

Accommodation work.

17. Whenever the construction of any undertaking authorized under this Law causes the interruption of any right of way or of any right to the passage of water, the High Commissioner, instead of sanctioning the acquisition of the right, shall, whenever he considers it practicable so to do, provide for the construction and maintenance of such crossings, bridges, culverts, watercourses or other passages as may be necessary for the purpose of making good the interruption and enabling the right to be enjoyed as before the construction of the work or as nearly as may be.

For the purpose of furnishing such accommodation the High Commissioner shall have power to acquire land as if it were required for the original undertaking.

Schedule added by Law 12 of 1942

LEPERS, *see* PUBLIC HEALTH.

LICENSING.

10 OF 1889.⁽¹⁾

TO CONSOLIDATE AND AMEND THE LAW WITH REGARD TO THE SALE OF INTOXICATING LIQUORS BY RETAIL.

HENRY BULWER.]

[April 27, 1889.

Definition.

1. The sale of intoxicating liquors in smaller quantities than three ounces at a time shall be deemed to be the sale of intoxicating liquors by retail.

No liquor to be sold without licence.

2.—(1.) No person shall sell or expose for sale by retail any intoxicating liquor, without being duly licensed to sell the same, or at any place where he is not duly authorized to sell the same.⁽²⁾

Certificate of Mejlis Idaré, and excise licence.

(2.) In order to enable any person lawfully to sell intoxicating liquors by retail he must obtain:—

(a.) The certificate of the Mejlis Idaré of the Qaza that he is a fit and proper person to hold a licence for the sale of intoxicating liquors by retail, and that the place in which he desires to sell intoxicating liquors by retail is a fit and proper place for such sale;

(b.) The licence of the Government to sell intoxicating liquors in the place specified, hereinafter called an excise licence.

⁽¹⁾ Ss. 17—26 were formerly ss. 18—27.

⁽²⁾ See 13, 1906, 8, p. 277.

Whole law repealed by Law 20 of 1943

Sec. 2 (3) of Law 10 of 1889 (at p.505) has been repealed and the following substituted therefor:-

2 (3) Every certificate of the Mejlis Idaré shall be in the form in the First Schedule and every excise license shall be in such form as the Governor shall appoint.

Sec.3 of Law 10 of 1889 is also repealed and the following will have effect in its place:

3. In every District there shall be held in every year meetings of the Mejlis Idaré of the District, for the purpose of granting certificates to persons who have made applications for licenses for the sale of intoxicating liquors by retail, on such dates as the Commissioner of the District shall decide provided that one such meeting as aforesaid shall be held in February of each year.

Vide Law 20 of 1926

5. The Mejlis Idaré may continue such meetings by adjournment to such day or days as it shall deem most convenient and sufficient for enabling persons keeping inns or wine shops within the district to apply for certificates. Provided always that such adjourned meetings shall not be held on any of the twelve days next ensuing that on which the meeting shall have been holden; and every meeting adjourned from a meeting held in February shall be held before the 13th of March; and every meeting adjourned from a meeting held in August shall be held before the 13th of September.

Adjourned meetings.

6. Every certificate granted at any licensing meeting held in February or at any adjournment thereof shall be in force from the 13th of March next after the granting thereof for one whole year then next ensuing, and no longer; and every certificate granted at any licensing meeting held in August or at any adjournment thereof shall be in force from the 13th of September after the granting thereof until the 13th of March then next ensuing, and no longer.

Duration of certificate.

7. No appeal shall lie to the Central Mejlis Idaré from any decision of the Mejlis Idaré of a Qaza granting or refusing a certificate.

No appeal from Mejlis Idaré.

8. When any licensed person shall die during the continuance of the licence, the Principal Officer of the Excise may, at the request of the heirs of the deceased, or any of them, transfer the licence to any one of the heirs as holder thereof; and the licence so transferred shall remain in force until the 13th of March then next ensuing.

Transfer of licence of deceased person.

9.—(1.) The Principal Officer of Excise in each District shall, unless for good and sufficient cause he sees reason to the contrary, grant an excise licence for the sale of intoxicating liquors by retail

Issue of excise licences.

Law 20 of 1926
see 4

(3.) Every certificate of the Mejlis Idaré under this Law shall be in the form in the First Schedule, and every excise licence shall be in the form in the Second Schedule. Forms.

3. In every Qaza there shall be annually holden two special meetings of the Mejlis Idaré of the Qaza for the purpose of granting certificates to persons keeping or being about to keep houses for the sale of intoxicating liquors by retail. Two special licensing meetings to be held annually.

Such meetings shall be held on a day in February and on a day in August to be fixed by the Commissioner of the District.

4. The Commissioner of the District shall cause notice of the day, hour, and place appointed for such meetings as aforesaid or any adjournment thereof to be published throughout the district ten days at least before the date fixed for the meeting or adjourned meeting. Notice of licensing meeting.

5. The Mejlis Idaré may continue such meetings by adjournment to such day or days as it shall deem most convenient and sufficient for enabling persons keeping inns or wine shops within the district to apply for certificates. Provided always that such adjourned meetings shall not be held on any of the twelve days next ensuing that on which the meeting shall have been holden; and every meeting adjourned from a meeting held in February shall be held before the 13th of March; and every meeting adjourned from a meeting held in August shall be held before the 13th of September. Adjourned meetings.

*referred
Law 20997
see 9*

6. Every certificate granted at any licensing meeting held in February or at any adjournment thereof shall be in force from the 13th of March next after the granting thereof for one whole year then next ensuing, and no longer; and every certificate granted at any licensing meeting held in August or at any adjournment thereof shall be in force from the 13th of September after the granting thereof until the 13th of March then next ensuing, and no longer. Duration of certificate.

7. No appeal shall lie to the Central Mejlis Idaré from any decision of the Mejlis Idaré of a Qaza granting or refusing a certificate. No appeal from Mejlis Idaré.

8. When any licensed person shall die during the continuance of the licence, the Principal Officer of the Excise may, at the request of the heirs of the deceased, or any of them, transfer the licence to any one of the heirs as holder thereof; and the licence so transferred shall remain in force until the 13th of March then next ensuing. Transfer of licence of deceased person.

9.—(1.) The Principal Officer of Excise in each District shall, unless for good and sufficient cause he sees reason to the contrary, grant an excise licence for the sale of intoxicating liquors by retail Issue of excise licences.

*Law
209926
see 4*

to any person holding a certificate of the Mejlis Idaré under this Law.

Provided always that no excise licence shall be granted in respect of any premises situate in any village or quarter in which there are already sufficient licensed houses for the convenience of the public.

(2.) No excise licence for the sale of intoxicating liquors shall be granted by an Officer of Excise to any person whatever unless such person shall have previously obtained from the Mejlis Idaré of the Qaza in which the place is situate, in respect of which a licence is sought, a certificate in accordance with this Law.

Prohibited
places.

10. No licence shall be given, unless for good and sufficient cause shown to the satisfaction of the Commissioner of the District, in respect of any premises situate within one hundred pias of any mosque, teké, medresseh or turbeh enclosed in a shrine, nor in the immediate vicinity of any guard house, police station house, or barrack, nor in any village or quarter inhabited exclusively by Mahomedans, nor in any place where the licensing authority shall consider the establishment of a house for the sale of intoxicating liquors would be prejudicial to the peace and good order and welfare of the inhabitants.

Premises to
have no com-
munication
with un-
licensed
premises.

11. No premises licensed under this Law shall communicate by any internal communication with any unlicensed premises nor with any private court yard having any communication with any unlicensed premises.

Penalty for
use of un-
licensed
premises for
sale of
intoxicating
liquors.

12. Any person who shall sell any intoxicating liquors without an excise licence shall be liable to a penalty not exceeding twenty pounds, and any intoxicating liquors found in his possession or upon his premises shall be liable to forfeiture.

Occupant to
produce
agreement or
officer may
assess rental.

13. Every occupier of any premises to be licensed for the sale of intoxicating liquors shall be bound to produce to the proper Officer of Customs and Excise the agreement under which the premises are held; and if the officer has reason to suppose that the value of the premises exceeds the amount specified in the agreement, or if there is no agreement, the rental or value for assessment of licence duty shall be estimated in such manner as the Principal Officer of Customs and Excise of the District shall direct.

Rates for
licences.

14. Licences for the sale of intoxicating liquors shall be charged for after the rates set forth in the Third Schedule.

Law 20 of 1886
sec. 5

Collector of Customs

Chief

15. If the occupier of any premises used for the sale of intoxicating liquors shall neglect or refuse when called upon by the proper Officer of Customs to produce the agreement, if any, under which he holds the premises, he shall be liable to a penalty not exceeding ten pounds.

Penalty for refusing to produce agreement.

16. Excise licence duty shall be payable in two instalments, on the 13th of March and on the 13th of September in every year.

Payment of licence duty by instalments.

Every licensed person who sells any intoxicating liquor by retail on any premises in respect of which any instalment is due and unpaid shall be liable to the pains and penalties of selling intoxicating liquors by retail with the following exceptions.

Sec. 18 of Law 10 of 1889 (at p. 507) has been amended by the addition thereto of the following sub-section.

"(2) The Principal Officer of Customs and Excise in any District may grant to any licensed person a special license to sell intoxicating liquors by retail at any public function or entertainment in any building approved by the Commissioner of the District and not at the time licensed for that purpose. Such license shall not be valid for more than one day, and shall specify the day and place for which it is issued."

Vide Law 20 of 1926 sec. 6

purpose or preventing any breach of the public peace, at all times enter any licensed premises and any part of such premises.

Every person who by himself or by any person in his employ or acting by his direction or with his consent refuses or fails to admit any peace officer in the execution of his duty demanding to enter in pursuance of this section shall be liable to a penalty not exceeding, for the first offence, five pounds and for the second and any subsequent offence ten pounds.

20. Any Magisterial Court, if satisfied by evidence on oath that there is reasonable ground to believe that any intoxicating liquor is sold by retail, or exposed or kept for sale by retail at any place within the jurisdiction of the Court, whether a building or not, in which such liquor is not authorized to be sold by retail may grant a warrant under the hand of a judge or judges of the Court by virtue whereof

Search warrant for liquor sold contrary to law.