



SPECIAL ISSUE

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EMBU COUNTY BILLS, 2023

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**THE EMBU COUNTY ALCOHOLIC DRINKS CONTROL
(AMENDMENT) BILL, 2023**

A Bill for

AN ACT of the County Assembly of Embu to amend the Embu County Alcoholic Drinks Control Act, 2021 and for connected purposes

ENACTED by the County Assembly of Embu as follows:

PART I—PRELIMINARIES

Short Title

1. This Act may be cited as the Embu County Alcoholic Drinks Control (Amendment) Act, 2023.

Amendment of section 2

2. The Embu County Alcoholic Drinks Control Act, 2021 in this Act referred to as the “Principal Act” is amended in section 2 by inserting the following new definition in proper alphabetical sequence—

“Bar and restaurant” means any premises on which the business of serving food or drinks for reward is carried on but does not include an eatery;

Amendment to Section 3

3. The Principal Act is amended in section 3 by inserting a new subsection as follows—

- (c) to facilitate the application and enforcement of the National Government standards on the regulation of manufacture, advertisement, sale and consumption of alcoholic drinks;

Amendment to section 4 (2)

4. The Principal Act is amended in section 4 (2) by inserting a new subparagraph as follows—

- (k) Consider appeals from the decisions of the sub-county committee under this Act;

Amendment to Section 4 (3)

5. The Principal Act is amended in section 4 (3) by—

- (a) inserting the following new sub-paragraphs—

- (i) **(da)** Director responsible for Public Health;
- (ii) **(eb)** The County Director Enforcement.

- (b) Deleting sub-paragraphs (e) and (f) and substituting there for a new sub-paragraph as follows—
 - (i) **(fa)** A representative of Non-Governmental Organizations dealing with drug rehabilitation in the County Nominated by the National Council for Non-Governmental Organizations appointed by the Executive Committee Member.
- (c) Deleting the words “with the approval of the County Assembly” appearing in sub-paragraphs (a),(d), (g) and (h);
- (d) Inserting a new sub-section immediately after subsection (3) as follows;
 - (4a)** The members appointed under sub-section (3) paragraphs (a) (d), (g) and (h) shall only be appointed with the approval of the County Assembly.

Amendment of Section 7(5)

- 6. Section 7(5) of the Principal Act is amended by;
 - (a) adding new sub-paragraphs as follows;
 - (i) **(ca)** The County Public Health Officer;
 - (ii) **(db)**The County Director enforcement
 - (b) deleting subparagraphs (c) and (d) and substituting therefor the following new sub-paragraph;
 - (ea)** A representative of Non-Governmental organizations dealing with drug rehabilitation in the County Nominated by the National Council for Non-Governmental Organizations appointed by the Executive Committee Member.
 - (c) Deleting sub-paragraph (l) and substituting therefor the following new sub-paragraph;
 - (la)** the sub-county revenue officer
 - (d) deleting sub-paragraphs (i) and (m) in their entirety
 - (e) adding a new sub-paragraph as follows—
 - (ma)**The sub-county committee may, co-opt ward administrators whose skills, knowledge or experience may be useful to the committee on need basis.

Amendment of Section 10

7. Section 10 of the Principal Act is amended by inserting a new sub-section immediately after sub-section (2) as follows—

- (3a) Notwithstanding the provisions of subsection (2), any person who makes an application for a new business for a period not exceeding six months shall pay half of the license fee set out in the Third Schedule.

Insertion of a new section

8. The Principal Act is amended by inserting a new section immediately after section 27.

Revocation

28. A (1) The authorized officer may on recommendation of the Sub-county Committee suspend or revoke a license where satisfied that—

- (a) The licensee has contravened the provisions of this Act or other relevant written laws including noise pollution and general nuisance;
- (b) The licensee has contravened the conditions of declaration made in accordance with this Act;
- (c) The business to which the license relates is being conducted in a manner that is contrary to the provisions of this Act;
- (d) The licensee has failed to comply with the conditions of a license granted under this Act; or where any other requirement for the grant of a license under this Act has been violated

(2) Notwithstanding sub-section (1), the authorized officer shall not suspend or revoke a license unless—

- (a) the licensee has been served with a notice of not less than seven days of the intention to suspend or revoke the license and the reasons for such intention;
- (b) the licensee has within fourteen days from the date of such service, been given the opportunity to be heard by the sub-county committee convened for that purpose; and
- (c) the licensee has been notified of the decision of the sub-county committee.

(3) Upon revocation or suspension of a license, the licensee shall with immediate effect cease to manufacture, distribute or sell an alcoholic drink.

Amendment to section 29

9. The Principal Act is amended in Section 29 by adding a new subsection immediately after sub-section (4) as follows—

- (5a) It shall constitute an offense for any person to sell, supply or serve alcoholic beverages to any individual who is identifiable as a pupil or student by virtue of their uniform or dress whether or not such individual is of legal age to consume that alcoholic drink.

Amendment to section 33

10. Section 33 of the Principal Act is amended by deleting the words “and shall be liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding six months, or to both.” in their entirety.

Amendment of Section 47

11. The Principal Act is amended in section 47 by adding a new sub-section immediately after sub-section (4) as follows;

- (4a) Authorised officers under this section must bear proper identification.

Amendment of the first schedule

12. The First Schedule of the Principal Act be amended in Item 5 by adding the words “Bar and” immediately before the word Restaurant;

Amendment of the Third schedule

13. The Third Schedule of the Principal Act be amended by deleting it in its entirety and substituting it therefor the following new Schedule—

THIRD SCHEDULE				
ALCOHOLIC DRINKS RELATED ANNUAL CHARGES				
(Section 10(2))				
FOLIO	DESCRIPTION	A	B	C, D
1	General retail Alcoholic Drinks (on-license)	40,000	35,000	20,000
	General retail Alcoholic Drinks (off-license)	35,000	30,000	30,000
2	Brewers Alcoholic Drinks license	All categories		
	1,000,000 or more litres per annum	1,000,000		
	500,000 to 999,999 litres per annum	500,000		
	From 12,001 to 499,999 litres per annum	250,000		
	12,000 litres per annum and below	150,000		
	Wholesale local alcoholic drinks license (per premises)	100,000		
4	Wholesale, (cross County and across-Country) alcoholic drinks license (NB: alcoholic drinks so imported must have a licensed depot within Embu County)			
	1,000,000 and above litres per annum	1,000,000		
	500,000 to 999,999	500,000		
	Below 500,000 litres	250,000		
5	BOTTLERS LICENSE			
	Bottler's Alcoholic Drinks license	250,000		
	Depot License (Additional to Bottlers)	50,000		

6	DISTRIBUTORS ALCOHOLIC DRINKS LICENSE			
	Distributors license	70,000		
	Depot License (Additional to distributors licenses above)	30,000		
7	Hotels Alcoholic Drinks	100,000	60,000	60,000
8	Bar and Restaurant alcoholic drinks license (Large)	60,000	40,000	30,000
	Bar and Restaurant alcoholic drinks license (medium/small)	50,000	30,000	20,000
9	Members Club	100,000	80,000	80,000
10	Proprietary Clubs and Discotheques alcohol License	100,000	80,000	80,000
FOLIO	DESCRIPTION	A	B	C, D
11	Franchise retail store / Supermarkets alcoholic drinks license	80,000	50,000	50,000
12	Theatre alcoholic drinks license	15,000	15,000	15,000
13	Traveller lounge alcoholic drinks licence	If license has class "A" no charge	If license has no class "A" 30,000	
14	Railway and Airport alcoholic drinks License per pub	30,000	30,000	30,000
15	Cross county distribution of alcoholic drinks license (all types) Class "P"	500,000	500,000	500,000
16	Temporary/Occasional alcoholic drinks License per day	1,000	1,000	1,000

Temporary/Promotional alcoholic drinks license per week	20,000	20,000	20,000
Removal of an alcoholic drink license	1,000	1,000	1,000
Issue of an assurance for an alcoholic drink License	1,000	1,000	1,000
Issue of a duplicate license of any kind	1,500	1,500	1,500
Application fee	1,000	1,000	1,000
Penalty for late application/operating without a license	50% of the annual license fees (All Categories)		

NOTE:

THE CLASSIFICATION ABOVE IS AS PROVIDED FOR IN THE RELEVANT COUNTY LEGISLATION ON CLASSIFICATION OF COMMERCIAL CENTRES OR AS AMENDED FROM COUNTY FINANCE LEGISLATION FROM TIME TO TIME

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the Embu County Alcoholic Drinks Control Act, 2021. It proposes to make some changes to the composition of the Alcoholic drinks Control Board as well as to review some of the alcoholic drinks related charges.

The Bill has 13 Clauses.

The enactment of this Bill shall not occasion additional expenditure of Public Funds.

Dated the 26th April, 2023

KARURI JULIUS NJAGI,
*Chairperson, Committee on Trade, Tourism and
Industrial Development.*

