

# The Vihiga Alcoholic drinks Control (Licensing) Regulations, 2018

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REPUBLIC OF KENYA

VIHIGA COUNTY

THE VIHIGA COUNTY ALCOHOLIC DRINKS CONTROL REGULATIONS, 2018

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# The Vihiga Alcoholic drinks Control (Licensing) Regulations, 2018

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## THE VIHIGA COUNTY ALCOHOLIC DRINKS CONTROL REGULATIONS, 2018

In exercise of the powers conferred by section 67 of the Vihiga County Alcoholic Drinks Act, 2018, the County Executive Committee Member for Public Service and Administration makes the following Regulations: -

### THE VIHIGA COUNTY ALCOHOLIC DRINKS CONTROL (LICENSING) REGULATIONS, 2018

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|---|----|---|
| Citation  | 1. | These regulations may be cited as the Vihiga County Alcoholic Drinks Control (Licensing) Regulations, 2018 and shall commence on the Fourteenth day after the date of issue.  |
| interpretation  | 2. | In these Regulations, unless the context otherwise requires- Sub county committee” has the meaning assigned to it under section 9 of the Act; “license” “means a license issued under there Regulations; “license” has the meaning assigned to it under section 2 of the Act; “off license” means a license for the sale of alcoholic drink to be consumed elsewhere that on the premise.   |
| Conduct of business and affairs of sub-county committee | 3. | (1) The conduct of business and affairs of the sub-county committee shall be a specified in the first Schedule.<br><br>(2) Save as specified in First Schedule, the sub-county Committee shall regulate its own procedure.  |
| Application for license                                 | 4. | (1) A person who wishes to manufacture or otherwise produce, sell,dispose of or deal with or import or cause to be imported; or export or cause to be exported any alcoholic drink under the Act shall apply to the sub-county Committee for license.<br><br>(2) An application for a grant or renewal of an alcoholic retail drinks license shall be in Form 1 as set out in the Second schedule.<br><br>(3) An application for a grant or renewal of a license to manufacture or otherwise produce, sell, dispose of, or deal with an alcoholic drink shall be made to the Sub-county committee in Form 2 as set out in the Second Schedule.<br><br>(4) An application for a grant or renewal of a license to import or cause to be |

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imported; or export or cause to be exported any alcoholic drink shall be made to the Sub-county Committee in the sub county where the business premises is situated and shall be in form 3 as set out in the Second Schedule.

(5) An application for the transfer movement or renewal of a license shall be made to the Sub-county Committee in triplicate in Form 4 set out in the Second Schedule.

(6) An application for a temporary/occasional alcoholic drink license or a temporary extension alcoholic drink license shall be made to the Sub-county Committee in Form 5 set out in the Second schedule.

(7) An application for a license to run a club shall be made to the sub-county Committee in Form 6 of the second schedule.

(8) An application for an assurance under section 11 of the Act shall be made to the Sub-county Committee in triplicate in Form 7 of the second schedule.

(9) Any application submitted under sub-regulations (3) and (4) shall be accompanied by-

- a) Registration or identification documents;
- b) A detailed physical address, telephone number and email address of the applicant;
- c) Detailed information relating to the proposed services to be provided;
- d) Information relating to the previous experience in the provision of the services for which a license is sought;
- e) A sketch map showing the location of the business premises and;
- f) Any other information that the sub-county Committee may require.

Failure to submit 5. documents or information

(1) Where an applicant fails to submit all documents or information Required under there Regulations, the Sub-county Committee may reject the application and inform the applicant, in writing of the rejection.

(2) Where the Sub-county Committee rejects an application due to incomplete or insufficient information, the applicant may resubmit the application with the required information without additional payment within sixty days of the rejection.

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- (3) Where the application is resubmitted after sixty days the applicant shall pay as penalty one half of license fees prescribed in the Third Schedule.
- Granting of licenses
6. (1) Upon the submission of an application, The Sub county Committee shall, if it is satisfied that the applicant has complied with the requirements under there Regulations, issue a license to the applicant: PROVIDED that no application shall remain pending or more than three months from the date of receipt of such application by the Sub-county Committee.
- (2) A license issued under there Regulations shall be in Form 8, 9, 10 or 11of the Second Schedule.
- License terms and conditions.
7. (1) The Sub-County Committee may specify the terms and conditions of a license consistent with provisions of the Act and these Regulations.
- (2) A licensee shall comply with all terms and conditions of his or her licensee.
- Notification of change of particulars
8. A licensee shall –
- (a) Notify the Sub county Committee of his intention to change the business name or contact address he filed with the Sub county Committee at least thirty days before effecting such change;
- (b)Notify the Sub-county Committee and the public of any trade or brand name he intends to used at least thirty days prior to the intended change in the trade or brand name; and
- Ensure that the notification to the public refereed to inn the sub-regulation (b) shall be in writing and posted on the gate, the doors and the outer wall of the business premises.
- Transfer or assignment of license
9. (1) A licensee shall not transfer or assign a license granted under Regulations without the written consent of the Sub-county Committee upon an application in Form 4 of the second Schedule.
- (2) The Sub-county Committee may, when considering an application for the transfer, assignment or removal demand the same requirements and terms as if considering an application for the grant of a new license.
- (3) The Sub-county Committee shall communicate its decision on an application for the transfer or assignment of a license to an applicant within

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thirty days of the application and state the reasons for the decision.

Renewal of  
license

10. (1) A license shall make application for the renewal of his license in accordance with the procedure set out in the Act and these Regulations at least thirty days before the date of expiry of the license sought to be renewed.

(2) When considering an application for renewal of a license, the Sub county Committee shall consider the extent of compliance, by the licensee, with the terms and conditions contained in the license during the previous license period.

(3) An application which does not comply with sub regulation (1) shall attract a penalty of Ksh. 100.00 every day delayed.

Revocation  
of license

11. (1) The Sub-county Committee may revoke a license in accordance with Act: PROVIDED that the motion to revoke a license shall be in writing and filed and the licensee shall be accorded an opportunity to be heard before revocation.

(2) Any person who is aggrieved by the decision of the Sub-county Committee made under this regulation may appeal to the Review Committee under the Act.

Litigation of a  
licensee to  
provide quality  
service

12. A licensee shall, in addition to the terms and conditions of the license-

(a) Improve the quality of service delivery, by identifying service Deficiencies and making appropriate changes;-

(b) Maintain quality of service delivery and hygiene while protecting environmental conditions;

(c) Ensure that practices enhancing operational customer satisfaction and safety and lessening user complaints are encouraged;

(d) Avoid discrimination, relating to quality of the service offered, between the customers; and

(e) Strive to satisfy the special needs of customers living with disabilities when developing the parameters for quality service delivery.

Inspection and  
investigations.

13. The Sub county Committee may inspect or investigate matters relating to the quality of service, of licensee from time to time to ensure compliance or carry out any other visits or inspections pursuant to the Act to prevent abuse.

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- Compliance with other statutory obligations
14. The licensee shall, in addition to the license issued under the Act, comply with other statutory obligations both at the county and the national levels as maybe required for the nature of the business for which the license is issued.
- Fees
15. The Third Schedule shall have effect in relation to the fees payable in accordance with these regulations.
- Hours.
16. The alcoholic drink license hours shall be as specified in the First Schedule to the Act.

Issued at Vihiga this .....day of .....2018

Signed

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HON. PAMELA MBAGAYA KIMWELE  
County Executive Committee Member  
Administration & Coordination of County Affairs

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## THE FIRST SCHEDULE

### PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE SUB-COUNTY COMMITTEE

- Members of the Sub-county Committee
1. (1) A person shall not sit as a member of the Sub-county Committee unless he or she is qualified and duly appointed as such member in accordance with Section 9(4) (b) of the act.
- (2) Any person who knowingly acts or sits as a member of the sub county Committee whilst not so qualified commits an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings or three months or both.
- Election of Vice Chairperson
2. (1) The sub-county committee shall, at first meeting, elect a Vice-chairperson from amongst the persons appointed under section 9(4) (b) (vi) of the Act.
- (2) The persons elected under sub paragraph (1) shall not be of the same gender as the Chairperson.
- Vacation in the office of member
3. (1) A member of the Sub-county committee appointed under Section 9(4)(b)(vi) of the Act may :
- a) Any time resign from office by notice in writing to the County Executive member.
- b) removed from office by the County Executive Member on the recommendation of the Sub-county Committee if the member-
- i. Has been absent from three consecutive meetings of the Sub-county Committee without permission;
- ii. Is convicted of a criminal offence punishable by a sentence of imprisonment exceeding six months; or
- iii. Is incapacitated by prolonged physical or mental illness for a period exceeding six months; or
- iv. Otherwise unable or unfit to discharge his or her functions.
- Meetings
4. (1) The sub-county committee shall meet at least once in two months except that the total number of meetings in a year shall not exceed ten.
- (2) The chairperson shall, through the secretary convene the sub-county committee meetings.
- (3) Notwithstanding subparagraph (1), the chairperson may and upon requisition

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in writing by at least a third of all the members shall, at any time convene a special meeting of the sub-county committee.

(4) Every meeting of the sub-county committee shall be convened on written notice of fourteen days which shall be displayed at the offices of the sub-county administrator copies of which shall be delivered or posted to the person recognized as representing the relevant business persons in the sub-county.

(5) The quorum for the conduct of the business of the sub-county committee shall be one half of the total members.

(6) (a) The chairperson or in his absence, the vice –chairperson, shall preside at every meeting of the sub-county committee;

(b) Whenever the chairperson and vice-chairperson are absent, the members present shall elect one from amongst themselves to preside over the meeting and the business transacted in such a meeting shall be as directed by the chairperson.

(7) Unless a unanimous decision is reached, a decision on any matter before the sub-county committee shall be by majority of the votes of the members present and voting, and in case of an equality of votes the chair person shall have a casting vote.

(8) All decisions of the sub-county committee shall be in writing both in soft and hard form and shall be authenticated by the signatures of both the chairperson and the secretary.

(9) Subject to subparagraph (5), no proceedings of the - committee shall be invalid by reason only of a vacancy in the membership thereof.

Sub-

committees 5.

(1) The - Committee may establish sub-committees as it may deem appropriate to perform the functions and responsibilities assigned by the Act and the Regulations.

(2) The Sub county Committee shall appoint the chairperson of a sub-Committee established under subparagraph (1) from amongst its members.

(3) Despite paragraph 1(2) of these provisions, the Sub County Committee may where it deems appropriate, co-opt any person to attend its deliberations or the



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deliberations of any of its sub-committees.

(4) All decisions by the sub-committees appointed under subparagraph (1) shall be ratified by the - Committee.

- Secretariat 6. The secretary to the Sub-county Committee shall be responsible for.
- a) Providing administrative support to the Sub-county committee;
  - b) Custody and keeping of minutes of the proceedings of the Sub-county committee and all other records of the committee;
  - c) The custody of the common seal;
  - d) Such other functions as may be assigned by the Director or the Sub-county Committee.
- Place of meetings. 7. The Sub county Committee may, on rotational basis, hold meetings within the administrative units of the respective sub county.
- Disclosure of interest shall 8. (1) A member who has an interest in any contract, or other matter present at the meeting shall at the meeting shall at the meeting and as soon as reasonably practicable after the commencement, disclose the interest and not take part in the deliberation of the committee over the contract.  
(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.  
(3) A member of the - Committee who contravenes subparagraph (1) commits an offence and shall be liable to a fine not exceeding twenty thousand shillings or three months in prison or both.
- Common seal 9. (1) The common seal of the Sub county Committee shall not be used except On the order of the - Committee.  
(2) The affixing of the common seal of the sub-county committee shall be authenticated by the signature of the chairperson and the secretary.  
(3) In the absence of the Chairperson or the Secretary, the Committee shall nominate a member from amongst themselves to authenticate the common seal.  
(4) The common seal of the Sub-county Committee when affixed to a document and duly authenticated, shall be judicially and officially noticed and unless and until the contrary is proved, any necessary order or authorization by the Sub-county Committee under this paragraph shall be presumed to have been duly given.  
(5) The County Executive member shall design and avail the common seal to be used by every Sub-county Committee.

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Dated at Vihiga this .....day of .....2018

Signed

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HON. PAMELA MBAGAYA KIMWELE

County Executive Committee Member

Administration & Coordination of County Affairs

## THE SECOND SCHEDULE

FORM 1

[r4 (2)]

### THE VIHIGA COUNTY ALCOHOLIC DRINKS CONTROL ACT, 2018

#### APPLICATION FOR THE GRANT OR RENEWAL OF ALCOHOLIC DRINKS WHOLESOME OR RETAIL LICENSE.

*(To be completed in triplicate)*

1. Name of the applicant;.....
2. Gender;.....
3. National Identification Card number;.....
4. KRA Pin number.....
5. Postal Address.....
6. Business Plot Number .....Name of the Ward.....
7. Is the applicant the owner of the plot? **YES** or **NO**. If not the owner state the name of the owner and the relation.....  
.....
8. Mobile Phone Number .....Email address.....
9. Name by which the business is to be known.....
10. Name of the street/road where premises located .....
11. Name of the nearest school or learning institution .....

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12. Approximate distance of the school or learning institution from the business premise.....
13. The period for which the license is applied.....
14. License proposed to run from ..... to.....
15. Type of the license applied for .....
16. Is the application for a new license or a renewal .....
17. If a renewal state the number of expiring license.....and the expiry date .....
  
18. State particulars of other premises where the license is to be applicable.....

## Declaration by the applicant-

I..... being the applicant do hereby declare that the information given in this form is true and the documents attached are genuine and that if the information and the attachments are later discovered to be false, I will be held liable.

**Date** .....

**Signature of the Applicant** .....

## Note-

1. This form must be submitted together with –
  - (a) A photocopy of the applicant’s National Identification Card.
  - (b) A photocopy of the previous license in case of an application for renewal.

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- (c) In the case where the business premise is located closer to a school or learning institution, a letter from the manager or head teacher of the school or institution confirming the agreed arrangement to prevent the violation of the provisions of the act.
- 2. An application for renewal of a license submitted after 30 days prior to the expiry of the license sought to be renewed shall attract a penalty of Shs. 50.00 for every day delayed.

**FORM 2**

**[r.4(3)]**

## THE VIHIGA COUNTY ALCOHOLIC DRINKS CONTROL ACT, 2018

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

- 1. Name of the Applicant.....
- 2. Postal Address.....
- 3. Name of the business premise- .....
- Location, (a) Sub-county - .....
- (b) Ward - .....
- (c) Village - .....
- (d) Street - .....
- 4. Phone number(s) - ..... Email address - .....
- 5. Gender - .....
- 6. National Identification card number - .....
- 7. Plot Number - .....Name of the owner - .....
- 8. KRA Pin number - .....
- 9. Name of the business - .....
- 10. Types of business (sole proprietor/ partnership/corporate) –.....

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11. If partnership or corporate the position held by the applicant - .....

**(a) Partnership**

Names, nationalities, phone numbers and postal addresses of the partners

- (i) .....
- (ii) .....
- (iii) .....
- (iv) .....
- (v) .....

***(Use additional paper if the space above is inadequate)***

**(b) Corporate**

Names, nationalities, phone numbers and postal addresses of the directors

- (i) .....
- (ii) .....
- (iii) .....
- (iv) .....
- (v) .....

***(If the space is inadequate use additional paper)***

(c) Business Registration Number / Certificate of incorporation Number  
.....

12. Manufacturers Certification Number - .....

13. List of the type and brands of alcoholic drinks to be manufactured –

Alcoholic Drink	Standards Certification Number
(a) .....	.....
(b) .....	.....
(c) .....	.....
(d) .....	.....
(e) .....	.....

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**(If the space is inadequate use additional paper)**

14. Description of the alcoholic drinks-

- (a) Unit capacity in Milliliters - .....
- (b) Cost in Kenya shillings per unit - .....
- (c) Alcoholic content for each brand .....
- (d) Manner by which to be sold (retail, wholesale or export)- .....
- (e) Mode of transportation - .....
- (f) Quantity of packaging - .....
- (g) How to be stored - .....

15. The name of the nearest school or learning institution to the business premises -

.....

16. The approximate distance in meters from the school or learning institution.....

17. Is the application for new license or a renewal? .....

State the previous license number in case of renewal.....

18. License proposed to run from .....to .....

## 19. Declaration by the Applicant

I.....hereby Declare that the information given in this application is true and that the copies of the documents attached to the application are genuine and true to the best of my knowledge and belief and that I will personally be held liable if the information or any or all of the documents are discovered to be false.

Signed .....

Date .....

**Note-**

<p><b>Affix here the official stamp</b></p>
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# The Vihiga Alcoholic drinks Control (Licensing) Regulations, 2018

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1. Every application shall be accompanied by –
  - (a) A copy of the national identification card of the applicant (or passport or other identification approved by the sub county committee)
  - (b) In the case of an application for renewal of license, a copy of the previous license.
  - (c) Registration Certificate, certificate of incorporation, standards certification, manufacturer’s certificate, KRA pin card and any other document which may be required by the Sub county Committee.
  
2. An application for renewal of a license submitted after 30 days prior to the expiry of the license sought to be renewed shall attract a penalty of shs. 50.00 for every day delay.

FORM 3

[r.4 (4)]

## THE VIHIGA COUNTY ALCOHOLIC DRINKS CONTROL REGULATIONS, 2018

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

1. Name of the Applicant - .....
2. Postal Address - .....
3. Physical Address - .....
  - (a) Name of Sub-county - .....
  - (b) Name of Ward - .....
  - (c) Name of Village - .....
  - (d) Name of Town - .....
  - (e) Name of Street/Road - .....
  - (f) Name of building - .....
4. Phone Number (s).....
5. Email Address.....
6. Business Registration Number - .....
7. National Identification Number - .....
8. KRA Pin Number - .....

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9. Name of the nearest school or learning institution - .....
10. Approximate distance (in meters) from the school or learning institution -  
.....
11. List of type and brands of alcoholic drinks to be imported/exported
- | Alcoholic Drink | Standards Certification Number |
|-----------------|--------------------------------|
| (f) .....       | .....                          |
| (g) .....       | .....                          |
| (h) .....       | .....                          |
| (i) .....       | .....                          |
| (j) .....       | .....                          |

**(If the space is inadequate use additional paper)**

12. Description of alcoholic drink to be imported/exported –
- (a) Unit capacity in milliliters - .....
- (b) Cost in Kenya Shillings - .....
- (c) Alcoholic content - .....
- (d) Mode of transportation - .....
- (e) Storage condition - .....
- (f) Quantity of packaging- .....
13. Name of the countries of intended import/export –
- (a) .....
- (b) .....
- (c) .....
- (d) .....
- (e) .....

***(Use additional paper if the space above is inadequate)***

14. Is the application for a new license or a renewal – .....
- (If a renewal states the number of the previous license and the expiry date)-  
.....

## **15. Declaration by the applicant**

I.....here  
by declare and certify that the information given in this application is true and that the  
documents attached hereto are genuine as far as it within my knowledge and that should



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the information or the attachments be later discovered to be false, I will personally be liable.

**Signed** .....

**Dated** .....

Note –

1. Every application shall be accompanied by-
  - (a) A copy of the national identification card of the applicant (or passport or other identification approved by the sub county committee).
  - (b) In the case of an application for renewal of license, a copy of the previous license.
  - (c) Registration Certificate, Certificate of incorporation, standards certification, manufacturers certification, KRA Pin card and any other document which may be required by the sub county committee.
2. An application for renewal of a license submitted after 30 days prior to the expiry of the license sought to be renewed shall attract a penalty of shs. 50.00 for every day delayed.

## THE THIRD SCHEDULE

### LICENCE FEES

Type of license	Fees	
<b>1. General retail alcoholic drink licence</b>	<b>For 12 months</b>	<b>For 6 months or Less</b>
(a) in respect of premises situate within a municipality	50,000	30,000
(b) in respect of premises situate within urban areas other than municipality	30,000	18,000
(c) in respect of premises situate elsewhere than in a municipality and urban areas	15,000	9,000
<b>2. General retail alcoholic drink licence (off Licence)</b>	<b>For 12 months</b>	<b>For 6 months or Less</b>
(a) in respect of premises situate within municipality	24,000	14,000
(b) in respect of premises situate within urban areas other than municipality	18,000	10,000
(c) in respect of premises situate elsewhere than in a	12,000	7,000

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municipality and urban areas		
<b>3. Brewer's alcoholic drink licence</b>		
For each alcoholic drink or product manufactured:		
(a) one million litres and above per annum	1,000,000	
(b) between five hundred thousand(500,000) and nine hundred ninety nine thousand, nine hundred and ninety nine (999,999) litres per annum	500,000	
(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	
<b>4. Wholesale alcoholic drink licence for each premises</b>	50,000	30,000
<b>5. Import alcoholic drink licence (wholesale):</b>		
(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	
<b>6. (1) Bottler's alcoholic drink licence</b>	250,000	150,000
(2) Depot licence, in addition to sub-paragraph (1), per depot	50,000	30,000
<b>7. (1) Distributor alcoholic drink licence</b>	50,000	30,000
(2) Depot licence, in addition to subparagraph (1) per Depot	20,000	15,000
<b>Type of license</b>	<b>Fees</b>	
<b>8. Hotel alcoholic drink licence</b>		
(a) in respect of premises situate within a municipality	50,000	30,000
(b) in respect of premises situate within urban areas other than municipality	30,000	20,000
(c) in respect of premises situate elsewhere than in a municipality and urban areas	20,000	12,000
(d) Where the licensee holds a general retail alcoholic drink licence in respect of the same premises	5,000	
<b>9. Restaurant alcoholic drink licence</b>		
(a) in respect of premises situate within a municipality	30,000	20,000
(b) in respect of premises situate within urban areas other than municipality	20,000	12,000

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(c) in respect of premises situate elsewhere than in a municipality and urban areas	10,000	6,000
<b>10. (1) Club alcoholic drink licence (members' club)</b>		
(a) in respect of premises situate within municipality	100,000	
(b) in respect of premises situate within urban areas other than municipality	80,000	
(c) in respect of premises situate elsewhere than in municipality and urban areas.	50,000	
<b>(2) Club alcoholic drink licence (proprietary club or night club or discotheque)—</b>		
(a) in respect of premises situate within municipality	100,000	
(b) in respect of premises situate within urban areas other than municipality	80,000	
(c) respect of premises situate elsewhere than in a municipality and urban areas	50,000	
<b>11. Supermarket and franchised retail stores alcoholic drink licence</b>		
(a) in respect of supermarkets or franchised retail stores for each premises situate within municipality...	80,000	
(b) in respect of supermarkets or franchised retail stores for each premises situate within urban areas other than municipality	50,000	
(c) in respect of supermarkets or retail chain stores for each premises situate elsewhere than in a municipality and urban areas	30,000	
<b>12. Theatre alcoholic drink licence</b>	15,000	7,000
<b>13. Traveller's alcoholic drink licence</b>		
<b>Type of licence</b>	<b>fees</b>	
(a) where the licensee does not hold a general retail alcoholic drink licence in respect of the same premises	30,000	15,000
(b) where the licensee holds a general retail alcoholic drink licence in respect of the same premises		
<b>14. Railway restaurant car alcoholic drink licence, per car</b>	5,000	
<b>15. Steamship alcoholic drink licence, per steamship</b>	30,000	
<b>16. Temporary or occasional alcoholic drink licence, per day</b>	1,000	
<b>17. For transferring an alcoholic drink licence</b>	1,000	
<b>18. For removing an alcoholic drink licence</b>	500	

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<b>19. For the issue of an assurance under the Act</b>	1,000	
<b>20. For the issue of a duplicate licence</b>	300	
<b>21. Application fees for the liquor licence</b>	1,000	
<b>22. Public Health Inspection fee for liquor licence</b>	1,000	
<b>23. Administration Team Inspection fee for liquor licence</b>	2,000	
<b>24. Penalty for late application of licence per day</b>	100	

DRAFT