

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

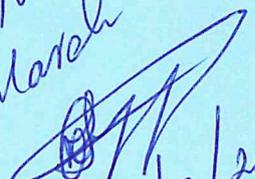
SUBJECT: REPORT OF A COMMITTEE

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*  
  
*4/3/2025*



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:  
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The Press



COUNTY GOVERNMENT OF NAIROBI CITY



Report led by  
Hon Paul Ngunjiri  
on 4th March 2025  
4/2/2025

NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY – FIFTH SESSION

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

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

MARCH, 2025

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- ii) Minutes

## 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 Ndungu, MCA                      Chairperson
2. Hon. Jeckoniah Onyango, MCA      Vice Chairperson
3. Hon. Abel Osumba Atito, MCA
4. Hon. David Magoba, MCA
5. Hon. Emmy Khatemeshi, MCA
6. Hon. Emmy Khatemeshi, MCA
7. Hon. Shadrack Machanje, MCA
8. Hon. Jane Wanjiru, MCA
9. Hon. Peter Owera, MCA
10. Hon. Silas Matara Ongwae, MCA
11. Hon. John Rex Omolleh, MCA
12. Hon. Victor Omondi Ochola, MCA
13. Hon. Mwaniki Kwenya, MCA
14. Hon. Gerald Irungu, MCA
15. Hon. Moses Kitema, MCA
16. Hon. Mark Ruiyi Thiga, MCA
17. Hon. Sospeter Mumbi, MCA
18. Hon. Ciciliah Wairimu Njathi, MCA
19. Hon James Korja, MCA
20. Hon Lydia Okoth, MCA
21. 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, 13<sup>th</sup> February, 2024 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 a notice in the local dailies on Tuesday 30<sup>th</sup> January, 2024 calling for any representations and amendments from the public on the Bill. The Committee also identified key stakeholders to the Bill and invited them to either submit their comments or attend Committee meetings where they could give their views on the Bill.

Following the notice and the invitations, 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** presented memoranda on the said 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 appreciations 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

DATE: 04/03/2025 .....

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

### 1. While examining the Bill, the Committee noted the following:

- i. The principle objective 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.
- 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 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 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 provisions 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 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.

3.0 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	<p>“Gaming Machine” means any device which is operated electronically or mechanically or both that is designed for-</p> <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>	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 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.
Clause 3	1. This Act shall apply to—	1. This Act shall apply to—	Adding the phrase “Prize Competitions” is necessary since the

	(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;	(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.	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 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 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
Clause 5 (1) (e)	Six persons appointed by the Governor who shall be persons conversant and with 5 years' experience' in	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

	Trade or Finance matters; and		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	Delete	The Board's powers are only limited to advisory hence cannot conduct dispute resolution. This can only be done by a dispute

	gaming activities in the county		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 the County Betting, Lotteries & Gaming Dispute Resolution Committee  (2) The Dispute Resolution committee shall consist of a Chairperson and four other members appointed by the Governor.  (3) The Chairperson shall be an Advocate of the High Court with minimum 5 years' experience.  (4) The members of the Dispute Resolution committee shall hold office for such terms and conditions as the County Executive Committee member may determine.	Establishing a Dispute Resolution Committee is important to reduce litigations against the County

		<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 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>	
<p>Clause 29</p>	<p>A person aggrieved by any decision of the Director under this Bill may appeal to the Board within twenty-one days</p>	<p>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</p>	<p>The Board's powers are only limited to advisory hence cannot conduct dispute resolution. This can only be</p>

	from the date upon which such decision is conveyed to a licensee	upon which such decision is conveyed to a licensee	done by a dispute resolution committee.
Clause 29	N/A	Add –  Any person being dissatisfied with the decision of the Dispute Resolution Committee may within 14 days appeal to the High Court to seek redress.	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, 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	Giving back to the society
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	Giving back to the society

		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	
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To add the following fees and charges on 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 delineation of functions of National & County governments. County functions
  - 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

j) Handle complaints on betting, casinos and other forms of gambling at the county level

3. 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

4.0 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.

5.0 COMMITTEE STAGE AMMENDMENTS

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.

SIGN  .....

HON. PAUL NDUNG'U MCA  
(CHAIRPERSON)

SECTORAL COMMITTEE ON TRADE, TOURISM AND COOPERATIVES

DATE 4/3/2025 .....

3<sup>rd</sup> March, 2026

The Clerk  
Nairobi City County Assembly  
Nairobi.

RE: COMMITTEE STAGE AMENDMENTS TO THE NAIROBI CITY COUNTY BETTING,  
LOTTERIES & GAMING BILL, 2023

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NOTICE is given that the Chairperson of the Sectoral Committee on Trade, Tourism and Co-operatives intends to move the following amendments to the Nairobi City County Betting, Lotteries & Gaming Bill, 2023, at the Committee Stage.

## CLAUSE 2

THAT Clause 2 of the Bill be amended as follows; -

By inserting the following definitions in their proper alphabetical sequence:

- (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"
- (b) "Directorate" means the Department of Betting, Lotteries and Gaming headed by a Director.
- (c) "Fund" means the County Betting, Lotteries and Gaming Fund established under section 52;
- (d) "Gaming" means the playing of a game of chance for prize winning and includes lottery and betting;
- (e) "Gaming Machine" means any device which is operated electronically or mechanically or both that is designed for-
  - i. Placing bets for playing a game of chance which does not require action by a player other than the manipulation of the machine;
  - ii. Playing a game of chance which requires no action by a player other than the manipulation of the machine; or
  - iii. The purpose of playing a game of chance or a game of fixed chance and
  - iv. Skill, which may result in payable winnings.

- (f) “Good Cause” means a charitable cause or an event for charity. “trader” means a person who buys and sells goods and services within Nairobi City County;
- (g) “Gross Winnings” means total revenue received from all betting, lotteries and gaming activities before any deductions are made.
- (h) “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.

### CLAUSE 3

THAT Clause 3 of the Bill be amended as follows; -

- (i) By inserting a new sub-clause immediately after sub-clause 3(c) as follows: -

#### NEW SUB-CLAUSE

Prize Competitions for promotions within the county

### CLAUSE 5

THAT Clause 5(1) of the Bill be amended as follows;

In sub clause (1) by inserting the word “Advisory” immediately before the word “Board”

THAT Clause 5(1)(b) of the Bill be amended by deleting the paragraph in its entirety and substituting therefor the following new paragraph as follows:

‘The Chief Officer for the time being responsible for Security and Compliance’

THAT Clause 5(1)(d) of the Bill be amended by deleting the paragraph in its entirety and substituting therefor the following new paragraph as follows:

‘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’

THAT Clause 5(1)(e) of the Bill be amended by deleting the word six appearing before the word *persons* and substituting it thereof with the word five and substituting the 5 years’ experience with 3 years’ experience.

## CLAUSE 6

THAT Clause 6 of the Bill be amended as follows: -

THAT Clause 6(a) of the Bill be amended by deleting the sub-clause in its entirety and substituting therefor the following new sub-clause as follows:

‘Advise on the implementation of National policies, norms and standards in relation to betting, lotteries and gaming activities in the County’

THAT Clause 6(b) of the Bill be amended by deleting the sub-clause in its entirety and substituting therefor the following new sub-clause as follows:

‘Co-ordinate with the Gambling Regulatory Authority on matters of mutual interest’

THAT Clause 6(d) of the Bill be amended by deleting the sub-clause in its entirety and substituting therefor the following new sub-clause as follows:

‘Advise on the issuance of lottery licenses within the County’

THAT Clause 6(e) of the Bill be amended by deleting the sub-clause in its entirety.

THAT Clause 6(f) of the Bill be amended by deleting the sub-clause in its entirety.

THAT Clause 6(g) of the Bill be amended by deleting the sub-clause in its entirety and substituting therefor the following new sub-clause as follows:

‘Advise on guidelines, policies and procedures for the conduct of gaming and betting’

THAT Clause 6(h) of the Bill be amended by deleting the sub-clause in its entirety.

## CLAUSE 11

THAT Clause 11(3)(a) of the Bill be amended as follows: -

THAT Clause 11(3)(a) of the Bill be amended by deleting the paragraph in its entirety and substituting therefor the following new paragraph as follows:

‘Possesses a relevant university degree course from a university recognized by the Commission for University Education’

CLAUSE 12

THAT Clause 12 of the Bill be amended by deleting the word *director* appearing before the word *shall* and substituting it thereof with the word **directorate**

CLAUSE 14

THAT Clause 14 (j) of the Bill be amended by deleting the sub-clause in its entirety and substituting therefor the following new sub-clause as follows:

‘Conduct daily supervision of casinos and generation of casino returns and other duties as prescribed by the County Public Service Board’

CLAUSE 15

THAT Clause 15 of the Bill be amended by inserting a new sub-clause after sub-clause (e)

NEW SUB-CLAUSE

‘A county gaming inspector shall ensure strict implementation and enforcement of self-exclusion measures in all licensed gambling premises within the county’

CLAUSE 16

THAT Clause 12 of the Bill be amended by deleting the word *director* appearing before the word *shall* and substituting it thereof with the word **directorate**

CLAUSE 27

THAT Clause 27 of the Bill be amended by deleting the entire clause in its entirety.

CLAUSE 29

THAT Clause 27 of the Bill be amended by deleting the entire clause in its entirety.

CLAUSE 32

THAT Clause 32 (1) of the Bill be amended by deleting the sub-clause in its entirety and substituting therefor the following new sub-clause as follows:

‘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.’

#### CLAUSE 52

THAT Clause 52 (1) of the Bill be amended by deleting the sub-clause in its entirety and substituting therefor the following new sub-clause as follows:

‘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.’

THAT Clause 52 (5) of the Bill be amended by adding a new paragraph (e)

‘Such licenses and other fees as may be payable under this Act’

#### NEW SUB-CLAUSE

Inserting a new sub-clause immediately after sub-clause 52(5) to read: -

‘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.’

#### NEW PARAGRAPH

Inserting a new paragraph immediately after sub-clause 52(6) to read: -

- 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;
  - iv. Sports, recreation, arts and culture including-
  - v. Support for county teams to participate in local and regional sports.
  - vi. Facilitation for the acquisition and provision of equipment to sports and recreation facilities

- vii. Support for the identification, nurturing and development of talent in sports and arts
- viii. Facilitating training and capacity building programmes for persons involved in sports and recreation, creative arts, artistic production, contemporary and cultural practitioners
- ix. Facilitating the identification, development and capacity building of technical personnel and sports support personnel involved in sports and recreation
- x. Promotion of culture, arts, and heritage, such as through the support of museums or cultural events
- xi. Facilitate training of County gaming inspectors on emerging trends in the industry.

Clause 6 (b) 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

#### CLAUSE 56

THAT Clause 56 of the Bill be amended by deleting the words related to sports appearing after the word *causes*.

#### CLAUSE 73

THAT Clause 73 of the Bill be amended by deleting the words two hundred thousand shillings or to imprisonment for a term not exceeding three months and substituting it thereof with the words one million shillings or to imprisonment for a term not exceeding one year.

To add the following fees and charges on the Second schedule (Agreed to)

Betting satellite shops license

Item	Unit of measure	Category	Charges
Application/ renewal fee	Per shop	Betting	10,000
Grant fee	Per shop	Betting	150,000
Annual fee	Per shop	Betting	100,000
Transfer (location fee)	Per shop	Betting	50,000
<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

<b>Online Gaming (Casino) Premises License</b>			
Item	Unit of measure	Category	Charges
Application/Renewal fee	Per premise	Gaming	10,000
Grant fee	Per premise	Gaming	1,500,000
Annual fee	Per premise	Gaming	750,000
Transfer (location fee)	Per premise	Betting	200,000



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 /proposal)
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	<p>“Good Cause” means a charitable cause or an event for charity.</p>	<p>The definition of good cause is necessary since the term has been used in the proposed Bill.</p>	Agreed to
Clause 2	N/A	<p>“Gross Winnings” means total revenue received from all betting, lotteries and gaming activities before any deductions are made.</p>	<p>The definition of gross winnings is necessary to determine what gross revenue means.</p>	Agreed to
Clause 2	N/A	<p>“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.</p>	<p>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.</p>	Agreed to
Clause 3	1. This Act shall apply to—	1. This Act shall apply to—	<p>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</p>	Agreed to

	<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;</li> <li>ii. establishment of a casino;</li> <li>iii. use of a totalizator;</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;</li> <li>ii. establishment of a casino; or</li> <li>iii. use of a totalizator; or</li> </ul> <p>4) Prize Competitions for promotions within the county.</p>	<p>competitions within the county. Correct the spelling of "Betting".</p>	
<p>Clause 5 (1)</p>	<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>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>
<p>Clause 5 (1) (b)</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>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>Clause 5(1) (c)</p>	<p>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.</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 (1) (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 (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.	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 (b)	Co-ordinate with the National Betting Control and Licensing Board on matters of mutual interest	Co-ordinate with the Gambling Regulatory Authority on matters of mutual interest	Betting Control and Licensing Board transitioned to Gambling Regulatory Authority of Kenya	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.  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.	Agreed to
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 15	New clause 15 (f)	A county gaming inspector shall ensure strict implementation and enforcement of self-exclusion measures in all licensed gambling premises within the county	It's a statutory and regulatory mandate and offers protection to vulnerable persons	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 under this Act with a percentage determined by the miscellaneous Nairobi City County Finance Act.	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.	Agreed to
Clause 52(1)	There is hereby established a fund to be known as the County Betting, Lotteries and Gaming 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	a) Charitable causes including – (i) Facilitate the protection and rehabilitation of vulnerable or problem gamblers;	Giving back to the society	Agreed to

	<ul style="list-style-type: none"> <li>(ii) Providing care and protection for the physically or mentally afflicted, the needy, the aged, orphans and vulnerable children; and</li> <li>(iii) Aid to the needy, such as through the provision of food, shelter, or healthcare services;</li> </ul>		
<p>Clause 52 (6)(b)</p>	<p>N/A</p> <ul style="list-style-type: none"> <li>b) Sports, recreation, arts and culture including- <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> </li> </ul>	<p>Giving back to the society</p> <p>Capacity building</p>	<p>Agreed to</p>

		<p>(vii) Facilitate training of County gaming inspectors on emerging trends in the industry.</p> <p>c) Emergencies including</p> <p>(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</p> <p>ii) response as well as disaster risk reduction initiatives that help communities prepare for and respond to emergencies and disasters</p>	<p>Giving back to the society</p>	<p>Agreed to</p>
<p>Clause 52 (6)(c)</p>	<p>N/A</p>	<p>Delete the words related to sports</p>	<p>This explains the good causes further. They cover more than sports activities</p>	<p>Agreed to</p>
<p>Clause 56</p>	<p>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.</p>	<p>Send to a minor any circular, notice, advertisement, letter or other document relating to betting, commits an offence liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year or to both.</p>	<p>To avoid contradiction with the Gambling control Act, 2025</p>	<p>Agreed to</p>
<p>Clause 73 (c)</p>	<p>Send 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.</p>	<p>Send 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.</p>	<p>To avoid contradiction with the Gambling control Act, 2025</p>	<p>Agreed to</p>

To add the following fees and charges on the Second schedule (Agreed to)

Betting satellite shops license				
Item	Unit of measure	Category	Charges	
Application/ renewal fee	Per shop	Betting	10,000	
Grant fee	Per shop	Betting	150,000	
Annual fee	Per shop	Betting	100,000	
Transfer (location fee)	Per shop	Betting	50,000	
Draw permit for 3 months				
Item	Unit of measure	Category	Charges	
Draws permit	Per draw	Draw	5,000	
Bingo permit for 3 months				
Item	Unit of measure	Category	Charges	
Bingo permit	Per Bingo	Bingo	30,000	
Online Gaming (Casino) Premises License				
Item	Unit of measure	Category	Charges	
Application/Renewal fee	Per premise	Gaming	10,000	
Grant fee	Per premise	Gaming	1,500,000	
Annual fee	Per premise	Gaming	750,000	
Transfer (location fee)	Per premise	Betting	200,000	

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

