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SCHEDULE

LIQUOR LAW

A Law to regulate the manufacture and sale of intoxicating liquor.

[NN 1963, Cap. 64, NN 14 of 1964, KWS 11 of 1969, KWS LN 1 of 1982, No. 4 of 2006.]

[Date of commencement: *1st January*, 1918]

1. Short title

This Law may be cited as the Liquor Law.

2. Interpretation

Definitions—

"**beer**" includes every description of beer, porter, cider and perry and any fermented malt liquor;

"**club**" includes an institute;

[KWS LN 1 of 1982.]

"**Commissioner**" means the State Commissioner assigned with the responsibility of giving effect to this Law;

[No. 4 of 2006.]

"**denatured spirits**" means an intoxicating liquor which by the addition of some substance has been rendered impossible for use as a beverage;

"**injurious spirits**" means distilled liquors containing essential oils or chemical products, which are recognised as being injurious to health, such as thujone, star

anise, benzoic aldehyde, salicylic ester, hyssop, absinthe and similar substances, unless such spirits have been denatured;

"intoxicating liquor" and **"liquor"** mean any liquid which, if used as a beverage, may have an intoxicating effect, and include wines, beer and spirits, but do not include local liquor;

"licensed premises" and **"premises"** in relation to sections 54, 58, 59 and 61 include any room or place adjacent to and communicating with any portion of any premises licensed for the sale of liquor;

"local liquor" means fermented liquor essentially made by indigenes in or about Nigeria;

"retail" means the sale of liquor in quantities not exceeding two gallons to any one person during the space of twenty-four hours;

"sale" includes the distribution of liquor the property of the members of a club amongst such members;

"spirits" means distilled liquors and all mixtures and compounds made with such liquors, and includes any wine or beer containing more than twenty per centum of pure alcohol;

"State" means the Kwara State of Nigeria;

"the board" means a licensing board;

"trade spirits" means such spirits as under the Customs and Excise Management Act and the regulations made thereunder in force on the 31st day of March, 1959, were to be regarded as "trade spirits";

[No. 55 of 1958.]

"wholesale" means the sale of liquor in quantities of not less than two gallons to be delivered at one time to one person.

3. Exemptions

Nothing in this Law other than the provisions of section 53 shall apply to—

- (a)* local liquor;
- (b)* the possession, sale, transfer, conveyance or removal of denatured spirits imported into Nigeria or distilled in Nigeria under a licence;
- (c)* any qualified medical practitioner, or licensed druggist administering or selling for purely medical purposes any bona fide medicine containing intoxicating liquor;
- (d)* the sale of intoxicating liquor by any person acting under the order of a court or selling liquor forfeited to the Government;
- (e)* the sale of intoxicating liquor by an executor or administrator when such liquor forms part of the estate of a deceased person;
- (f)* the sale by private arrangement of intoxicating liquor being the residue of a reasonable stock held for private consumption by a person about to leave Nigeria;
- (g)* the sale of liquor the property of the members of an officers' or noncommissioned officers' mess in the armed forces of the Federation or of any civilian mess approved in that behalf by a Governor to the members of such mess;
- (h)* the conveyance of intoxicating liquor imported for transit through Nigeria subject to the provisions of the law regulating goods in transit;
- (i)* the sale of liquor to members of the crews of ships of the Nigerian Navy under conditions approved by the Commodore of the Nigerian Navy;

- (j) the possession of imported spirits intended solely for the purpose of testing palm-oil by, or the sale thereof to, any person in possession of a permit issued by a divisional officer to sell or possess such spirits for such purpose;
- (k) the sale of intoxicating liquor to any bona fide organisation engaged in supplying food or drink solely to members of the armed forces of the Federation.

[KWS LN 1 of 1982.]

4. Division of the State into prohibited, licensed and restricted areas

For the purposes of this Law the State shall be divided into—

- (a) prohibited areas—areas in which intoxicating liquor may not be sold except under licence, and in which the sale of spirits to, and the possession of spirits by indigenes of a prohibited area is prohibited;

[KWS LN 1 of 1982.]

- (b) licensed areas—areas in which intoxicating liquor may not be sold except under a licence;
- (c) restricted areas—areas in which intoxicating liquor may not be sold by non-Nigerians except under a licence, and in which the sale of liquor by indigenes may be restricted by by-laws made by a local government.

5. Declaration of areas

- (1) The Governor may by order declare any area therein defined to be a prohibited area or a licensed area.
- (2) Unless otherwise ordered the whole of Kwara State shall be a prohibited area.
- (3) All parts of Kwara State not included in a prohibited area or licensed area are

restricted areas.

6. Licensing boards

(1) The Governor may by regulations appoint such licensing boards for the purposes of this Law as he may think proper, and define the areas over which such boards shall exercise jurisdiction.

(2) The chairman and members of a licensing board shall be appointed by the Commissioner and shall hold their seats on the board during the pleasure of the Commissioner.

(3) Every unofficial member of the board shall vacate his seat on the expiration of two years from the date of his appointment, but may be reappointed by the Commissioner.

Prohibition of Trade Spirits and Injurious Spirits

7. Prohibition of sale of trade spirits and injurious spirits

The distribution, sale, disposal and possession of trade spirits and injurious spirits is hereby prohibited.

Penalty: a fine of two thousand naira for the first offence, and of five thousand naira for any subsequent offence, and the spirits may be forfeited.

[No. 4 of 2006.]

Manufacture of Intoxicating Liquors

8. Distillation of spirits prohibited

(1) No person shall distil any spirits or possess, sell or dispose of any spirits distilled in the State.

(2) *Restriction as to distilling apparatus.*—The distribution, sale, disposal and

possession of stills, and of all apparatus or portions of apparatus suitable for the distillation of alcohol and the rectification or redistillation of spirits are hereby prohibited.

(3) Notwithstanding the provisions of subsections (1) and (2) the Commissioner may grant licences with or without conditions to authorise—

- (a) the distillation of spirits to be denatured or used exclusively for scientific, medical, surgical or pharmaceutical purposes. The provisions of subsection (1) shall not apply to spirits distilled under such licence;
- (b) the distribution, sale, disposal or possession of distilling apparatus of the nature set out in the Schedule.

[Schedule.]

(4) Any person found offending against the provisions of this section may be arrested without a warrant.

(5) In any proceedings under subsection (1) of this section upon proof that the person charged possessed, sold or disposed of, any spirits which are certified by a Government Chemist of the Federation or of the State to be a liquid having the characteristics of locally and crudely prepared spirits, the burden of proof that such spirits were not illicitly distilled in Nigeria shall lie upon the person so charged.

9. Licence to manufacture wines

No person shall manufacture wine except under a licence granted by the Commissioner, and subject to the prescribed conditions.

10. Penalty for offence against sections 8 and 9

Any person who shall commit an offence under either section 8 or section 9 shall be liable for a first offence to a fine of ten thousand naira and in default of payment to imprisonment for three years, and for any second or subsequent offence to a fine of fifteen

thousand naira and in default of payment to imprisonment for three years or to imprisonment for two years or both of such penalties.

[No. 4 of 2006.]

11. Possession of tubing in certain places an offence unless shown not to be for purpose of distillation

If any part of the State to which the Governor may by order apply this section any person shall have in his possession any metal tubing and shall not be able to show that it was not in his possession with a view to its being used by himself or any other person in connection with the distillation of spirits, he shall be guilty of an offence and shall be liable in the case of a first offence to a fine of two thousand naira and in default of payment to imprisonment for twelve months and for any second or subsequent offence to a fine of five thousand naira and in default of payment to imprisonment for twelve months, or to imprisonment for twelve months, or to both such penalties.

Provided that this section shall not apply to any person to whom the Commissioner has granted a licence under subsection (3) of section 8.

[No. 4 of 2006.]

Introduction of Intoxicating Liquor into a Prohibited Area

12. Introduction of liquor into a prohibited area

Subject to the provisions of section 13 no person shall introduce any intoxicating liquor into a prohibited area.

Penalty: a fine of two thousand naira for a first offence and five thousand naira for any subsequent offence, and the liquor may be forfeited.

[No. 4 of 2006.]

13. Exemptions

Intoxicating liquor other than trade spirits may be introduced into a prohibited area in the following cases—

- (a) without a permit—
 - (i) by the Commissioner or for Government purposes;
 - (ii) by a traveller, not being an indigene of a prohibited area, in quantities not exceeding that which he may reasonably require for his personal use in the course of his journey;
 - (iii) by the holder of a restaurant car licence, in quantities not exceeding that which may be reasonably required by the passengers travelling on the train on which the liquor is carried, and to which the restaurant car is attached;
- (b) with a permit issued by the prescribed authority—
 - (i) by persons other than indigenes, for private consumption and not for sale;
 - (ii) by holders of licences authorising the sale of such liquor.

14. Penalty for conveying liquor into prohibited area

Except as provided in section 13, no intoxicating liquor shall be conveyed into a prohibited area. In the case of a contravention of this section, the owner and the master or person in charge of any vessel, vehicle or other means of transport employed in such conveyance or any carrier shall be liable to a fine of five thousand naira.

[No. 4 of 2006.]

15. Duty of persons in charge of transport to require production of permit

The master of a vessel, any railway servant, or other person in charge of transport or a carrier shall before accepting any intoxicating liquor for carriage into a prohibited area in circumstances or quantities other than those mentioned in section 13 (a) require the

production of the permit authorising the introduction of such liquor into the prohibited area.

Penalty: a fine of two thousand naira.

[No. 4 of 2006.]

16. Power to inspect and detain packages containing intoxicating liquor

(1) The master of a vessel, any railway servant, or other person in charge of transport or a carrier may open and inspect any package or parcel tendered for carriage, if he has reason to suspect that the same contains intoxicating liquor, and may detain at the risk of the owner any package or parcel which may contain intoxicating liquor in respect of which a permit is required by this Law, and for which no such permit is produced, but shall forthwith report such detention to the nearest magistrate or superior police officer.

(2) The master of a vessel or any other person in charge of transport or any carrier who shall fail to report such detention as aforesaid shall be liable to a fine of two thousand naira.

[No. 4 of 2006. |

Sale, Supply and Possession of Intoxicating Liquor

17. Offence to supply spirits to an indigene in a prohibited area

No person, whether a licence holder or not, shall in a prohibited area sell, give or supply to any indigenes of a prohibited area any spirits.

Provided that no person shall be convicted of an offence against this section if he shall satisfy the court that the spirits were supplied to the indigene of a prohibited area for *bona fide* medical purposes.

Penalty: a fine of two thousand naira for a first offence, and for every subsequent offence, a fine of five thousand naira.

[No. 4 of 2006.]

18. Indigenes not to purchase spirits in a prohibited area

No indigene of a prohibited area shall purchase or be in possession of any spirits in a prohibited area, unless for *bona fide* medical purposes.

Penalty: a fine of two thousand naira, and the spirits shall be forfeited.

[No. 4 of 2006.]

19. Possession of trade spirits

No person shall be in possession of trade spirits in a prohibited area.

Penalty: a fine of two thousand naira for a first offence, and five thousand naira for any subsequent offence, and the spirits shall be forfeited.

[No. 4 of 2006.]

20. Sale of liquor in a prohibited or licensed area

No person shall, within a prohibited area or a licensed area sell intoxicating liquor to any person except under a licence authorising such sale.

Penalty: a fine of two thousand naira for a first offence, and of five thousand naira for any subsequent offence.

[No. 4 of 2006.]

21. Sale of liquor by a non-Nigerian in a restricted area

No non-Nigerian shall within a restricted area sell intoxicating liquor to any person except under a licence authorising such sale.

Penalty: a fine of two thousand naira for a first offence, and of five thousand naira for any subsequent offence.

[No. 4 of 2006.]

22. Sale of liquor by indigenes in a restricted area may be regulated

(1) The Governor may make rules, or a local government may make by-laws,

regulating the sale of intoxicating liquor by indigenes within a restricted area.

(2) A by-law made by a local government under this section shall be binding on and apply to all indigenes within the area of the jurisdiction of the local authority whether such indigenes are ordinarily subject to the jurisdiction of an area court or not.

(3)

[No. 4 of 2006.]

23. Sale of beer or wine by the manufacturer thereof

The holder of a licence to brew beer granted under the provisions of the Customs and Excise Management Act or of a licence to manufacture wine granted under the provisions of this Law may sell by wholesale beer or wine manufactured by him to the holder of a licence to sell beer or wine.

[No. 55 of 1958, No. 4 of 2006.]

Licensing

24. Licences authorising the sale of liquor

Licences of the several descriptions following authorising the sale of intoxicating liquor subject to the provisions of this Law may be issued by the prescribed officers—

- (a) a store liquor licence;
- (b) a tavern licence;
- (c) a wine and beer on licence;
- (d) a wine and beer off licence;
- (e) a general wholesale liquor licence;
- (f) a general retail liquor licence;
- (g) a hotel liquor licence;
- (h) a club liquor licence;
- (i) a railway station liquor licence;

(j) a temporary liquor licence.

25. Licences other than club licences deemed to contain condition against discrimination

Every licence of a description mentioned in section 24 shall be subject to and shall be deemed to contain a condition that the holder of such licence shall not refuse to sell liquor to any person who may otherwise lawfully be supplied, on account of the race, colour or creed of such person.

[KWS LN 1 of 1982.]

26. Authority for the issue of licences

(1) Subject to the provisions of section 35, none of the licences (a) to (j) mentioned in section 24 shall be issued except on a certificate of a licensing board.

[KWS No. 11 of 1969.]

(2) A temporary liquor licence shall not be issued except with the approval of the Commissioner.

27. Definitions and conditions of licences

The following definitions and provisions shall apply to the aforementioned licences—

- (a) a **"store liquor licence"** authorises the sale by retail of liquor, other than trade spirits, to be consumed elsewhere than on the licensed premises;
- (b) a **"tavern licence"** authorises the sale by retail of liquor, other than trade spirits, to be consumed on the licensed premises;
- (c) a **"wine and beer on licence"** authorises the sale by retail of wine and beer to be consumed on the licensed premises. The licence does not authorise the sale of wine or beer containing more than twenty per

centum of pure alcohol;

- (d) a "**wine and beer off licence**" authorises the sale in quantities not exceeding two bottles to any one person during the space of twenty-four hours, of wine and beer to be consumed elsewhere than on the licensed premises. The licence does not authorise the sale of wine or beer containing more than twenty per centum of pure alcohol;
- (e) a "**general wholesale liquor licence**" authorises the sale by wholesale of any liquor for consumption off the licensed premises;
- (f) a "**general retail liquor licence**" authorises the sale by retail of any liquor for consumption off the licensed premises;
- (g) a "**hotel liquor licence**" authorises the sale of liquor, other than trade spirits, by retail—
 - (i) on any day and at any hour to persons sleeping on the premises to be consumed thereon;
 - (ii) to persons taking meals in the hotel to be consumed therein with the meals, on Christmas Day, Good Friday, or Sunday between the hours of 11.30 am and 2.30 pm and 6.30 pm and 10.30 pm and on other days between the hours of 8 am and 11.30 pm;
- (h)
 - (i) a "**club liquor licence**" authorises the sale of liquor, other than trade spirits, to the members of the club to be consumed on the premises;
 - (ii) no place of accommodation, entertainment or refreshment shall be considered a club where other than members or their invited guests are allowed entry or accommodation or where

other than members are charged or permitted to pay for any refreshment or accommodation they may obtain therein;

- (iii) every club licence shall be issued to the proprietor, secretary or manager of the club.

Provided that no transfer of any such licence shall be necessary upon any change of any such proprietor, secretary or manager, but the person for the time being holding any such office shall be entitled to the privilege granted by the licence and subject to the duties and obligations imposed upon the holder thereof;

- (iv) a copy of the rules of the club certified by the secretary or chairman shall be deposited by the applicant with the officer authorised to receive applications for the grant or renewal of licences;

- (i) a "**railway station liquor licence**" authorises the sale by retail of liquor, other than trade spirits, at any railway station refreshment room or other railway premises named in such licence, to *bona fide* passengers travelling by train to be consumed on the railway premises;

- (j) (i) a "**temporary liquor licence**" may be issued to the holder of a licence to sell intoxicating liquor by retail and authorises the holder to sell liquor by retail at any place of recreation or public amusement or other assembly, subject to such restrictions and conditions as the officer issuing the licence shall think proper;

- (ii) a "**temporary liquor licence**" shall not be granted for any

period exceeding three days;

- (iii) the licence shall specify the number of days and the hours during which the sale thereunder is authorised;
- (iv) the officer issuing the licence shall notify the senior police officer in the place of the issue of the licence and of the particulars thereof.

28. Hours during which liquor may be sold

(1) No licence mentioned in section 24 other than licences *(g)*, *(h)*, *(i)*, *(j)* and *(k)* authorises the sale of liquor on Christmas Day, Good Friday or Sunday, except between the hours of 12.30 pm and 2.00 pm and 5.00 pm and 8.00 pm, or on any other day except after 6.00 pm and 10.30 pm.

(2) Notwithstanding the provisions of subsection (1) the Secretary to the Local Government may extend the hours during which liquor may be sold on any special occasion in respect of all or any licence holders.

29. Licences to expire on 31st day of December

(1) Every licence mentioned in section 24, other than a temporary licence, shall expire on the 31st day of December in the year in which it is issued.

Provided that when proper application for the renewal of a licence has been made, such licence shall continue in force until such time as the applicant has been notified of the decision of the licensing board or of the Commissioner as the case may be.

(2) Notwithstanding the provisions of subsection (1), where under any regulation the prescribed fee for any licence may be paid by instalments the licence shall become void as soon as any instalment is in arrear and shall thereafter be and remain of no effect.

Application for Licences and Renewals

30. Application to whom made

All applications for new licences or for the renewal of licences which may be issued on the certificate of a licensing board shall be made to the local government authority in the area.

31. Form and time of making application

All applications for new licences or for the renewal of licences shall be made in the prescribed form in triplicate if for consideration at the meeting of the licensing board—

[KWS 11 of 1969.]

- (a) to be held in the last week of March—not later than the 15th day of March;
- (b) to be held in the last week of June—not later than the 15th day of June;
- (c) to be held in the last week of September—not later than the 15th day of September;
- (d) to be held in the last week of December—not later than the 15th day of December.

Provided that—

- (i) in case any such application shall through inadvertence not be made in due time, but shall be made before the necessary inquiry under section 36 has been concluded the officer holding the inquiry may, if he thinks fit, accept the same for consideration upon payment of the prescribed fee; and
- (ii) the Commissioner may, if he thinks fit, remit the whole or any part of such fee.

32. Procedure on receipt of application

The officer authorised to receive application for the grant or renewal of licences shall on the receipt of an application—

- (a)* cause a copy of the application to be posted in some conspicuous place outside his court or on some other principal building in the place where his court is situate;
- (b)* notify the applicant in writing, and the public by a notice posted as provided in paragraph (a) of the date and place at which he will sit to inquire into the application and hear objections thereto, which date shall not be less than ten days after the posting of such notice.

33. Who may object to issue of licences

Any public officer or local authority and any person residing in the district or place wherein the licence or renewal is applied for, may, either individually or jointly with others, object to the granting or renewal of a licence.

34. Objections—how made

All objections to the granting or renewal of a licence shall be sent in writing to the officer to whom the application has been made, and where the objection is to the renewal of a licence, notice thereof stating the reasons for such objections shall be given to the applicant either personally or by means of registered letter by the person objecting, at least two days before the inquiry.

Provided that the officer holding the inquiry may, in his discretion, hear an objector to the granting or renewal of a licence notwithstanding that he shall not have made his objections in writing or have given notice as aforesaid, but when the notice required has not been given to the applicant, the officer shall adjourn the inquiry for such

time as he may think proper in the interest of the applicant.

35. Issue of licence by appropriate officer on unopposed applications for renewal

(1) If no objection is made in accordance with the provisions of section 34 to the renewal of a licence—

- (a) sections 36, 37, 38, 39, 40, 41, 42 and 43 shall not apply to an application; and
- (b) the officer to whom such application has been made shall on receipt of the prescribed fee issue the appropriate licence to the applicant; and
- (c) such licence shall have effect as if it were a licence issued on a certificate of a licensing board.

(2) Such officer may in his discretion certify that any particular application for the renewal of a licence ought to be considered by a licensing board and in such case the provisions of subsection (1) shall not apply to such application.

(3) This section shall not apply to licences referred to in paragraphs (j) and (k) of section 24.

36. Inquiry

(1) The inquiry into an application for a new licence, or an opposed application for the renewal of a licence, or an application for the renewal of a licence certified by the appropriate officer under subsection (2) of section 35 shall be held by a public officer appointed by the Chairman of the Local Government Council.

[KWS No. 11 of 1969.]

(2) Such officer shall hold an inquiry sitting alone or if the Governor shall so direct sitting with two other persons resident in the local government area who have been appointed by the Governor for that purpose.

(3) Every applicant for a new licence shall appear either in person or by a representative at the time and place appointed for the inquiry or to which the inquiry may be adjourned.

(4) Every applicant for the renewal of a licence, and persons opposing an application, may, and shall if required by the officer holding the inquiry, appear in person before such officer.

(5) All persons appearing at any inquiry, whether as or for an applicant or a person opposing an application may be required to give evidence on oath on any question which the inquiring officer may think proper affecting the application or the opposition thereto.

(6) An inquiry may be adjourned from time to time as the officer holding the same may think proper, provided that the inquiry is completed by such time as will permit of the report thereon being furnished to the board within the time mentioned in section 37.

37. After inquiry application and report thereon to be furnished to the board

(1) Immediately on the completion of such inquiry, the officer shall forward a copy of the application together with the written opposition (if any) thereto, and a certified copy of any evidence taken thereon to the chairman of the licensing board, so that the same shall be received not later than the last day of the month next preceding that in which the meeting of the licensing board at which they are to be considered is to be held.

(2) The officer when forwarding the application shall report to the licensing board on all matters which may affect the decision of the licensing board in respect of the application, and shall furnish the board with his recommendation, and also when the inquiry has been held by him, sitting with other persons, with the recommendation of such persons.

Consideration of Applications for Licences and Renewals by Licensing Board

38. Sitting of licensing boards

Licensing boards shall sit at such places as may be prescribed in the last week of March, June, September and December in each year, for the purpose of taking into consideration applications which have been forwarded to the chairman as provided in section 37.

[KWS No. L1 of 1969.]

39. Discretion of licensing boards

(1) The licensing board may of its own motion take notice of any matter or thing which in the opinion of the members thereof would be an objection to the grant or renewal of a licence:

Provided that in the case of an application for the renewal of a licence, if the cause of objection has not been previously brought to the knowledge of the applicant, the applicant shall be given an opportunity of answering the objection either in person or in writing as the board may direct, and the consideration of the application shall be adjourned for such purpose for such time as the chairman may think proper.

(2) (a) A board may in its discretion grant or refuse to grant a certificate for a licence or renewal of a licence or may grant a certificate, subject to such conditions as it may think proper not being repugnant to the provisions of this Law;

(b) any such conditions shall be specified in the certificate granted by the board, and subject to any alterations which may be made by the Commissioner under the powers conferred by section 40 shall be embodied in the licence.

(3) Whenever a board refuses to grant a certificate for the renewal of a licence, it shall notify the applicant of its reasons for such refusal, and the applicant may appeal to the Commissioner, who may uphold the decision of the board or direct that a certificate be granted, subject to such conditions, if any, as he may think proper.

40. Confirmation by the Commissioner of certificates for new licences may be required

(1) The Commissioner may direct that a certificate of a board for the grant of any new licence, or of any specified kind of licence, either generally or in relation to any specified area shall not have effect unless and until the same has been confirmed by the Commissioner.

(2) Every certificate to which such directions apply shall be sent to the Commissioner together with all material papers relating to the application therefore by the chairman of the board, and the Commissioner may confirm the certificate either with or without altering or adding any conditions or may refuse to confirm the certificate.

41. Notification of decision of the board

(1) The decision of the board, and the certificate, if any, shall be sent by the chairman to the officer to whom the application for the licence or renewal was made, or to such other officer as may be prescribed, and shall be notified by such officer to the applicant.

(2) *Issue of licence.*—The officer receiving the certificate shall on receipt of the prescribed fee issue a licence in the terms of the certificate.

42. Extension of existing licence when renewal refused

(1) When a certificate for the renewal of a licence has been refused by the board, the board may in its discretion authorise the issue of a licence to the applicant for such period as the board may think proper to enable the applicant to dispose of liquor then in his possession.

(2) A proportionate part of the prescribed fee for the annual licence shall be paid for every such licence.

43. Death or insolvency of applicant

In case the applicant shall die, or shall become insolvent after applying for the grant

or renewal of a licence and before the licence or renewal licence has been issued, the Commissioner or the licensing board as the case may be, may authorise the issue of the licence or renewal licence to the executor, administrator, receiver or trustee, as the case may be, of the estate of such applicant.

44. Refused applications not to be renewed within twelve months

Where an application for a new licence has been refused such application shall not be renewed nor reconsidered within a period of twelve months from the date of such refusal without the permission of the licensing board first obtained.

Transfers and Removal of Licences

45. Transfer of licence

Any person being the holder of a licence granted on the certificate of a licensing board, who shall during the currency thereof sell or dispose of his business or the premises in respect of which such licence was granted, may make application to the magistrate, if any, or Area Court for a temporary transfer of such licence to the purchaser of such business or to the purchaser or lessee of such premises as the case may be, and the magistrate or Area Court may, if he thinks fit and upon payment of the prescribed fee, grant a temporary transfer of such licence accordingly.

46. Removal of licensed premises

(1) The holder of any licence granted on the certificate of a licensing board who may desire to remove his licence from the licensed premises to any other premises within the jurisdiction of the officer to whom application for a renewal of his licence would be made may apply for such officer to authorise such removal; and if such officer is satisfied that to wait for the next meeting of the licensing board would subject such holder to serious loss or inconvenience, he may cause notice of the application and of the date and place at which he will hear objections to the application to be posted in a conspicuous manner on

the premises to which it is proposed that the licence shall be removed, which date shall not be less than thirty days after the passing of such notice.

(2) If on hearing the application and the objection, if any, thereto, the officer considers that the licence should be transferred, he may on payment of the prescribed fee authorise the removal of the licence and endorse the licence accordingly.

47. Fresh application to be made on the expiration of a licence transferred

Any person to whom a licence may be transferred and any person who may be authorised to remove his licence to other premises shall on the expiration of the licence apply for a new licence as if he were not a licensed holder.

48. Death or insolvency of a licence-holder

In the event of the death of the holder of any licence, the executor or the administrator of the deceased person or any person approved by the magistrate (if any) or the Secretary to the Local Government Council, and in case of insolvency the trustee or receiver of such insolvent, may carry on the business until the expiration of the licence either personally or by an agent approved by the magistrate or Secretary to the Local Government Council without any formal transfer of the licence.

49. Duties and liabilities of a transferee

Any person to whom a licence may have been transferred or who may be carrying on a business in pursuance of section 48 shall possess all the rights and be subject and liable to the duties, obligations and penalties of the original holder of the licence.

Offences

50. Sign-boards

(1) Every holder of a licence (other than a club licence) granted on the certificate of a licensing board authorising the sale of liquor by retail, shall suspend or affix, and

maintain over the entrance to the licensed premises a board of not less dimensions than two feet by eight inches, on which shall be printed in legible characters the name of the licensee and the class of the licence of which he is the holder.

Penalty: a fine of two thousand naira.

[No. 4 of 2006.]

(2) No person who is not licensed shall have any words on his premises purporting that he is licensed, and no licensed person shall have any word or letter on his premises purporting that he is licensed in any other way than that in which he is duly licensed.

Penalty: a fine of five thousand naira.

[No. 4 of 2006.]

51. Breach of condition by a licence-holder

The holder of any licence who shall commit any breach of the condition of his licence, for which breach no other penalty is provided, shall be liable to a fine of five thousand naira.

[No. 4 of 2006.]

52. Both employer and employee liable for offences of latter

If any person being the manager for, or the servant of, or authorised to act for, a licence-holder shall do any act or thing or be guilty of any omission which if done or omitted by the licence-holder would constitute an offence by the licence-holder both such person and the licence-holder shall be liable to the penalties prescribed by this Law for such offence, whether such act, thing or omission was done or made with or without the knowledge or consent of the licence-holder.

53. Licence liable to forfeiture on conviction

When a person has been convicted of an offence under this Law, any licence held by

such person under this Law may be forfeited by an order of—

[NN 14 of 1964.]

- (a) the court which convicted him; or
- (b) the Commissioner.

54. Local Liquor

- (1) This section shall apply to such areas as the Governor may by order specify.
- (2) The Governor may make regulations authorising, restricting or regulating the manufacture, distribution, supply, possession and consumption of local liquor.
- (3) Such regulations may be made in respect of all or any particular areas or area specified by the order under the provisions of subsection (1) and shall apply to the exclusion of any by-laws made in respect of any such area by a local government council.

55. Offences by retail licence-holder

The holder of a retail licence who—

- (a) permits drunkenness or any riotous or quarrelsome conduct to take place upon his premises;
- (b) sells liquor to any person already in a state of intoxication or by any means encourages or incites any such person to drink intoxicating liquor;
- (c) sells or supplies liquor to a person under eighteen;

[No. 4 of 2006.]

- (d) sells or supplies liquor to any soldier or police officer on duty, or knowingly harbours or suffers to remain on his premises any such soldier or police officer unless for the purpose of keeping or restoring order or in execution of his duty;
- (e) permits the premises to be used as a brothel or the habitual resort or

place of meeting of prostitutes, or allows any such person to remain on the licensed premises longer than is necessary for the consumption of any liquor purchased by her;

- (f) fails to admit to, or obstructs, any police officer or other authorised person from entering the licensed premises in the execution of his duty or fails to produce his licence when demanded by a police officer or other authorised person;
- (g) keeps his premises open for the sale of liquor during any time when he is not authorised by his licence to sell liquor or allows any liquor to be consumed on such premises during any such time;
- (h) being the holder of a tavern licence, a wine and beer licence or a general retail liquor licence, permits gaming or any unlawful game to be played on the licensed premises,

shall be liable to a fine of five thousand naira.

[No. 4 of 2006.]

56. Persons under eighteen prohibited from bars

(1) The holder of a licence shall not allow a person under eighteen to be in the bar of any licensed premises during the permitted hours.

[No. 4 of 2006.]

(2) No person shall cause or procure, or attempt to cause or procure, any person under eighteen to be in the bar of licensed premises during the permitted hours.

[No. 4 of 2006.]

(3) Where it is shown that a person under eighteen was in the bar of any licensed premises during the permitted hours, the holder of the licence shall be guilty of an

offence under this section unless he proves either—

- (a) that he used due diligence to prevent the person under eighteen from being admitted to the bar; or
- (b) that the person under eighteen had apparently attained that age.

[No. 4 of 2006.]

(4) No offence shall be committed under this section if the person under eighteen—

- (a) is the licence-holder's child; or
- (b) resides in the premises, but is not employed there; or
- (c) is in the bar solely for the purpose of passing to or from some other part of the premises, not a bar, being a part to and from which there is no other convenient means of access or egress.

[No. 4 of 2006.]

(5) No offence shall be committed under this section if the bar is in—

- (a) any refreshment-rooms or other premises constructed, fitted and intended to be used *bona fide* for any purpose to which the holding of a licence is merely ancillary and the person under eighteen is a *bona fide* traveller; or
- (b) a *bona fide* club the rules of which do not prohibit the admission of persons under eighteen, and if the person under eighteen in question is accompanied by a member of the club or a guest of a member of the club.

[No. 4 of 2006.]

(6) Any person who contravenes the provisions of this section shall be liable for a first offence to a fine of one thousand naira and for a second or subsequent offence to a

fine of two thousand naira.

[No. 4 of 2006.]

(7) Where in any proceedings under this section it is alleged that a person was at any time under eighteen, and he appears to the court then to have been under that age, for the purposes of the proceedings he shall be deemed to have been then under the age unless the contrary is shown.

[No. 4 of 2006.]

(8) For the purposes of this section "permitted hours" means the hours during which liquor may be sold on licensed premises in accordance with this Law or any regulations made thereunder or any licence issued under either.

57. Restriction as to goods sold on certain licensed premises

No article whatever, except intoxicating liquor and non-intoxicating beverages, tobacco, cigars and cigarettes shall be sold on premises licensed under a tavern licence, or a wine and beer on licence.

Penalty: a fine of two thousand naira.

[No. 4 of 2006.]

58. Conviction to be endorsed on licence

(1)(a) Every conviction under this Law of a licence-holder shall be endorsed on his licence by the convicting court, and the licence-holder shall produce his licence to the court for such purpose;

(b) every applicant for the renewal of a licence shall if required by the officer to whom the application is made, or by the licensing board, produce the licence for inspection;

(c) in the case of a renewal of the licence, all convictions within five years preceding such renewal endorsed on the licence renewed shall be transferred to the renewal licence, and it shall be the duty of the licence-holder to produce his licence for

such purpose to the officer issuing the renewal licence.

(2) Any person who—

- (a) shall neglect to produce his licence as required by subsection (1); or
- (b) without proper authority obliterates or alters any such endorsement as aforesaid,

shall be liable to a fine of two thousand naira.

[No. 4 of 2006.]

59. Offences by persons other than the licence-holder or servant

Any person who—

- (a) not being the occupier or a servant or member of the family of the occupier consumes any intoxicating liquor on premises licensed for the sale of liquor by retail during the hours when the sale of liquor is prohibited; or
- (b) obtains or attempts to obtain intoxicating liquor during the hours when the sale of liquor is prohibited by falsely representing himself to be a person sleeping on the hotel premises; or
- (c) being found on licensed premises during the hours during which the sale of liquor is prohibited, refuses his name and address when demanded by a police officer, or gives a false name or address,

shall be liable to a fine of one thousand naira for a first offence and of two thousand naira for any subsequent offence.

[No. 4 of 2006.]

60. Power to expel drunkards, etc., from licensed premises

(1) Any licensed person or his agent or servant may refuse to admit to or may turn out of his licensed premises, by force if necessary, any person who is drunken, violent,

quarrelsome or disorderly, and any person whose presence on his premises would subject him to a penalty under this Law.

(2) Any such person who, on being requested by such licensed person or his agent or servant or by a police officer to quit such premises refuses or fails to do so, shall be liable to a fine of one thousand naira.

[No. 4 of 2006.]

(3) All police officers are required, on demand of such licensed person, agent or servant to expel or assist in expelling such person from such premises and may use such force as may be required for the purpose.

General

61. Onus of proof of lawful possession of liquor in a prohibited area

Any person who is found in possession of intoxicating liquor in a prohibited area, and is unable to produce a permit for the introduction of such liquor into the prohibited area or to prove that he has purchased such liquor in the prohibited area from a person authorised to sell such liquor to him shall be presumed to have illegally introduced such liquor into such area unless he shall prove the contrary.

62. Power of magistrate and police officers

Any magistrate or person authorised in writing by a magistrate and every police officer may—

- (a) enter any licensed premises at any time for the purpose of detecting or preventing any breach of the provision of this Law or of any licence granted under this Law;
- (b) at any time demand the production of any licence or permit granted under this Law;

- (c) having reasonable grounds for suspecting that intoxicating liquor is being unlawfully sold, stored, introduced or otherwise dealt with, enter and inspect any premises and examine any package, vessel or conveyance;
- (d) seize and detain any intoxicating liquor which he has reason to believe has been distilled, manufactured, imported, introduced, sold or removed, or is possessed contrary to the provisions of this Law, or is on unlicensed premises for the purpose of sale, and any receptacle containing the same and any vessel, conveyance or animal used in transporting liquor contrary to the provisions of this Law.

63. Special search warrants in certain cases

(1) Any magistrate or justice of the peace may grant a warrant authorising any police officer above the rank of sergeant-major to enter at any time and if need be by force any premises or place, whether a building or not, situated within the territorial limits specified in the warrant, where the officer has reasonable grounds for believing that an offence against the provisions of section 8 is being committed and examine and search the said premises or place for any spirits, stills, apparatus or portions of apparatus suitable for the distillation of alcohol or the rectification or redistillation of spirits and to seize and remove any spirits, stills, apparatus or portions of apparatus as aforesaid together with any vessels containing the same.

(2) Where any spirits, stills, apparatus or portions of apparatus as aforesaid are removed from any premises or place in accordance with subsection (1) the occupier of the premises or place may, if in the opinion of the officer executing the search warrant it is considered necessary so to do, be thereupon apprehended and thereafter dealt with according to law.

(3) No such warrant shall be granted unless the officer granting the same shall be satisfied by information on oath—

- (a) that offences against the provisions of section 8 are prevalent in the area for which the warrant is being required;
- (b) that owing to difficulties of communication or otherwise the course of justice might be defeated or delayed if it were necessary for a search warrant to be obtained as and when sufficient information was obtained in respect of each individual premises or place as aforesaid.

(4) Warrants granted in accordance with the provisions of this section shall remain in force for three months from the date thereof unless a shorter period is specified in the warrant.

64. Offences may be tried summarily

All offences under this Law may be tried summarily, and the full penalties and forfeiture authorised by this Law may be imposed upon summary conviction.

65. Imprisonment may be enforced on second or subsequent conviction

If a person convicted of an offence under this Law, other than an offence under section 58, has been previously convicted of a similar offence, the court may in lieu of or in addition to any fine sentence the convicted person to imprisonment for two years.

66. Things liable to forfeiture

The following things may be forfeited on the order of a court—

- (a) intoxicating liquor distilled, manufactured, sold, removed, transported, introduced, possessed or otherwise dealt with in contravention of this Law;
- (b) any receptacle and package containing intoxicating liquor liable to forfeiture together with any articles packed therewith;

- (c) any vessel, cart, animal or conveyance used in conveying intoxicating liquor in contravention of this Law, and any vessel from which any goods are thrown overboard to prevent seizure.

Provided that in the case of a vessel exceeding two hundred and fifty tons burthen, the vessel shall be released from forfeiture if the owner thereof shall pay such penalty not exceeding two thousand naira, as the court may direct.

67. Incriminated informer not to incur penalty

(1) If any person shall lodge an information which shall lead to the conviction of any other person for an offence against this Law, he shall not incur any penalty notwithstanding that he may himself be incriminated in such offence.

Provided that the offender is convicted of an offence of not less gravity than that in respect of which the informer is incriminated.

(2) The Commissioner may award any informer by whose information a conviction has been obtained a portion not exceeding one-half of any fine recovered from a person convicted.

Provided that the informer has not himself committed an offence against this Law.

68. Local liquor

(1) This section shall apply to such areas as the Governor may by order specify.

[NN 14 of 1964.]

(2) The Governor may make regulations prohibiting, restricting or regulating the manufacture, distillation, sale, transport, distribution, possession and consumption of local liquor.

(3) Such regulations may be made in respect of all or any particular areas or area specified by order under the provisions for subsection (1).

Miscellaneous Provisions

69. Power of Commissioner to rectify omissions and to order special meeting of licensing board

(1) If through any accident or omission anything required by this Law to be done is omitted to be done or is not done within the time fixed, the Commissioner may order all such steps to be taken as may be necessary to rectify any error or omission and may validate anything which may be irregularly done in matter or form so that the intent and purpose of this Law may have effect.

(2) The Commissioner may also authorise the holding of a special meeting of a licensing board together with the necessary preliminary inquiries.

Provided that the Commissioner may, if he thinks fit, make it a condition of the holding of a special meeting of the licensing board that any person desiring to make an application to the licensing board at such meeting shall pay to the officer authorised to receive the application such sum not exceeding one thousand naira as the Commissioner may direct.

[No. 4 of 2006.]

70. When debt for liquor supplied not recoverable

No debt shall be recoverable in any court for intoxicating liquor supplied—

- (a) to any non-commissioned officer or private of the military forces or to any member of the police forces below the rank of assistant superintendent, or to any merchant seaman, if the total debt exceeds five naira;
- (b) if consumed on the premises where sold, unless the person to whom the same was supplied was a lodger on such premises;
- (c) in respect of money, goods or security given with the object of

obtaining such liquor.

71. Power to make regulations

The Governor may make regulations for all or any of the following purposes—

- (a)* prescribing the fees to be paid for licences, the cases in which the fees may be paid by instalments, and the manner and times of payment of such fees or instalments;
- (b)* prescribing the conditions of a licence to distil spirits, or to manufacture wine;
- (c)* prescribing the conditions which shall be attached to any licence either generally or when granted in any specified area which may, in the case of a licence granted in respect of premises within a prohibited area, include a condition precluding the supply of liquor unless the purchaser produces a permit of the prescribed kind, specifying the kind and quantity of liquor which may be purchased at the premises;
- (d)* prohibiting within a prohibited area the purchase of liquor at licensed premises without a permit authorising the purchase of a specified kind and quantity of liquor at the licensed premises, prescribing the form of such permits, and the persons by whom, and the conditions upon which, the same may be granted;
- (e)* prescribing the procedure before a licensing board and on preliminary inquiries and providing for the payment of costs;
- (f)* prescribing the powers of the Police Department in connection with the inspection and reporting upon premises licensed for the sale of liquor;

- (g) regulating the issue of permits for the introduction of liquor into a prohibited area;
- (h) prescribing the returns to be made by licensing boards and officers issuing licences;
- (i) prohibiting the sale of trade spirits, except the same are contained in receptacles in which trade spirits are permitted to be imported;
- (j) prohibiting the inland carriage of trade spirits by river beyond such places as may be specified;
- (k) altering any hours specified in this Law during which liquor may be sold, either in respect of any description of licence or in respect of any area or place;
- (l) prohibiting or regulating the transport of intoxicating liquor from one part of a prohibited area to another part of a prohibited area;
- (m) generally for the purpose of giving effect to the objects and purposes of this Law.

SCHEDULE

[Section 8 (3) (b).]

1. Testing stills, that is to say, the small apparatus in general use for laboratory experiments which are employed intermittently, are not fitted with rectifying heads and the capacity of whose retort does not exceed one litre.
2. Apparatus, or parts of apparatus, required for experiments in scientific institutions.
3. Apparatus, or parts of apparatus, employed for definite purposes, other than the production of alcohol, by qualified pharmacists and by persons who can show good

cause for the possession of such apparatus.

4. Apparatus necessary for the manufacture of alcohol for commercial purposes, and employed by duly authorised persons, in accordance with the provisions of any Act or Law for the time being in force relating to the same.

CHAPTER L5

LIQUOR LAW

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Liqueur (Licensing) Regulations
