

THE LIQUOR (AMENDMENT) ACT, 1967

No. 39



of 1967

AN ACT TO AMEND THE LIQUOR PROCLAMATION

Date of Assent: 11.10.67.

Date of Commencement: 13.10.67.

ENACTED by the Parliament of Botswana.

Short Title

1. This Act may be cited as the Liquor (Amendment) Act, 1967.

Amendment of Section 2 of Proclamation No. 69 of 1960

2. Section 2 of the Liquor Proclamation, 1960 (hereinafter referred to as the principal law) is amended —

- (a) in the definition of "duplicate original" by the deletion of "letter of exemption or" wherever it appears;
- (b) by the deletion of the word "kaffir" wherever it appears and the substitution of "traditional"
- (c) by the deletion of the definition of "letter of exemption";
- (d) by the deletion of the definition of "Minister";
- (e) in the definition of "permit" by the insertion after "'permit'" of ", in section *twenty-one*,";
- (f) by the deletion of the definition of "President's letter of exemption".

Amendment of Section 3 of Proclamation No. 69 of 1960

3. Section 3 of the principal law is amended in subsection (2) by the deletion of paragraph (c) and the substitution of —

- "(c) the sale of intoxicating liquor to the holder of a licence as defined in section *two* by the holder of a wholesaler licence issued under the Trading Act, 1966;"

Amendment of Section 4 of Proclamation No. 69 of 1960

4. Section 4 of the principal law is amended in subsection (1) by the deletion of paragraph (d) and the substitution of —

- "(d) Bar Liquor Licences;
- (e) Restaurant Liquor Licences;
- (f) Temporary Liquor Licences."

Insertion of Sections 7A and 7B in Proclamation No. 69 of 1960

5. The principal law is amended by the insertion of the following sections after section 7 —

“Bar Licence

7A. Subject to the provisions of this Proclamation, a bar liquor licence shall authorize the sale, on the premises specified in the licence, for consumption on the premises, of intoxicating liquor in unsealed vessels or containers, in or at a bar, between the hours of nine o'clock in the morning and eleven o'clock in the evening on any day other than a Sunday, Good Friday or Christmas Day; and between the hours of eleven o'clock in the morning and ten o'clock in the evening on any Sunday or Christmas Day.

Restaurant Licence

7B. A restaurant liquor licence shall authorize the sale, on the premises of the restaurant specified in the licence, for consumption on the premises, of intoxicating liquor in unsealed vessels or containers, to any person *bona fide* taking an ordinary meal in the restaurant which has been purchased thereat, and the consumption with such meal on all days between the hours of twelve o'clock, noon, and half-past two o'clock in the afternoon and between six and ten o'clock in the evening.”.

Insertion of Section 8A in Proclamation No. 69 of 1960

6. The principal law is amended by the insertion of the following section after section 8 —

“Variation of Licensing Hours

8A. Notwithstanding anything to the contrary in this Part the Minister may, by order in the *Gazette*, authorize the sale of liquor by a licensee or any class of licensees at times other than those prescribed in sections 5 to 7B inclusive.”

Amendment of Section 10 of Proclamation No. 69 of 1960

7. Section 10 of the principal law is amended by the deletion of subsection (5) and the substitution of —

“(5) No bar liquor licence shall be issued in respect of any premises situated within a radius of ten miles of any premises in respect of which an hotel liquor licence subsists:

Provided that nothing in this subsection shall prevent the renewal of a bar liquor licence.

(6) No licencing authority shall consent to the issue of a restaurant liquor licence unless it is satisfied that the applicant keeps or proposes to keep upon the premises in respect of which an applicant is made, a *bona fide* restaurant at which ordinary meals are regularly provided for guests, and that the premises afford reasonable accommodation for persons taking meals at such restaurant.

(7) No temporary liquor licence shall be issued to persons other than the holders of an hotel liquor licence or a bar liquor licence."

Amendment of Section 11 of Proclamation No. 69 of 1960

8. Section 11 of the principal law is amended in subsection (1) by the addition of the following proviso —

"Provided that, subject to the provisions of subsection (2), an application for the renewal of a licence shall be heard during the first two weeks of the month of November."

Amendment of Section 13 of Proclamation No. 69 of 1960

9. Section 13 of the principal law is amended in subsection (1) by the repeal of paragraph (b) and the substitution of —

"(b) the officer who deposited a report on the application in terms of paragraph (b) of subsection (2) of section *twelve* shall appear and tender the report:

Provided that such report shall, if it contains nothing prejudicial to the applicant, be admissible in evidence before the licensing court notwithstanding that the officer does not appear and tender the report; and where the report is so admissible the officer shall not be required to appear before the licensing court unless that court otherwise directs."

Amendment of Section 14 of Proclamation No. 69 of 1960

10. Section 14 of the principal law is amended in subsection (2) by the deletion of "fourteen" and by the substitution of "seven".

Amendment of Section 15 of Proclamation No. 69 of 1960

11. Section 15 of the principal law is amended in subsection (1) by the insertion after "licensing authority" where the expression first appears of, "after taking into consideration the reports referred to in section 12 (2) and any other evidence relevant in the matter".

Amendment of Section 18 of Proclamation No. 69 of 1960

12. Section 18 of the principal law is amended by the addition of the following subsection —

"(6) A covering order shall be valid for a period of one month:

Provided that the licensing officer may extend the order for periods not exceeding one month at a time where he is satisfied that for reasons other than the fault of the applicant, the application for transfer has not been determined."

Amendment of Section 22 of Proclamation No. 69 of 1960

13. Section 22 of the principal law is amended by the deletion of subsections (2) and (3).

Repeal of Sections 23 and 24 of Proclamation No. 69 of 1960

14. The principal law is amended by the repeal of sections 23 and 24.

Amendment of Section 32 of Proclamation No. 69 of 1960

15. The principal law is amended in section 32 by the deletion of subsection (1) and by the substitution of —

“(1) Any licensee who permits —

(a) drunkenness; or

(b) violent, disorderly or obscene conduct; or

(c) any person to entice, solicit or importune another to have carnal intercourse with him or her or to commit an act of indecency;

on the licensed premises shall be guilty of an offence and liable on conviction to a fine not exceeding R200, or, in default of payment thereof to imprisonment not exceeding six months, or to such imprisonment without the option of a fine, or to both such fine and imprisonment.”.

Amendment of Section 33 of Proclamation No. 69 of 1960

16. The principal law is amended in section 33 by the deletion of subsection (1) and by the substitution of —

“(1) Without prejudice to any other right to refuse a person admission to premises or to expel a person from premises, a licensee or his manager, agent or servant may refuse to admit to, or may expel from, the licensed premises any person who —

(a) is drunk; or

(b) is violent, disorderly or who conducts himself in an obscene manner;
or

(c) entices, solicits or importunes another to have carnal intercourse with him or her or to commit an act of indecency;

or whose presence on his premises would subject the licensee to a penalty under this Proclamation or any other law.”

Amendment of Section 36 of Proclamation No. 69 of 1960

17. Section 36 of the principal law is amended in subsection (1) by the deletion of paragraph (b).

Amendment of Section 40 of Proclamation No. 69 of 1960

18. Section 40 of the principal law is amended by the deletion of “and choco-

lates'' and by the substitution of'', chocolates, camera films, picture, postcards and souvenirs.''.

Repeal of Parts VI and VII of Proclamation No. 69 of 1960

19. The principal law is amended by the repeal of Parts VI and VII.

Amendment of Section 52 of Proclamation No. 69 of 1960

20. Section 52 of the principal law is amended —

(a) by the deletion in the headnote of ''Limited Letters of Exemption and'';

(b) by the deletion of subsection (1) and by the substitution of —

''(1) Every licensee who sells intoxicating liquor under the authority of a permit shall —

(a) forthwith enter or cause to be entered in ink on the appropriate part of the permit and on the duplicate original thereof, an accurate statement of the kind and quantity of liquor supplied, the date and time of supply, and the signature of the person making the entry; and

(b) return the permit to the holder.''

(c) in subsection (2) by

(i) the deletion of ''of a letter of exemption under section *forty-six* or'';

(ii) the deletion of ''letter of exemption or''.

(d) in subsection (3) by the deletion of ''letters of exemption and''.

Amendment of Section 53 of Proclamation No. 69 of 1960

21. Section 53 of the principal law is amended —

(a) by the deletion in the headnote of ''Letter of Exemption or'';

(b) in subsection (1) by —

(i) the deletion of ''a letter of exemption or'';

(ii) by the deletion of ''letter of exemption or'' wherever it appears.

Amendment of Section 54 of Proclamation No. 69 of 1960

22. Section 54 of the principal law is amended —

(a) in the headnote by the deletion of ''Permit or Letter of Exemption'', and the substitution of ''or Permit.'';

(b) by the deletion of ''permit or letter of exemption'' and the substitution of ''or permit''.

Amendment of Section 56 of Proclamation No. 69 of 1960

23. Section 56 of the principal law is amended by the deletion of ''permit or

letter of exemption" wherever it appears and by the substitution of "or permit".

Amendment of Section 61 of Proclamation No. 69 of 1960

24. Section 61 of the principal law is amended —

- (a) by the deletion in the headnote of "or Letter of Exemption";
- (b) by the deletion of "letter of exemption or" wherever it appears.

Amendment of Section 62 of Proclamation No. 69 of 1960

25. Section 62 of the principal law is amended in subsection (2) by the deletion of paragraphs (c) and (d).

Amendment of Section 63 of Proclamation No. 69 of 1960

26. Section 63 of the principal law is amended —

- (a) in subsection (1) by the deletion of "or kaffir beer" wherever it appears;
- (b) in subsection (2) by the deletion of "kaffir beer,".

Repeal of Section 68 of Proclamation No. 69 of 1960

27. Section 68 of the principal law is repealed.

Replacement of First Schedule of Proclamation No. 69 of 1960

28. The First Schedule of the principal law is repealed and the following Schedule is substituted —

**" FIRST SCHEDULE
(Section 2)**

FEES

The fees set out in the second column hereunder shall be paid in respect of the corresponding matters set out in the first such column —

<i>First Column</i>	<i>Second Column</i>
1. Railway Administration Exemption Fee	R250
2. Issue of Licence	
(a) New or renewal hotel liquor licence	R100
(b) New or renewal club liquor licence	R50
(c) New or renewal bottle store licence	R200
(d) New or renewal bar liquor licence	R100

First Column

- (e) New or renewal restaurant liquor licence
- (f) Temporary liquor licence
- 3. Transfer or removal of licence during its period of validity (*Section 9*)
- 4. Extension of permitted hours (*Section 16*)
- 5. Appeal to the President (*Section 9 (5)*)
- 6. Covering Order (*Section 18*)
- 7. Issue of duplicate licence or permit (*Section 54*)

Second Column

- R50
- R2 per day or part thereof.
- One-half of the fee payable for the issue of a new licence of the kind in question.
- R2 per hour or part thereof
- R200
- One-half of the fee payable for the issue of a new licence of the kind in question.
- R1 "

Passed by the National Assembly this day, the 31st August, 1967.

G.T. MATENGE,
Clerk of the National Assembly.