

THE UNITED REPUBLIC OF TANZANIA



No. 12 OF 1978

I ASSENT

Tuliza K. Nyerere
President

19TH MAY, 1978

An Act to amend the Intoxicating Liquors Act, 1968

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Intoxicating Liquors (Amendment) Act, 1978, and shall be read as one with the Intoxicating Liquors Act, 1968 (hereinafter referred to as "the principal Act").

Short title

2. Section 2 of the principal Act is hereby amended—

Section 2 amended

- (a) by repealing the definition "board";
- (b) by inserting immediately before the definition "district council" the following definition:
" "Appeals Committee" means an Appeals Committee, in relation to applications for licences and other matters relating to licences, established by section 98;";

- (d) by inserting immediately after the definition "district council" the following definition:
" "District Planning and Implementation Committee" means the District Planning and Implementation Committee established under section 12 of the Decentralization of Government Administration (Interim Provisions) Act, 1972;";

Acts 1972
No. 27

- (d) by inserting immediately after the definition "licensed premises" the following definition:
" "licensing authority" means the authority designated by section 3 to be a licensing authority for the purposes of this Act;"
- (e) by deleting the full stop which occurs at the end of the definition "urban area" and substituting for it a semi-colon;
- (f) by adding immediately after the definition "urban area," the following definition:

" " urban settlement" means any area, other than an urban area of a village in terms of the Villages and Ujamaa Villages ,(Registration, Designation and Administration)

Acts 1975
No. h

Act, 1975 upon which the status of an urban council has not been conferred.-

Part 11
repealed
and
replaced

3. The principal Act is hereby amended by repealing Part 11 and substituting for it the following: -

"PART II

LICENSING AUTHORITIES

Establishment of licensing authorities
Acts, 1975
No. 21

3.-(1) Every Village Council established under section 5 of the Village and Ujamaa Villages (Registration, Designation and Administration) Act, 1975, shall be the licensing authority for the village, in respect of which 4 is established.

(2) Every local authority, other than a district council shall be the licensing authority for the urban area in respect of which it is established.

(3) Every District Development Council shall establish a licensing authority which shall have jurisdiction, for the purposes of this Act, in respect of urban settlements within the district for which the Council is established.

General provisions relating to licensing authorities

4.-(1) Subject to subsection (2). all matters of procedure, including the convening of meetings, quorum at meetings and the making of decisions, in relation to every licensing authority shall be governed by-

Acts 1975
NO. 21

(a) in the case of a licensing authority of a village, the provisions of the Villages and Ujamaa Villages (Registration, Designation and Administration) Act, 1975;

(b) in the case of a licensing authority of an urban area, the provisions of the written law or other instrument by or under which its local authority is established, and

Acts 1972
No. 27

(c) in the case of a licensing authority in respect of urban settlements, the provisions of the Decentralization of Government Administration (Interim Provisions) Act, 1972.

(2) .Any member of a licensing authority who has a financial interest in the sale of intoxicating liquor in the area Over which the licensing authority has jurisdiction shall not attend any meeting at which it considers applications for licences or for their renewal."

Parts IV and V
repealed
and
replaced

4. The Principal Act is hereby amended by repealing Part IV and Part V and substituting for them the following part:-

"PART IV

PROCEDURE IN APPLICATIONS FOR AND THE GRANT OF LICENCES

Application for a licence **36.** Every application for a licence shall be made to and be heard by licensing authority having jurisdiction over the area within which the premises for which a licence is sought are and the licensing authority may in its discretion grant or refuse any application.

Notification of application for licence **37.**-(1) Any person who wishes to apply for a licence, other than a temporary licence, referred to in section 8, shall submit his application in quadruplicate to the licensing authority, together with the prescribed fee.

(2) Any person who wishes to apply for a licence referred to in section 9 shall submit his application to the licensing authority in the prescribed form, together with the prescribed fee.

(3) The licensing authority shall forward one copy of the application made under subsection (1) 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 in the (Area within which the licensing authority has jurisdiction and, before hearing the application, it shall cause one copy of the application to be posted at the office of the licensing authority for at least fourteen days.

(4) The police officer to whom a copy of an application is forwarded under subsection (3) shall report in writing to the licensing authority on all matters material to that application, but the licensing authority may in its discretion require the presence of that police officer at the hearing of the application.

(5) A licensing authority 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.

(6) Nothing in this section shall preclude a licensing authority from seeking the advice of a senior officer of police or a Medical Officer of Health in relation to any application for a licence made under subsection (2).

Days for hearing of applications **38.**-(1) Notwithstanding section 4, each licensing authority 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 first day of the following April or October as the case may be, but may in its discretion hear an application at any other time.

(2) A licensing authority shall hold a special meeting to hear an application if requested to do so by the applicant and on payment by him to the licensing authority of an additional fee of one thousand shillings.

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

Objections 39~(1) Any person may object to the granting of a licence.

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

(a) made in writing to the secretary of the licensing authority prior to the hearing of the applications. 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 subsection (2) (a) and the objector fails to serve notice of the grounds of the objection in the manner specified in that subsection or where an objection is made in the manner specified in subsection 2 (b) the licensing authority shall, if so requested by the applicant, adjourn the hearing of the application for a period not exceeding seven days to enable him to answer the objection.

Amendment
Of
application 40.-(1) A licensing authority may permit an application to be amended as may be necessary.

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

Application
for
temporary
licence 41.-(1) An application for a temporary licence shall in the prescribed form.

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

(3) A licensing authority 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 licensing authority of the grant of that temporary licence.

(5) Any person who supplies intoxicating liquor in contravention of subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred shillings.

Appeals

42.-(1) Any person who is aggrieved by any decision given under this Act by a licensing authority of a village may, within thirty days of the date when that decision is given, appeal to the Appeals Committee of the *district* in which the village is.

(2) Any person who is aggrieved by any decision given under this Act by a licensing authority of an urban settlement may, within thirty days of the date when that decision is given, appeal to the Appeals Committee of the region in which the urban settlement is.

(3) Any person who is aggrieved by any decision given under this Act by a licensing authority of an urban area may, within thirty days of the date when that decision is given, appeal to the Minister.

Procedure in respect of Appeals

43. The Minister may make regulations regulating the procedure for appeals made under this Act, and those regulations shall be published in the *Gazette*."

5. Section 98 of the principal Act is hereby repealed and replaced by the following - . -

Section 98 repealed and replaced

"Establishment of Appeals Committees

98.-(1) There is hereby established an, Appeals Committee for every district in Tanganyika.

(2) There is hereby established an Appeals Committee for every region in Tanganyika.

(3) The provisions of the Second Schedule to this Act shall have effect as to the composition and proceedings of Appeals Committees for the districts and for the regions, and otherwise in relation to them

Minister to hear certain appeals

98A.-(1) Subject to subsection (2), the Minister shall hear and determine appeals made to him under section 42 (3) and he may affirm, reverse or vary the decision of the licensing authority from which the appeal arose.

(2) The Minister may, by writing under his hand, delegate the power to hear and determine appeals under this section to such person or body of persons as he may deem fit."

6. The principal Act is hereby amended by deleting the word "Board" in every section. in which it occurs in that Act and substituting for it the term "licensing authority."

General amendments

Reading of
schedule
amended

7. The Schedule to the principal Act is hereby amended by deleting the heading "SCHEDULE" and substituting for it the heading "FIRST SCHEDULE".

Second
Schedule
added

8. The principal Act is hereby amended by adding immediately after the First Schedule the following: -

SECOND SCHEDULE

Section 98 (2)

THE APPEALS COMMITTEE

Composition

- 1.**-(1) An Appeals Committee for a region shall consist of-
- (a) the Regional Commissioner of the region, who shall be the Chairman of the Committee;
 - (b) the Regional Chairman of the Chama cha Mapinduzi;
 - (c) the Regional Police Commander;
 - (d) the Regional Medical Officer;
 - (e) the Regional Security Officer;
 - (f) the Regional Accountant, who shall also be the secretary of the Committee; and
 - (g) two other members appointed to the Committee by the Regional Development Committee (hereinafter referred to as "appointed members").
- (2) An Appeals Committee for a district shall consist of-
- (a) the Area Commissioner of the district, who shall be the Chairman of the Committee;
 - (b) the District Chairman of the Chama cha Mapinduzi;
 - (c) the Officer-in-Charge of Police in the District;
 - (d) the District Medical Officer;
 - (e) the District Security Officer;
 - (f) the District Accountant, who shall also be the Secretary of the Committee, and
 - (g) two other members appointed to the Committee by the District Development Council (hereinafter referred to as "appointed members").

Tenure of
office of
appointed
members

2.-W An appointed member shall, unless his appointment is sooner revoked by the authority appointing him, or he ceases to be a member in any other way, hold office for such period as may be specified in the instrument of his appointment or, if no period is specified in that instrument, for a period of three years from the date of his appointment and shall be eligible for reappointment.

(2) A Regional Development Committee and District Development Council may fill any casual vacancy occurring in the membership of appointed members, and may revoke the appointment of that member and appoint a replacement.

(3) An appointed member may resign by giving notice in writing to the authority appointing him of his intention to do so and shall, as from the date specified in the notice or, if the date is not specified, from the date when the authority appointing him receives the notice, cease to be a member of the Appeals Committee.

Meetings of
the
Committee

3.-(1) An Appeals Committee shall meet at such times as may be necessary or expedient for the transaction of its business and all meetings shall be convened by the Chairman or, on the direction of the Chairman, by the Secretary, who shall appoint a suitable time, place and date for the holding of each meeting.

(2) The Chairman shall preside at all meetings of an Appeals Committee and, in his absence, the members present at the meeting shall elect one of their number to preside at that meeting.

4-(1) At any meeting of an Appeals Committee, the Secretary and not less than three other members of the Appeals Committee shall constitute a quorum. Quorum and voting at meetings

(2) A decision of the majority of the members present and voting at a meeting of an Appeals Committee shall be deemed to be a decision of the Appeals Committee.

(3) Every member of an Appeals Committee shall have one vote and in the event of an equality of votes the Chairman of the meeting shall have a second or casting vote in addition to his deliberative vote.

5-(1) The details of all business conducted or transacted at a meeting of an Appeals Committee shall be entered by the Secretary in a minute book kept by the Appeals Committee for that purpose. Minutes of proceedings

(2) The minutes of the proceedings of each meeting of an Appeals Committee shall be read and confirmed or amended and confirmed, as the case may be, and be signed by the Chairman of the meeting at the same or the next meeting of the Appeals Committee and any minutes purporting to be signed shall, in the absence of proof of error, be deemed to be a correct record of the meeting of which they purport to be the minutes.

6. Subject to paragraph 4 with regard to a quorum, an Appeals Committee may act notwithstanding any vacancy in its membership and none of its acts or proceedings shall be invalid by reason only of some defect in the appointment of a member or a person who purports to be a member. Vacancies etc., not to invalidate proceedings

7. Subject to the provisions of this Act, the Committee may regulate its own proceedings in any manner it thinks fit. Committee may regulate own proceedings

Passed in the National Assembly on the fifteenth day of April, 1978.

MMwindadi

Mg • Clerk of the National Assembly