

THE UNITED REPUBLIC OF TANZANIA



No. 27 OF 1971

I ASSENT,

Julius K. Nyerere
President

28TH OCTOBER, 1971

An Act to amend the Intoxicating Liquors Act, 1968

[1ST JANUARY, 1972]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Intoxicating Liquors (Amendment) Act, 1971, shall be read as one with the Intoxicating Liquors Act, 1968, and shall come into operation on the first day of January, 1972.

Short title,
construction
and commence-
ment
Acts 1968
No. 28

2. Section 14 of the Intoxicating Liquors Act, 1968 is amended in subsection (1) by deleting paragraphs (a) and (b) and substituting therefor the following paragraphs:—

Section 14
amended

“(a) in urban areas, from 6.00 p.m. to 11.00 p.m. on Mondays to Fridays (inclusive) and from 11.00 a.m. to 2.00 p.m. and from 6.00 p.m. to 12 midnight on Saturdays, Sundays and public holidays;

(b) in rural areas, from 3.00 p.m. to 8.00 p.m. on Mondays to Fridays (inclusive) and from 2 p.m. to 11.00 p.m. on Saturdays, Sundays and public holidays.”

3. Section 22 of the Intoxicating Liquors Act, 1968, is repealed and replaced by the following section:—

Section 22
repealed
and replaced

“Clubs 22.—(1) A club licence may be granted to a members' club:

Provided that no club licence shall be granted to a proprietary club.

(2) A 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 6.00 p.m. to 11.00 p.m. on Mondays to Fridays (inclusive) and from 11.00 a.m. to 2.00 p.m. and 6.00 p.m. to 12.00 midnight on Saturdays, Sundays and public holidays;
- (b) where the club is in a rural area, from 3.00 p.m. to 8.00 p.m. on Mondays to Fridays (inclusive) and from 2.00 p.m. to 11.00 p.m. on Saturdays, Sundays and public holidays:

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

(3) No premises shall be considered to be a members' club 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.

(4) A club licence shall only authorize intoxicating liquor to be supplied on—

- (a) the premises specified in the licence; or
- (b) the 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.

(5) 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 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.

(6) A 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.

(7) In this section, a member of a club means 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.

(8) 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 (7), including a copy of the rules of the club.

(9) 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 that the liquor sold is not the property of the members of the club”.

4. Section 33 of the Intoxicating Liquors Act, 1968, is amended in subsection (1) by deleting paragraphs (a) and (b) and substituting therefor the following paragraphs:— Section 33 amended

“(a) in urban areas from 6.00 p.m. to 11.00 p.m. on Mondays to Fridays (inclusive) and from 11.00 a.m. to 2.00 p.m. and from 6.00 p.m. to 12.00 midnight on Saturdays, Sundays and public holidays;

(b) in rural areas from 3.00 p.m. to 8.00 p.m. on Mondays to Fridays (inclusive) and from 2.00 p.m. to 11.00 p.m. on Saturdays, Sundays and public holidays.”.

5. Section 63 of the Intoxicating Liquors Act, 1968, is amended by re-numbering it as subsection (1) of section 63 and by adding immediately below it the following subsection:— Section 63 amended

“(2) Notwithstanding the provisions of section 14, section 33 or any other provisions of this Act, a board may, with the consent of the Minister, direct that within the area of its jurisdiction or any part of such area, the hours during which intoxicating liquors may be supplied on the premises of licensees, shall be such hours as the board may prescribe in relation to such area or portion of area:

Provided that no board shall, in exercise of its powers under this subsection—

- (a) give any direction in respect of any area or portion of an area which would permit a licensee in such area or, as the case may be, portion of an area, to supply intoxicating liquors on his premises at any time earlier than—
 - (i) in the case of an urban area, 6.00 p.m. on any day other than a Saturday, Sunday or public holiday, and 11.00 a.m. on Saturdays, Sundays and public holidays;
 - (ii) in a rural area, 3.00 p.m. on any day other than a Saturday, Sunday or public holiday and 2.00 p.m. on Saturdays, Sundays and public holidays;

- (b) prescribe hours in relation to any area or a portion of an area which would result in the total number of hours during which intoxicating liquors may be supplied on the premises of a licensee on any day exceeding the total number of hours during which, but for such direction, intoxicating liquors could lawfully be supplied on the premises of such licensee on such day."

Section 64
amended

6. Section 64 of the Intoxicating Liquors Act, 1968, is amended by deleting the words and figures "section 63" which occur in the first line and substituting therefor "subsection (1) of section 63".

New section
64A added

7. The Intoxicating Liquors Act, 1968, is amended by adding immediately below section 64, the following new section:—

"Minister
may cancel
licences in
certain cases

64A.—(1) Where the Minister is satisfied that—

- (a) a licensee has been convicted of an offence under section 75; or
- (b) a licensee permits his licensed premises to be used as a place of habitual meeting or resort of reputed prostitutes or of persons indecently dressed; or
- (c) a licensee permits his licensed premises to be used as a place of habitual meeting or resort of persons who constitute or are likely to constitute a threat to the security, peace and good order of the United Republic, he may, by order under his hand, cancel the licence of such licensee.

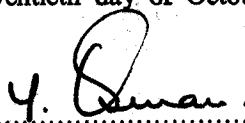
(2) Every cancellation under subsection (1) shall be final and shall not be subject to review by any court:

Provided that the Minister may, upon such conditions as he may deem fit to impose, restore the licence of any licensee whose licence has been cancelled under this section."

Section
74 amended

8. Section 74 of the Intoxicating Liquors Act, 1968, is amended in subsection (1) by deleting the full stop at the end and substituting therefor "or who is indecently dressed or in respect of whom the licensee has reason to believe that such person uses or is likely to use such licensed premises as a place of meeting with any other person or persons for any purpose which constitutes or is likely to constitute a threat to the security, peace and good order of the United Republic."

Passed in the National Assembly on the twentieth day of October, 1971.


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Clerk of the National Assembly