COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73552 - 00200,
NAIROBI, KENYA

SPECIAL ISSUE

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THE KITUI COUNTY ALCOHOLIC DRINKS CONTROL ACT, 2014

No. 9 of 2014

Date of Assent: 6th October, 2014

Date of Commencement: 10th October, 2014

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THE KITUI COUNTY ALCOHOLIC DRINKS CONTROL ACT, 2014

AN ACT of the County Assembly of Kitui to provide for the licensing and regulation of the production, sale, distribution, consumption and outdoor advertising, of alcoholic drinks, and for connected purposes.

ENACTED by the County Assembly of Kitui as follows—

PART I—PRELIMINARY

Short title and Commencement.

1. This Act may be cited as the Kitui County Alcoholic Drinks Control Act, 2014 and shall come into operation on the date of publication in the County *Gazette or Kenya Gazette*.

2. In this Act, unless the context otherwise requires-

Interpretation.

"alcohol" means the product known as ethyl alcohol or any product obtained by fermentation or distillation of any fermented alcoholic product, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with the prescribed formulas ;

"alcoholic drinks" includes alcohol, spirit, wine, beer, liquor, traditional alcoholic drink, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic drinks, modified industrial alcohol blended for human consumption and every liquid or solid, patented or not, containing alcohol and capable of being consumed by a human being;

"authorized officer" means an authorised officer within the meaning of Section 50 of this Act;

Cap 121B

"Authority" means the National Authority for the Campaign Against Alcohol and Drug Abuse established under the National Authority for the Campaign Against Alcohol and Drug Abuse Act, 2012.

Cap. 222

"cinema" has the meaning assigned to it in the Films and Stage Plays Act;

"County" means the Kitui County as established under Article 179 of the Constitution of Kenya 2010.

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"entity" includes a company, corporation, firm, partnership, association, society, trust or other organisation, whether incorporated or not;

"Enforcement Committee" means the County Alcoholic Drinks Control Committee;

"Executive Member" means the county executive committee member responsible for administration and coordination of county affairs.;

"Fund" means the Alcoholic Drinks Control Fund established under Section 6;

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

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

"Licensee" means a person who holds a licence granted under this Act;

"locality" means a town, urban area, sub-county, ward or a village as the case may be;

"Manager" in relation to –

(a) a cinema or theatre, includes an assistant manager, a person holding an office analogous to that of a manager or assistant manager of the cinema or theatre or any person in charge or in control of the cinema or theatre;

(b) a health institution includes the owner or a person in charge or in control of the health institution;

(c) a specified building includes the owner, occupier, lessee or the person in charge or in control of the specified building;

"Kenya Bureau of Standards" means the bureau established under the Standards Act Cap 496.

"manufacture" means the brewing, distilling, tapping or any processing or intermediate processing of an alcoholic drink and includes the packaging, labelling, distribution or importation of an alcoholic drink for sale in the county or anywhere in Kenya;

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"Manufacturer" in respect of an alcoholic drink, includes any entity that is involved in its manufacture, including an entity that controls or is controlled by the manufacturer, or that is controlled by the same entity that controls the manufacturer;

"package" means the container, receptacle or wrapper in which an alcoholic drink is sold or distributed and includes the carton in which multiple packages are stored;

"Police officer" has the same meaning assigned to it by the National Police Service Act, Act number 11A of 2011.

"retailer" means a person who is engaged in a business that includes the sale of any alcoholic drink to consumers;

"Sub county committee" means the Sub-county Alcoholic Drinks Regulations Committee appointed under section 9.

"Sub-county" refers to a constituency within Kitui county;

Object and purpose of the act

3. Object and purpose of this Act is to provide for licensing of alcoholic drinks by the County Government pursuant to Part II of the Fourth Schedule to the Constitution so as to regulate the production, sale, distribution, promotion and use of alcoholic drinks and the promotion of research, treatment and rehabilitation for persons dependent on alcoholic drinks in order to –

(a) protect the health of the individual in the county, in the light of the dangers of excessive consumption of alcoholic drinks;

(b) protect persons under the age of eighteen years from exposure to alcoholic drinks.

(c) inform and educate the public on the harmful effects of the over-consumption of alcoholic drinks and to protect them from deceptive promotions. adopt and implement effective measures to eliminate illicit trade in alcohol including smuggling, illicit manufacturing and counterfeiting;

(d) promote fair and ethical business practices related to production, distribution, promotion and sale of alcoholic drinks;

(e) provide a mechanism for offering support and rehabilitation to persons affected by the consumption of alcoholic drinks.

PART II –ADMINISTRATION

Establishment of County Alcoholic Drinks Control Committee

4. (1) There is established in the County a County Alcoholic Drinks Control Committee.

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(2) The functions of this committee shall be to—

(a) carry out public education on alcoholic drinks control in the County directly in collaboration with other public or private bodies or individuals;

(b) facilitate citizen participation in matters related to alcoholic drinks control in accordance with legal framework for citizen participation established under the County Governments Act, the Urban Areas and Cities Act or any other relevant written law;

(c) laid down statutory frameworks.

(d) facilitate and promote in collaboration with all county departments and national government institutions, the establishment of treatment and rehabilitation facilities and programmes;

(e) carry out research directly or in collaboration with other institutions and serve as the repository of data and statistics related to alcoholic drinks control

(f) develop strategies and plans for implementing this Act and control of alcohol abuse and any other relevant national legislation and coordinate and support their implementation;

(g) advise the Executive Member generally on the exercise of his powers and performance of his functions under this Act, and in particular on county policy and laws to be adopted in regard to the production, manufacture, sale and consumption of alcoholic drinks;

(h) in collaboration with other relevant county departments, prepare and submit an alcoholic drinks status report bi- annually in the prescribed manner to the Executive Member which shall be transmitted to the County Executive Committee and the County Assembly.

(i) recommend to the Executive Member and participate in the formulation of laws and regulations related to alcoholic drinks;

(j) Monitor and evaluate the implementation of this Act including the operations of the Sub-county Committees and advising the executive member on the necessary measures to be adopted;

(k) submit to the Authority on a quarterly basis, an alcohol abuse control status report containing such matters as may be specified by the Authority;

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(l) Carry out such other roles necessary for the implementation of the objects and purpose of this Act and perform such other functions as may, from time to time, be assigned by the executive member.

Establishment of rehabilitation facilities and programs.

5. (1) The County Committee shall—

(a) in collaboration with other relevant County and National Government Agencies establish treatment and rehabilitation facilities and programs for persons dependent on alcoholic drinks in each Sub-county or lowest possible administrative unit if need be.

(b) ensure treatment and rehabilitation centres have the necessary resources for effective operation and service delivery;

(c) ensure that the treatment and rehabilitation services are designed in a manner that is accessible and affordable to persons dependent on alcoholic drinks.

Establishment of the Kitui County Alcoholic Drinks Fund

No. 18 of 2012

6. (1) The County Executive Committee Member for Finance and Planning shall in accordance with the Public Finance Management Act establish a fund to be known as The Kitui County Alcoholic Drinks Control Fund.

(2) The Fund shall consist of-

(a) such funds as may be appropriated by the County Assembly;

(b) such licence fees and any other fees as may be payable under this Act;

(c) such sums as may be realized from property forfeited to the County Government under this Act;

(d) sums received, including contributions, gifts or grants from or by way of testamentary bequest by any person;

(e) moneys earned or arising from any investment of the Fund;

(f) all other sums which may in any manner become payable to, or vested in, the Fund.

(3) The Fund shall be used for meeting the capital and recurrent expenditure relating to—

(a) carrying out the functions of the Committee stipulated under Section 4 of this Act ;

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(b) assisting in the operations of the Sub-county Committees;

(c) any other matter incidental to the matters stated in paragraphs (a) and (b).

PART III—LICENSING

Control of alcoholic drinks

7. (1) No person shall manufacture or otherwise produce; sell, distribute or dispose of, or deal with any alcoholic drink in the County except under and in accordance with a licence issued under this Act.

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

(3) Subsection (1) shall not apply to—

(a) the bona fide administration or sale for purely medical purposes, and in accordance with any written law for the time being in force governing the administration and sale of medicine, by a medical practitioner, a veterinary surgeon registered under the Veterinary Surgeons and Veterinary Para-professionals Act or a pharmacist registered under the Pharmacy and Poisons Act, of a medicine containing alcoholic drink;

(b) the sale by auction by an auctioneer, licensed under the Auctioneers Act ,1996, of an alcoholic drink in quantities not less than those authorized to be sold under a wholesale alcoholic drink licence belonging to a wholesale dealer, on the licensed premises of the dealer;

(c) the sale by a deceased person's legal personal representative of an alcoholic drink forming part of the estate of the deceased person;

(d) the sale by a trustee in bankruptcy of an alcoholic drink forming part of the bankrupt's estate;

(e) the sale by the liquidator of a company of an alcoholic drink forming part of the company's assets;

(f) the sale of alcoholic drinks at County Assembly Buildings, if sold with the permission of the Speaker.

(g) the sale of alcoholic drinks to the members only of any canteen, club, institute, mess or similar institution of the disciplined forces for reasons other than for personal profit:

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Establishment of the Sub-County Alcoholic Drinks Control Committee

8. (1) there shall be established a Sub-county Alcoholic Drinks Control Committee in every Sub-county which shall—

(a) issue licences in accordance with this Act; and

(b) perform such other functions as may; from time to time be assigned to it by the Executive Member.

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

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

(a) ensure that there is effective public participation .

(b) collaborate with public officers appointed under the County Governments Act;

(4) The sub-county committee shall consist of—

(a) A Sub-county administrator appointed under the County Governments Act, who shall be the Chairperson;

(b) A deputy sub-county administrator who shall be the secretary to the committee;

(c) ex-officials members who will include:-

i. the Sub-county Public Health Officer;

ii. the Officer Commanding Police Division in the Sub-county;

iii. the Sub-county Officer responsible for physical planning.

(d) Four residents of the sub county appointed by the Executive Member through a competitive process. One of whom shall be a youth, one person living with disability and at least one woman.

(e) on their first meeting the committee shall elect a vice-chairperson from among the persons appointed in sub-section (4)(d) who shall be of opposite gender to the Chairperson.

(5) the members of the sub county committee referred under sub-section 4 (d) shall, subject to the provisions of this Act shall hold office for a period of two years, on such terms and conditions as may be specified in the instrument of appointment, but shall be legible for re- appointment for one further term.

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Ineligibility to committee Membership

9. A person shall not be a member of the Sub- county Committee if such person is–

(a) the holder of a licence in the county under this Act;

(b) a partner in a firm or director or shareholder of a company or other body which is the holder of a licence in this county under this Act;

(c) directly or indirectly employed as an agent of a person, firm or company which is the holder of a licence in the county under this Act;

(d) un-discharged bankrupt;

(e) a person who has been convicted of an offence under this Act or a felony

Committee Meetings

10. (a) The Sub-County Committee shall meet not less than four times in every financial year in each administrative units of the Sub-County and not more than four months shall lapse between the date of one meeting and the subsequent one.

(b) The Chairperson shall, through the Secretary convene the Sub-County Committee meetings.

(c) Notwithstanding Sub-clause (a), the Chairperson may, and upon a resolution in writing by at least a third of all the members shall, convene a special meeting of the Sub-county Committee at any time for the transaction of the business of the Sub-county Committee

(d) Unless two thirds of the total members of the Sub-county Committee otherwise agree, at least fourteen days' written notice of every meeting of the Sub-county Committee shall be given to every member of the Sub-county Committee.

(e) The quorum for the conduct of the business of the Sub County Committee shall be half of the total members.

(f) The Chairperson or in his or her absence, the Vice-Chairperson, shall preside at every meeting of the Sub County Committee;

Whenever the Chairperson and Vice-Chairperson are absent, the Chairperson shall nominate one of the members to preside over the

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meeting and the business transacted in such a meeting shall be as directed by the Chairperson.

(g) Unless a unanimous decision is reached, a decision on any matter before the Sub-county Committee shall be by a majority of the votes of the members present and voting, and in case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

(h) All decisions of the Sub-county Committee shall be in writing and shall be authenticated by the signatures of both the Chairperson and the Secretary.

(i) Subject to Sub-paragraph (e), no proceedings of the Sub-county Committee shall be invalid by reason only of a vacancy among the members thereof.

(j) Subject to the provisions of this section, the Sub-county Committee may determine its own procedure and the procedure for any Sub-committee of the Sub-county Committee and for the attendance of other persons at its meetings and may make standing orders in respect thereof.

Ad-hoc Sub-Committees

11. (1) The Sub-county Committee established under Section 8 of this Act may establish such sub-committees as it may deem appropriate to perform such functions and responsibilities as it may determine with the approval of the Executive Member;

(2) The executive member shall appoint the chairperson of the ad-hoc Sub-committee established under sub-clause (1) from amongst its members.

(3) The executive member may where it deems appropriate, co-opt any person to attend the deliberations of any of its ad-hoc Sub-committees.

(4) All decisions by the ad-hoc Sub-committees appointed under Sub-paragraph (1) shall be ratified by the Sub-county Committee.

(5) Ad–hoc sub committees.

Application for licence.

12. (1) A person intending to produce, manufacture, import, distribute any alcoholic drink in the County or to operate an establishment for the sale of an alcoholic drink shall make an application in a prescribed form to the Sub-county Committee in the sub-county where the premise is to be situated and shall pay a prescribed fee.

(2) The application shall contain—

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(a) comprehensive information on the nature, location, business proposal and other justification for the establishment of the manufacturing plant or establishment for sale;

(b) an indication as to whether the manufacture or sale of the alcoholic drink is licensed elsewhere within the county and if so the evidence of such licensing;

(c) The manufacturer shall be required to produce certification from the Kenya Bureau of Standards;

(d) such other matters as may be prescribed by the Executive Member.

(e) An Environmental Impact Assessment Report Approve by the National Environmental Management Authority.

(3) The Sub-county Committee shall, within twenty-one days after the submission of application for a licence, prepare a notice setting forth the names of all applicants, the types of licences applied for, the premises in respect of which the licences are applied for and the time, date and place of the meeting, and shall forthwith cause a copy of the notice to be—

(a) published at the office of the Sub-county Administrator for a period of not less than twenty-one consecutive days;

(b) posted in some conspicuous place at or near the applicant's premises;

(c) sent to the Sub-county Public Health Officer in the Sub-county in which the premises in respect of which the licences are applied for are situated; and

(d) sent to the Sub-county Physical Planning Officer.

(e) sent Officer Commanding Police Division.

(4) The Officer Commanding Police Division or, as the case may be, the police officer appointed by him for that purpose; the Sub-County Public Health Officer; and the Sub-county physical planning officer shall, before the hearing of any application under this section, report as fully as possible to the Sub-county Committee on all matters which may be relevant to the consideration of the application.

(5) Any person may lodge objection to an application.

(6) Every objection to an application shall be made in writing to

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the Secretary of the Sub-county Committee, and the objector shall serve notice of the grounds of the objection on the applicant, personally or by post, at least seven days before the hearing of the application and the onus of proof of such service shall be on the objector.

(7) A Sub-county Committee may of its own motion take notice of any matter or thing which, in the opinion of the Committee, constitutes an objection to an application, whether or not any objection has been otherwise lodged.

(8) Where in respect of an application a Sub- county Committee acts in pursuance of subsection

(9), the Committee shall inform the applicant of the nature of the objection, and shall, if the applicant so requests, adjourn the hearing for such period, not being less than seven days, as the Sub-county Committee considers necessary to enable the applicant to reply thereto.

(10) Every person making an application shall, save as otherwise provided, appear in person or by an advocate before the Sub-county Committee, and shall satisfy the Sub-county Committee that there is need for the grant of a licence of the type applied for in the particular locality in respect of which the application is made.

(11) A Sub-county Committee may require the personal appearance before it of the applicant, or of the manager of the premises to which the application relates, or of both of them and of any other person whose attendance is considered by the committee to be necessary.

(12) Any objector may appear personally or by an advocate at the hearing of the application.

(13) the Sub-county committee may authorize, in writing, any person to appear before any Sub-county Committee having jurisdiction in any part of the area within the jurisdiction of the County for the purpose of representing the inhabitants of that part in respect of any objection lodged to an application.

(14) Where a Sub-county Committee considers it necessary to take evidence respecting any question to be determined by the court, such evidence shall be given on oath, and the chairman shall be empowered to administer oaths.

(15) for the purpose of Chapter XI of the Penal Code, all proceeding before a Sub-County Committee shall be deemed to be judicial proceedings.

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(16) Every Sub-county Committee shall maintain records of all its proceedings, and, in particular, of the purpose for which an application was made, and notes of the evidence given and of the arguments adduced.

Provided that no decision shall be quashed on appeal solely by reason of any omission or error in such record, unless it appears that a substantial miscarriage of justice has thereby been occasioned.

(17) The Sub-county Committee shall, within twenty-one days of receipt of the application under subsection (1), record the application and assess the same on the basis of the objections received if any and the interests of the Sub-county, and shall ensure that-

(a) the available premises are suitable with regard to the nature of the licence being sought;

(b) the premises conform to the prescribed requirements of the occupational health and safety regulations;

(c) the applicant possesses the infrastructure and equipment necessary to carry out the business applied for;

(d) the applicant for a licence to brew, distil , bottle or manufacture an alcoholic drink possesses necessary qualifications and relevant requirements stipulated under Standards Act or any other relevant written law; and

(e) the premises has sufficient number of competent staff in line with such norms as may be prescribed.

Grant of a licence.

13. (1) The Sub-county Committee shall, after considering the application under section 12, indicate in writing whether it objects to the grant of the licence applied for.

(2) Where the Sub-county Committee has no objection to the application under section 12, it shall grant a licence to the applicant upon payment of the prescribed fee.

(3) The licence issued shall be in such form as may be prescribed and subject to such conditions as the Sub-county Committee may consider fit.

(4) Where the Sub-county Committee is not satisfied with the application under subsection (1), it may-

(a) reject the application giving reasons and notify the applicant accordingly within thirty days of the decision to reject; or

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(b) make comments and recommendations thereon and return it to the applicant within fourteen days.

(5) The applicant to whom the application is returned under subsection (4) (b) may re-submit a revised application within thirty days of the date of notification.

(6) On receipt of any revised application under subsection (5), the Sub-county Committee shall, within thirty days determine the application in accordance with this Act and upon such determination, if satisfied, issue a licence.

(7) Where the Sub-county Committee grants a licence under this section it shall, publish the grant in the county Gazette.

Provisional licence.

14. (1) Despite the provisions of sections 12 and 13 the Sub-county Committee may issue a provisional license for the manufacture or sale of an alcoholic drink for such period not exceeding six months as may be appropriate where the Sub-county Committee is satisfied that the applicant for the license has demonstrated to the satisfaction of the Committee that the manufacture or sale of the alcoholic drink is licensed in another County but the issuance of the provisional license shall be subject to the applicant complying with the provisions of sections 12 and 13 within the period of the provisional licence.

(2) Where premises are about to be constructed or reconstructed or are in course of construction or reconstruction for the purpose of being used for the sale of alcoholic drinks for consumption on such premises, any person having an interest in the premises may apply in the prescribed form to the Sub-county committee for an assurance that, on the completion of the construction or reconstruction, a licence of the type to be specified in the application will be granted in respect of such premises.

(3) The provisions of section 12 and 13 shall apply to such applications, which shall be accompanied by a signed copy of the plans of such premises.

(4) The Sub-county committee may, subject to such reasonable conditions as it may therein include, give to the applicant an assurance in the prescribed form that, on the completion of the premises, a licence of the type specified therein will be granted or it may refuse to give such an assurance.

(5) Where such an assurance has been given under subsection (4), the Sub-county committee may, on any date, on being satisfied that the premises have been completed in accordance with the signed plans

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submitted under sub section (3) and that any conditions which may have been imposed in the assurance have been complied with, issue to the applicant a licence of the type specified in the assurance in respect of the premises.

(6) Any assurance given under subsection (4) shall become ineffective and the Sub-county committee shall not issue a licence if, between the date of the giving thereof and the date of completion of the premises, the applicant becomes a person to whom in accordance with section 15(1)(a) a licence may not be granted.

Licence for premises.

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

(a) that it would be in the public interest for a provision to be made for the sale of alcoholic drinks for consumption on the premises in the particular locality in respect of which the application is made, and that the number of such premises in respect of which such licences have already been granted is insufficient for the requirement of the locality given the population density per square kilometre and the permitted maximum number of such premises as shall be prescribed by law;

Provided that no licence shall be granted to sell alcoholic drinks in proximity with any institution of basic education including Primary and Secondary Schools or any residential area as have been demarcated by or under the relevant written laws.

(b) that the premises in respect of which the application is made are in good repair and are in a clean and wholesome condition, and are provided with adequate and proper sanitary arrangements;

(c) that the premises in respect of which the application is made are located at least three hundred metres from any Nursery, Primary, Secondary or other learning institutions for persons under the age of eighteen years.

(2) The Sub-county Committee shall not grant a licence for the sale of an alcoholic drink in –

(a) a supermarket or such other related retail chain store unless it is satisfied that the applicant has taken measures to ensure that the area in which the sale is to take place is not accessible to persons under the age of eighteen years;

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(b) in an outlet or premises located within a fuel station or a fast food restaurant.

(3) Despite subsection (1), the Sub-county Committee may issue a licence to a premise located within three hundred metres of any Nursery, Primary, prayer houses, Secondary or other learning institution for persons under the age of eighteen years only if –

(a) the premises do not share a wall with the institution and are sealed off by a physical and non transparent barrier that ensures zero visibility of the premise from the locality of the institution;

(b) the premises displays on its outside any of the prescribed health messages in a clear and visible manner;

(c) the premises do not bear any outdoor alcoholic drinks promotion or advertisement;

(d) the applicant does not engage in activities that interfere with learning in the institution or activities that calculated to attract persons under the age of twenty one to the premises;

Persons not eligible for a licence.

16. (1) The Sub-county committee shall not grant a new licence or transfer a licence to any person who—

(a) has failed to satisfy the Sub-county Committee, if called upon to do so, of his or her good character and standing in relation to the expectations in this Act; or

(b) has not stayed for at least twelve months after being convicted of an offence under this Act or any other Act in Kenya or elsewhere of which the sentence is imprisonment for a period exceeding six months without the option of a fine; or

(c) in the case of a retail licence, is not resident in Kitui; or

(d) is under eighteen years of age; or

(e) is an un-discharged bankrupt.

(2) The Sub-county committee may refuse to renew an existing licence only when the Sub-county Committee is satisfied that-

(a) the licensee is not a fit and proper person to hold the licence; or

(b) the licensee has been convicted of an offence under this Act or any Act at any time in force regulating the manufacture, distillation, distribution sale of an alcoholic drink for more than three times within one year; or

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(c) the licensee has not stayed for at least twelve months after being convicted of an offence under this Act or of any other Act in Kenya or elsewhere of which the sentence is imprisonment for a period exceeding six months without the option of a fine; or

(d) the business to which the licence relates is conducted in a manner that is in breach of this Act, or any other rules and regulations for the time being in effect, or conditions set by the Sub-county Committee ; or

(e) the conditions of the licence have not been satisfactorily fulfilled; or

(f) the premises to which the licence relates are not in a proper state of repair, or are not provided with proper sanitary arrangements, or do not comply with the reasonable requirements of the Sub-county Public Health Officer and the owner of the premises or the licensee refuses or is unable to give satisfactory guarantees that the necessary repairs will be carried out, or due compliance effected, as the case may be, within a time specified by the Sub-county Committee.

Validity and renewal of licences.

17. (1) Except as otherwise provided in this Act, a Sub-county Committee may, subject to this Part, grant, renew, transfer or remove a licence, and may embody therein such conditions as it may deem appropriate, or it may refuse to grant, renew, transfer, withdraw or cancel a licence.

(2) Every licence and every renewal, transfer, withdrawal or cancellation thereof shall be sufficiently authenticated by the Sub-county Committee.

(3) Every grant of a licence or its every renewal or transfer shall-

(a) be subject to the payment of such fee or fees as may be prescribed;

(b) expire on thirty first day of December each year;

(c) specify in the licence the hours stipulated under the Second Schedule and as National Legislation may provide within which the sale of alcohol is permitted and any other relevant condition.

(4) Where an application for the renewal of a licence has been made and the Sub-county Committee has not by the date of expiration of the licence reached a decision thereon, such licence shall continue in force until the decision of the Sub-county Committee is made known.

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(5) Where an application for a licence has been refused, or a licence has been cancelled, no subsequent application by the former applicant or licensee for a licence of the same description shall be considered by the Sub-county Committee during the period of six months from the date of such refusal or cancellation, except at the discretion of the Sub- county Committee.

Review.

18. (1) An applicant whose application for a new licence, to renew or transfer a licence has been refused or cancelled may within fourteen days of such refusal, request in writing the review of such refusal to the Review Committee.

(2) A person aggrieved by the decision of the sub-county committee to grant a new licence or to renew a licence may request in writing the review of such decision.

(3) Upon receipt of a request under this section, the Review Committee shall notify the Sub-county committee of the pending review.

(4) the Review Committee shall within twenty-one days consider and make a final determination on the request for review.

(5) The Review Committee may-

(a) dismiss the request for review if in its opinion, the request is frivolous or vexatious;

(b) uphold the decision of the Sub-county Committee;

(c) annul the decision of the Sub-County Committee

(d) give directions to the Sub-County Committee with respect to any action to be taken;

(e) make any other declaration as it may deem fit.

Right of review.

19. The right to request for review under section 18 does not prohibit a person from seeking any other legal remedy a person may have.

Appeals to the court

20. (1) Notwithstanding section 18, an applicant whose application for a new licence, to renew or transfer a licence has been refused may within fourteen days of such refusal appeal against such refusal to a court.

(2) An applicant under section 18 who is not satisfied with the decision of the Review Committee may within twenty-one days appeal to the High Court.

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Licences to body corporate.

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

Provided that the Sub-county Committee may require prior disclosure of the directorship of the body corporate or refuse to grant a licence to the body corporate if any of the directors does not qualify to be granted the licence individually.

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

Types of licences.

22. (1) The licences which may be granted under this Act shall be those specified in the First Schedule, and the provisions of that Schedule and of any rules made under this Act shall have effect in relation to the respective licences therein specified.

(2) Save as otherwise provided in this Act, no licence may be granted so as to be applicable to more than one premise or locality.

(3) The Sub-county Committee shall, when a licence is granted, renewed, withdrawn or cancelled, include in the licence a sufficient description of the licensed premises.

Transfer of licence.

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

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

(3) In the event of the death, bankruptcy or unsoundness of mind of a licensee, or in any similar event to which the Sub-county committee declares in writing that this section should be applied, it shall be lawful, for the purposes of this Act for the executor. administrator, trustee or manager, as the case may be or any other person approved by the Sub-

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county committee, to carry on the business of the licensee without any transfer or grant of a licence either personally or by an agent approved by the Sub-county committee.

(4) Every person to whom a licence may have been transferred under subsection (1), and every person permitted to carry on a business without a transfer or grant of a licence in pursuance of subsection (3), shall possess all the rights and be liable to all the duties and obligations of the original licensee

Removal of licence.

24. If the renewal of a licence is refused, the licensee shall, on payment of the proportionate part of the fee for the appropriate licence, be entitled to a licence of such description and for such period, not exceeding three months, as the Sub-county Committee may consider necessary for the purpose of disposing of the alcoholic drinks or equipment or assets and liabilities on the premises, such period to commence on the day after the last sitting of the Sub-county Committee at which the renewal of his or her licence has been refused, or on the day after the termination of his or her existing licence, whichever day is the later.

Licence to be displayed.

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

(2) Where a wholesale alcoholic drink licence is granted so as to be applicable to more premises than one, it shall be displayed in the premises first named therein and copies thereof displayed in the other outlets.

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

Employment for sale of alcoholic drinks.

26. (1) Notwithstanding the provisions of any other written law, no licensee shall employ a person under the age of eighteen years, to sell, control or supervise the sale of alcoholic drinks or to have the custody or control of alcoholic drinks on licensed premises.

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

(3) Any person who contravenes the provisions of this section

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commits an offence.

Drunken behaviour.

27. (1) A licensee or an agent or employee of a licensee may refuse to admit to, and shall expel from, the premises to which his or her licence relates any person who is drunk and disorderly, violent, or quarrelsome, or whose presence would subject the licensee to a fine or penalty under this Act.

(2) Any person referred to in subsection (1) who, on being requested by the licensee or his or her agent or employee, or by a police officer, to quit the licensed premises, refuses to do so, commits an offence.

(3) On the demand of a licensee or his or agent or employee, a police officer shall expel or assist in expelling from the licensed premises the person referred to in subsection (1).

(4) A licensee who permits any drunkenness leading to violent, quarrelsome or riotous conduct to take place on the premises to which the licence relates commits an offence.

Debt from sale of alcoholic drinks.

28. No suit shall be maintainable to recover any debt alleged to be due in respect of the sale of any alcoholic drink which was delivered for consumption on the premises where it was sold unless it was sold for consumption with a meal supplied at the time of sale or unless the person to whom it was sold or supplied was at the time of the sale a lodger on such premises.

Access by persons under age of Eighteen years

29. (1) No person holding a licence to manufacture, store or sell alcoholic drinks under this Act shall allow a person under the age of eighteen years to enter or gain access to the area in which the alcoholic drink is manufactured, stored, sold or consumed.

(2) A person shall not enter or gain access to an area referred to under subsection (1) if such a person is in custody or accompanied by a person under the age of eighteen years.

3) Any person who contravenes the provisions of subsection (1) and (2) commits an offence.

Reports by public health officers and police officers.

30. (1) A Sub-county public health officer within whose jurisdiction the premises fall shall report to the Sub-county Committee any licensed

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premises which are deficient in their state of sanitary or drainage conditions, or which are in bad repair.

(2) A Sub-county public health officer or any person authorized by him or her in writing in that behalf may enter and inspect any licensed premises for the purpose of ascertaining whether a report under subsection (1) is required.

(3) A police officer not below the rank of Inspector shall report in writing to the chairperson of the appropriate Sub-county Committee every case in which a licensee is of drunken habits or keeps a disorderly house, or commits any breach of any of the provisions of this Act or of his or her licence.

(4) A police officer not below the rank of Inspector may without written authority enter and inspect any licensed premises for the purpose of ascertaining whether a report under subsection (1) is required.

Cancellation of licence.

31. (1) Upon receipt of a report made under section 30 the Sub-county Committee shall—

(a) send, by registered post or other verifiable mode of dispatch, a copy of the report to the licensee or hi assigned agent concerned therewith, informing him that at a meeting of the Sub-county Committee to be held on a date to be specified, but not less than thirty days there from, the report will be considered by the Sub-county Committee;

(b) send a copy of the report to every member of the Sub-county committee and to the Officer Commanding Police Division in the Sub-county ;

(c) inform the Sub-county public health officer of the date upon which the Sub- county committee will consider the report, and require him or her to attend on the date specified.

(2) Any licensee concerning whom a report is to be considered may appear in person or by advocate before the Sub-county Committee.

(3) The Sub-county Committee, having duly considered the report and having heard the licensee, if he appears, may, if it thinks fit, 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.

(4) Any person aggrieved by the decision of the Sub-county committee upon any such report may within fourteen days appeal against the decision to the Executive Member who will appoint a special

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committee to look in to the appeal.

(5) If that person is still not satisfied with the decision of the Special Committee he may appeal to court within twenty one days.

(6)The Court, on an appeal under this section, may confirm or reverse the decisions of the Sub-county Committee or the special committee.

(7) If a licence is cancelled or if on appeal under sub section (6), the appeal is dismissed by the Court, the licensee shall be entitled, on payment of the proportionate part of the fee for the appropriate licence, to a licence of such description and for such period, not exceeding three months, as the Sub- county committee may deem necessary for the purpose of disposing of the alcoholic drink or apparatus on the premises, such licence to run from the date of the decision of the Sub-county Committee or of the Court as the case may be.

PART IV—GENERAL REQUIREMENTS

Conformity with requirements.

32. (1) No person shall manufacture, distribute or sell an alcoholic drink in the County that does not conform to the requirements of this Act.

(2) A person who contravenes the provisions of this section in relation to manufacture, distribution and importation of an alcoholic drink commits an offence and shall be liable upon conviction to a fine not exceeding two million Kenya shillings, or to imprisonment for a term not exceeding five years, or to both.

(3) A person who contravenes the provisions of this section in relation to sale of an alcoholic drink commits an offence and shall be liable upon conviction to a fine not exceeding one hundred and fifty thousand Kenya shillings, or to imprisonment for a term not exceeding one year, or to both.

Supply to persons under the age of eighteen years.

33. (1) No person shall sell, supply or provide knowingly an alcoholic drink to a person under the age of eighteen years.

(2) Subject to subsection (3), a person who contravenes the provisions of subsection (1) commits an offence and shall be liable upon conviction to a fine not exceeding one hundred and fifty thousand Kenya shillings, or to imprisonment for a term not exceeding one year, or to both.

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(3) Notwithstanding the provisions of subsection (1), it shall be a defence to an offence under this section if it is established that the accused person attempted to verify that the young person was at least eighteen years of age by asking for and being shown any of the documents specified in subsection (4) for the purpose of verifying the age of the young person and believed, on reasonable grounds, that the documentation was authentic.

(4) For the purposes of this section, the following documentation may be used to verify a person's age –

(a) a national identity card issued by the Republic of Kenya;

(b) a passport issued by the Republic of Kenya or any other country; or

(c) any other documentation as the Executive Member may prescribe.

Display of signs.

34. (1) Every retailer shall post, in the prescribed place and manner, signs in the prescribed form and with the prescribed content, that inform the public that the sale or the availing of an alcoholic drink to a person under the age of eighteen years is prohibited by law.

(2) Every sign required to be posted under subsection (1) shall –

(a) be displayed on a surface measuring not less than twenty four inches by twelve inches in size;

(b) bear the word "WARNING" in capital letters followed by the prescribed health warning which shall appear in conspicuous and legible type and shall be black on a white background or white on a black background and shall be enclosed by a rectangular border that is the same colour as the letters of the statement;

(c) be in English and in Kiswahili.

(3) A retailer who contravenes any of the provisions of this section commits an offence and shall be liable upon conviction to a fine not exceeding fifty thousand Kenya shillings, or to imprisonment for a term not exceeding six months, or to both.

Vending machines.

35. (1) No person shall sell or permit an alcoholic drink to be sold by way of an automatic vending machine.

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

Selling in sachets.

36. (1) No person shall sell, manufacture, pack or distribute an alcoholic drink in sachets, plastic bottles or such other form as may be prescribed under this Act or any other relevant written law.

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

(a) no person shall manufacture, pack, distribute or sell in the county an alcoholic drink in a container of less than two hundred and fifty millilitre;

(b) any other distilled or fortified alcoholic drink shall only be manufactured, packed, sold or distributed in glass bottles of the kind specified in paragraph (a).

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

PART V—SALE AND CONSUMPTION

Sale to intoxicated person

37. Any licensee who sells an alcoholic drink to a person already in a state of intoxication or by any means encourages or incites him or her to consume an alcoholic drink commits an offence.

Disorderly conduct

38. (1) Any person found by a police officer to be drunk and incapable or drunk and disorderly in or near a street, road, licensed premises, shop, hotel or other public place may be arrested without warrant and brought without unreasonable delay before a Magistrate.

(2) Any person convicted of being drunk and incapable or drunk and disorderly in or near a place referred to in subsection (1) shall be liable upon conviction to a fine not exceeding one thousand Kenya shillings or to committal to community service for a period not more than three months.

(3) Upon conviction under sub-section (2), the convicting Magistrate may issue an order for community service to any person convicted of

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the offence under this section for more than one time in accordance with provisions of the Community Service Orders Act, 1998.

(4) Despite sub-section (3), any person convicted under subsection (2) on more than three occasions in any period of twelve months shall -

(a) be ordered by the convicting Magistrate to undergo at his or her own cost, such rehabilitation programme as may be appropriate in a public health institution;

(b) be forthwith reported by the convicting Magistrate to the Sub-county Committee, which shall inform such licensees as he or she deems desirable of such convictions, and thereupon, and until a period of twelve months has passed without any further such conviction in respect of that person, any licensee so informed who knowingly sells or supplies alcoholic drinks to or for delivery to that person commits an offence, and it shall furthermore be an offence for that person to be in possession of any alcoholic drink.

Breach of licence.

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

(a) for a first offence, to a fine not exceeding fifty thousand Kenya shillings or to imprisonment for a term not exceeding nine months, or to both;

(b) for a second or subsequent offence, to a fine not exceeding one hundred thousand Kenya shillings or to imprisonment for a term not exceeding one year or to both, and in addition to any penalty imposed under paragraph (a) or (b), the court may order, the forfeiture of all alcoholic drinks found in the possession, custody or control of the person convicted, together with the vessels containing the alcoholic drink.

(2) Except as may be provided for in this Act, no person shall-

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

(b) sell, purchase or consume an alcoholic drink in an alcoholic drink selling outlet after the expiry of the hours for which the outlet is licensed to sell the alcoholic drink.

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(3) Any person who contravenes the provisions of subsection (2) commits an offence and shall be liable upon conviction to the penalties specified under subsection (1)

Sale to Authorized Officer.

40. Any person who knowingly sells, supplies or offers an alcoholic drink to an Authorized Officer or to a Police Officer in uniform or who harbours or suffers to remain on licensed premises any such police officer except for the purpose of keeping or restoring order or otherwise in the execution of his or her duty, commits an offence and is liable upon conviction to a fine not exceeding fifty thousand Kenya shillings or to imprisonment for a term not exceeding three months or to both.

Non disclosure of conviction.

41. Any person who is required by any provision of this Act to disclose any conviction and fails to do so when making any application commits an offence.

Sale without licence.

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

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

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Sale of adulterated drinks.

43. (1) No person shall keep for sale, offer for sale or sell-

(a) any alcoholic drink which has been in any way adulterated, or diluted by any person;

(b) any non alcoholic drink which has been in any way adulterated with alcohol, or which contains any of the substances prohibited under the Alcoholic Drinks Control Act, 2010.

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

(3) On the conviction of a licensee of an offence under subsection (2), the court may, in addition to any other penalty it may lawfully impose, if it finds that the drink in respect of which the offence was committed was adulterated by a substance or substances which rendered the drink unfit for human consumption, and unless the licensee proves

to the satisfaction of the court that he or she took all reasonable precautions against such adulteration and that such adulteration took place without his or her knowledge or consent, order that his licence be forfeited, and no licence shall thereafter be granted or transferred to him or her.

Proof of sale.

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

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

Burden of proof.

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

(2) The fact that a person not licensed under this Act to sell alcoholic

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

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

Endorsement of conviction on licence.

46. Every licensee who is convicted of an offence under this Act shall produce his or her licence to the court convicting him or her, and the court shall endorse every such conviction on the licence and the relevant administrative officer of the court shall inform the relevant Sub-county committee.

Forfeiture of licence upon conviction.

47. If in any proceedings before a court it appears that a licensee—

(a) whether he was present in the licensed premises or not, has permitted an unlicensed person to be the owner or part owner of the business of the licensed premises or to have a substantial interest in that business, except with the consent of the Sub-county committee; or

(b) is convicted of an offence under this Act and a previous conviction within the preceding twelve months of the same or any other offence under this Act or three such previous convictions within the preceding five years is or are proved; or

(c) is twice convicted within twelve months of selling, offering or keeping for sale any adulterated alcoholic drink, then the court may, in addition to any other penalty which it may lawfully impose, order that his licence be forfeited, and that no licence shall be issued or transferred to him for such period as the Court may order.

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PART VI –ADVERTISEMENT AND PROMOTION

Prohibited advertisement and promotion.

48. (1) No person shall promote an alcoholic drink by way of outdoor advertisement –

(a) in a manner that is false, misleading or deceptive or that are likely to create an erroneous impression about the characteristics, health effects, health hazards or social effects of the alcoholic drink;

(b) through painting or decorating a residential building with the name of the alcoholic drink or manufacturer, colour and brand images or logos associated with a manufacturer or an alcoholic drink or any other related form; and

(c) in places demarcated under any written law as residential areas or within a distance of three hundred metres from nursery, primary, secondary school, or other institution of learning for persons under the age of eighteen years or a place of worship, health facility or a public playground or any other public land or property or in public service vehicle.

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

(3) Pursuant to Article 24(2) of the Constitution, 2010, the right to freedom of expression set out in Article 33 of the Constitution 2010 is limited to the extent specified in this section for the purpose of;

(a) protecting consumers of alcoholic drinks from misleading or deceptive inducements to use alcoholic drinks: and

(b) protecting person under the age of eighteen years from negative impact on health and social development from exposure to advertisements of alcoholic drinks.

Promotion at underage events.

49. (1) No person shall promote an alcoholic drink—

(a) at any event or activity associated with persons under the age of eighteen years;

(b) using such things or materials that are associated with persons under the age of eighteen years.

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(2) Any person who contravenes the provisions of this section commits an offence and shall be liable to a fine not exceeding five hundred thousand shilling or imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(3) Pursuant to Article 24(2) of the Constitution, 2010, the right to freedom of expression set out in Article 33 of the Constitution 2010 is limited to the extent specified in this section for the purpose of protecting person under the age of eighteen years from negative impact on health and social development from exposure to advertisements of alcoholic drinks.

Encouraging consumption.

50. (1) A licensee shall not—

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

(b) promote any alcoholic drink in such a manner as to encourage more consumption of an alcoholic drink in order to win an award or prize.

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

(3) Pursuant to Article 24(2) of the Constitution, 2010, the right to freedom of expression set out in Article 33 of the Constitution 2010 is limited to the extent specified in this section for the purpose of;

(a) protecting consumers of alcoholic drinks from misleading or deceptive inducements to use alcoholic drinks: and

(b) protecting person under the age of eighteen years from negative impact on health and social development from exposure to advertisements of alcoholic drinks.

PART VII— ENFORCEMENT

Authorised Officers.

51. (1) The Sub-County Committee in each Sub-county shall be the authorized class of persons to enforce this Act within the respective Sub-counties.

(2) The Executive Member shall issue a certificate of appointment to every person appointed under this section.

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(3) Notwithstanding the provisions of this section, the following officers shall be deemed to be authorised officers for the purposes of this Act-

(a) public health officers appointed under the Public

(b) officers appointed as enforcement officers under the National Police Service Act, Standards Act, Weights and Measures Act and Anti-counterfeit Act

Enforcement Committee

52. (1) The County Alcoholic Drinks Control Committee shall be the enforcement committee for the purposes of enforcing this Act in the whole County.

Functions of Enforcement Committee.

53. The functions of the Enforcement Committee shall be to-

(a) co-ordinate the enforcement of this Act and regulations developed under this Act.;

(b) monitor and evaluate the enforcement process and system under the Act;

(c) advise the Executive member on the necessary measures to be adopted in ensuring effective enforcement and compliance with the Act;

(d) carry out any other function as may from time to time be assigned by the Executive member.

Places Authorized Officers may enter.

54. (1) For the purposes of ensuring compliance with this Act, an Authorised Officer may, at any reasonable time, enter any place in which the officer believes on reasonable grounds that any person or persons is in any way contravening the provisions of this Act.

(2) An Authorised Officer entering any premises under this section shall, if so required, produce for inspection by the person who is or appears to be in charge of the premises the certificate issued to him under section 51(2).

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Powers of officers.

55. (1) In carrying out an inspection in any place pursuant to section 54, an authorised officer may—

(a) examine an alcoholic drink or anything referred to in that section;

(b) require any person in such place to produce for inspection, in the manner and form requested by the officer, the alcoholic drink or thing;

(c) open or require any person in the place to open any container or package found in the place that the officer believes on reasonable grounds contains the alcoholic drink or thing;

(d) conduct any test or analysis or take any measurements; or

(e) Require any person found in the place to produce for inspection or copying, any written or electronic information that is relevant to the administration or enforcement of this Act.

(2) Pursuant to Article 24(2) of the Constitution, the right to privacy and property set out in Article 31 and 40 of the Constitution 2010 is limited to the extent specified in this section for the purpose of enforcement of this Act and for protecting consumers of alcoholic drinks by ensuring fair and ethical business practices related to production, distribution, promotion and sale of alcoholic drinks as specified in this Act.

Use of records.

56. (1) In carrying out an inspection in a place, an Authorised Officer may—

(a) use or cause to be used any computer system in the place to examine data contained in or available to the computer system that is relevant to the administration or enforcement of this Act;

(b) reproduce the data in the form of a print-out or other intelligible output and take it for examination or copying;

(c) use or cause to be used any copying equipment in the place to make copies of any data, record or document;

(d) scrutinize any other record system in use in that place.

(e) Record and counter sign any material carted away for inspection while leaving behind a copy of the same.

(2) Pursuant to Article 24(2) of the Constitution, the rights to privacy and property set out in Articles 31 and 40 of the Constitution are limited to

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the extent specified in this section for the purpose of protecting consumers of alcoholic drinks by ensuring fair and ethical business practices related to production, distribution, promotion and sale of alcoholic drinks as specified in this Act

Entry of dwelling place.

57. An authorised officer may not enter a dwelling place except with the consent of the occupant or under the authority of a warrant issued under section 58.

Court to issue warrant.

58. (1) Upon an *ex-parte* application, a magistrate or judge of the High Court, may issue a warrant authorising the authorised officer named in the warrant to enter and inspect a dwelling place, subject to any conditions specified in the warrant, if the magistrate or judge is satisfied by information on oath that—

(a) entry to the dwelling place is necessary for the administration or enforcement of this Act

(b) the occupant does not consent to the entry, or that entry has been refused or there are reasonable grounds for believing that it will be refused.

(2) The time of such entry shall be between six o 'clock in the forenoon and six o'clock in the afternoon of any day of the week.

Use of force.

59. An authorised officer executing the warrant issued under section 58 shall not use force unless such officer is accompanied by a police officer and the use of force is specifically authorised in the warrant.

Certificate of analysis.

60. An authorised officer who has analyzed or examined an alcoholic drink or thing under this Act, or a sample of it, shall issue a certificate or report setting out the results of the analysis or examination.

Assistance of officers.

61. (1) The owner of a place inspected by an authorised officer under this Act or the person in charge of the place and every person found in the place shall —

(a) provide all reasonable assistance to enable the authorised officer to carry out his duties under this Act;

(b) furnish the authorised officer with such information as the

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officer reasonably requires for the purpose for which entry into the place has been made

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

Obstruction.

62. No person shall obstruct or hinder, or knowingly make a false or misleading statement to an authorised officer who is carrying out duties under this Act.

Seizure.

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

(2) The authorised officer may direct that any alcoholic drink or thing seized be kept or stored in the place where it was seized or that it be removed to another place.

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

(4) Any person from whom an alcoholic drink or thing was seized may, within thirty days after the date of seizure, apply to the High Court for an order of restoration, and shall send notice containing the prescribed information to the Executive Member within the prescribed time and in the prescribed manner.

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

(5) Pursuant to Article 24 (2) of the Constitution, the rights to privacy and property set out in Articles

31 and 40 of the Constitution are limited to the extent specified in this section for the purpose of protecting consumers of alcoholic drinks by ensuring fair and ethical business practices related to production,

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distribution, promotion and sale of alcoholic drinks as specified in this Act.

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

Order for restoration.

64. (1) The High Court may order that the alcoholic drink or thing be restored immediately to the applicant if, on hearing the application, the court is satisfied that-

(a) the applicant is entitled to possession of the alcoholic drink or thing seized; and

(b) the alcoholic drink or thing seized is not and will not be required as evidence in any proceedings in respect of an offence under this Act.

(2) Where upon hearing an application made under subsection (1) the court is satisfied that the applicant is entitled to possession of the alcoholic drink or thing seized but is not satisfied with respect to the matters mentioned in paragraph (b) of subsection (1), the Court may order that the alcoholic drink or thing seized be restored to the applicant on the expiration of one hundred and eighty days from the date of seizure if no proceedings in respect of an offence under this Act have been commenced before that time.

General penalty.

65. Any person convicted of an offence under this Act for which no other penalty is provided shall be liable to a fine not exceeding five hundred thousand Kenya shillings, or to imprisonment for a term not exceeding three years, or to both.

Nature of offences.

66. (1) Offences under this Act, other than the offences specified under Part VI, shall be cognizable offences.

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

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

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

Nature of evidence in proceedings.

67 (1) In any prosecution for an offence under this Act, a copy of any written or electronic information obtained during an inspection under this Act and certified to be a true copy thereof shall be admissible in evidence and shall, in the absence of evidence to the contrary, be proof of its contents.

(2) Any certificate alleging proof of inspection by an authorised officer, and which is to be relied upon as evidence in Court shall be admissible in evidence to the extent that the maker of such a report has appended his signature and might be adduced by any authorised officer.

(3) The certificate or report may not be received in evidence unless the party intending to produce it has, before the trial, given the party against whom it is intended to be produced notice of not less than seven days of that intention together with a copy of the certificate or report.

(4) The party against whom the certificate or report provided for under subsection (3) is produced may, with leave of the Court, require the attendance of the officer for purposes of cross examination.

(5) In a prosecution for a contravention of this Act—

(a) information on a package indicating that it contains an alcoholic drink is, in the absence of evidence to the contrary, proof that the package contains an alcoholic drink; and

(b) a name or address on a package purporting to be the name or address of the person by whom the alcoholic drink was manufactured is, in the absence of evidence to the contrary, proof that it was manufactured by that person.

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PART VIII—MISCELLANEOUS

Regulations.

68. (1) The Executive Member may, on recommendation of the Sub-County committee make Regulations generally for the better carrying out of the objects of this Act.

(2) Without prejudice to the generality of subsection (1), the Regulations may-

(a) Make regulations as to any requirements or prohibitions under the Act.

(b) prescribe the forms of applications, notices, licences and other documents for use under this Act;

(c) prescribe the fees payable under this Act.

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

Transitional.

70. (1) Notwithstanding any other provision of this Act to the contrary, a person who, immediately before the commencement of this Act was in accordance with Alcoholic Drinks Control Act, 2010 a manufacturer, importer, distributor or retailer of any alcoholic drink in the under that Act shall be deemed to be a manufacturer, importer, distributor or retailer of any alcoholic drink in the under that Act shall be deemed to be a manufacturer, importer, distributor or retailer of any alcoholic drink under this Act.

(2) The manufacturer, importer, exporter, distributor or retailer of any alcoholic drink in the contemplated referred to in subsection (1), shall, within four months of upon commencement of this Act, comply with the requirements of this Act

FIRST SCHEDULE—Types of Licences

The following licences may be granted under this Act

1. Manufacturer's or Brewer's License

Subject to the conditions specified in the licence, a Manufacturer's licence authorizes the holder to—

(a) manufacture and store the manufactured alcoholic drink in his depot;

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

(c) bottle the alcoholic drink subject to such conditions as may be prescribed.

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

2. Wholesale Licence.

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

3. Retail Licence

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

4. Club License

5. Temporary License

6. Importers/Exporters License

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SECOND SCHEDULE License Hours

THE COUNTY GOVERNMENT OF KITUI

THE KITUI COUNTY ALCOHOLIC DRINKS CONTROL ACT

Licences	*Licence Hours, Conditions and Exceptions*
1. General Retail Alcoholic drink Licence	Authorized to sell alcoholic drink: (a) From Monday to Friday during the hours of 5.00 p.m. to 11.00 p.m. (b) During weekends and public holidays during the hours of 2:00 pm to11:00 p.m.
2. General Retail Alcoholic drink Licence (off licence) wines and spirits retailers (rural or Sub-urban)	Authorised to sell alcoholic drink on any day of the week during the hours of 5:00p.m to 8:30 p.m.
3. Supermarket or franchised retail stores (urban) alcoholic drink licence (off- licence)	Authorised to sell alcoholic drink on any day of the week during the hours of 10.00 a.m. to 8:30 p.m.
4. Hotel Alcoholic drink Licence	Authorized to sell alcoholic drink on any day of the week to a lodger for his own and his guest's consumption on the premises, at any hour.
5. Restaurant Alcoholic drink Licence	(a) to sell alcoholic drink on any day of the week to persons taking meals in the restaurant, for consumption with such meals. (b) Authorized to sell alcoholic drink from Monday to Friday during the hours of 5.00 p.m. to 11.00 p.m. (c) Authorized to sell alcoholic drink during weekends and public holidays during the hours of 2.00 p.m. to 11.00 p.m.
6. Club Alcoholic drink Licence	Authorized to sell alcoholic drink to members on any day of the week at any hour.

(a) Members club

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(b) Proprietary club (including night club)	Authorized to sell alcoholic drink (a) From Monday to Friday during the hours of 7.00 p.m. to 3:00 a m. (b) During weekends and public holydays during the hours of 7.00 p.m. to 3.00 a.m.
7. Theatre Alcoholic drink Licence	Authorized to sell alcoholic drink during the hours of 5.0 .m. to 11.00. p.m.
8 Temporary or occasional Licence	Authorised to sell alcoholic drink on the day and during the hours stipulated in the Licence by the Sub-county Committee for the purposes of specific occasions, ceremonies or events as indicated in the application.

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THIRD SCHEDULE

THE COUNTY GOVERNMENT OF KITUI

Application Form

(FA 3(1))

KITUI COUNTY ALCOHOLIC DRINKS CONTROL ACT

APPLICATION FOR THE GRANT OR RENEWAL OF AN ALCOHOLIC RETAIL DRINKS LICENCE

[To be completed in triplicate]

1. Name of applicant.....
2. Applicant's postal address.....
3. Address and plot number of premises .....

   [Give sufficient details adequately to identify the premises]

   Street, phone number .....
4. Name by which premises known .....
5. If for renewal, give expiring licence number .....
6. Licence to run from ..... to .....
7. Type of licence applied for .....

Date .....

Signature of Applicant .....

Note.— If the application is for a wholesale alcoholic drinks licence to be applicable to more premises than one, paragraphs 3 and 4 must give particulars of all such premises.

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THE COUNTY GOVERNMENT OF KITUI

KITUI COUNTY ALCOHOLIC DRINKS CONTROL ACT

APPLICATION FOR THE GRANT OR RENEWAL OF A LICENCE TO MANUFACTURE OR PRODUCE AN ALCOHOLIC DRINK

1. Name of applicant .....

2.Type of business .....

(a) Sole proprietorship (the business is owned by one person) .....

Personal Identification Number .....

(b) Partnership.....

Names, Postal Addresses and Phone Contact.....

Contact Person .....

(c) Limited Liability Company

Name, Postal Address and Phone Contacts of the Directors .....

Contact person .....

3. Postal Address .....
4. Physical Address (exact place of manufacture) .....
5. Tel .....
6. Fax .....
7. E-mail.....
8. City, Town or Village.....
9. Business Registration No* or Certificate of Incorporation No* .....
10. Is this a New/Renewal application? .....
    If Renewal, provide details of No .....
11. Do you have manufacturer's certification? Yes* ..... No .....
12. List type and brands of alcoholic drinks to be manufactured

Alcoholic Drink Standards	*Certification Number*
.....	.....
::::.....	::.....

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

13. Brief description of alcoholic drink(s) .....

(a) Unit Capacity in milliliters and Cost in Shillings of the alcoholic drink(s).....

(b) Alcoholic content .....

(c) Mode of transportation and storage conditions .....

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

14. Declaration by Applicant:

I..... hereby declare and certify that the information given in this application including attachments thereto is true and correct to the best of my knowledge and belief.

Date: .....

Signature: .....

Official Stamp .....

THE COUNTY GOVERNMENT OF KITUI

(FA 3(3))

KITUI COUNTY ALCOHOLIC DRINKS CONTROL ACT

APPLICATION FOR THE GRANT OR RENEWAL OF A LICENCE TO IMPORT OR EXPORT AN ALCOHOLIC DRINK

1. Name of applicant .....
2. Postal Address .....
3. Physical Address .....
4. Tel.....
5. Fax .....
6. E-mail .....
7. Business Registration No* .....
8. Is this a New/Renewal application? ..... If Renewal, provide details of No

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9. List type and brands of alcoholic drinks to be imported or exported

Alcoholic Drink Standards	*Certification Number*
.....	.....
.....	.....
.....	.....
.....	.....

10. Brief description of alcoholic drink(s) .....

(a) Unit Capacity in milliliters and Cost in Shillings of the alcoholic drink(s). .....

(b) Alcoholic content .....

(c) Mode of transportation and storage conditions .....

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

11. Declaration by Applicant:

I ..... hereby declare and certify that the information given in this application including attachments thereto is true and correct to the best of my knowledge and belief.

Date:.....

Signature: ..... *Official Stamp*.....

THE COUNTY GOVERNMENT OF KITUI

(FA 3(4))

THE KITUI COUNTY ALCOHOLIC DRINKS CONTROL ACT

APPLICATION FOR *TRANSFER OR REMOVAL OF ALCOHOLIC DRINKS LICENCE

[To be completed in triplicate]

1. Name of applicant.....
2. Applicant's postal address .....
3. Type and number of licence held .....
4. Address of premises specified therein .....

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5. Name of transferee/address of premises to which it is desired to remove licence.

Date .....

Signature of Applicant .....

THE COUNTY GOVERNMENT OF KITUI

(FA 3(5))

ALCOHOLIC DRINKS CONTROL ACT APPLICATION FOR A *TEMPORARY ALCOHOLIC DRINK LICENCE OR TEMPORARY EXTENSION ALCOHOLIC DRINK LICENCE

1. Name of Applicant .....
2. Applicant's postal address .....
3. Type and number of licence held .....
4. Type of licence required .....

*5. Address to which temporary licence should be made applicable .....

*6. Period for which temporary licence required .....

*7. Extension times applied for..... .....

Date.....

Signature of Applicant .....

* Delete where not applicable.

THE COUNTY GOVERNMENT OF KITUI

(FA 3(6))

ALCOHOLIC DRINKS CONTROL ACT

PARTICULARS CONCERNING CLUBS

[To be completed in block capitals]

THESE PARTICULARS relate to an application which has been made for the grant of a.

[Particulars of type of licence .....

[Full names of applicant] who intends to hold such licence on behalf of a club]

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PARTICULARS

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

I, ... the applicant, hereby declare that the foregoing particulars are correct in every detail.

Date

.....

Signature of Applicant .....

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FA 3(7))

ALCOHOLIC DRINKS CONTROL ACT ALCOHOLIC DRINK LICENCE

TYPE OF LICENCE .....

LICENCE No. .....

This alcoholic drink licence is granted under the provisions of the Kitui County Alcoholic Drinks Control Act, 2014 to ..... of .....

[Full details of premises to be inserted by issuing officer]

This licence is granted subject to the provisions of the Alcoholic Drinks Control Act, 2010 and to the following conditions .....

This licence shall expire on .....

Fees paid: KSh. .....

Date of issue .....

Chairman, ...

Sub County Committee .....

THE COUNTY GOVERNMENT OF KITUI

(FA 3(8))

ALCOHOLIC DRINKS CONTROL ACT TEMPORARY ALCOHOLIC DRINKS LICENCE

No.....

This temporary alcoholic drink licence is granted under the provisions of the Kitui County Alcoholic Drinks Control Act, 2014 to ..... or ..... being the holder of a..... Alcoholic drinks licence No. ..... and authorizes the licensee to sell..... Alcoholic drinks at .....

This licence is valid from ..... to .....

This licence is issued subject to the provisions of the Alcoholic Drinks Control Act, 2010 and to the following conditions .....

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Fee paid: KSh. .....

Date of issue .....

Chairman, ...

Sub-county Committee .....

THE COUNTY GOVERNMENT OF KITUI

(FA 3(9))

KITUI COUNTY ALCOHOLIC DRINKS CONTROL ACT

TEMPORARY EXTENSION ALCOHOLIC DRINKS LICENCE

LICENCE No. .....

This temporary extension alcoholic drink licence is issued to ..... being the holder of a ..... alcoholic drink licence, No. ..... , and authorizes the licensee to sell ..... .alcoholic drink at ..... from..... o'clock in the afternoon until ..... o'clock in the ..... noon on .....

This temporary extension alcoholic drink licence is granted subject to the provisions of the Alcoholic Drinks Control Act, 2010 and to the following conditions.....

Fee paid: Sh. .....
Date of issue .....
Chairman, ...
Sub County Committee .....

FOUTH SCHEDULE Payment Receipt

THE COUNTY GOVERNMENT OF KITUI

(FR. 1 (1))

THE KITUI COUNTY ALCOHOLIC DRINKS CONTROL ACT

ALCOHOLIC DRINKS LICENCE

No.....

The type of license.....

This alcoholic drinks license is granted under the provisions of the Kitui

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County Alcoholic Drinks Control Act, 2014 to ... of ..... being the holder of a alcoholic drink license No. ..... and authorizes the licensee to sell/manufacture/import.....alcoholic drink at/to/from .....

This license is valid from ..... to .....

This license is issued subject to the provisions of the Alcoholic Drinks Control Act, 2010 and to the following conditions.....

Hours attached to license (if applicable)

Fee paid: Sh. .....

Date of issue .....

Chairman, ...

Sub County Committee .....

FIFTH SCHEDULE

THE COUNTY GOVERNMENT OF KITUI

LICENCE FEES

Type of Licence	*Fees*	
1. General retail alcoholic drink licence—	For 12 months	For 6 months or less
(a) in respect of premises situated within urban or town areas	30,000	18,000
(b) in respect of premises situated elsewhere than in town or urban areas	15,000	9,000
2. General retail alcoholic drink licence (off Licence)—	For 12 months	For 6 months or less
(a) in respect of premises situated in urban or town areas	18,000	10,000
(b) in respect of premises situate elsewhere than in town or urban areas	12,000	7,000
3. Brewer's alcoholic drink licence		
For each alcoholic drink or product manufactured:		
(a) one million litres and above per annum	1,000,000	
(b) between five hundred thousand and nine hundred ninety nine thousand, nine hundred and ninety nine (999,999) litres per annum	(500,000)	

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(c) above twelve thousand (12,000) but below four hundred and ninety nine thousand, nine hundred and ninety nine litres (499,999) per annum	250,000	
(d) twelve thousand litres (12,000) and below per annum	50,000	
4. Wholesale alcoholic drink licence for each premises	50,000	30,000
5. Import alcoholic drink licence (wholesale): (a) one million litres and above	1,000,000	
(b) between five hundred thousand (500,000) and nine hundred ninety nine thousand, nine hundred and ninety nine (999,999) litres	500,000	
(c) below five hundred thousand (500,000) litres	250,000	
6. (1) Bottler's alcoholic drink licence.	250,000	150,000
(2) Depot licence, in addition to Sub-paragraph (1), per depot	50,000	30,000
7. (1) Distributor alcoholic drink licence	50,000	30,000
(2) Depot licence, in addition to subparagraph (1) per depot	20,000	15,000
8. Hotel alcoholic drink licence—		
(a) in respect of premises situate within town urban areas	30,000	20,000
(b) in respect of premises situate elsewhere than in town or urban areas	20,000	12,000
(c) where the licensee holds a general retail alcoholic drink licence in respect of the same premises	5,000	
9. Restaurant alcoholic drink licence—		
(a) in respect of premises situate within town or urban areas	20,000	12,000
(b) in respect of premises situate elsewhere than in town or urban areas	10,000	6,000
10. (1) Club alcoholic drink licence (members' club)—		
(a) in respect of premises situate within town or urban areas	80,000	
(b) in respect of premises situate elsewhere than in town or urban areas.	50,000	

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(2) Club alcoholic drink licence (proprietary club or night club or discotheque)—		
(a) in respect of premises situate within town or urban areas	80,000	
(b) respect of premises situate elsewhere than in a town or urban areas	50,000	
11. Supermarket and franchised retail stores alcoholic drink licence—		
(a) in respect of supermarkets or franchised retail stores for each premises situated within town or urban areas	50,000	
(c) in respect of supermarkets or retail chain stores for each premises situate elsewhere than in a town or urban areas	30,000	
12. Theatre alcoholic drink licence.	15,000	7,000
13. Traveller's alcoholic drink licence		
(a) where the licensee does not hold a general retail alcoholic drink licence in respect of the same premises	30,000	15,000
14. Temporary or occasional alcoholic drink licence, per day	1,000	
15. For transferring an alcoholic drink licence		1,000
16. For removing an alcoholic drink licence		500
17. For the issue of an assurance under the Act		1,000
18. For the issue of a duplicate licence		300

SIXTH SCHEDULE

THE COUNTY GOVERNMENT OF KITUI

PACKAGE WARNING MESSAGES

1. The following health messages shall be displayed on every package containing an alcoholic drink, sign or advertisement stipulated under the provisions of this Act—

(a) Excessive alcohol consumption is harmful to your health; (b) Excessive alcohol consumption can cause liver cirrhosis;

(c) Excessive alcohol consumption impairs your judgment; do not drive or operate machinery;

(d) Not for sale to persons under the age of eighteen years