

THE INTOXICATING LIQUORS ACT, 1968

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THE UNITED REPUBLIC OF TANZANIA



No. 28 OF 1968

I ASSENT,

Julius K. Nyerere
President

16th MAY, 1968

An Act to repeal, and, replace the Local Liquor Act and the Intoxicating Liquors Ordinance

[_____]

ENACTED by the Parliament, of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act, may be cited as the Intoxicating Liquors Act, 1968 and shall come into operation on such date. as the Minister may, by notice in the *Gazette*, appoint.

Short title and commencement

2. In this, Act, unless the context otherwise requires-
"board" means a licensing board established under the provisions of section 3;

Interpretation

"district council" means a district council established under the Local Government Ordinance;

Cap. 333

"intoxicating liquor" means liquor or local liquor;

"licence" means a licence granted under this Act and includes a permit granted under this Act;

"licensee" means, the holder of a licence granted under this Act;

"licensed premises" means premises in respect of which a licence granted under. this Act, is in force;

"liquor", means-

- (a) wine, ale, beer, porter, cider, perry. hop beer and any liquor, containing more than two per centum by weight of absolute alcohol except any *bona fide* medicine containing intoxicating., liquor as herein defined administered or sold by any duly qualified medical practitioner or pharmacist, or administered by any person purely for medicinal purposes; and

- Cap. 222 (b) spirits of any description other than industrial spirits as defined in section 2 of the Spirits Ordinance, but does not include local liquor or moshi, "local authority" means a municipal council, district council or town council;
- E.A.H.C Acts 1952 No. 13 "local liquor" means pombe, fermented asali, tembo, ulanzi and all liquors (other than beer, spirits and wines to which the East African Excise Management Act, 1952 applies or moshi) of a kind prepared by the indigenous people of Tanganyika which contain more than one per centum by weight of absolute alcohol and any liquor which the Minister may, by notice in the *Gazette*, declare to be local liquor; "member" means a member of a board and includes the vice-chairman; "Minister" means the Minister for the time being responsible for local government;
- Acts 1966 No. 62 "moshi" shall have the meaning assigned to that term in the Moshi (Manufacture and Distillation) Act, 1966;
- Cap. 105 "municipality" means a municipality established under the Municipalities Ordinance; "non-spirituuous liquor" means liquor which does not consist of or contain any spirits; "rural area" means any area other than an urban area; "sell" and "sale" include barter; "supply" includes a sale and any transfer, whether on a sale or otherwise; "town council" means a town council established under the Local Government Ordinance; "urban area" means any area-
- (a) within the jurisdiction of a city, municipal or town council; or
(b) an area which the Minister has, by notice in the *Gazette*, declared to be an urban area for the purposes of this Act.

PART II

LICENSING BOARDS

Establishment of licensing boards

- 3.**-(1) Every municipal council shall establish a licensing board which shall have jurisdiction within the municipality.
- (2) Every district council which is authorized by its instrument to prohibit, regulate or control the possession, sale or consumption of intoxicating liquors shall establish a licensing board which shall have jurisdiction within the area of the district council.
- (3) Every town council which is authorized by its instrument to prohibit, regulate or control the possession, sale or consumption of intoxicating liquors shall establish a licensing board which shall have jurisdiction within the township.

(4) Notwithstanding the foregoing provisions of this section the Minister may, by order published in the *Gazette*, extend the area of jurisdiction of a licensing board to any area, specified in such order, outside the area of jurisdiction of the municipality, district council or town council by which the board has been established and upon such order being made the jurisdiction of the board shall extend to such additional area and such additional area shall cease to be within the jurisdiction of the board having jurisdiction therein immediately before the coming into operation of such order.

(5) When a licensing board is established under the provisions of this section by any municipal council, district council or town council, every subsisting licence lawfully issued within the area of jurisdiction of such board by the former licensing board shall continue in force for the period specified in such licence, unless the same is sooner surrendered or forfeited.

4.-(1) A board shall consist of a chairman, a vice-chairman and, unless the Minister otherwise directs, not more than six members excluding the vice-chairman.

Constitution
of boards

(2) The chairman of a board shall be the Area Commissioner having charge of the district within which the board is established:

Provided that where by an order made under subsection (4) of section 3 the jurisdiction of a board extends to two or more districts the chairman of the board shall be the Area Commissioner of such district as the Minister may direct.

(3) The vice-chairman of a board shall be the chairman of the local authority by which the board is established:

Provided that where by an order made under subsection (4) of section 3 the jurisdiction of a board extends over the areas of the jurisdiction of two or more local authorities the vice-chairman of the board shall be the chairman of such local authority as the Minister may direct.

(4) Subject to any directions which the Minister may give in that behalf, the members of a board shall be appointed by the local authority by which the board is established:

Provided that not more than two members or officers of the local authority which establishes a board may be appointed to the board.

(5) A member of a board appointed under this section shall, unless his appointment is earlier revoked by the authority which appointed him, hold office for a period of two years from the date of his appointment but shall be eligible for re-appointment.

5. The vice-chairman of a board shall, whenever it shall be necessary owing to the chairman's absence, illness or incapacity, exercise all the powers and discharge all the duties vested in and imposed upon the chairman under and by virtue of this Act.

Function
of vice-
chairman

6.-(1) Save as provided in section 4 no person holding office in the Regional Administration or being a member or officer of a local authority shall be a member of a board.

General
provisions
relating
to boards

(2) No person who has a financial interest in the sale of intoxicating liquor in Tanganyika shall be appointed to a board.

- (3) Any appointment made contrary to the provisions of subsection (1) or subsection (2) shall be void.
- Proceedings of a board **7.**-(1) A quorum of a board shall consist of the chairman or vice-chairman and three members.
- (2) In any proceedings of a board the chairman shall have a deliberative vote and, in the event of an equality of votes, a casting vote.
- (3) Subject to any regulations made under this Act the procedure of a board shall be regulated by the chairman.
- (4) The chairman shall keep or cause to be kept a record of any proceedings or any decisions of the board over which he presides.

PART III

TYPES OF LICENCES

- Liquor licences **8.** A board may grant the following types of licences in respect of intoxicating liquors:
- (a) a wholesale dealer's licence;
 - (b) a retailer's off-licence;
 - (c) a retailer's on-licence;
 - (d) a hotel licence;
 - (e) a restaurant licence;
 - (f) a railway station licence;
 - (g) a railway restaurant car licence;
 - (h) a passenger vessel licence;
 - (i) an aerodrome licence;
 - (j) a theatre licence;
 - (k) a club licence;
 - (l) a club beer licence;
 - (m) a canteen licence;
 - (n) a temporary intoxicating liquor licence.
- Local liquor licences **9.** A board may grant the following types of licences in respect of, local liquors - -
- (a) class A local liquor licence;
 - (b) class B local liquor licence;
 - (c) class C local liquor licence;
 - (d) class D local liquor licence;
 - (e) class E local liquor licence;
 - (f) temporary local liquor licence.
- Wholesale dealer's licence **10.** A wholesale dealer's licence shall authorize the holder to sell on the premises specified in the licence for consumption off such premises, or at the licensed premises of the holder of a retailer's licence, at any one time to the same person intoxicating liquor in any quantity. of not, less than one and one-half gallons whether in casks, bottles or tins, but shall not authorize-
- (a) the sale of any intoxicating liquor. except in casks or unopened bottles or tins; or
 - (b) the sale of any intoxicating liquor, at the premises of the holder of a retailer's licence to any person other, than such holder,

11. A retailer's off-licence shall authorize the holder to sell on the premises at any one time to the same person for consumption off the premises intoxicating liquor in any quantity of not less than one-quarter of a pint and, where the intoxicating liquor is spirituous liquor, not more than two gallons or, where the intoxicating liquor is non-spirituous liquor not more than fourteen gallons, but shall not authorize the sale of any intoxicating liquor except in a bottle or bottles securely corked or stoppered or in a tin or tins securely sealed.

12. The holder of a wholesale dealer's licence or a retailers off-licence may sell intoxicating liquor between the hours of 8 a.m. and 7 p.m. upon any ordinary day and between the hours of 9 a.m. and 12 noon on Sundays and public holidays.

Authorized
hours in
case of
wholesale and
retailer's
of-licences

13.-(1) A retailer's on-licence shall authorize the holder to Sell on the premises intoxicating liquor in any quantity for consumption either on or off the premises.

Retailer's
on-licence

(2) A board may if an applicant so desires, or if the board considers it desirable to do so, issue a retailer's on-licence with the words "non-spirituous" endorsed thereon in red. The holder of a licence so endorsed shall not supply spirituous liquor to any person.

(3) It shall be an offence for any person to keep spirituous liquors on any premises licensed under a retailer's on-licence which is endorsed as in subsection (2).

14.-(1) The holder of a retailer's on-licence may supply intoxicating liquor-

- (a) in urban areas, from 12 noon to 2 p.m. and 5 p.m. to 12 midnight on Mondays to Fridays (inclusive) and from II a.m. to 2 p.m. and 6 p.m. to 12 midnight on Saturdays and Sundays;
- (b) in rural areas, from 4 p.m. to 11 p.m. on Mondays to Saturdays (inclusive) and from 2 p.m. to II p.m. on Sundays.

Authorized
hours in
case of
retailer's
on- licence

(2) At all times other than those during which intoxicating liquor may be sold any part of the premises of the holder of a retailer's on-licence in which intoxicating liquor is sold or stored shall be closed and kept closed to the public, nor shall any person, other than the licensee, his family, and servants be allowed to remain in such part or be admitted thereto; nor shall any intoxicating liquor, whenever or wherever obtained, be consumed on such part of the premises as aforesaid.

(3) Any licensee who contravenes or permits a contravention of this section shall be guilty of an offence.

15.-(1) An hotel licence shall authorize the holder to sell on the premises intoxicating liquor in any quantity for consumption on the premises to persons lodging at the hotel at any time in the day or night.

Hotel
licence

(2) The holder of an hotel licence shall keep a visitor's book and shall require every person engaging a room to write his name and address in the book immediately after his arrival, and shall not sell any

intoxicating liquor to any person under the authority of an hotel licence only, unless such person has first engaged a room and written his name and address as aforesaid.

(3) Any person who supplies intoxicating liquor contrary to the provisions of this section shall be guilty of an offence.

Restaurant
licence

16. A restaurant licence shall authorize the holder to sell on the premises intoxicating liquor in any quantity to any person taking a meal in the restaurant to be consumed at such meal on any day but only between twelve noon and 2 p.m. and between 6 p.m. and midnight.

Combined
licences

17.-(1) A combined hotel and retailer's on-licence may be granted at the fee prescribed for the latter licence.

(2) A combined hotel and restaurant licence may be granted at the fee prescribed for the former licence.

(3) A combined restaurant and retailer's on-licence may be granted at the fee prescribed for the latter licence.

(4) A single application may be, made for any such combined licence.

Railway
licences

18.-(1) A railway station licence shall authorize the holder to sell on the premises intoxicating liquor in any quantity for consumption on the premises to any person arriving or departing from the station by train or lawfully using the station for railway purposes.

(2) A railway station licence shall authorize the sale of intoxicating liquor between the hours of 10 a.m. and midnight.

(3) A railway restaurant car licence shall authorize the holder to sell in the restaurant car intoxicating liquor in any quantity for consumption on the train at any time in the day or night to any *bona fide* passenger by train.

(4) Railway station licences and railway restaurant car licences may be granted by the following boards only: -

(a) for the Tanga line, the board for the Tanga Municipality;

(b) for the Central line (including all branch lines), the board for the City of Dar es Salaam.

(5) A licence shall not be granted under this section except upon the written application of the senior representative in Tanganyika of the East African Railways and Harbours Administration or of the East African Railways Corporation.

Passenger
vessel
licence

19.-(1) A passenger vessel licence shall authorize the holder to sell on the vessel while engaged in carrying passengers intoxicating liquor in any quantity for consumption on the vessel at any time in the day or night.

- (2) The following shall be the boards for passenger vessels: -
- (a) the board of the City of Dar es Salaam for sea-going vessels;
 - (b) the board of the Kigoma Township for vessels on Lake Tanganyika;
 - (c) -the board of the Mwanza Township for vessels on Lake Victoria; and
 - (d) the board of the Rungwe District for vessels on Lake Nyasa.
- (3) Unless otherwise prescribed and subject to the prescribed conditions, no licence shall be required for the sale on a passenger vessel of intoxicating liquor for consumption on the vessel while in the waters or ports of Tanganyika if a licence for the sale of intoxicating liquor on the vessel granted under the laws of any other Government is in force, or if the vessel has a net registered tonnage exceeding one thousand tons.

(4) A passenger vessel licence shall be granted to the master or, with the consent of the master, to any other person.

20.-(1) An aerodrome licence shall authorize the holder to sell on the licensed premises intoxicating liquor in any quantity for consumption on the premises to any person arriving at or departing from the aerodrome by air or lawfully using the premises for purposes connected with air travel.

Aerodrome
licence

(2) A combined aerodrome and retailer's on-licence may be granted at the fee prescribed for the latter licence.

21. A theatre licence shall authorize the holder, in any building a portion of which is used as a place of entertainment, to sell intoxicating liquor for consumption on the premises in the bar and foyer thereof only to members of the audience, the staff and the persons providing the entertainment at such hours between 6 p.m. and midnight as the entertainment may continue.

Theatre
licence

22.-(1) A club licence may be either —

Club
licences

- (a) a members' club licence; or
 - (b) a proprietary club licence.
- (2) A members' club licence shall authorize the: supply of intoxicating liquor, being the property of the members of the club, in any quantity to the members of the club and their guests-
- (a) where the club is in an urban area, from 12 noon to 2 p.m. and 5 p.m. to 12 midnight on Mondays to Fridays (inclusive) and from 11 a.m. to 2 p.m. and 6 p.m. to 12 midnight on Saturdays and Sundays;
 - (b) when the club is in a rural area, from 4 p.m. to 11 p.m. on Mondays to Saturdays (inclusive) and from 2 p.m. to 11 p.m. on Sundays:

Provided that the Minister may extend in respect of any members' club the hours during which such club may supply intoxicating liquor to its members and their guests.

(3) A proprietary club licence shall authorize the supply of intoxicating liquor in any quantity to the members of the club and their guests for consumption on the club premises on such days and at such time in the day or night as may be specified in the licence.

(4) No premises shall be considered to be a club of either description where any persons, other than the members and their invited guests, are allowed entry or accommodation or wherein any persons, other than the members, are charged or permitted to pay for any intoxicating liquor, refreshment or accommodation obtained therein.

(5) A club licence shall only authorize intoxicating liquor to be supplied on-

- (a) the premises specified in the licence; or
- (b) in the case of a members' club, premises temporarily occupied by the club, if at least forty-eight hours' previous notice has been given to a police officer not below the rank of sub-inspector.

(6) If on any premises occupied by a club any intoxicating liquor is supplied to any person, whether a member or not, except under the authority of a licence and in accordance with the conditions of the licence and the provisions of this Act, the person supplying the liquor and every person authorizing its supply shall be deemed to have sold intoxicating liquor without a licence and shall be guilty of an offence:

Provided that no licence shall be required under this Act for the supply of intoxicating liquor to the members of a members' club, where such liquor is the property of the members and the cost thereof is debited equally to all the members or to all the members consuming the liquor and no extra charge is made to any individual for liquor consumed by him.

(7) A members' club licence shall be applied for by and issued to the secretary or some other responsible officer on behalf of the club and no transfer of the licence shall be necessary by reason only of any change in the holder of the office.

(8) A proprietary club licence shall be applied for by and issued to the proprietor of the club.

(9) In this section a member of a club means-

- (a) in the case of a members' club, a person who has been duly elected or accepted for election in accordance with the rules of the club or who has been admitted as a temporary member of the club;
- (b) in the case of a proprietary club, a person who has been accepted as a member of the club and who has paid any membership fee or subscription required of him by the rules of the club.

(10) A board may require an applicant for or a holder of a club licence to provide the board with such information as the board may reasonably require as to any of the matters mentioned in subsection (9), including a copy of the rules of the club.

(11) A board may revoke any licence granted to a club under the provisions of this section if it has reasonable cause to believe that the club persistently supplies intoxicating liquor to persons who are not *bona fide* members of the club or their guests or, in the case of a members' club, that the liquor sold is not the property of the members of the club.

(12) Every holder of a proprietary club licence shall keep on the premises specified in the licence a register containing an up-to-date list of the names of all persons who are for the time being members of the club and any person entitled under section 83 to enter and inspect such premises may require the production of and may inspect such register.

(13) Any holder of a proprietary club licence who-

- (a) fails to keep a register in accordance with subsection (12); or
- (b) fails or refuses to produce such register when required to do so under subsection (12),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred shillings.

23. (1) A club beer licence shall authorize the supply of intoxicating liquors other than spirits, being the property of the members of the club, in any quantity to the members of the club and their guests on any day and at such time in the day or night as may be specified in the licence.

Club beer
licence

(2) The provisions of section 22 relating to a members' club licence shall, *mutatis mutandis*, apply to a club beer licence.

24.-(1) A canteen licence shall authorize the supply of intoxicating liquor on the premises specified in the licence to members of the Police Force or Prisons Service of Tanganyika and their guests during such hours as the Inspector-General of Police or the Commissioner of Prisons, as the case may be, may direct. Such licence shall not be issued to any person not being a member of the Police Force or Prisons Service, who supplies intoxicating liquor in a police canteen or prisons canteen for profit.

Canteen
licence

(2) A canteen licence shall be applied for by and issued to the officer in charge of police or the officer in charge of prisons in the area of jurisdiction of the board or to such other officer as the Inspector-General of Police or the Commissioner of Prisons, as the case may be, may appoint.

(3) A board may revoke any licence granted under this section if it has reasonable cause to believe that the canteen persistently supplies intoxicating liquor to persons who are not *bona fide* members of the Police Force or Prisons Service, as the case may be, or their guests.

(4) A canteen licence shall not be granted in respect of any premises where any persons, other than members of the Police Force or Prisons Service and their invited guests, are allowed entry or accommodation or wherein any persons, other than members of the Police Force or Prisons Service, are charged or permitted to pay for any intoxicating liquor, refreshment or accommodation obtained therein.

- Temporary licence
- 25.**-(1) A temporary intoxicating liquor licence shall authorize the holder to sell on the premises specified in the temporary licence intoxicating liquor in any quantity for consumption on the premises at any place of recreation or public amusement or other assembly for the period, not exceeding three days, during which such recreation, amusement or assembly continues or for any less period specified in the licence.
- (2) The sale of intoxicating liquor under a temporary licence shall, unless the board otherwise authorizes, be restricted to the following hours-
- (a) in urban areas, from 12 noon to 2 p.m. and 5 p.m. to 12 midnight on Mondays to Fridays (inclusive) and from 11 a.m. to, 2 p.m. and 6 p.m. to 12 midnight on Saturdays and Sundays;
- (b) in rural areas, from 4 p.m. to 11 p.m. on Sundays.
- (3) A board which has issued a temporary licence may, on application being made, extend the same for a further period not exceeding three days.
- Board may prohibit sale of local liquor
- 26.**(1) A board may, if an applicant so desires or if the board considers it desirable to do so, endorse any licence referred to in section 8 with the words "Not applicable to Local Liquors"
- (2) Where a licence is endorsed in accordance with subsection (1) it shall be an offence for the licensee to sell, supply, store or deal in any local liquor.
- Class A local liquor licence
- 27.** A class A local liquor licence shall authorize the holder to manufacture local liquor on the licensed premises and to sell such liquor on such premises for consumption either on or off the premises:
- Provided that a holder of a class A local liquor licence shall not sell to the same person at any one time local liquor for consumption off the premises in excess of sixteen gallons.
- Class B local liquor licence
- 28.** A class B local liquor licence shall authorize the holder to manufacture local liquor on the premises specified in the licence for sale by him on some other premises licensed for the sale of such liquor for consumption either on or off such other premises.
- Class C local liquor licence
- 29.** A class C local liquor licence shall authorize the holder to manufacture local liquor on the premises specified in the licence and to supply local liquor manufactured by him to a holder of a class D or class E licence or to a holder of any licence referred to in section 8 which is not endorsed in accordance with subsection (1) of section 26.
- Class D local liquor licence
- 30.** A class D local liquor licence shall authorize the holder to sell local liquor on the licensed premises for consumption on or off the premises:
- Provided that a holder of a class D local liquor licence shall not sell to the same person at any one time local liquor for consumption off the premises in excess of sixteen gallons.
- Class E local liquor licence
- 31.** A class E local liquor licence shall authorize the holder to sell local liquor on the licensed premises for consumption off the premises:

Provided that a holder of a class E local liquor licence shall not sell to the same person at any one time local liquor in excess of sixteen gallons.

32.-(1) A board may grant a temporary local liquor licence which may authorize the holder to manufacture or to sell or to both manufacture and sell local liquor for any period not exceeding seven days.

Temporary
local liquor
licence

(2) A temporary local liquor licence for the sale of local liquor shall authorize the holder to sell local liquor on the licensed premises for consumption on such premises.

33.-(1) The sale of local liquor under a class A, class D, class E or temporary licence for the sale of local liquor shall be restricted to the following hours-

Hours of
sale of
local liquor

- (a) in urban areas, from 12 noon to 2 p.m. and 5 p.m. to 12 midnight on Mondays to Fridays (inclusive) and from 11 a.m. to 2 p.m. and 6 p.m. to 12 midnight on Saturdays and Sundays;
- (b) in rural areas, from 4 p.m. to 11 p.m. on Mondays to Saturdays (inclusive) and from 2 p.m. to 11 p.m. on Sundays.

(2) At all times other than those during which local liquor may be sold any part of the premises in which local liquor is sold or stored shall be closed and kept closed to the public, nor shall any person, other than the licensee, his family, and servants be allowed to remain in such part or be admitted thereto; nor shall any local liquor, whenever or wherever obtained, be consumed on such part of the premises as aforesaid.

(3) Any licensee who contravenes or permits a contravention of this section shall be guilty of an offence.

34. A board may, if an applicant so desires or if the board considers it desirable to do so restrict any local liquor licence or any intoxicating liquor licence to local liquor of a description specified in the licence and where a licence is so restricted it shall be an offence for the licensee to sell, supply, deal in or store local liquor of any other description.

Liquor
licence
may be
restricted to
particular
kind of
local liquor

35.-(1) A local authority may with the approval of the board having jurisdiction over the area of jurisdiction of the, local authority establish a local liquor market.

Local liquor
market

(2) Every local liquor market shall be of such design and shall have such facilities as the board may approve.

(3) Where a local liquor market has been established any person may, on obtaining a permit and subject to such conditions as may be imposed by the board, manufacture and sell local liquor within such market.

(4) Unless otherwise prescribed, permits under subsection (3) may be granted for the same periods and at the same fees as class A local liquor licences. The holder of a permit under subsection (3) shall be deemed to be the holder of a class A local liquor licence, and the local liquor market shall be deemed to be licensed premises. The provisions of this Act which apply to class A local liquor licence shall apply, mutatis mutandis, to permits under this section.

(5) Notwithstanding the provisions of subsections (3) and (4) a board may grant a permit authorizing the holder to sell local liquor at a local liquor market. Every holder of a permit granted under this subsection shall be deemed to be the holder of a class D local liquor licence and the provisions of this Act (including provisions relating to fees) which apply to class D local liquor licences shall apply, *mutatis mutandis*, to permits under this subsection.

(6) Where in a local liquor market there are inadequate facilities for the manufacture of local liquor, the board may issue a permit for the manufacture of local liquor elsewhere, but so that the local liquor so manufactured shall not be sold elsewhere than in the local liquor market.

(7) A local authority may, with the approval of the Minister, make by-laws regulating the use of local liquor markets within its area of jurisdiction and the sale of local liquor in such markets and the conduct of persons resorting thereto.

(8) In the event of a disagreement between a local authority and the board having jurisdiction over the area of jurisdiction of the local authority on any matter which under this section is required to be done by agreement of both or by one with the approval of the other, the matter shall be referred to the Minister whose decision thereon shall be final and binding on both the local authority and the board.

PART IV

APPLICATIONS FOR LICENCES RELATING TO INTOXICATING LIQUOR

Interpretation

36. In this Part "licence" means a licence referred to in section 8.

Application for a licence

37. An application for a licence shall be made to and heard by the board having jurisdiction over the area within which the premises for which a licence is sought are situated and such board may in its discretion grant or refuse such application.

Notification of a licence

38.-(1) A person who desires to apply for a licence, other than a temporary licence, shall submit his application in quadruplicate and in the prescribed form to the board and shall pay the prescribed fee.

(2) The board shall forward one copy of the application to the senior officer of police and one copy to the Medical Officer of Health, or to the medical officer performing the functions of Medical Officer of Health in the area within which the board has jurisdiction and before hearing the application, shall cause one copy of the application to be posted at the office of the local authority for at least fourteen days.

(3) The police officer aforesaid shall report to the board on all matters material to the application. Such report shall be in writing but the board may in its discretion require the presence of such police officer at the hearing of the application.

(4) A board may receive and consider any report made to it by the Medical Officer of Health or the medical officer performing the functions of Medical Officer of Health.

39.-(1) Each board shall appoint a day in the first half of March and a day in the first half of September for hearing applications for licences for the half-year commencing on the first day of the following April or October as the case may be, and may in its discretion hear an application at any other time.

Days for
hearing of
applications

(2) A board shall hold a special meeting to hear an application if required to do so by the applicant and on payment by him to the board of an additional fee of five hundred shillings.

(3) A board shall give at least fourteen days' public notice of any day appointed for hearing an application for a licence.

40.-(1) Any person may object to the granting of a licence.

Objections

(2) Every objection to the granting of a licence shall be either-

(a) made in writing to the chairman of the board prior to the hearing of the application, and if so made, notice in writing of the grounds of the objection shall be served by the objector on the applicant, at least three days before the hearing of the application; or

(b) made at the hearing of the application.

(3) Where an objection is made in the manner specified in paragraph (a) of subsection (2) and the objector fails to serve notice of the grounds of the objection in the manner therein specified or where an objection is made in the manner specified in paragraph (b) of that subsection the board shall, if so required by the applicant, adjourn the hearing of the application for a period not exceeding seven days to enable the applicant to answer the objection.

41.-(1) A board may permit an application to be amended as may be necessary.

Amendment
of applica-
tion

(2) A board may require such public notice of an amended application to be given as it may in its discretion consider necessary.

42.-(1) An application for a temporary licence shall be in the prescribed form.

Applica-
tion for
temporary
licence

(2) A board may authorize the chairman or any member thereof to exercise the powers of such board in relation to temporary licences and in that event all references in this Act to a board shall, in so far as they relate to a temporary licence, be construed as a reference to such chairman or member of a board.

(3) A board may require such public notice of an application for a temporary licence to be given as it may in its discretion consider necessary.

(4) The grantee of a temporary licence shall, at least twenty-four hours before commencing to supply intoxicating liquor, inform the officer in charge of police in the area of jurisdiction of the board of the grant of such temporary licence. Any person who supplies intoxicating liquor in contravention of this subsection shall be guilty of an offence, and shall be liable upon conviction to a fine not exceeding five hundred shillings.

PART V

APPLICATION FOR LICENCES RELATING TO LOCAL LIQUOR

Interpreta-
tion

43. In this Part "licence" means a licence referred to in section 9.

Application
for licence

44. Every application for a licence shall be made to and be heard by the board having jurisdiction over the area in which the premises for which a licence is sought are situated and such board may in its discretion grant or refuse a licence.

Notification
of application

45. A person who desires to apply for a licence shall submit his application to the board in the prescribed form and shall pay the prescribed fee.

PART VI

GENERAL PROVISIONS RELATING TO LICENCES

Grant of
licences

46. All licences shall, unless the Minister otherwise directs, be granted under the hand of the chairman of the board.

Licence may
not be
granted or
transferred
to certain
persons

47.(1) A licence shall not be granted or transferred to-

- (a) a person under the age of twenty-one years;
- (b) an undischarged bankrupt.

(2) A licence shall not without the consent of the Minister be granted or transferred-

- (a) to any person whose licence has been forfeited until the expiration of two years from the date of the forfeiture;
- (b) to any person who has been convicted of an offence relating to the sale of intoxicating liquor without a licence until the expiration of two years from the date of conviction;
- (c) to any person who has at any time been sentenced to imprisonment for any term exceeding six months.

(3) A licence granted or transferred in contravention of this section shall be void.

Power to
attach
conditions to
a licence

48. A board may attach to any licence such conditions as the board thinks expedient in the public interest and shall attach to a licence any conditions which may be prescribed.

49.-(1) No licence shall be granted unless the premises to be licensed are in a proper state of repair and in all respects suitable for the purpose and, where the premises are to be used for the sale of intoxicating liquor for consumption thereon or for the manufacture of local liquor, the premises are provided with adequate sanitary arrangements to the satisfaction of the board.

Boards to be satisfied that premises are sanitary and may suspend a licence if premises are insanitary

(2) if at any time a board is satisfied that requirements of subsection (1) are not being complied with it may suspend or revoke the licence and shall not terminate the suspension of a licence or grant a new licence to the licensee unless satisfied that such requirements have been complied with.

(3) Any person who manufactures or supplies or attempts to supply intoxicating liquor while his licence is suspended shall be guilty of an offence.

50. A board may, subject to such conditions as it thinks fit to impose, grant a provisional licence for premises intended to be constructed or in course of construction, either to a named person or to a person to be named subsequently by the applicant and approved by the board, but the licence shall not be operative until there is endorsed thereon a certificate under the hand of the chairman of the board, that the premises have been completed and that all conditions imposed have been fulfilled to the board's satisfaction.

Licences for premises in course of construction

51. If the applicant for a licence dies or becomes bankrupt before the licence has been granted, the board may, subject to the provisions of section 47, grant the licence to the legal personal representative of the deceased or to the trustee of the estate of the bankrupt.

Death or bankruptcy occurring before grant of licence

52. A board may in its discretion on payment of the prescribed fee and subject to the provisions of section 47 and to such conditions as it may see fit to impose permit-

Transfer or removal of licence

- (a) the transfer to another person of a licence for the remainder of the period of its validity; or
- (b) the removal to different premises of a licence for the remainder of the period of its validity.

and any licence so transferred or removed shall be endorsed "transferred" or "removed" as the case may be.

53. If any person when applying for a licence makes any statement which he knows to be false in any material particular he shall be guilty of an offence.

Making a false statement in an application
Board may require attendance of applicant and may examine him on oath
Form of licence and date of commencement

54.-(1) A board may require an applicant for a licence or for the transfer or removal of a licence to attend before it and be examined on oath concerning any matter material to the application.

(2) For the purposes of this section the chairman of a board shall have power to administer an oath.

55. Every licence shall be in the prescribed form and shall commence on the date it is expressed to commence and, if not previously revoked, forfeited or surrendered, shall, unless otherwise prescribed, continue in force until the next following thirtieth day of September or thirty-first day of March whichever is the earlier.

Separate licence for each set of premises	56. A separate licence shall be required and a separate fee shall be payable for each distinct set of premises.
Payment of fee by instalments	57. -(1) A board may allow any fee exceeding two hundred and fifty shillings to be paid in two equal instalments, the first instalment to be paid on the issue of the licence, and the second instalment to be paid on such date as may be determined by the board, not being later than three months before the expiration of the licence. (2) If the second instalment is not paid within seven days after it becomes due, the licence shall become void, but may be restored by the board on payment of the instalment and of a penalty equal to half the amount of the instalment.
Licence fee may be reduced where licence is not to run for more than five months	58. Where a licence commences on such a date that it will not have more than five months to run, the fee for the licence shall be reduced proportionately, but shall be computed as if the licence commenced on the first day of the month in which it actually commences.
Duplicates	59. Where a board is satisfied that a licence has been lost or destroyed it shall on payment of the prescribed fee issue a duplicate licence to the licensee.
Surrender of a licence	60. A licence may be surrendered to the board at any time, and thereupon the licensee shall be entitled to a refund- (a) if the unexpired period of the licence is three months or more, of one half of the fee; or (b) if the unexpired period of the licence is less than three months and more than two months, of one quarter of the fee.
Extension of hours	61. A board may, in special circumstances and upon payment of the prescribed fee, grant an extension of the hours during which intoxicating liquor may be sold on the premises of a licensee.
Delegation of functions	62. A board may authorize the chairman or a member of such board to exercise the powers of such board under section 61 and thereupon such powers shall be exercised by the person so authorized.
Reduction of hours	63. The Minister may, by order in the <i>Gazette</i> , reduce the hours during which intoxicating liquor may be sold on the premises of licensees in any area of Tanganyika and where such order is made the licences held or granted to any licensee in the area in respect of which the order is made shall, notwithstanding any provision of this Act to the contrary, be deemed to be authority to sell intoxicating liquor only during the hours specified in the order.
Refund of fee where hours reduced	64. Where the Minister makes an order under section 63 he may direct the board having jurisdiction over the area to which such order applies to refund to the licensees such portion of the fees paid by them as he may think just-

PART VII

OFFENCES.

65.-(1) Any person who sells, exposes, offers, or keeps for sale any intoxicating liquor, or manufactures any local liquor, except under the authority of a licence, or otherwise than in accordance with the provisions of this Act and any conditions attached to the licence, shall be guilty of an offence.

Illegal manufacture or sale of intoxicating liquor

(2) Every occupier of any premises on which any intoxicating-liquor is sold or exposed, offered or kept for sale in contravention of this section shall, unless he proves that the offence was committed without his privity or consent, be deemed to have contravened the provisions of the preceding subsection.

66.-(1) The holder of a licence to sell intoxicating liquor to be consumed on the premises shall not, except with the written consent of the board, carry on any other business on his licensed premises except that connected with the conduct of an hotel or restaurant or the sale of light refreshments or of tobacco, smokers' requisites, and similar commodities.

Restrictions on carrying on other business on licensed premises

(2) Any person, contravening the provisions of this section shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five hundred shillings.

67.-(1) Notwithstanding the provisions of any law for the time being in force relating to trading licences the holder of a licence for the sale of intoxicating liquor on the premises may on those premises and during authorized hours carry on the business of the sale of cigars, cigarettes, tobacco and matches without a trading licence.

sale of tobacco, etc., by licensed holder

(2) In addition to the rights permitted by the foregoing subsection the holder of an hotel, restaurant or theatre licence may also carry on the business of the sale of confectionery without a trading licence.

68. Any licensee who supplies intoxicating liquor to any person under the apparent age of sixteen years shall be guilty of an offence.

supplying intoxicating liquor to person under the age of sixteen years
Employing persons under the age of sixteen years

69.-(1) Any licensee who employs any person under the apparent age of sixteen years to-

- (a) sell or control or supervise the sale of intoxicating liquor;
- (b) have the custody or control of any intoxicating liquor on the premises,

shall be guilty of an offence.

(2) Any licensee who permits any person under the apparent age of sixteen years to remain present on his licensed premises in any room, courtyard or other place in which intoxicating liquor is being served for consumption shall be guilty of an offence:

Provided that nothing in this subsection shall apply to any licensed restaurant, hotel dining room, hotel lounge or a lounge or dining room in a club where the intoxicating liquor consumed therein is served from a room on the licensed premises other than such restaurant, dining room or lounge, or to any other room or place on licensed premises in respect of which express provision is made in the licence permitting persons under the apparent age of sixteen years to be present while intoxicating liquor is being consumed.

Alterations
to retailer's
premises

70.-(1) An alteration in premises licensed under a retailer's on-licence or under a class A or D local liquor licence which gives increased facilities for drinking or conceals from observation any part of the premises used for drinking, or which affects the communication between the part of the premises where intoxicating liquor is sold and any other part of the premises or any street or public space shall not be made without the consent of the board.

(2) If any such alteration is made without such consent, the licensee shall be guilty of an offence and the court may declare the licence to be forfeited, or direct that, within a time to be fixed by the court, the premises shall be restored to their original condition and that in default of such restoration the licence shall be forfeited.

Improper
storage of
intoxicating
liquor

71. Any licensee who stores any intoxicating liquor intended for sale in any place other than the licensed premises or premises previously approved for the purpose by a board, or in a warehouse licensed by the Commissioner of Customs for the storage of dutiable goods shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five hundred shillings.

Exhibition
of name
of licensee

72.-(1) A licensee shall exhibit and keep exhibited over the public entrance to his licensed premises in such form and manner as the board directs his name followed by the word "licensed" and words sufficient, in the opinion of the board, to express the nature of his licence, and whether the licence authorizes the sale of intoxicating liquor to be consumed on or off the premises only, and any licensee who fails to do so shall be guilty of an offence.

(2) Any person, other than a licensee, who exhibits any words or letters likely to lead to the belief that he holds a licence, or that he sells or supplies intoxicating liquor shall be guilty of an offence.

(3) Any licensee who exhibits any words or letters likely to lead to the belief that he holds a licence of a type different from his licence, or that he sells or supplies any intoxicating liquor in a manner not authorized by his licence shall be guilty of an offence.

(4) A licensee shall exhibit and keep exhibited his licence in a conspicuous place inside the licensed premises.

(5) Nothing in subsection (1) or (4) of this section shall apply to the holder of a members' club licence, a club beer licence, a canteen licence, a temporary licence or a permit under section 97.

71.-(1) Any licensee who permits drunkenness or any disorderly conduct to take place on his licensed premises, or who supplies any intoxicating liquor to a drunken person, or by any means encourages or incites any such person to drink intoxicating liquor shall be guilty of an offence.

Drunkenness on licensed premises

(2) If in any proceedings for an offence under this section it is proved that any person was drunk on licensed premises, the licensee shall be deemed to be guilty of the offence of supplying intoxicating liquor to a drunken person unless he proves that he and the persons employed by him took all reasonable steps for preventing drunkenness on the premises.

74.-(1) A licensee, his agents, or servants may refuse to serve or to admit to the licensed premises and may remove from the licensed premises, using such force as may be reasonably necessary, any person who is drunken, or disorderly, or to whom the supply of intoxicating liquor is prohibited.

Power to exclude drunkards and other,

(2) If any such person, upon being requested by the licensee, his agent or servant, or any police officer, refuses or fails to quit the premises he shall be guilty of an offence and shall be liable to a fine not exceeding five hundred shillings and it shall be the duty of any police officer, on the demand of the licensee, his agent or servant, to remove or assist in removing such person from the premises, using such force as may be reasonably necessary.

75.-(1) Any licensee who permits his licensed premises to be used as a brothel, or as a place of habitual meeting or resort of reputed prostitutes, shall be guilty of an offence.

Licensed premises not to be used as brothel

(2) If a licensee is convicted under this section, the court may order that his licence be forfeited.

76.-(1) A licensee shall not, unless by authority of a police officer of or above the rank of Assistant Superintendent of Police-

supply of intoxicating liquor to police Officers

(a) knowingly suffer any police officer below the rank of Assistant Superintendent while on duty to enter or remain on his premises, being premises on which sale for consumption on the premises is authorized, unless for the purposes of keeping or restoring order or in execution of his duty; or

(b) knowingly supply any intoxicating liquor or refreshment to any such police officer when on duty.

(2) Any licensee who contravenes the provisions of this section shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five hundred shillings.

77. Any licensee who permits any gaming or gambling to be carried on in his licensed premises shall be guilty of an offence.

Gambling

78.-(1) Unless permitted by his licence, every licensee shall personally superintend the conduct of the business carried on under the authority of his licence, and shall not, without the consent of the board, absent himself from the business for more than thirty consecutive days at one time.

Personal supervision by licensee

(2) Where the licensee is a company or does not intend personally to superintend the business, the name of the responsible manager of the business shall be stated in the licence, and the licensee shall not employ any other person to superintend the business carried on under the authority of his licence for more than thirty consecutive days at one time except with the previous consent of the board.

(3) Any licensee who fails to comply with the provisions of this section shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five hundred shillings.

Sales by
auction

79.-(1) A licensee in person or any person on his behalf licensed as an auctioneer may sell intoxicating liquor, being the property of the licensee, by auction on his licensed premises, not being premises on which sale for consumption on the premises is permitted, or, with the prior consent of a board, on any other premises.

(2) Any person licensed as an auctioneer may, with the consent of a board, sell intoxicating liquor by auction—

- (a) on behalf of the personal representative of a deceased person;
- (b) on behalf - of the trustee of the property of a bankrupt or the liquidator of a company; or
- (c) on behalf of any person when the sale is not by way of trade.

(3) No intoxicating liquor shall be sold by auction on premises licensed for the sale of intoxicating liquor for consumption on the premises, or in less than two-gallon lots or except in casks or unopened bottles or tins.

(4) Any person with the prior consent of a board may auction on any premises approved by the board intoxicating liquor in any quantity for any social, charitable or benevolent purpose. A board may authorize the chairman or a member of such board to exercise the powers of such board under this subsection and thereupon such powers shall be exercised by the person so authorized.

(5) Save as aforesaid, any person who sells intoxicating liquor by auction shall be guilty of an offence.

Tapping of
palm trees

80. (1) No person shall tap trees for palm wine without the permit of a board which may be issued on payment of the prescribed fee and shall authorize the holder to tap a specified number of trees in such area, for such period and within such hours as may be specified in the permit.

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(2) The tapping shall be carried out in accordance with any rules for the time being in force under the Plant Protection Ordinance.

(3) A permit under this section may be revoked at any time and shall be produced by the holder to any officer of the board or of the local authority or to any police officer on demand.

(4) Notwithstanding anything contained in this Act, the holder of a permit to tap trees for palm wine and his family and friends may consume any palm wine so obtained. But no palm wine shall be brought to any licensed premises unless the licence of such premises expressly authorizes the sale of palm wine and no palm wine shall be sold except on such licensed premises.

(5) Any person who contravenes any of the provisions of this section, or who taps trees for palm wine otherwise than in accordance with the terms of his permit, shall be guilty of an offence.

81.- (1) It shall be lawful for the Minister by order published in the Gazette to prohibit the manufacture, preparation, sale or possession by any person of any local liquor. specified in such order.

Power to prohibit manufacture, etc., of specified local liquors

(2) Any person who commits a breach of the provisions of any order made in pursuance of subsection (1) shall be liable on conviction to a fine of five thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

82. If there shall be any infringement of the provisions of a licence or permit or of any of the conditions attached to any licence or permit, or of any of the conditions attached to the approval for the transfer or removal of a licence, the licensee or the holder of the permit, as the case may be, shall be guilty of an offence.

PART VIII

PREVENTION AND DETECTION OF OFFENCES

83.-(1) Any police officer, medical officer of health, health inspector or administrative officer or an officer of a local authority duly authorized In that behalf may at any time enter on and inspect any licensed premises and any premises approved for the storage of intoxicating liquor for the purpose of preventing or detecting an offence or observing the state of repair and sanitary condition of the premises and the general conduct of the business, and may require the licence for the premises to be produced for his inspection.

Power to enter and inspect licensed premises

(2) Any licensee who refuses or fails to admit any such person to, his premises or any part thereof, or to produce his licence on the demand of any such person or to afford such person every facility in the exercise of his power under this section, shall be guilty of an offence.

84.-(1) Any magistrate, if satisfied by information on oath that there is reasonable ground to believe that any intoxicating liquor is unlawfully sold or exposed or kept for unlawful sale or unlawfully manufactured or stored at any place within his jurisdiction, whether a building or not, may grant a warrant under his hand by virtue whereof it shall be lawful for any police officer at any time or times within one month from the date thereof to enter, if need be by force, the place named in the warrant, and every part thereof, and examine the same and search for intoxicating liquor therein, and seize and remove and take before a magistrate any intoxicating liquor found therein which there is reasonable ground to suppose is unlawfully stored for sale or is in the place for the purpose of unlawful sale at that or any other place or has been unlawfully sold or manufactured ~ and ~ the vessels, containing the intoxicating liquor.

Search warrant for detention of liquor sold or kept contrary to law

(2) If the owner or occupier of the premises so entered is convicted of an offence against this Act, the court may order that all or any of the intoxicating liquor so seized and the vessels containing the liquor shall be forfeited to the Government.

(3) When any intoxicating liquor is found on any premises which have been entered in pursuance of a warrant under this section, any person found at the time on the premises may, if he refuses or fails to give his name and address on demand by a police officer, or if the police officer has reason to believe that the name or address so given is false, be arrested by any police officer without warrant.

(4) If any person required by a police officer under this section to give his name and address fails to give the same, or gives a false name and address, that person shall be guilty of an offence.

(5) This section shall apply to intoxicating liquor in process of manufacture and to materials and implements used or intended to be used for the manufacture of intoxicating liquor in like manner as it applies to intoxicating liquor.

Power to close licensed premises in case of disorder

85.-(1) Any administrative officer or police officer may, in any place where any disorder occurs or is expected, order that all or any licensed premises in or near that place shall be closed for any period specified in the order.

(2) If any such order is infringed, the licensee of the premises concerned shall be guilty of an offence.

(3) Any order made under this section shall be sufficiently communicated, to a licensee if a copy thereof is left at the licensed premises or if the substance of the order is communicated to the licensee or to any person appearing to be in charge of the licensed premises orally or in writing by an administrative officer or a police officer.

(4) Notwithstanding the provisions of subsection (1) no order shall be made for the closure of licensed premises for a period exceeding thirty days without the approval of the Minister.

(5) Where pursuant to an order or orders made under this section any licensed premises remain closed for a period or periods in the aggregate of thirty days or more during the validity of the licence granted in respect of the licensed premises the Minister may, if he thinks fit, direct that such portion of the licence fee as he may deem appropriate shall be refunded to the licensee.

Limitation on powers of police officers below the rank of Sub-Inspector

86. The powers conferred on a police officer by the three last foregoing sections or by a warrant under section 84 shall not be exercised by any police officer below the rank of Sub-Inspector.

PART IX

FORFEITURES

Forfeiture of licence

87. (1) In addition to any other case in which a licence may be forfeited, a court by whom a licensee is convicted of a second or any subsequent offence under this Act, may order his licence to be forfeited.

(2) If any licensee is, under this Act, or any other written law, sentenced to imprisonment without the option of a fine for a term exceeding fourteen days the court may order his licence to be forfeited, and shall do so if the term of imprisonment exceeds six months.

88. Where any person is convicted of an offence against this Act, the court may, if it thinks fit, order that any intoxicating liquor in respect of which the offence was committed, and also, after giving any person interested an opportunity of being heard, any intoxicating liquor found in the possession of the person convicted or on the premises in which the offence was committed which, in the opinion of the court, has been or was intended to be dealt with in contravention of any provision of this Act, shall, together with the vessels containing the liquor, be forfeited to the Government.

Forfeiture
of intoxicat-
ing liquor

PART X

EXEMPTIONS

89.-(1) Nothing in this Act shall apply to-

Exemptions
from the Act

- (a) the sale of intoxicating liquor by order of any court;
- (b) the sale of intoxicating liquor to a member of any naval, military or air force institute or mess recognized as such by the Minister;
- (c) the manufacture or denaturing of spirits as defined in the East African Excise Management Act, 1952.

(2) Nothing in this Act, except the restriction as to sale by auction, shall apply to-

- (a) a sale of intoxicating liquor by a person who is not a licensee, not being for profit or in the course of business or by way of trade;
- (b) the sale by the personal representative of a deceased person of intoxicating liquor forming part of the estate of the deceased person;
- (c) the sale by the trustee of the property of a bankrupt of intoxicating liquor forming part of the estate of the bankrupt:

Provided that no sale shall be made under this subsection except in casks or unopened bottles or tins.

(3) The Minister may, for the purpose of preventing the evasion of the provisions of this Act by means of the foregoing exemptions, make such regulations as may be necessary.

PART XI

MISCELLANEOUS

90. (1) Anything which, if done by a licensee personally, would be an offence against this Act, shall also be an offence if done by any servant or agent of the licensee, and such servant or agent may be punished accordingly.

Offences by
servants
and agents

(2) If an offence against this Act is committed on licensed premises or on premises approved for the storage of liquor by a servant or agent of the licensee, then the licensee shall also be deemed to be guilty of such offence unless he proves both that he neither abetted nor consented to the commission of the offence and that he had taken all reasonable steps to prevent the commission thereof.

Penalty for offences

91. Any person convicted of an offence under this Act, shall, unless some other punishment is prescribed, be liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment and shall, in the case of a second or any subsequent conviction, be liable to a fine not exceeding four thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Evidence of sale or consumption and burden of proof

92. (1) In proving the supply, sale or consumption of intoxicating liquor for the purpose of any proceedings relative to any offence against this Act, it shall not be necessary to show that any money actually passed or any intoxicating liquor was actually supplied or consumed, if the court hearing the case is satisfied that a transaction in the nature of a sale actually took place, or that any supply or consumption of intoxicating liquor was about to take place.

(2) Proof of consumption or intended consumption of intoxicating liquor on licensed premises by some person other than the occupier of, or a servant employed on, the premises, shall be *prima facie* evidence that the liquor was sold by the licensee to that person.

(3) In any proceedings under this Act relating to the manufacture or sale of intoxicating liquor the burden of proving that the manufacture or sale was lawful shall be on the person alleging the same.

Evidence of issue of licence, etc.

93. In any proceedings under this Act, a certificate purporting to, be signed by the chairman of a board shall be sufficient evidence of the issue of a licence, permit, order, approval, or consent, and of the terms thereof.

Power for certain authorities to manufacture or contract for, manufacture of local liquor

94. (1) A local authority which is by its Instrument authorized to, engage in trade may, with the approval of the Minister-

- (a) manufacture local liquor on its own account;
- (b) enter into a contract with any person for the manufacture of local, liquor by such person and for its sale to the authority; and
- (c) sell any local liquor so manufactured or contracted for.

(2) No licence shall be required under this Act, for the manufacture or sale of local liquor by a local authority under the provisions of subsection (1) of this section.

Manufacture of local liquor

95. Where a contract is entered into by any person (in this section referred to as the brewer) in pursuance of the provisions of subsection, (1) of section 94, the following provisions shall apply-

- (a) no building, room, place or item of plant on which the brewer,, has made entry under section 16 of the East African Excise, Management Act, 1952, for the purpose of the manufacture of beer or any spirits, other than local liquor, shall be used by him- for the manufacture of local liquor;
- (b) any police officer, medical officer of health, health inspector or administrative officer shall at all reasonable times be entitled to enter and inspect the premises in which the local liquor, is, manufactured for the purpose of ensuring that proper, standards of cleanliness are maintained, and the brewer shall comply with any directions which may be given by the board for that purpose,,,

- 96.**-(1) The Minister may, by order in the *Gazette*, confer on a local authority which is by its Instrument authorized to engage in trade or on any other person the exclusive right to manufacture or sell local liquor or any type or types of local liquor which may be specified in the order within such area of Tanganyika as may be specified in the order. Grant of monopolies
- (2) Where an order under subsection (1) has been made then, so long as the order remains in force, no licence shall be granted under this Act permitting the manufacture or sale of the local liquor, or, if the order is made in respect of a specified type or types of local liquor, local liquor of that type or types, within the area specified in the order.
- 97.** (1) A board may give a permit subject to such conditions as it may think fit to impose. for the manufacture of a specified quantity and description of local liquor on premises specified in the permit for private consumption by the owner and his friends. Permits to manufacture local liquor for private consumption
- (2) No liquor manufactured under the authority of a permit granted under subsection (1) shall be sold or, unless authorized by the permit, be removed from the premises on which it is manufactured.
- 98.** (1) Any person who is aggrieved by any decision of a board given under the provisions of this Act, may, within thirty days of the date when such decision is given, appeal to the Minister and the Minister, a board may affirm, reverse or vary the decision of the board. Appeals against the decision of consumption
- (2) The Minister may make regulations regulating the procedure on appeals under this section.
- 99.**-(1) A board may, notwithstanding anything to the contrary contained in this Act, delegate any of its functions relating to licences and permits in respect of local liquors to the chairman or any member of the board or to any public officer. Board may delegate its function
- (2) Where any function of a board is delegated to any person under the provisions of subsection (1), such person shall, in the exercise of such function, have all the powers which are vested in the board and the decision of such person shall, for all intents and purposes, be deemed to be the decision of the board.
- 100.** The Minister may make regulations for the better carrying out of the provisions and purposes of this Act, and without prejudice to the generality of the foregoing may make regulations— Regulations
- (a) regulating the procedure of a board;
 - (b) prescribing the conditions which may be attached to any licence;
 - (c) prescribing the form of application for any licence;
 - (d) prescribing the fees to be charged for local liquor licences and local liquor permits granted under this Act;
 - (e) prescribing the form of any licence;
 - (f) prescribing anything which under the provisions of this Act may be prescribed.

Fees for
intoxicating
liquor
licences

101. (1) The fees payable for any intoxicating liquor licence and for the transfer or removal of any intoxicating liquor licence shall be those set out in the Schedule to this Act:

Provided that where a minimum and maximum fee are prescribed the actual fee payable shall be that determined by the board.

(2) The Minister may by order cancel, vary or add to the said Schedule.

Directions
by Minister

102. The Minister may give a board directions of a general or specific character as to the exercise by the board of any of its functions under this Act, and the board shall give effect to such directions.

Appeals
Cap. 20

103. The provisions of the Criminal Procedure Code relating to appeals from subordinate courts shall, in relation to convictions for offences against this Act, be read and construed as if subsection (2) of section 313 thereof had never been enacted.

Repeal
Cap. 77
Cap. 365

104. The Local Liquor Act and the Intoxicating Liquors Ordinance are hereby repealed.

Transitional

105.-(1) Notwithstanding the repeal of the Local Liquor Act, and the Intoxicating Liquors Ordinance all licences and permits granted under the said Act and the said Ordinance shall continue in force as if granted under this Act and all such licences and permits shall, unless previously revoked, forfeited or surrendered, remain valid and in force until the thirtieth day of September, 1968.

(2) Where any licence which would, had this Act not been enacted, have expired on the 31st December, 1968, expires on the 30th September, 1968, by virtue of subsection (1), the licensee shall be entitled to a refund of one-half of the fee paid by him.

Jurisdiction
of Primary
Courts
Cap. 537

106.-(1) The Magistrate's Courts Act, 1963 is amended in the First Schedule thereto by deleting from Part 11 of the First Schedule the entries relating to the Local Liquor Act and the Intoxicating Liquors Ordinance and substituting therefor the following entry:-

"1	2	3
Acts 1967 No.	The Intoxicating Liquors Act, 1968	Sections 13 14, 65 66, 68, 69, 72, 73, 71, 82, 96 and 91."

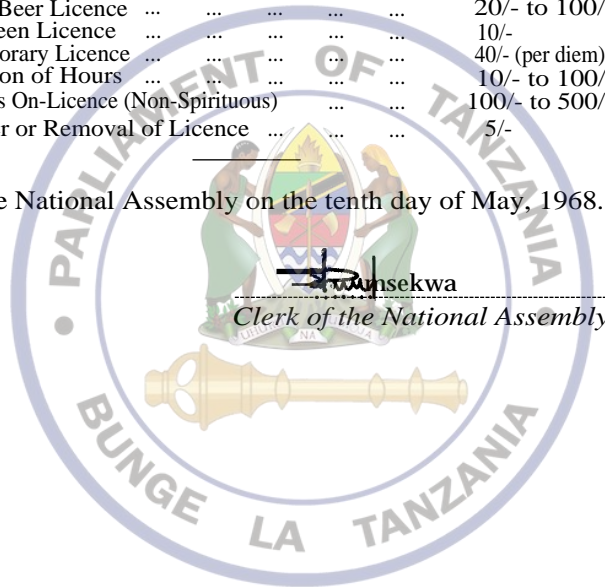
(2) The provisions of the Magistrate's Courts Act relating to appeals from Primary Courts shall, in relation to convictions for offences against this Act, be read and construed as if subsection (2) of section 16 thereof had never been enacted.

SCHEDULE

LICENCE FEES
(Section 101)

	Shs.
(a) A Wholesale Dealer's Licence	1,000/-
(b) (i) A Retailer's Off-Licence	200/- to 2,000/-
(ii) A Retailer's Off-Licence (Non-Spirituos)	50/- to 350/-
(c) A Retailer's On-Licence	500/- to 3,000/-
(d) Hotel Licence	500/- to 3,000/-
(e) Restaurant Licence	200/- to 2,000/-
(f) Railway Station Licence	200/- to 1,000/-
(g) Railway Restaurant Car Licence	200/- to 1,000/-
(h) Passenger Vessel Licence	200/- to 1,000/-
(i) An Aerodrome, Licence	200/- to 1,000/-
(j) A Theatre Licence	200/- to 1,000/-
(k) (i) A Members' Club Licence	20/- to 200/-
(ii) A Proprietary Club Licence	200/- to 2,000/-
(l) A Club Beer Licence	20/- to 100/-
(m) A Canteen Licence	10/-
(n) A Temporary Licence	40/- (per diem)
(o) Extension of Hours	10/- to 100/-
(p) Retailer's On-Licence (Non-Spirituos)	100/- to 500/-
(r) Transfer or Removal of Licence	5/-

Passed in the National Assembly on the tenth day of May, 1968.



[Signature]
Clerk of the National Assembly