

THE NYANDARUA COUNTY ALCOHOLIC DRINKS CONTROL 2024
THE NYANDARUA COUNTY ALCOHOLIC DRINKS CONTROL (LICENSING)
REGULATIONS 2024.

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THE NYANDARUA COUNTY ALCOHOLIC DRINKS CONTROL ACT,2024

(No 1 of 2024)

The Nyandarua County Alcoholic Drinks Control (Licensing) Regulation, 2024

IN EXERCISE of the powers conferred by Section 69 of the Nyandarua County Alcoholic Drinks Control Act,2024, the County Executive Committee Member for liquor licensing and control shall make the following Regulations —

PART I—PRELIMINARY

Citation	1. These regulations may be cited as the Nyandarua County Alcoholic Drinks Control (Licensing) Regulations, 2024.
Interpretation.	2. In these Regulations, unless the context otherwise requires —: ’Act ‘ means “The Nyandarua County Alcoholic Drinks Control Act 2024”; “Authorized Officer” means authorized officer as provided in the Act; “Committee” means the Management Committee as established under Section 4 of the Act; “Executive Committee Member” means the County Executive Member provided for in the Act; “Sub-County Committee” means the Committee established under Section 7 of the Act; “Restaurant” means any business premises that meet the requirement for a restaurant as set out under clause 12 of these regulations or any other requirements that may be set by the Committee from time to time.
Object	3. The object of these Regulations is to is to provide for legal procedural framework for: a. The operationalization and conduct of business affairs of the County Management Committee and Sub-County Committees;

	<p>b. Application of various alcoholic beverages licenses and their prescribed forms within the county; and</p> <p>c. Penalties under this regulation.</p>
<p>PART II- CONDUCT OF THE BUSINESS AND AFFAIRS OF THE COMMITTEE</p>	
<p>Common Seal</p>	<p>4. (1) There shall be kept a Common Seal of the Committee</p> <p>(2) The Seal of the Committee shall be authenticated by the signature of the Chairperson and the Secretary and any document required by law to be made under the seal of the Committee may be authenticated by the Chairperson and the management Secretary.</p> <p>(3) The Common Seal of the Committee shall be kept by the Secretary</p> <p>(4) A request to use the common seal shall be made by the chair of the committee through a letter Authorization to use the common seal shall be approved by the management Secretary through a signature and a stamp</p>
<p>Technical Committees</p>	<p>5. (1) The Committee may delegate any of its work to one or more of Technical Committees created for that purpose.</p> <p>The generality of clause 4(1)) above, the following Technical Committees are established;</p> <ul style="list-style-type: none"> i. Legal advisory, Finance and administration technical committee; ii. Civic education and advocacy Technical Committee; iii. Health, sanitation and physical planning Technical Committee. <p>(2) The Technical Committees shall comprise of at least 3 members</p> <p>(3) The Technical committees shall be held on need bases and must be approved by the Committee.</p> <p>(4) The Technical Committees shall elect among themselves a chairperson and the Secretary of the Management Committee designate an officer to act the secretary.</p>

<p>Other factors for consideration</p>	<p>6. Without prejudice to Section 18 (c) of the Act, the Sub-County Committee may take judicial notice of the following grounds notwithstanding the fact that they have not been raised by an objector;</p> <ul style="list-style-type: none"> i. The distance between the premises for which license is sought and the nearest Police Station, police post, Chief’s Camp, Office of the Assistant Chief, or any administrative office of either the National or the County Government. ii. The committee will have the discretion over clause 6consideration the practicality factor. iii. The known behavior, reputation and history of the applicant and the usage of the premise.
<p>Remuneration</p>	<p>7. The Committee members may be paid such remuneration as per the Salaries and Remuneration Commission provisions or a negotiated rate as may be dictated by the budget allocation for the department responsible for liquor licencing. .</p>
<p>PART III- WHOLESALER’S LICENCE</p>	
<p>Wholesaler</p>	<p>8. The Committee may receive, vet and recommend to the licensing officer the issuance of an Alcoholic Drinks wholesaler’s License subject to the Act, these regulations and any other written law, upon payment of the prescribed fees.</p> <p>(2) An applicant for wholesaler’s license shall pay a prescribed fee in respect of every business established.</p> <p>(3) Every application for a wholesaler License shall provide the details of the premises in which the business is to be situated which shall include but not limited to the name of the Building, plot number, name of the place where it is situated and the street or road along which it is situated.</p> <p>(4) A holder of a wholesaler License shall be required to keep a record of all their products, the quantity sold and the type of the product sold.</p> <p>(5) The holder of a wholesaler license shall Comply with Section 20 of the Act.</p>

	PART III MANUFACTURER’S LICENSE
Issuance of a manufacturer’s licence.	<p>8. (1) Subject to Section 10 of the Act, the Committee receive, vet and recommend to the licensing officer the issuance of a Manufacturer’s License in respect to any premises where the primary business is that of a brewery or winery.</p> <p>(2) Subject to the Act, these regulations and any other law, an applicant for a Manufacturer’s License will satisfy the Committee as to the following;</p> <ul style="list-style-type: none"> a. That the premises are suitable with regard to the business of beer/wine manufacturing. b. That the person possesses the infrastructure and equipment necessary to carry out the business of beer/wine manufacturing. c. That the person possesses the necessary qualification and all requirements stipulated under the Standard Act or any other relevant written law, d. That the premises have sufficient number of competent staff with knowledge in alcoholic beverages and food manufacturing. <p>(3) Holder of a Manufacturers’ License shall establish measures ensuring that all the empty bottles and or containers used in packaging their products are taken back to their possession for either disposal or recycling.</p> <p>(4) A holder of a Manufacturer’s License shall not engage in any other activity other than the one stipulated in the license.</p> <p>(5) Subject to any National law dealing with counterfeit products and Trade Marks, a holder of a Manufacturer’s License issued under the Act and these regulations shall not reuse the containers of other manufacturers for repackaging purposes.</p> <p>(6) An applicant for manufacturer’s license shall pay a prescribed fee in respect of every manufacturing plant established.</p>
	PART IV- DISTRIBUTOR’S LICENSE

<p>Issuance of a distributor's licence</p>	<p>10. (1) The Committee may receive, vet and recommend to the licensing officer the issuance of an Alcoholic Drinks Distributor's License subject to the Act, these regulations and any other written law, upon payment of the prescribed fees.</p> <p>(2) An applicant for distributor's license shall pay a prescribed fee in respect of every depot established.</p> <p>(3) Every application for a Distribution License shall provide the details of the premises in which the depot or depots are to be situated which shall include but not limited to the name of the Building, plot number, name of the place where it is situated and the street or road along which it is situated.</p> <p>(4) A holder of a Distributor License shall be required to keep a record of all persons to whom they distribute their products, the quantity distributed and the type of the product distributed.</p> <p>(5) A holder of a Distributor's License shall display a certified copy of the License on a conspicuous place of any vehicle, used for purposes of transportation of the products within the County.</p>
<p align="center">PART IV– RETAIL LICENSE (ON LICENSE)</p>	
<p>Issuance of Retail licence</p>	<p>11. (1) The Sub-county committee may recommend to the Management Committee issuance of a Retail License (On License) subject to the provisions of the Act and these Regulations.</p> <p>(2) Without prejudice to Section 20) of the Act, no premises shall qualify for a Retail License (On License) unless,</p> <ul style="list-style-type: none"> a. The premises in respect of which a License is sought measures not less than 30 square meters in length excluding the counter and storage area. b. The premises are well ventilated and with either: comfortable arm chairs; cushioned benches or cushioned stools, tables not less than 3 feet in length and 2 feet in width. c. The premises have polish-able table top. d. The structure making up the premise is permanent with doors and windows opening to the outside. e. Beside the main door, each bar should have an exit in case of emergency.

	<p>f. The premises are well lite through electricity, pressure lamps or gas lamps.</p> <p>g. The inside of the premises shall be painted inwardly as a condition before issuance of license.</p> <p>h. Tiled floor.</p> <p>i. The sanitation condition shall be in clean and proper hygienic condition.</p>
	PART VI : RESTAURANT LICENSE
Issuance of Restaurant Licence.	<p>12. (1) The Sub-County Committee may recommend the management committee a Bar and Restaurant License in respect of premises whose the primary revenue generating business is the preparation and sale of food for consumption in the premises.</p> <p>(2) The holder of a Restaurant License shall only serve alcoholic beverage to a customer as part of a meal served.</p> <p>(3) Every applicant for a Restaurant License shall provide the following particulars with the application;</p> <p>(a) Layout plans of the outlet in triplicate and to scale showing the floor plan and physical arrangement of:</p> <p style="padding-left: 40px;">(i) kitchen,</p> <p style="padding-left: 40px;">(ii) Washrooms</p> <p style="padding-left: 40px;">(iii) Serving area for food and soft drinks</p> <p style="padding-left: 40px;">(iv) Serving area for food and alcoholic beverage</p> <p style="padding-left: 40px;">(v) Storage area.</p> <p>(4) No person below age 18 shall be allowed into the serving area for food and alcoholic beverages whether accompanied by adults or not.</p> <p>(6) All the designated areas in paragraph 2 shall be labeled, created with plastic or wooden tags and must be separated by either a full or half wall permanent or temporary.</p> <p>(7) The Committee may prescribe other requirements for premises to qualify as a Restaurant.</p>
	PART VII-PUBLIC PARTICIPATION
Public Participation	13. (1) The Sub-County Committees shall while carrying out public participation under Section 11of the Act accord all residents of the towns,

	<p>urban centres, trading centres or any other area where an application for a license has been made an opportunity to present their views.</p> <p>(2) Without prejudice to subsection (1) above, a representative group of persons, including but not limited to, the residents, investors in alcoholic drinks business, local community leaders, clergy, special interest group and administrators of learning institutions may present the views of the local community before the Sub-County Committees</p> <p>(3) The sub county committees shall take into consideration public views from stakeholders under paragraph two above before recommendation for issuance of license.</p>
	PART VIII: GENERAL PROVISIONS
Branding	<p>14. (1) Pursuant to Section 37 (2) of the Act, vehicles used to transport alcoholic drinks within the County shall be branded with identifiable stickers at the back of the vehicle.</p> <p>(2) The stickers in Clause 1 above shall be issued by the County Government upon issuance of the license.</p> <p>(3) Failure to display the sticker shall amount to an offense punishable under these Regulations.</p>
Labelling and packaging	<p>15. (1) A manufacturer shall describe the health effects of the product to the consumer on the labeling of the product.</p> <p>(2) The packaging of alcoholic beverages shall be as prescribed by the national laws dealing with packaging of alcoholic drinks in Kenya.</p>
Testing and analysis Laboratory.	<p>16. (1) The Committee may in consultation with other County and National Agencies establish a testing and analysis laboratory within the county.</p> <p>(2) Notwithstanding the provision of clause (1) above, the Committee may cause any alcoholic drink to be analyzed in any laboratory situated outside the County.</p>
Consultation on closure of licensed premises.	<p>17. Subject to the provisions of the Act, the Committee in consultation with other related Agencies may order the closure of any licensed premises.</p>

Sale of specified alcoholic beverage.	18. Notwithstanding any other provision of these regulations, a Licensee shall not offer for sale or display within the premises, any other alcoholic beverage other than those specified in the License.
	PART IX: FINANCING THE COMMITTEE
Financing Operations of the Committees	<p>19. (1) The operation of the committees shall be financed through the following;</p> <ul style="list-style-type: none"> a) Monies appropriated by the County Assembly for the purpose of alcoholic drinks control and for drug rehabilitation services b) Any grant or donation made to the Committee and shall be utilized by the department for alcohol management as per the PFMA, 2012 <p>(2) The Executive Committee Member shall prepare annual budget for the committee and sub county committee and submit it to the Executive Committee Member in charge of finance.</p>
	PART X: APPLICATION FOR LICENSES.
Application of a licence.	<p>20. (1) Applicants for licenses shall make an application in the prescribed form to the Sub-County Committee in the Sub-County where the premises are to be situated and shall pay a prescribed fee.</p> <p>(2) The application fees under these regulations shall be non-refundable and shall be as set out in Nyandarua County Finance Act.</p> <p>(3) The model forms set out under appendix I to these regulations shall be used with necessary modifications.</p>
	PART XI: FEES PAYABLES
Other Factors to consider while licencing	<p>21. (1) The fees payable under these regulations shall be determined by the status of a particular area in terms of:</p> <ul style="list-style-type: none"> i. Infrastructural development of that area. ii. Population density. iii. Class of premises to be licensed. iv. Size of the premises to be licensed. v. Location of the premises to be licensed

	(2) Notwithstanding the provisions of clause (1) above, the fees payable shall be as provided for under the Nyandarua County Finance Act
	PART XII: PENALTIES UNDER THESE REGULATIONS
Penalties	22. Violation of the stipulated regulations shall lead to cancellation of licenses, a fine not exceeding Kshs. 200,000 and not below Kshs. 5,000, or imprisonment for a term not exceeding two years , or cancellation of the license or the three.

SCHEDULES.

FORM NO. 1

Sec 20

**NYANDARUA COUNTY ALCOHOLIC DRINKS LICENSES'
APPLICATION FORM**

APPLICATION No.

KINDLY FILL THE FORM IN TRIPLICATE

(Please Fill the Application in **BLOCK LETTERS** and Tick where applicable)



TYPE OF LICENCE APPLIED FOR:

RETAIL

WHOLESALER

DISTRIBUTOR

MANUFACTURER

1. NAME OF APPLICANT			
TITLE:	SURNAME:	FIRST NAME:	MIDDLE NAME:
Mr./Mrs.M/s.			
ID/PASSPORT NO:		PHONE NO:	
KRA PIN NO:		ALTERNATIVE PHONE NO:	
GENDER	M F	EMAIL ADDRESS:	
DESIGNATION OF APPLICANT. (Owner, Director, Manager etc)			
IF IT IS AN ENTITY:			
NAME OF THE ENTITY:			
PHONE NO:		ENTITY KRA PIN NO:	

ALTERNATIVE PHONE NO:		EMAIL ADDRESS:	
2. APPLICANTS POSTAL ADDRESS:			
PO.BOX:		CODE:	

3. PHYSICAL ADDRESS WHERE THE PREMISE IS LOCATED <i>(Give sufficient details to adequately identify the premise)</i>	
SUB-COUNTY:	
WARD:	
VILLAGE/TOWN:	
STREET/ ROAD	
NAME OF BUILDING WHERE THE PREMISE IS LOCATED	
PLOT NO:	

4. NAME OF THE BUSINESS PREMISES (Business Name):

5. PREMISE DETAILS			
i. Size of the premise			
Length in Fts:		Width in Fts	
ii. Type of structure			
Temporary	<input type="checkbox"/>	Semi-Permanent	<input type="checkbox"/>
	<input type="checkbox"/>	Permanent	<input type="checkbox"/>
iii. Type of floor			
Tiled	<input type="checkbox"/>	Not tiled	<input type="checkbox"/>
<i>If not tiled describe the type of floor:</i>			
.....			

iv. Distance from learning or public institution in:
Kilometres:..... Metres:.....

v. When was the alcoholic drinks premise established?
(Date/Month/Year) / /.....

vi. Has the business location changed since it was established?
Yes <input type="checkbox"/> No <input type="checkbox"/>

7. FOR RENEWAL, INDICATE YOUR EXPIRING LICENSE NUMBER								
.....								
8. PERIOD OF YOUR LICENSE; (DATE/MONTH/YEAR)								
Date Month Year				Date Month Year				
From: / /				To: / /				
9. IS THE BUSINESS LICENSED IN ANOTHER COUNTY?								
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>					
<i>If YES attach a copy of the license/s</i>								
10. IS THE BUSINESS CERTIFIED BY THE KENYA BUREAU OF STANDARDS?								
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>					
11. ARE YOU ABOVE THE AGE OF EIGHTEEN (18)?								
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>					
12. HAVE YOU BEEN DECLARED BANKRUPT?				YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	<input type="checkbox"/>
13. HAVE YOU EVER BEEN CONVICTED OF ANY OFFENCE IN THIS ACT?				YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	<input type="checkbox"/>

Attach a copy of following documents:

- a. Identity card
- b. KRA pin
- c. Prove of payment of application fee
- d. Tax compliance certificate of the applicant
- e. Certificate of good conduct
- f. If renewal, previous license.
- g. If manufacturer or distributor -Kenya bureau of standards Certificate
- h. If manufacturer - NEMA Certificate.
- i. Recommendation letter from the area chief.

Note:

- For applicants with more than one premises, please fill in an application form for each premises.
- The County Government reserve the right to deny issuance of an alcoholic drink license if an applicant does not meet the required conditions as per the legal requirement
- Late applications will not be considered

- *Misrepresentation of facts during application will lead to automatic disqualification and it amounts to a criminal offence*
- *Applicants have to sign a declaration form and it has to be witnessed by a commissioner of oath failure to which the application will automatically be rejected*

For official use only

Application received by:

Name.....SignatureDate.....

Designation.....

Official stamp.....

FORM NO.2

NYANDARUA COUNTY ALCOHOLIC DRINKS CONTROL COMMITTEE

MANUFACTURER'S LICENSE LICENCE No.

This manufacturer's license is **granted/renewed* under the provisions of the Nyandarua County Alcoholic Control Act 2024 to

Mr./Mrs./Ms.....of.....

... in respect of premises situate at

.....

..... **[Full details of**

premises to be inserted by issuing officer] This license is granted subject to the

provisions of the Nyandarua County Alcoholic Drinks Control Act 2024 , and to the

following conditions

.....

..... *(This license is*

issued subject to the applicant having, and retaining valid accredited bodies' approvals as

shall be directed from time to time)

..... **This license shall**

expire on..... Fees paid:

Ksh..... Date of issue

.....

Approved by an authorized Officer.....(Name, Sign & Stamp)

For the Nyandarua County Alcoholic Drinks Control Committee

Attach copies of Kebs and Nema certifications

FORM NO 3

**NYANDARUA COUNTY ALCOHOLIC DRINKS CONTROL COMMITTEE. BAR
ALCOHOLIC DRINKS LICENCE.**

LIQUOR LICENCE No.

**the Nyandarua County Alcoholic Control Act 2024 to of
..... in respect of premises situate at**

.....

..... **[Full details of
premises to be inserted by issuing officer] This license is granted subject to the
provisions of the Nyandarua County Alcoholic Drinks Control Act 2024 , and to the
following conditions**

.....

.....

..... **This license shall
expire on Fees paid:**

KSh..... Date of issue

.....

**Approved by an authorized Officer.....(Name, Sign &
Stamp)**

For the Nyandarua County Alcoholic Drinks Control Committee

FORM NO 4

NYANDARUA COUNTY ALCOHOLIC DRINK BUSINESS LICENSE

CLASS.....

This Alcoholic Drinks wholesale license is *granted or renewed under the provisions of the Nyandarua County Alcoholic Control Act 2024 to Mr, Mrs

MS..... in respect of Premises known as

..... and entity known as

.....full details including address company incorporation

certificate to be filled by issuing office.

This license is granted subject to the provisions of Nyandarua Alcoholic Drinks control Act 2024 and the following conditions

i.

ii.

iii.

iv.

.....

(This license is given with a view to ensure compliance with all terms of N.C.A.D.M. C. and is revocable in event of breach of provisions of the Act). The license shall commence on and expires on

..... upon payment of

Ksh.....

Date of Issuance

Approved by an authorized Officer.....(Name, Sign & Stamp)

For Nyandarua County Alcoholic Drinks Control Committee

***Delete whichever is not applicable**

NB: This license applies to class of business under Nyandarua County Finance Act.

FORM NO 5

**NYANDARUA COUNTY ALCOHOLIC DRINKS CONTROL COMMITTEE.
RESTUARANT ALCOHOLIC DRINKS LICENSE.**

LIQUOR LICENCE No.

the Nyandarua County Alcoholic Control Act 2024 to **of**
..... **in respect of premises situate at**

.....
..... **[Full details of**

premises to be inserted by issuing officer] This license is granted subject to the
provisions of the Nyandarua County Alcoholic Drinks Control Act 2024 , and to the
following conditions

.....
.....

..... **This license shall**
expire on **Fees paid:**

KSh...... **Date of issue**

.....
.....

Approved by an authorized Officer.....
(Name, Sign & Stamp)

For the Nyandarua County Alcoholic Drinks Control Committee

SIGNED BY:

NAME: **HON. JOHN NDUNG’U MUIRU**

CECM: **EDUCATION, CHILDREN, GENDER AFFAIRS, CULTURE**
AND SOCIAL SERVICES.

DATE:

