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CHAPTER 238.

LIQUOR LICENSING.

An Ordinance to consolidate and amend the law relating to the sale of intoxicating liquor in Sierra Leone. 14 of 1958.

[Sections 1-5, 7-10, 13-16, 18 and 51, Schedules A-D,

1ST JANUARY, 1960.]

[Remainder, 1ST APRIL, 1960.]

1. (1) This Ordinance may be cited as the Liquor Licensing Ordinance. Short title
and com-
mencement.

(2) Sections 1, 2, 3, 4, 5, 7, 8, 9, 10, 13, 14, 15, 16, 18 and 51 and Schedules A, B, C and D shall come into force on such date as the Governor may by Order declare, and the rest of this Ordinance shall come into force on the expiry of three months from that date. *

* P.N. 180 of 1959, which included also section 6.

Interpreta-
tion.

2. In this Ordinance, unless the context otherwise requires—

“beer” means beer, ale, porter, spruce beer, black beer, or any other description of beer, cider, perry, and any fermented malt liquor:

Provided that any fermented beer containing a greater proportion than forty *per centum* of proof spirits shall be deemed to be spirits;

Cap. 65.

“City of Freetown” means the City of Freetown as delimited in section 5 of the Freetown Municipality Ordinance;

Cap. 7.

“Freetown Police District” means the Police District of Freetown as defined in the Schedule to the Courts Ordinance;

“intoxicating liquor” means beer, wine or spirits as defined in this section;

“Liquor Licensing Board” means a Liquor Licensing Board constituted under the provisions of this Ordinance;

“premises” includes any train to which is attached a railway restaurant car;

“Register of Licences” means a Register of Licences kept under the provisions of section 41;

“spirits” means rum, brandy, gin, whisky, schnapps, hollands, absinthe and all kinds of spirits and spirituous liquors of any description, and all liquor mixed with spirits, and all mixtures and compounds of preparations made with spirits and any distilled and spirituous liquor, but does not include wine or palm wine or any other native made wine;

“wine” means claret, champagne, port, hock, moselle, chablis, burgundy, Rhine wine and any kind of liquor sold or offered for sale as being foreign wine, or under the name by which foreign wine is usually designated or known, sweets, made wines, mead, metheglin, or any liquor made or obtained from fruit or sugar, or from fruit and sugar mixed with any other materials, or from a tree or plant which has undergone a process of fermentation in the manufacture thereof, but does not include palm wine or any other native made wine:

Provided that any fermented wine or liquor containing a greater proportion than forty *per centum* of proof spirits shall be deemed to be spirits.

Establish-
ment of
Liquor
Licensing
Boards.

3. For the purposes of this Ordinance there shall be established—

(a) a Colony Liquor Licensing Board having jurisdiction throughout the Colony; and

(b) a District Liquor Licensing Board for each District of the Protectorate.

4. (1) The Colony Liquor Licensing Board shall consist of the Senior Police Magistrate of Freetown, who shall be Chairman, and such other persons, not being less than three nor more than seven, as the Governor in Council may from time to time appoint.

Composition
of Liquor
Licensing
Boards.

(2) In each District the District Liquor Licensing Board shall consist of the senior Police Magistrate having jurisdiction in the District, who shall be Chairman, and such other persons, not being less than three nor more than seven, as the Governor in Council may from time to time appoint.

(3) All the members of Liquor Licensing Boards, other than the Chairman thereof, shall hold office during the pleasure of the Governor in Council and shall, whatever may have been the dates of their respective appointments, vacate their seats on the first day of January in the year nineteen hundred and sixty, and thereafter on the first day of January in every alternate year.

(4) Any member vacating his seat, whether under the provisions of the last preceding sub-section or otherwise, may be re-appointed a member of a Liquor Licensing Board by the Governor in Council.

5. (1) The Chairman and two other members of a Liquor Licensing Board shall constitute a quorum, and in the case of an equality of votes the Chairman shall have a second or casting vote.

Procedure.

(2) The sittings of Liquor Licensing Boards shall be open to the public.

6. (1) The following licences may be granted under this Ordinance for the sale of intoxicating liquor—

Different
forms of
licences.

(a) a licence (in this Ordinance called an On and Off Licence) to sell intoxicating liquor to be consumed on or off the premises, for a year, half-year or quarter;

(b) a licence (in this Ordinance called a Wholesale Off Licence) to sell intoxicating liquor in stores, in quantities of not less than one gallon, not to be consumed on the premises, for a year or half-year;

(c) a licence (in this Ordinance called a Retail Off Licence) (to be granted only to a holder of a licence under the last

paragraph hereof) permitting such holder to sell intoxicating liquor in stores, in quantities of less than one gallon, not to be consumed on the premises, for a year or half-year;

(*d*) a licence (in this Ordinance called a Saloon-bar Licence) to sell intoxicating liquor, to be consumed on the premises, for a year, half-year or quarter;

(*e*) a licence (in this Ordinance called a Hotel Licence) to the holder of a Saloon-bar Licence to sell intoxicating liquor by retail to persons lodging in or taking meals in the hotel to be consumed therein, for a year;

(*f*) a licence (in this Ordinance called a Wine and Beer On and Off Licence) to sell wine and beer, to be consumed on or off the premises, for a year;

(*g*) a licence (in this Ordinance called a Wine and Beer Off Licence) to sell wine and beer, not to be consumed on the premises, for a year;

(*h*) a licence (in this Ordinance called an Occasional Licence) to sell intoxicating liquor on special occasions;

(*i*) a licence (in this Ordinance called a Canteen Licence) to sell intoxicating liquor in a canteen for such period as the Governor shall determine;

(*j*) a licence (in this Ordinance called a Club Licence) to sell intoxicating liquor in a club, for a year;

(*k*) a licence (in this Ordinance called a Railway Restaurant Car Licence) to sell intoxicating liquor for a year or half-year by retail in a restaurant car to passengers travelling on the train to be consumed on the train.

Dates on which licences shall expire.

(2) The licences aforesaid, with the exception of Canteen and Occasional Licences, shall expire at the end of the year, half-year or quarter respectively for which such licences have been granted.

Application for certificate for licence.

7. Any person wishing to obtain an On and Off Licence, or a Saloon-bar Licence or a Wine and Beer On and Off Licence or a Wine and Beer Off Licence or a Club Licence or a Hotel Licence shall, two months at least before the licence is required, make application in writing for a certificate to the Chairman of the Liquor Licensing Board having jurisdiction in the area in which the premises to be licensed are situated, setting forth his name and address, and the nature of the licence for which he applies and a description of the situation of the premises in respect of which the application is made; and, if an application for a certificate for the same licence in respect of the same premises have been refused within the last preceding twelve months,

stating some substantial reason for the grant of such certificate which was not before the Liquor Licensing Board on such previous application.

8. The Chairman of the Liquor Licensing Board on receiving such application shall issue a notice under his hand in the form prescribed in Schedule A, or as near thereto as circumstances permit, and shall cause the said notice to be published once in the *Gazette*, and to be affixed for a period of not less than ten days on the door of the premises to be licensed and on the nearest police station thereto. The notice shall fix a day for the hearing of the application for a certificate and of objections thereto, which shall be not less than thirty days from the date of the publication thereof.

Notice of hearing.

Sched. A.

9. (1) The Commissioner of Police or his representative or, any body responsible for local government or public health in the place in which the premises to be licensed are situate, and any person owning or occupying premises, or the Minister of any place of worship, situated within one hundred yards of the premises intended to be licensed, may object to the granting of such certificate.

Objections to issue of certificate.

(2) Written notice of such objection and of the grounds thereof shall be given to the Chairman of the Liquor Licensing Board, and a copy thereof shall also be delivered by the objector to the applicant at least fourteen days before the date of the hearing of the application.

10. (1) The Board shall, before granting or refusing the certificate, hear evidence, which in all cases shall be on oath, with regard to—

Evidence required at hearing.

- (a) the character of the applicant for the licence;
- (b) the suitability of the premises; and
- (c) the need for such licence for the public convenience.

(2) No person shall be heard in opposition of an application who has not given notice in writing as prescribed in sub-section (2) of section 9.

(3) The Liquor Licensing Board may in its discretion grant or refuse to grant a certificate and need not assign any reason.

11. (1) If the applicant is already the holder of a licence under this Ordinance in respect of premises for which he is applying for a new licence, and no notice of opposition has been

Renewal of licences.