



REPUBLIC OF KENYA

**MINISTRY OF INTERIOR AND CO-ORDINATION OF
NATIONAL GOVERNMENT**

BETTING CONTROL & LICENSING BOARD

DRAFT NATIONAL GAMING POLICY FOR KENYA

List of Abbreviations

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CHAPTER 1: INTRODUCTION

1.0: Background

Gaming activities have existed with human societies for many decades in different forms. Gambling in the pre-colonial period was evident in many ethnic groups. The need for a regulated gaming in Kenya was realized with the opening of the Ngong Racecourse in Nairobi by the Jockey Club in the mid-1940s. In 1952, the Colonial government set up a Committee to inquire into the existing law and practice relating to betting, gambling and lotteries.

In its 1954 report the Committee recommended among other things the establishment of the Betting Control and Licensing Board to regulate the growing gaming industry. The recommendations of the committee were realized by the enactment of the Betting, Lotteries and Gaming Act Chapter 131 Laws of Kenya in 1966 whose objectives were to provide for the control and licensing of Betting and Gaming premises, imposition and recovery of a tax on betting and gaming, authorization of public lotteries and for connected purposes.

The need for this policy has arisen first from provisions of the Fourth Schedule to the Constitution of Kenya, 2010, which assigns the National government with the function of National betting, Casinos and other forms of gambling while county functions under cultural activities, public entertainment and public amenities include betting, casinos and other forms of gambling. This recognizes gaming as a function of both the National and County governments. Secondly, the industry is posed with challenges ranging from the rapidly changing technology, its exponential growth, illegal gaming activities, lack of adequate resources for its regulation as well as inadequate measures to protect the public from its negative effect.

1.1: Origins of gaming

The origin of gaming goes back to many centuries and it is known to be as old as human kind. It is evident that many communities were involved in gaming activities as a part of their leisure or entertainment activities where luck and games of chance were important before onset of many cultural events. In the past, governments and religious movements have tried to ban gaming

activities without much success because it is a demerit good. However, it is also evident that the activity is better strictly regulated than criminalized to protect the public from exploitation and other related harms. In the last four decades gaming has grown exponentially globally from a moral issue to a multi billion economic pursuit.

1.2: The Gaming Problem

Gaming is an activity that provides entertainment, creates employment opportunities, offers a platform for socializing and ultimately it generates revenue to governments. However, these socio-economic benefits are undermined by social ills associated with the Sector such as addictive gaming, organized crime, money laundering, illegal and exploitative gaming activities and unfair business practices.

Experience shows in order to maintain a socially acceptable balance between the benefits and the social ills generated by gaming activities, the government must put in place palliative and sustainable measures to mitigate the negative effects of gaming on society. The Government's overall goal and obligation is to minimize and reduce the negative impacts of gaming to the society while not emphasizing its economic benefits by putting in place sufficient regulatory mechanisms to regulate the sector.

1.3: Vision of the Policy

This policy is geared towards guiding the growth and effective regulation of the gaming industry in achievement of vision 2030 and the realization of a world class gaming environment in Africa and beyond. The Policy will also promote and enhance responsible gaming and guide the country towards an equitable sharing of gaming benefits.

1.4: Gaming Principles

Gaming Policy Principles address the essential values, which the society seeks to promote and preserve when legalizing the activity. These principles have been drawn from various

sources including global best practices, the deliberations of the Gaming Regulators African Forum (GRAF) and the experience of Betting Control and Licensing Board of Kenya,

They include:-

- a) Mutual social responsibility to ensure prevention of excessive gaming and rehabilitation of gaming addicts;
- b) Compliance with and adherence to socially and internationally acceptable operational requirements and standards;
- c) Transparent and democratic administration of gaming Industry;
- d) Efficient and effective management of gaming Activities.
- e) The state in its corporate capacity to have the power to regulate gaming in the interest of the public.

1.5: Objectives of the Policy

1.5.1 The Overall Objective

The overall objective of this Policy is to guide the growth and ensure effective regulation of the gaming industry in Kenya.

1.5.2 Specific objectives

The specific objectives of this policy are to develop a framework of policies designed to ensure sustainable regulatory environment that will:-

- a) Create an enabling environment free from crime and in which various types of gaming operations can develop and thrive;
- b) Ensure the government and its citizens benefit from gaming proceeds;
- c) To facilitate further market growth, diversification and expansion of the gaming industry.
- d) To protect interests of players, operators, underage and other vulnerable groups and to mitigate the negative social impacts that are associated with gaming activities; and
- e) Ensure the development of local capacity and transfer of skills.

1.5.3 Strategies to achieve the objectives

The strategies to achieve these objectives are:

- i.** Establish an appropriate institutional framework both at the National level and County level to ensure effective regulation and compliance in the gaming industry;
- ii.** Establishment of the National lottery and National lottery distribution Trust Fund;
- iii.** Provision of support for education, training and capacity building initiatives;
- iv.** Establish and maintain an effective conceptual framework to guide legal, socio-economic, and technological issues arising from the industry.

1.6: The Policy Formulation Process

This Policy was developed through a consultative, participatory, interactive, inclusive, and transparent process that involved appointment of a Taskforce by the government in 2011, to amend the principal gaming legislation, The Betting Lotteries and Gaming Act Chapter 131 Laws of Kenya as well as draft this Policy. The Taskforce held Boardroom meetings, reviewed Literature on gaming, collected and collated views through public fora, written memoranda from stake holders and interested groups, oral presentations by stakeholders, experts, site visits to gaming establishments and validation workshops. These activities were aimed at consensus building and public participation as stipulated by the Constitution.

1.7: Scope of the Gaming Policy

The Gaming Policy for Kenya lays down broad parameters within which the gaming operations will be administered. Its scope covers various forms and aspects of gaming, including guiding principles, policy objectives, strategy for achieving policy objectives and strategic policy considerations, which encompass; creation of enabling environment; market growth, diversification and expansion; forms of gaming; regulatory framework; institutional framework; skills training and capacity building; social considerations as well as policy and program implementation.

1.8 Organizational Structure for the Gaming Policy

CHAPTER 2: GAMING IN KENYA

2.0: Distribution of Gaming Facilities in Kenya

The gaming industry in Kenya comprises of a number of activities including lotteries, casinos, bookmaking, totalisators and prize competitions. Other than lotteries, prize competitions and bookmaking, most of the physical gaming facilities are concentrated in major urban centers with a recent trend of moving to small urban centres. However, most of the gaming activities currently and in the future will be through remote gaming or use of technology. This will require an adequate regulatory framework to regulate the emerging gaming activities of the future.

Although the First Medium Plan of Vision 2030 identifies the establishment of three resort cities as flagship projects in the tourism industry, none of them includes gaming as a strategy to attract tourists. The Government shall integrate gaming into the development of the resort cities and encourage large investments in the industry to attract foreign customers.

2.1: Economic impact of gaming in Kenya

The gaming industry contributes directly or indirectly through multiplier effect to the country's socio-economic development. In the last decade the industry has been transformed from a million shilling industry to a multi –billion shilling industry and generated over 5,000 employment opportunities in the country.

2.2: Social-cultural impact of gaming in Kenya

With the increased commercialization and expansion of the industry from the traditional brick and mortar facilities to an online activity, gaming has been transformed into an entertainment activity which has challenged the moral and cultural beliefs against the activity. Gaming as in many communities other jurisdictions has been embraced as one of the leading consumer entertainment activities as well as it has been provided for in the Constitution thus acquiring a legal capacity.

2.3: Gaming Policy Values

The following are the gaming policy principles to guide in the development of the gaming industry in Kenya. The policy principles articulated herein are meant to ensure that gambling is developed to its full economic and social potential while protecting the respect and integrity of the industry. Specifically, the policy seeks to:

- i.** Ensure gaming is conducted in a fair and open way;
- ii.** Ensure children and the vulnerable people are protected from gambling;
- iii.** Prevent gaming from being a source of crime and disorder;
- iv.** Ensure Gaming is a source of satisfaction and not harmful to players;
- v.** Develop the gaming industry to its full potential while observing (i - iv) above;
- vi.** Ensure that employees in the gaming industry are treated humanely and work in environmentally friendly atmosphere.

2.4: Lotteries and Good Causes

Globally, Lotteries have been used to support good causes in the society since governments are not able to support all needy causes. Different organizations resort to lotteries to raise funds to assist worthy social causes. The National lottery and other Lotteries are conducted to raise funds to assist charitable causes. The National lottery and promoters of other lotteries are not expected to make any profits from their operations. Lotteries are promoted for social service, public welfare, and relief of distress, patriotic purposes, and sporting, educational and health amongst other causes.

The funds raised by the National lottery will be remitted to the National Lottery Distribution Trust Fund for distribution to the identified good causes. The gross proceeds of lotteries remitted to the National Lottery Distribution Fund or devoted to beneficiaries of other lotteries, will be the remainder or balance of the proceeds after operators have deducted prize monies and their operating costs, which should not exceed twenty per cent of the gross earnings.

This policy will encourage promoters of lotteries to promote their lotteries for charitable causes within the new dispensation. Beneficiaries and promoters of lotteries and the National Lottery Distribution Trust Fund will be required to report all amounts received from the National Lottery or other lotteries to the regulator. The regulator will be mandated to protect beneficiaries of lotteries.

2.5: Other forms of gaming

Different forms of gaming are licensed and operated in Kenya. This includes casinos, bookmaking, horseracing, and prize competitions. Other forms of gaming and gambling include bingo, lotto, sports pools, sports betting, totalisator, dog racing, race betting, game rooms, electrically and or electronically-based amusements. All new games and device that investors may want to introduce in the market will be subject to detailed market and social impact studies as well as market capacity under this policy. Licensing of all forms of gambling by the regulator will be demand driven and the cost of regulating and controlling gaming operations will be met by the operators.

2.6: Investment in Gaming

In order to attract investment in the industry, the government will put in place measures to attract huge investments in the industry.

2.8: Employment

In order to reduce the high unemployment rate in the country, measures should be put in place to protect and create more employment opportunities in the gaming industry. Employment opportunities created in the industry should be sustainable and rewarding. To achieve this the regulator will work closely with the relevant State departments and labor unions to ensure employment created by the industry and environments in gaming facilities are conducive to employees and customers. The regulatory agency will ensure that all key employees in the industry are well trained and licensed to work in the industry.

2.9: Taxation

Taxation of gaming services shall be promoted to ensure that it is not harmful to the industry and other stakeholders. A fair taxation framework shall be negotiated with the National Treasury. However, payment of taxes and other proceeds derived from gaming activities will be a prerequisite to any renewal or issuance of a license or permit. The regulator will put in place measures to protect the interests of government in declaration, assessment and payment of taxes.

2.10: The Gaming Facilities

Gaming facilities shall be located in areas designated by the regulator as well as counties. The facilities shall not be located next to schools, churches, mosques, convents; restricted areas, residential areas and such other designated places as may be determined by the regulator. The facilities shall meet the set standards as approved by the regulator and other entities.

CHAPTER 3: THE GAMING ISSUES

3.0: Moral and Spiritual Issues

In Kenya, the moral issues arising from gambling revolve around reliance of games of chance to earn a living. To many, gambling is unacceptable because it goes against the work ethic and encourages idleness especially for the youth. In order to ensure gaming is not morally and spiritually unacceptable, the government should promote gambling as a form of entertainment and strictly regulate it. It should also develop responsible gaming policies and prohibit the involvement or enticement of the young and the vulnerable groups from participating and engaging in gaming activities.

Gambling and gaming related practices are viewed negatively from religious and moral perspectives and are considered as “sin game” which must be avoided at all costs. Therefore, it becomes quite clear that in order to control this kind of industry in this country it is important that policy issues of public concern must be put in place to ensure the dissenting public benefits from proceeds derived from this industry by the government to outweigh negative aspects.

There is a need to coin a slogan such as “ *gaming for entertainment*” accompanied by strong primary public policy objectives of the regulation of gaming which should include, but not limited to the following:-

- a) Gaming to be conducted in a verifiably fair and open fashion in order to protect interests of the consumer;
- b) To ensure to the greatest extent possible, vulnerable groups are protected from harm or exploitation from gaming;
- c) To ensure children are prohibited from participating in gaming activities;
- d) Gaming should not be used for the purpose of money laundering, to support terrorism, or other crimes or infiltrated and operated by criminals;
- e) To ensure gaming does not become a source of crime or disorder;
- f) Kenyans should always espouse patriotism and morality in all their actions while the government will endeavor to see the essential values such as religion, social, economic, cultural etc are protected.

3.1: Addiction Issues

One of the global challenges to gaming is addiction to gambling which in its many forms is known to be highly addictive. Addiction to gambling has adverse consequences to the individual player, their families and their professions. Compulsive addiction to gambling is associated with the intention to recover what a player has lost overtime. It is this chasing for the lost monies that accelerates addiction and this can have negative consequences.

The issues of addiction should be addressed by putting in place mechanisms to prohibit the indulgence of the young and the vulnerable from irresponsible gambling. Information availed to the Taskforce during public hearings sessions and the current situation confirms problem of gambling is beginning to emerge among some of the participants. Addiction to gambling is a serious problem that must be dealt with at the earliest possible time, because it may lead to economic crimes and break-up of families. It is therefore necessary that in addition to legislation, measures must be put in place to provide public information through education, sanctions, exclusions, inspections, counseling, and persuasion amongst other measures to

minimize problem gambling. All the sectors of the gambling industry must operate within very high standards of social responsibility in order to minimize the problem. This is in addition to the statutory safeguards governing the gambling industry.

3.2: Family Values/Issues

The Constitution of Kenya, 2010, defines the family as the natural and fundamental unit of society and the necessary basis of social order, which is entitled to enjoy the recognition and protection of the state. Since one of the objectives of a family is to bring up children in safe environment, the over indulgence to addictive gambling by a member of the family may lead to discontent within a family because over indulgence in games of chance takes up family time and other resources.

The introduction of gaming in certain localities is known to have harmful effects to local communities should be discouraged. This policy will ensure gambling is not made available to those who can not afford. In order to safeguard the family unit, the government will put in place measures to protect the family from adverse effects of gambling.

Measures to ensure that the institution of the family is not adversely affected will include ensuring that gaming facilities are not located in residential areas, limiting hours of operation of gaming premises, limiting advertisement of gaming to certain hours or outlaw any form of gaming advertisement, public sensitization on dangers of gaming activities and treatment of affected players amongst other measures.

3.3: Gender issues

In the traditional African set up, games of chance were played mostly by men. Women took a backstage in the development and playing of these games. Women were not involved in any form of gambling but with the development of the present commercial games of chance, both men and women have equal opportunities to participate in playing these games.

Since the provision of gaming services demands a lot of attention to customers, the number of women employed in the gaming industry tends to be higher than that of men and the number of women gamers has continued to increase with urbanization and accessibility of gaming products.

It is known that participation in gambling affects women more adversely than men. This policy will ensure that women are accorded equal rights to participate in gaming as well as protection from over indulgence in gambling to protect families and children.

3.4: Age Issues

One of the objectives of gaming regulations is to ensure protection of the young and the vulnerable members of society from gambling. This is done by ensuring persons under the age of eighteen are not involved in playing, negotiating, receiving a bet through young persons or sending to a young person any advertisement, circular, letter or any other document to entice them to participate in betting and gaming.

Persons under the age of eighteen or as stipulated by other laws are prohibited from employment in gaming premises and lottery operations because they have no capacity to either make informed decisions or enter into any employment or gaming contracts.

Gaming Premises should not be located close to schools to ensure children are not exposed to any forms of gambling.

3.5: Technology

Most gaming legislations in the past never envisaged that the traditional forms of gambling would face challenges brought about by emerging online and other forms of technology. Today, the traditional brick and mortar principle, which requires physical presence of players to gaming premises, has been challenged. The technological challenges affecting the industry include:-

a) Internet gaming

Within the last decade the availability of the internet has revolutionized and transformed the way people communicate and conduct their businesses. The gaming industry like all other industries has moved forward to embrace this new technology with caution. With this new technology being available in homes, offices and through other means, this has posed serious regulatory challenges

on how to regulate games of chance, which were previously available in limited facilities. Both the underage as well as the vulnerable can now access internet gaming sites at any given time.

Internet gaming has revolutionized gaming in the country in the last five years. This has taken place without a proper legal and regulatory framework. This policy will ensure a proper regulatory framework is put in place to ensure player protection and protection of revenues generated by the activity among others. This will ensure governments benefit from these operations and that the use of technology does not undermine investment in the gaming industry.

The Government will develop an appropriate legal and regulatory framework that will facilitate internet gaming of the future as technologies change.

b) Voice call and Mobile phone based Lotteries

With the increased ownership of mobile telephony in the country, the use of this application has also revolutionized the mode of selling lottery tickets and in promotion of merchandise. However, the use of this application in lotteries has led to public outcry on the way the lotteries are promoted. Members of public have raised their concerns on safety and unfairness in these games, enticement to participate, protection of the underage, the cost of the electronic tickets, the number of players involved and the actual benefit to the beneficiaries. In order to regulate Short message service, voice call and any other interactive methods of lotteries, the regulator through other agencies will develop an appropriate legal and regulatory framework to regulate the mobile phone and voice call lotteries.

c) Gaming equipments, devices and software

Since gaming is driven by technology, standards of gaming equipments and devices are core to the growth of the industry. This policy will come up with minimum standards of gaming equipments and devices. Testing of software used in gaming equipments is core to the development of the industry. Properly tested software improves the integrity of games of chance and participation of players. This policy will develop mechanisms to ensure all software used in

gaming equipments and devices are subjected to testing before they are approved for use in the industry. In order to maintain standards in the gaming industry, the regulator through its support agencies will ensure that all gaming devices and equipments meet the regulatory standards.

3.6: Money Laundering

The provision of gaming services involves transactions of huge sums of money. Globally Gaming enterprises are known to keep huge sums of money to pay their winning customers and monies they win from their customers. It is this money, which is a cause of concern to regulators and security agents. Their concern includes the threat of these monies being used to support terrorist activities and corruption cartels.

Gaming enterprises, like banks, offer limited customer services of transferring, banking, holding for safe keeping customer winnings and other deposits. These activities if not regulated can be used for illegal purposes which can threaten a country's economy and security. Gaming activities must be identifiable and reportable to the regulator and other government agencies. The Government shall put in place appropriate regulatory and legal measures requiring gaming operators to ensure that they know their customers and report suspicious activities. The Government shall also work with other local and international agencies to curb money laundering in the industry.

CHAPTER 4: THE LEGAL AND INSTITUTIONAL FRAMEWORK

4.1.0: Legal Frame work

4.1.1: The Constitution

The Constitution of Kenya, 2010, provides that the sovereign power of the People of Kenya will be exercised at the National and County levels. The territory of Kenya is divided into forty seven (47) counties. A national state organ shall ensure reasonable access to its services in all parts of the Republic, so far as it is appropriate to do so having regard to the nature of the service. There shall be a deliberate effort by the regulator to devolve its services in both levels of government. All gaming activities will be practiced in accordance with the requirements of the constitution.

The Governments at the National and County levels are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation and cooperation. Gaming is a function conferred on more than one level of government and therefore is a function with the concurrent jurisdiction of each of those levels of Government. Relationships and cooperation between National and County Governments will be a product of self-respect, appropriate consultation, exchange of information and joint committees where necessary.

In case of a dispute, negotiation, mediation and arbitration will be some of the mechanisms to provide resolution.

4.1.2: The Betting, Lotteries and Gaming Act Chapter 131 Laws of Kenya

The Government will review the Betting, Lotteries and Gaming Act. Cap 131 Laws of Kenya to develop a more appropriate and comprehensive Gaming Act. The reviewed Act will elevate the Gaming Board to a Semi-Autonomous Government Agency (SAGA) to enable it run its operations more effectively which is the practice with most gaming jurisdictions. The National Gaming Authority will oversee the formation and policy direction of the County Boards as per the unbundled functions.

In order to ensure compliance with and adherence to socially and internationally acceptable operational requirements and standards, the Gaming Act will encompass, among others:-

- i).** Operational Requirements Standards
- ii).** Transfer of Licenses
- iii).** Conduct of License holders
- iv).** Gaming Machines, Devices and Equipment
- v).** Overt and Covert Surveillance
- vi).** Research, development and capacity building
- vii).** Information, Communication Technology (ICT)
- viii).** Dispute Resolution

The key principle underlying the provision and regulation of all gaming in Kenya should be social responsibility. The provision of gaming services will be regarded not as a right but as a privilege, which is subject to strictly enforced public policy criteria, which can be revoked, subject to due process, for failure to meet the set licensing criteria. The provision of gaming services shall be unlawful except pursuant to a license issued by the regulator.

4.1.3: The National Lottery

The Government of Kenya will establish a National Lottery, which will be fully owned by the state. The lottery will be managed by gaming professionals on commercial basis. The regulator will regulate this Lottery like any other player in the industry. The proceeds of the National lottery will be remitted to the National Lottery Distribution Trust Fund, which will manage the distribution of the proceeds.

The Government will meet some minimal start up costs in conceptualization, evaluation, and research and implementation process of the National Lottery Company. The net proceeds of the National Lottery will be apportioned to finance projects of good causes in Kenya for the benefit of members of the public or society such as excessive gambling prevention, rehabilitation, educational programmes, cultural activities and arts among other charities.

The National Gaming Authority will in consultation with the National Lottery Distribution Trust Fund, relevant Ministries, council of governors, Private Sector and civil society develop a criteria or guideline for assessing and selecting programmes for funding consideration. The National Gaming Authority will also, in consultation with relevant stakeholders put in place modalities and measures for project monitoring and evaluation to ensure proper implementation and achievement of intended goals and objectives of the funded projects.

4.2: Institutional Framework

In various jurisdictions, the assortment of mechanism by which gaming is regulated is diverse. This mosaic of heterogeneous regulatory systems is policy and market specific to each jurisdiction. Hence, in order to ensure administration of a transparent system of authority,

effective industry supervision and compliance and devolution principles, there shall be a National Gaming Authority (NAGA), Kenya National Lottery Company, the National Lottery Distribution Trust Fund (NLDTF), the National Gaming College and the County Gaming Boards where applicable charged with distinct Responsibilities.

The reform structure is derived from the values and principles of sharing and devolution of power as provided for by the Constitution of Kenya, 2010. The maintenance of a clear distinction in the allocation of responsibilities for Policy development, market supervision, Training and Capacity Development. The prevention of potential conflict of interest, administration of a transparent system of authority; to create an enabling business environment for both the private and public sector to achieve their business goals without compromising social-cultural values and the industry regulatory rules.

4.2.0: The National Gaming Authority

National Gaming Authority shall be a Semi-Autonomous Government Agency (SAGA) that will be established for the purposes of regulating the gaming industry in the country. The Authority will be the oversight authority charged with licensing and regulating the gaming industry. It will also develop strategies to implement the gaming policy and oversee the implementation and compliance of the Betting, Lotteries and Gaming Act Cap. 131 Laws of Kenya or such other national legislation enacted to regulate the gambling industry in Kenya.

4.2.1: The Kenya National Lottery Company

The national lottery company will operate the lottery on its own or acquire an operator or agents to operate the lottery and remit the designated proceeds to the National Lottery Distribution Fund for distribution as guided by the law.

4.2.2: The National Lottery Distribution Trust Fund (NLDTF)

There shall be established a “National Lottery Distribution Trust Fund” to manage a Proportion of all the proceeds for good causes from the National lottery and other designated lotteries in the Country. Provision of the law shall compel all parties involved in the Lotteries remit to the National Lottery Distribution Trust Fund all amounts as stipulated in the Law. The National Lottery Distribution Trust Fund shall consist of Nine Trustees appointed by the Cabinet Secretary in the Line Ministry. The Cabinet Secretary shall appoint the Chairman after approval by Parliament. The role of the fund shall ensure that the funds meet the objective of the good Cause intentions equitably. The Board shall set Systems and Mechanism to manage its operations. The distribution of the good cause monies shall be guided by the principles of equitable distribution of public funds as set out by the Constitution of Kenya, 2010.

4.2.3: Appeals Tribunal

There shall be established a National Gaming Appeals Tribunal alongside the Judiciary for disputes resolution in the Gaming industry. In this respect, the Betting, Lotteries and Gaming Act Cap. 131 Laws of Kenya, the proposed National Lottery Act and the proposed County gaming legislations, will be reviewed to accommodate the establishment of the National Appeals Tribunal, which will exercise its judicial authority in line with the judicial principles set out by the constitution.

The guiding principles include administration of justice to all irrespective of status and speedy resolution of disputes. The Tribunal shall promote and maximize the use of Alternative forms of dispute resolution (ADR) including reconciliation, mediation and arbitration to reduce the number of cases that end up in the Court system resulting in delayed justice. Disputes resolved by the tribunal shall be administered without due regard to procedural technicalities. Individuals will refer disputes to the Tribunal, and commercial entities registered and operated in Kenya or authorized to conduct their gaming operations elsewhere with express approval of the National Gaming Authority

4.2.4: County Gaming Boards

The County Government in conjunction with the National Gaming Authority Shall where applicable set up County Gaming Boards to manage the Gaming Sector in respective Counties. The responsibility of the County Boards is to enforce compliance of the Gaming Rules and standards as provided for by the National Gaming Authority and the County Governments. The County Governor shall appoint the County Gaming Board Members on recommendation of the National Gaming Authority.

4.2.5: The Kenya Gaming College

There shall be established an Institution to train Manpower for the Gaming Industry. The institution to be known, as Kenya Gaming College (KGC) shall develop their curriculum domesticated to the local needs in the Gaming industry and may benchmark the International standards set by similar jurisdictions. The College shall regulate its academic calendar and set standards for the awarding certificates, diploma and degrees. The National Gaming Authority shall supervise the College and both the government and the private sector shall fund the operations of the college.

The National Gaming Authority will endeavor to establish an institution to provide training and development of human resource capacity in Gaming and at the same time, shall explore possibility of collaborating with local universities or the Kenya school of government to offer courses in gaming.

4.12: Gaming at the County Level

Gaming at the county level shall be determined by the County executive after consultation with the local people and the National Gaming Authority (NAGA) and shall ensure the provision of gaming in the their jurisdictions do not compromise local economies and cultures.

In areas where counties decide to authorize gaming in their counties, these operations will be guided by the minimum standards of operation, gaming equipment, devices and facilities as set out by the regulator. County executive authorities shall ensure no gaming activities are authorized and conducted in the jurisdictions without the necessary approvals, cooperation,

authorization, consultation and concurrence with national regulator or any other county, which could be affected, by operations of a particular gaming activity.

4.14: Gaming Operators

The National Gaming Authority shall license all operators in the gaming industry. Gaming operators will be required to belong to an umbrella body to articulate their interests in the industry.

CHAPTER 5: SUPPORT AGENCIES

5.0: The Ministry Responsible For Gaming Activities

The Ministry responsible for regulation of gaming activities will be the Ministry of Interior and Co-Ordination of the National Government. The Ministry will be the custodian of this Policy, The Betting, Lotteries and Gaming Act Chapter 131 of Laws of Kenya or such other law legislated to regulate national gaming.

The Ministry will hold majority shares and will operate the Kenya National Lottery Company. The Ministry will provide an enabling environment by setting out strategic policy guidelines, which will include amongst others formulating and implementing the Boards Strategic Plan, and other government plans such as the realization of government's vision 2030.

The Ministry will ensure the provisions of the Constitution, on the gaming activities are fully implemented and set out. The Ministry shall ensure the policy principles espoused in this policy are implemented, protected and realized. The Ministry shall also ensure the broad objectives of the Betting, lotteries and gaming Act, 1966, are not departed from.

The Ministry shall also in conjunction with stakeholders ensure responsible gaming policies, gaming standards, investment policies in the industry are developed, implemented and reviewed as appropriate. The Ministry shall initiate studies in the industry by providing the necessary

financial and political goodwill to the industry and shall initiate the review of this other and other policies promoted under this Policy.

5.1: Kenya Revenue Authority

The success and growth of the gaming industry will depend on the taxation policy of the industry. This Policy will set up mechanisms of cooperation between the Board, its licensees and the taxing authority in matters relating to taxation of gaming services and winnings, proceeds from lotteries, equipments and devices. The Board in conjunction with the revenue authority will strive to come up with a mechanism to ensure operators and players in the industry operate under an appropriate taxation framework, which is geared towards sustaining and fostering the growth of the industry.

5.2: Kenya Bureau of Standards

The quality of gaming operators, facilities and customers is based on standards of instruments, equipments and gaming devices used in a particular gaming jurisdiction. This determines the quality of players, overall income to the government in form of fees and taxes, growth of related enterprises, prevent dumping of obsolete gaming machines and devices and prevent use of gaming devices by unauthorized persons in unlicensed facilities.

The maintenance of International standards of gaming instruments, devices and equipments improves the confidence of players and in return improves the image of the industry as a preferred destination for gaming. To achieve this objective, the Board will work closely with the Kenya Bureau of Standards to develop Minimum Standards of all gaming equipments and devices to foster the growth of the industry.

5.3: The National Police service

The role of the Police in the gaming industry is critical and recognized. The primary object of the police as set out in the Constitution is to promote and guarantee national security in accordance with the principles of protecting the rights of the people, freedoms and protection of properties. In order to ensure the gaming industry prospers, the Police must be involved in provision of security around gaming establishments, advising the Board on gaming operations, which are likely to endanger the economy, and the security of the state. The police will also, assist the regulator in apprehending illegal gaming operators and operators of un registered gaming equipments and devices amongst other functions.

The Police as the law enforcement agency, arrests offenders of the Betting, Lotteries and Gaming Act Cap.131 and other laws within the industry. The Commissioner of Police under the current legislation will continue to be a member of the Board to advise and facilitate the enforcement of the Act. This Policy will continue to involve the National Police Service in matters relating to gaming in order to foster the integrity of the this industry ,prevent organized groups from infiltrating the operations of industry, co-operating with the Board in investigating a variety of regulatory violations relating to operations of gaming.

5.4: The Judiciary

The Judiciary will assist in resolving disputes arising from decisions of the Board, operations of its licensees and players. All disputes arising from the gaming industry and not resolved by the National Appeals Tribunal shall be directed to the High Court of Kenya as a Court of first instance.

5.5: The Communications Commission of Kenya

The National Gaming Regulatory Authority will work in conjunction with the Communications Commission of Kenya in matters relating to online and mobile gaming.

5.6: The Kenya Tourist Board

The National Gaming Authority will work in conjunction with the Ministry of Tourism, the Kenya Tourist Board and other stakeholders in the tourism industry to formulate strategies to ensure increased support of the gaming sector.

5.7: Other Agencies

Other state agencies will include the Financial Reporting Centre and other private agencies including Telco companies as well other gaming regulators and organizations.