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LAIKIPIA COUNTY ACTS, 2017

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law” and substitute therefor the words “whose quality and quantity does not meet the requirements of the national law and standards as shall from time to time be prescribed”.

- (b) by deleting paragraph (b); and
- (c) in paragraph (c) by deleting the word “should” and substituting therefor the word “shall”.

Amendment of Section 36 of the Principal Act

25. Section 36 of the Principal Act is amended by inserting the words “and shall be liable upon conviction to a fine not exceeding ten thousand shillings” after the words “commits an offence”.

Insertion of a new Section 36A of the Principal Act

26. The Principal Act is amended by inserting a new section 36A as follows—

36A. (1) A person shall not knowingly sell, offer for sale or supply an alcoholic drink to a person who being in charge of driving a vehicle or being likely to be driving a public service vehicle immediately after the consumption of the alcoholic drink.

(2) A person who contravenes this section commits an offence and shall be liable to a fine not exceeding twenty thousand or to imprisonment for a term not exceeding one month.

Amendment of Section 46 of the Principal Act

27. Section 46 of the Principal Act is amended by deleting the word “sub-county” and substituting therefor the word “county” and by deleting the words “such a period as the court may order” and substituting therefor the words “a period of two years”.

Amendment of the First Schedule of the Principal Act

28. The Principal Act is amended in the First Schedule as follows—

- (a) by deleting sections 7 and 8; and
- (b) inserting a new sub-section 7A, 7B and 7C as follows;

Licenses	License Hours, Conditions and Exceptions
7A. Bar and Restaurant	Authorized to sell alcoholic drinks between the hours of 8:00am and 11:00pm with meals and from 5:00pm to 11:00pm
7B. Nyama choma joint	Authorized to sell alcoholic drinks between the hours of 12:00 noon and 11:00pm with meals and from 5:00pm to 11:00pm
7C. Wines and Spirits wholesale	Authorized to sell alcoholic drinks between the hours of 8:00am and 5:00pm

THE LAIKIPIA COUNTY ALCOHOLIC DRINKS CONTROL (AMENDMENT) ACT, 2017

No. 8 of 2017

Date of Assent: 11th April, 2017

Date of Commencement: 2nd May, 2017

ARRANGEMENT OF SECTIONS

Section

- 1—Citation.
- 2—Interpretation.
- 3—Amendment of Section 2 of the Principal Act.
- 4—Amendment of Section 4 of the Principal Act.
- 5—Amendment of Section 5 of the Principal Act.
- 6—Amendment of Section 6 of the Principal Act.
- 7—Insertion of a new Section 6A in the Principal Act.
- 8—Amendment of Section 9 of the Principal Act.
- 9—Amendment of Section 10 of the Principal Act.
- 10—Insertion of new Section 10A of the Principal Act.
- 11—Insertion of new Section 11A of the Principal Act.
- 12—Amendment of Section 13 of the Principal Act.
- 13—Amendment of Section 14 of the Principal Act.
- 14—Amendment of Section 15 of the Principal Act.
- 15—Amendment of Section 16 of the Principal Act.
- 16—Amendment of Section 17 of the Principal Act.
- 17—Amendment of Section 18 of the Principal Act.
- 18—Amendment of Section 20 of the Principal Act.
- 19—Amendment of Section 21 of the Principal Act.
- 20—Amendment of Section 22 of the Principal Act.
- 21—Amendment of Section 23 of the Principal Act.
- 22—Insertion of a new Section 24A of the Principal Act.
- 23—Amendment of Section 30 of the Principal Act.
- 24—Amendment of Section 35 of the Principal Act.

- 25—Amendment of Section 36 of the Principal Act.
- 26—Insertion of a new Section 36A of the Principal Act.
- 27—Amendment of Section 46 of the Principal Act.
- 28—Amendment of the First Schedule of the Principal Act.

24A (1) A person licenced under this Act shall—

- (a) maintain a list of all alcoholic drinks manufactured, distributed or sold in the prescribed form;
- (b) maintain a list of persons who supply to the licenced persons inputs for manufacturing alcoholic drinks in the case of a manufacturer and the persons who supply alcoholic drinks to a licenced person in the prescribed form; and
- (c) submit in the lists described under paragraphs (a) and (b) in each month to the Executive Member.

(2) The executive member shall facilitate the establishment of an online system for submitting the lists described under subsection (1).

(3) A person who contravenes this section commits an offence and shall be liable upon conviction to a fine not exceeding twenty thousand or to imprisonment for a term not exceeding one month.

Amendment of Section 30 of the Principal Act

23. Section 30 (3) of the Principal Act is amended as follows—

- (a) by deleting the words “cancel the licence of the licensee reported upon, or it may make such an order in respect of such licence or the licensed premises specified therein as, in the opinion of the Sub-county Committee, is necessary” and substituting therefor the following words “submit the report to the County Committee for cancellation of the licence of the licensee reported upon”;
- (b) by inserting a new subsection (3A) as follows—
(3A) Upon receipt of the report under sub section (3), the County committee may cancel the licence or it may make such an order in respect of such licence or the licensed premises specified therein as, in the opinion of the County Committee, is necessary”;
- (c) in subsection (4) by deleting the word “sub-county” and substituting therefor the word “county”;
- (d) in subsection (5) by deleting the word “sub-county” and substituting therefor the word “county; and
- (e) in subsection (6) by deleting the word “sub-county” and substituting therefor the word “county.”

Amendment of Section 35 of the Principal Act

24. Section 35 of the Principal Act is amended in subsection (2)—

- (a) in paragraph (a) by deleting the words “of less than 250 mililitre or any other quantity as may be prescribed under any written

Amendment of Section 20 of the Principal Act

18. Section 20 of the Principal Act is amended in subsection (1) by deleting the word “sub-county” and substituting therefor the word “county”.

Amendment of Section 21 of the Principal Act

19. Section 21 of the Principal Act is amended—

(a) by inserting a new subsection (1A), (1B) and (1C) as follows—

(1A) For the purposes of subsection (1), the county committee shall issue the appropriate licence applicable to the class of the enterprise, entity, outlets or premises as classified under section 11A;

(1B) For the purposes of subsection (1), the licence applicable for sale of an alcoholic drink in a restaurant shall be the general retail alcoholic drinks licence;

(1C) The county committee shall not grant a licence for manufacture, bottling, distribution, wholesale or retail sale of an alcoholic drink where the premises in respect to the licence is situated in a residential building irrespective of whether such building is both a residential and commercial building;

(b) in subsection (2) by deleting the word “sub-county” and substituting therefor the word “county”; and

(c) in subsection (3) by deleting the word “may” and substituting therefor the words “shall not” and by deleting the words “subject to such conditions as may be specified in the licence and to specification of the addresses of all such premises in the licence”.

Amendment of Section 22 of the Principal Act

20. Section 22 of the Principal Act is amended by deleting the word “sub-county” and substituting therefor the word “county” wherever it appears in the section.

Amendment of Section 23 of the Principal Act

21. Section 23 of the Principal Act is amended by deleting the word “sub-county” and substituting therefor the word “county” wherever it appears in the section.

Insertion of a new Section 24A of the Principal Act

22. The Principal Act is amended by inserting a new section 24A as follows—

THE LAIKIPIA COUNTY ALCOHOLIC DRINKS CONTROL (AMENDMENT) ACT, 2017

AN ACT of the County Assembly of Laikipia to amend the Laikipia County Alcoholic Drinks Control Act, 2014 and for connected purposes

ENACTED by the County Assembly of Laikipia, as follows—

Citation

1. This Act may be cited as the Laikipia County Alcoholic Drinks Control (Amendment) Act, 2017.

Interpretation

2. In this Act—

“principal act” means the Laikipia County Alcoholic Drinks Control Act, 2014.

Amendment of Section 2 of the Principal Act

3. Section 2 of the Principal Act is amended by inserting the following definition of terms in the appropriate order—

“bar and restaurant” means a place, premises or commercial establishment where meals are prepared, served and sold to customers;

“nyama choma joint” means a place, premise or commercial establishment with a butchery and a sitting area where meat with other accompaniments and drinks are prepared, served and sold to customers.

Amendment of Section 4 of the Principal Act

4. Section 4 of the Principal Act is amended as follows—

(a) in subsection (2) by deleting paragraph (d) and substituting therefor the following—

(2) In collaboration with Kenya Bureau of Standards and Anti-Counterfeit Agency, to promote and facilitate elimination of substandard and counterfeit alcoholic drinks products in the county.

(b) in subsection (2) (h)—

(i) by deleting the word “report bi-annually” and substituting therefor the words “quarterly and annual reports;”

(ii) by inserting the words “for consideration: after the word “Authority”; and

(c) by inserting new subsections (7A), (7B), (7C) and (7D) as follows—

(7A) The County Executive Committee shall in accordance with the requirements of the County Governments Act, establish the following units—

- (a) enforcement unit which shall be responsible for enforcing and coordinating with relevant agencies the enforcement of this Act;
- (b) product safety and compliance unit which shall be responsible for ensuring the safety of alcoholic drinks products and carrying out liaison with the Kenya Bureau of Standards and the Anti-counterfeit Agency for the purposes of facilitating effective and efficient enforcement of alcoholic drinks product standards and quality; and
- (c) public education and community empowerment unit which shall be responsible for carrying out and coordinating community public education and empowerment in order to mitigate the negative social and economic impact associated with use of alcoholic drinks.

(7B) The County Executive Committee shall ensure each unit established under subsection (7A) is resourced with persons qualified in the fields related to the respective functions.

(7C) The annual report referred to in sub section (2) (h) shall contain among others—

- (a) data on status of alcoholic drinks use and impact disaggregated in terms of age, gender, geographical location such as ward, sub-county and county;
- (b) the social and economic impact of use of alcoholic drinks in the county;
- (c) measures adopted to control and reduce the use and negative impact of alcoholic drinks in the county;
- (d) level of public participation in implementing the Act and feedback from residents of the county in relation to appropriate processes for mitigating impact of alcoholic drinks use;
- (e) data on use of treatment and rehabilitation services in each ward;
- (f) challenges faced in implementation of the Act;
- (g) level of collaboration with other county and national government agencies; and
- (h) any matter relevant to the implementation of the Act.

within fourteen days upon making such decision which may give any further directions to the sub-county committee.

(10) The Sub-county Committee shall communicate the decision of the county committee to the applicant where an application has been rejected by the county committee or take the necessary measures as may be directed in relation to the application.

Amendment of Section 14 of the Principal Act

13. Section 14 of the Principal Act is amended as follows—

- (a) in subsection (1) by inserting the words “the county committee may on recommendation by” immediately after the words “despite the provisions of sections 12 and 13”;
- (b) in subsection (4) by deleting the word “sub-county” and substituting therefor the word “county”;
- (c) in subsection (5) by deleting the word “sub-county” and substituting therefor the word “county”; and
- (d) in subsection (6) by deleting the word “sub-county” and substituting therefor the word “county”.

Amendment of Section 15 of the Principal Act

14. Section 15 of the Principal Act is amended by deleting the word “sub-county” and substituting therefor the word “county” wherever it appears in the section.

Amendment of Section 16 of the Principal Act

15. Section 16 of the Principal Act is amended by deleting the word “sub-county” and substituting therefor the word “county” wherever it appears in the section.

Amendment of Section 17 of the Principal Act

16. Section 17 of the Principal Act is amended by deleting the word “sub-county” and substituting therefor the word “county” wherever it appears in the section.

Amendment of Section 18 of the Principal Act

17. Section 18 of the Principal Act is amended in subsection (1) by deleting the word “sub-county” and substituting therefor the word “county”.

(3) The county committee shall not issue a licence under this Act which does not correspond to the applicable category of the licence.

(4) For avoidance of doubt, there is no outlet, enterprise or premises that shall be classified as a general retail outlet and restaurant at the same time or what is commonly known as *bar and restaurant* for the purposes of this Act.

Amendment of Section 13 of the Principal Act

12. Section 13 of the Principal Act is amended as follows—

(a) by deleting subsection (2) and substituting therefor the following—

(2) Where the sub-county Committee has no objection to the application for licence, it shall submit the application to the County Committee for review, approval and grant of licence;

(b) by inserting a new subsection (2A) as follows—

(2A) The County Committee shall review the application and if it has no objection to the application, it shall grant a licence to the applicant upon payment of the prescribed fee;

(c) in subsection (3) by the word “sub-county” and substituting therefor the word “county”;

(d) in subsection (6) by deleting the words “grant the licence” and substitute therefor the words “submit the application to the County Committee;”

(e) by inserting a new subsection (7A) as follows—

(7A) On receipt of any revised application under subsection (6), the County Committee shall, within thirty days determine the application in accordance with this Act and upon such determination, if satisfied, grant a licence;

(f) by deleting subsection (9) and substituting the therefor the following—

(8A) Where the County Committee grants a licence under this section it shall, publish the grant in the ward administrator’s office in the respective ward and in the county website in such details as to enable any person to locate the premises;

(g) by inserting new subsections (9) and (10) as follows—

(9) Where the County Committee is not satisfied with the application, it may reject the application giving reasons to the sub-county committee

(7D) The executive member shall publish and publicize the annual prepared under subsection (2) (h) through the established county communication methods which shall include the county website and community forums.

Amendment of Section 5 of the Principal Act

5. Section 5 of the Principal Act is amended as follows—

(a) in subsection (1) by deleting the word “Directorate” and substituting therefor the words “the county department responsible for health” and in paragraph (a) inserting a comma (“,”) after the word facilities and inserting the word “services”;

(b) by inserting subsection (2) as follows—

(2) The treatment and rehabilitation services and programmes provided under this section shall, where applicable, be integrated with other health and social programmes and services.

Amendment of Section 6 of the Principal Act

6. Section 6 of the Principal Act is amended as follows—

(a) in subsection (4)—

(i) in paragraph (a) by inserting the words “and the strategies, plans and programmes developed by the ward committees established under section 5B” after the words “section 4”;

(ii) in paragraph (b) by inserting the words “established under this Act” after the word “committees”; and

(iii) in paragraph (c) by deleting the words “rehabilitation programs” and substituting therefor the following “treatment and rehabilitation services and programmes”;

(b) by inserting a new subsection (6A) as follows—

6 (6A) An amount of—

(a) not less than thirty percent of the budget of the Fund shall be allocated for treatment and rehabilitation services and programmes and shall be allocated to the county department responsible for health services for that purpose; and

(b) not more than three percent of the budget of the Fund shall be allocated for administration costs.

Insertion of a new Section 6A in the Principal Act

7. The Principal Act is amended by inserting a new section 6A as follows—

6A (1) The Executive Committee Member responsible for alcohol control shall, in accordance with the Public Finance Management Act and the County Governments Act, in each financial year cause to be prepared a five year plan and implementation of this Act.

(2) The plan prepared under subsection (1) shall form part of the sector plans prepared under the County Integrated Development Plan.

(3) There is no expenditure related to the Fund established under section 7 unless the activity related to the expenditure is provided for under the plan prepared under subsection (1).

Amendment of Section 9 of the Principal Act

8. Section 9 of the Principal Act is amended as follows—

(a) in subsection (2) by deleting paragraph (b) and substituting therefor the following—

(2)(b) reviewing, approving and granting licenses in accordance with this Act;

(b) in subsection (2) by inserting a new paragraph (ca) as follows—

(2)(ca) carrying out any other function as may be assigned by the Executive Member; and

(c) by inserting a new subsection (3A) as follows—

(3A) The conduct of business and affairs of the county committee shall be as prescribed.

Amendment of Section 10 of the Principal Act

9. Section 10 of the Principal Act of amended by deleting subsection (1) (a) and substituting therefor the following—

(1) (a) receive, review and recommend for approval, applications for licence in accordance with this Act.

Insertion of new Section 10A of the Principal Act

10. The Principal Act is amended by inserting a new section 10A as follows—

10A (1) The Executive Committee Member responsible for alcohol control shall cause to be prepared a code of ethics for the member of the county and sub-county committees.

(2) A person shall not transact any business of the respective committee unless the person has signed the code of ethics.

(3) The Executive Committee Member shall, within three months after coming into force of this Act, prepare the code of ethics described under subsection (1) which the members shall sign within the three months.

(4) A person who breaches the code of ethics prepared under this section shall cease being a member of the respective committee.

Insertion of new Section 11A of the Principal Act

11. The Principal Act is amended by inserting a new section 11A as follows—

11A (1) Any entity, enterprise, outlet, premises carrying out an alcoholic drinks business shall be classified under this Act for the purposes of issuing licences under this Act.

(2) For the purposes of subsection (1), the following shall be the classes of alcoholic drinks entities, enterprises, outlets or premises that may be licenced under this Act—

- (a) general retail (on licence) commonly known as *bar*;
- (b) restaurant;
- (c) general retail (off licence) commonly known as *wines and spirits*;
- (d) manufacturing;
- (e) wholesale;
- (f) bottling;
- (g) distributorship;
- (h) depot;
- (i) supermarket or franchised retail stores;
- (j) hotel alcoholic;
- (k) members club;
- (l) proprietary club commonly known as *night club*;
- (m) theatre;
- (n) nyama choma joint.

(2) The executive member shall within three months upon the commencement of this Act, cause to be classified all entities, enterprises, outlet and premises licenced under this Act.