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NATIONAL COUNCIL FOR LAW REPORTING

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**THE BETTING, LOTTERIES AND GAMING
(AMENDMENT) BILL, 2016**

A Bill for

AN ACT of Parliament to amend the Betting, Lotteries and Gaming Act to provide for a legal framework for regulating and controlling gambling activities and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Betting, Lotteries and Gaming (Amendment) Act, 2016.

Short title.

2. The Betting, Lotteries and Gaming Act, in this Act referred to as “the principal Act”, is amended in section 2 by—

Amendment of section 2 of Cap 131.

(a) inserting the following definitions in their proper alphabetical sequence—

“Authority” means the Kenya Betting Control and Licensing Authority established under section 3;

“authorised financial institution” means a bank or a financial institution licensed under the Banking Act;

Cap. 488.

“casino” means premises where gambling games are played or are available to be played;

“excluded person” means a person who has been registered as such under this Act;

“family member” includes a spouse, child, daughter-in-law, son-in-law, brother, sister, mother, father and grandparent;

“gambling” includes gaming, betting, participating in a lottery and prize competitions;

“online gambling” means gambling by use of the internet, telephone, radio, television or any other electronic or other technology for facilitating communication;

“player account” means an account held in the name of a player by a licensee;

“telecommunication operator” means a telecommunication operator licensed under

Cap. 411A.

section 79 of the Kenya Information and Communications Act;

“young person” means a person under the age of twenty five years;

- (b) deleting the definition of the term “the Permanent Secretary” and substituting therefor the following new definition—

“Cabinet Secretary” means the Cabinet Secretary of the Ministry for the time being responsible for betting, lotteries and gaming;

- (c) deleting the definition of the term “the Board” and substituting therefor the following new definition in its proper alphabetical sequence—

“Board” means the Board of the Authority constituted under section 4A;

3. The principal Act is amended by inserting the following new section immediately after section 2—

Insertion of a new section in Cap. 131.

Objectives of the Act. 2A. The objectives of this Act are to—

- (a) provide a framework for regulating and controlling gambling activities;
- (b) promote the development of a responsible gambling industry;
- (c) protect young and excluded persons from the negative effects of gambling;
- (d) protect the society against the oversimulation of the demand of gambling in the society; and
- (e) prevent gambling from being a source of crime and from being used in money laundering activities.

4. The principal Act is amended by deleting the heading to Part II and substituting therefor the following new heading—

“PART II—KENYA BETTING CONTROL AND LICENSING AUTHORITY”

5. The principal Act is amended by repealing section 3 and substituting therefor the following new section—

Establishment of Authority.

3. (1) There is hereby established a body to be known as the Kenya Betting Control and Licensing Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) purchasing, acquiring, holding or disposing of property;
- (c) entering into contracts; and
- (d) doing or performing all such other acts as may be necessary for the proper performance of its functions under this Act.

Headquarters

3A. (1) The headquarters of the Authority shall be in Nairobi.

(2) The Authority may establish offices in other counties.

Functions of the Authority.

3B. The Authority shall—

- (a) regulate and control the operation of betting and gaming and the conduct of lotteries and prize competitions;
- (b) examine problems relating to the operation of betting and gaming and the conduct of lotteries and prize competitions;
- (c) conduct surveys and investigations for the purpose of obtaining information useful to the Authority in the execution of its mandate;
- (d) supervise the operations of all licensees to ensure that their operations are carried out within the law; and
- (e) perform such other functions as are incidental or conducive to the exercise, by the Authority, of any or all of the functions provided for under this Act.

6. The principal Act is amended by deleting section 4 and substituting therefor the following new section—

Repeal and replacement of section 4 of Cap 131.

Powers of the Authority.

- 4. (1) The Authority shall have all powers necessary for the execution of its functions under this Act.**
- (2) Without prejudice to the generality of subsection (1) the Authority shall have power to—**
- (a) issue licences and permits in accordance with this Act and any regulations made thereunder;**
 - (b) vary, or for good cause to suspend or cancel it; but the Authority shall not suspend a licence or permit for more than fourteen days and shall not vary or cancel a licence or permit without giving the licensee or permit-holder opportunity to show cause against the variation or cancellation;**
 - (c) inquire into complaints against licensees or permit-holders.**
 - (d) manage, control and administer the assets of the Authority in such manner and for such purposes as best promote the purpose for which the Authority is established;**
 - (e) receive any gifts, grants, donations or endowments made to the Authority or any other monies in respect of the Authority and make disbursements from such monies in accordance with the provisions of this Act;**
 - (f) enter into association with such other bodies or organizations within or outside Kenya as it may consider desirable or appropriate so as to aid the furtherance of the purposes for which the Authority is established; and**