promote tourism at the premise where the casino is to be located and the county in general;
  - (c) the extent to which the casino will promote sustainable employment in the county;

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- (d) the extent to which the applicant intends to provide such opportunities for women, youth and persons living with disability within the county; and
  - (e) any other factors which may affect the question whether it is desirable to grant such application or to attach any such condition or requirement.
- (3) Gaming machines including slot machines shall be located in a permitted premise and shall not be near—
- (a) learning institutions;
  - (b) religious establishment; and
  - (c) residential areas.

Officers of the Directorate to be present.

59. The Director shall designate a gaming inspector to be present in all casinos for purposes of ensuring compliance of the Act and conditions imposed on any licence by the Director.

**PART IX-AMUSEMENTS WITH PRIZES, PRIZE COMPETITIONS, GAMING MACHINES AND POOL TABLES**

Amusement Machines

60. (1) The Director shall issue a permit authorizing the use of an amusement machine in an approved premise within the county.
- (2) The permit issued under this Section shall be subject to such conditions as the Director may impose.

Authorization of prize competitions.

61. (1) The Director may, in accordance with any regulations made under this Act, issue a permit authorizing the promotion and conduct of prize competitions within the county.
- (2) Any person who promotes or advertises any prize competition in connection with any trade or business or the sale of any article to the public without a permit commits an offence and shall be liable upon conviction to a fine not exceeding two million shillings or to imprisonment for a term not exceeding five years or both.

Control of betting and gaming machines

62. (1) Betting and gaming machines shall only be operated within the county by a person with a betting and gaming licence issued by the Director.
- (2) Betting and gaming machines shall—
- (a) be located in a licensed public gaming premises (casino) only;

- (b) be sourced from a certified source with international standard certification;
- (c) have an import certificate issued by the Board indicating the model and the functions of the machine; and
- (d) undergo standards verification after every three months

(2) A betting machine shall only be operated by a person issued with a valid bookmaker's license.

(3) A single bet in a gaming machine shall be a minimum of twenty shillings only.

Appeal

63. A person aggrieved by the decision of the Director may appeal to the County Executive Committee Member within fourteen days from the date of the decision.

#### **PART X-OFFENCES AND PENALTIES**

Use of  
unlicensed  
public  
gaming  
premise

64. (1) A person who, being the owner, occupier or having the temporary use of a premise, establishes, operates, or permits the use of the premise, for public gaming, without a licence, commits an offence, and is liable, on conviction to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding five years, or to both.

(2) A person who knowingly plays a game of chance or otherwise uses an unlicensed premise commits an offence, and is liable on conviction to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

Use of  
unlicense  
d betting  
premise

65. (1) A person who, being the owner, occupier or having the temporary use of a premise, establishes, operates, or permits the use of the premise, for betting, without a licence, commits an offence, and is liable on conviction to a fine

not exceeding one million shillings, or to imprisonment for a term not exceeding five years, or to both.

(2) A person who knowingly makes or receives a bet in an unlicensed premise commits an offence, and is liable on conviction to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

Use of  
totalisators

66. (1) A person who, being the owner, occupier or having the temporary use of a premise, establishes, operates, or permits the use of the premise for

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in unlicensed premises

totalisators, without a licence, commits an offence, and is liable on conviction to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding five years, or to both.

(2) A person who knowingly makes or accepts a bet in a totalisator, within an unlicensed premise commits an offence, and is liable on conviction to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

Conduct of Unlicensed prize competitions

67. (1) A person who, conducts a prize competition without a permit commits an offence, and is liable on conviction to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding five years, or to both.

(2) A person who knowingly participates in an unlicensed prize competition commits an offence, and is liable on conviction to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

Conduct of Unlicensed lottery

68. (1) A person who, promotes or conducts a lottery, within the County, without a permit, commits an offence, and is liable on conviction to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding five years, or to both.

(2) A person who knowingly participates in an unlicensed lottery commits an offence, and is liable on conviction to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

Conduct of unlicensed funfair

69. (1) A person who conducts a funfair without a permit, commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding three months or to both.

(2) A person who knowingly participates in unlicensed Funfair commits an offence and is liable to conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one month or to both.

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Use of  
unlicensed  
pool tables  
and  
amusement  
machines

70. (1) A person who, permits the use of a pool table in a public place without a licence commits an offence, and is liable on conviction to a fine not exceeding twenty thousand shillings, or to imprisonment for a term not exceeding two months, or to both.
- (2) A person who knowingly plays a game of pool on an unlicensed billiard commits an offence, and is liable on conviction to a fine not exceeding five thousand shillings, or to imprisonment for a term not exceeding one month or to both.
- (3) A person who uses or permits the use of an amusement machine in respect of which a permit has not been issued commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding two months, or to both.

Issuance of  
false  
statements

71. A person who knowingly makes a false statement or declaration in an application for, or a renewal or variation of, a licence or permit, commits an offence and is liable on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.

Prohibition  
against  
touting

72. A person who, except within licensed betting premises or at an authorized race meeting, touts or otherwise personally solicits the patronage of members of the public with a bookmaker shall be guilty of an offence and liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.

Protection  
of minors

73. A person who—
- (a) bets with a minor; or
  - (b) receives or negotiates a bet through a minor; or
  - (c) sends to a minor any circular, notice, advertisement, letter or other document relating to betting;
- commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding three months or to both.

Register  
of  
licences  
and  
permits

74. The Director shall—
- (a) maintain a register of licences and permits issued under this Act together with such other information as may be prescribed.

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- (b) make the register and information available for inspection by members of the public at a reasonable cost.

Regulations

75. (1) The County Executive Committee Member may prescribe regulations for the better carrying into effect of the provisions of this Act.

(2) Notwithstanding the generality of subsection (1) the County Executive Committee Member shall make regulations for—

- (a) the procedure for application, determination and issuance of licences and permits under this Act.
- (b) the procedure and format of making electronic application for a licence or permit under this Act.
- (c) treatment and rehabilitation of persons addicted to gaming and betting;
- (d) standards for gaming and betting premises.
- (e) mechanisms for resolution of disputes under this Act

Transitional provisions

(f) (1) All the laws in relation to betting and lotteries activities in force immediately before the commencement date of this Act continues in force and shall be construed with the alterations, adaptations, qualifications and exceptions necessary to bring it into conformity with this Act.

(2) Upon the appointment of the Board established under section 5 —

(a) The Nairobi City County Betting Licensing and Regulation Board is dissolved.

(b) Any person who was granted a licence or permit to operate any betting and lotteries activity within the county by the Nairobi City County Betting Licensing and Regulation Board before the coming into force of this Act shall make a fresh application to the Director upon expiry of the licence currently in possession.

(c) The County Government shall publish a notice in two local newspapers circulating within its area of jurisdiction calling for compliance with the provisions of this law.



Repeal of  
Nairobi  
City  
County  
Betting,  
Lotteries  
and  
Gaming  
Act,  
2014.

76. The Nairobi City County Betting, Lotteries and Gaming Act, 2014 is repealed.

## **FIRST SCHEDULE**

### **THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD**

#### **1. Meetings.**

The Board shall meet as often as may be necessary for the dispatch of its business but there shall be at least four meetings of the Board in any financial year.

#### **2. Election of Vice Chairperson.**

At the first meeting, the Board shall elect a vice-chairperson amongst their number and regard shall be taken to ensure that the chairperson and vice-chairperson shall be of opposite gender.

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**3. Time and place of meetings.**

A meeting of the Board shall be held on such date and at such time and place as the Board may determine.

**4. Special meetings.**

The chairperson shall, on the written application of one-third of the members, convene a special meeting of the Board.

**5. Quorum.**

The quorum for the conduct of business at a meeting of the Board shall be any three members excluding ex-officio members of the Board.

**6. Voting.**

The Chairperson shall preside at every meeting of the Board at which he or she is present and in the absence of the chairperson at a meeting, the vice-chairperson, shall preside and in the absence of both the chairperson and the vice-chairperson, the members present shall elect one of their number who shall, with respect to that meeting and the business transacted in that meeting, have all the powers of the chairperson.

**7. Decisions of the Board**

Unless a unanimous decision is reached, a decision on any matter before the Board shall be by concurrence of a majority of all the members present and voting at the meeting.

**8. Validity of proceedings.**

Subject to paragraph 5, no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.

**9. Signification of instruments and decisions of the Board**

Unless otherwise provided by or under any law, all instruments made by and decisions of the Board shall be signified under the hand of the Chairperson.

**SECOND SCHEDULE**

**FEES**

<b>Betting premises license</b>			
<i>Item</i>	<i>Unit of measure</i>	<i>category</i>	<i>Charges</i>
Application/ renewal fee	Per premise	betting	10,000
Grant fee	Per premise	Betting	600,000
Annual fee	Per premise	Betting	300,000
Transfer (location fee)	Per premise	Betting	100,000

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<b>Gaming (casino) premises license</b>			
<i>Item</i>	<i>Unit of measure</i>	<i>category</i>	<i>Charges</i>
Application/ renewal fee	Per premise	Gaming	10,000
Grant fee	Per premise	Gaming	1,500,000
Annual fee	Per premise	Gaming	500,000
Transfer (location fee)	Per premise	Gaming	200,000
<b>Totalizator premises license</b>			
<i>Item</i>	<i>Unit of measure</i>	<i>category</i>	<i>Charges</i>
Application/ renewal fee	Per premise	Totalisator	10,000
Grant fee	Per premise	Totalisator	500,000
Annual fee	Per premise	Totalisator	200,000
Transfer (location fee)	Per premise	Totalisator	100,000
<b>Public lottery annual permit</b>			
<i>Item</i>	<i>Unit of measure</i>	<i>category</i>	<i>Charges</i>
Application /renewal fee	Per lottery	Public lottery	1,000,000
Grant fee	Per lottery	Public lottery	4,000,000
Annual fee	Per lottery	Public lottery	500,000
Transfer fee (application)	Per lottery	Public lottery	25,000
<b>Investigation fee</b>	Per lottery	Public lottery	
Local applicant	Per lottery	Public lottery	500,000
Foreign applicant	Per lottery	Public lottery	1,000,000
<b>Public lottery permit for three months</b>			
<i>Item</i>	<i>Unit of measure</i>	<i>category</i>	<i>Charges</i>
Application fee	Per lottery	Public lottery	2,000
Permit fee	Per lottery	Public lottery	3% of projected ticket sales kshs 75000 whichever is less
<b>Prize Competition Permit</b>			
<i>Item</i>	<i>Unit of measure</i>	<i>category</i>	<i>Charges</i>
Application fee	Per prize competition	Prize competition	2,000

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Permit fee	Per prize competition	Prize competition	6% of total budget where total budget is sum of advertising, production & design cost and the cost of all prizes
<b>Pool table license</b>			
<i>Item</i>	<i>Unit of measure</i>	<i>category</i>	<i>Charges</i>
Application fee	Per table	Pool table	500
Annual fee	Per table	Pool table	10,000
<b>Amusement machine license</b>			
<i>Item</i>	<i>Unit of measure</i>	<i>category</i>	<i>Charges</i>
Application fee	Per machine	Amusement machine	500
Annual fee	Per machine	Amusement machine	10,000
<b>Funfair/tombola permit for three months</b>			
<i>Item</i>	<i>Unit of measure</i>	<i>category</i>	<i>Charges</i>
Application fee	Per funfair	Funfair	1,000
Permit fee	Per funfair	Funfair	20,000

**Include fees/charges for Draws-Permit to conduct a draw 5000 per draw, Bingo Permit (3-month permit) 30,000 for 3 months, Entertainment Tax 10% of the gross revenue**

## **MEMORANDUM OF OBJECTS AND REASONS**

The principal object of the Bill is to provide a framework control of betting, lotteries and gaming in Nairobi City County. The Bill establishes a mechanism for licensing of betting and gaming activities in Nairobi City County and creates the Nairobi City County Betting and Gaming Control Fund to facilitate research on betting and gaming trends and to mitigate the effects of excessive betting and gaming in the county.

The structure of the Bill is as follows:

**Part I (Clauses 1-4):** Contains preliminary provisions including the short title, interpretation of terms, objects and application provisions

**Part II (Clauses 5-12):** provide for the institutional and funding framework for control of betting and gaming in Nairobi City County. This Part establishes the Nairobi City County Betting, Lotteries and Gaming Control Board as the competent authority to provide coordinative and advisory mandate on programmes and projects for control of betting and gaming in Nairobi City County. The funding framework shall be through the Nairobi City County Betting, Lotteries and Gaming Control Fund which shall provide funds for research and dissemination of findings on betting and gaming as well as awareness creation on the effects of excessive gaming and betting.

**Part III (Clauses 13-15)** provides for enforcement mechanisms by establishing the functions and powers of gaming inspectors. This Part also requires the County Executive Committee member to appoint such number of gaming inspectors as may be necessary for the enforcement of the provisions of the Act.

**Part IV (Clauses 16-22)** details the general provisions on betting, gaming and lotteries licences and permits. These include validity, renewal procedures, transfer, display and revocation of licenses issued under the Act.

**Part V (Clauses 23-37)** provide miscellaneous matters including offences related to gaming and betting the Repeal of the Nairobi City County Betting, Lotteries and Gaming Act, 2014.

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

The Bill provides for the power of the County Executive Committee Member to make Regulations for the better carrying into effect of the provisions. The Bill does not limit fundamental rights and freedoms.

### **Statement that the Bill concerns county governments**

The Bill concerns counties governments in terms of Article 110 (1) (a) of the Constitution as it affects the functions and powers of County Government set out in the Fourth Schedule.

### **Statement that the Bill is a money Bill within the meaning of Article 114 of the Constitution**

The enactment of this Bill shall occasion additional expenditure of public funds to be provided for through the annual estimates.

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Dated the .....day of.....2023

.....  
**HON. CHEGE MWAURA**  
*Member of County Assembly*