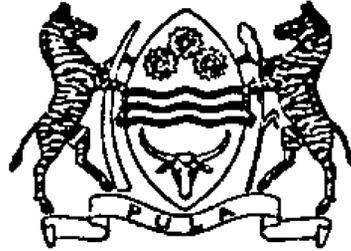


TRADE AND LIQUOR (AMENDMENT) ACT, 1993

No. 15



of 1993

ARRANGEMENT OF SECTIONS

SECTION

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An Act to amend the Trade and Liquor Act

Date of Assent: 20th September, 1993.

Date of Commencement: Date of Publication.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Trade and Liquor (Amendment) Act, 1993.

Short title

2. Section 2 of the Trade and Liquor Act, hereinafter referred to as "the Act", is amended —

Amendment
of section 2
Cap. 43:02

(a) by deleting the definition of "discotheque"; and

(b) by inserting in its correct alphabetical sequence the following definition —

““licensing authority” in respect of the issue of licences under section 4 means the National Licensing Authority, and in respect of the issue of any other licences means the appropriate local licensing authority established under section 5;”.

Amendment
of section 3

3. Section 3 of the Act is amended by substituting for subsection (2) thereof the following subsection —

“(2) The Minister may designate a public officer to be the secretary to the National Licensing Authority.”.

Amendment
of section 4

4. Section 4 of the Act is amended by substituting for paragraph (a) thereof the following new paragraph —

“(a) the issue in accordance with the provisions of this Act of exporters’ and importers’ licences, agents’ licences, auctioneers’ licences, external representatives’ licences and drillers’ licences;”.

Replacement
of section 5

5. The Act is amended by substituting for section 5 thereof the following new section —

“Local
licensing
authority

5. (1) There shall be a local licensing authority for the area of each city council, each town council and each township authority established under the Townships Act, and such local licensing authorities for such areas of each district as the Minister may, in his discretion determine.

(2) Each city council, town council, township authority or district council concerned shall establish a committee or committees to operate as local licensing authorities for the areas referred to in subsection (1).

(3) Each local licensing authority established under subsections (1) and (2) may co-opt such persons to advise it as the Minister may, by regulations, prescribe, but such persons shall not be entitled to vote on any matter before the authority.”.

Amendment
of section 7 (1)

6. Section 7 (1) of the Act is amended by deleting therefrom item (1), “Travel Agent’s licence”.

Replacement
of section 8

7. The Act is amended by substituting for section 8 thereof the following new section —

“Application

8. An application for a licence shall be made in the prescribed form and shall be tendered —

(a) in the case of a licence mentioned in paragraph (a) of section 4, to the National Licensing Authority;
and

(b) in the case of any other licence, to the local licensing authority concerned.”.

Replacement
of section 9

8. The Act is amended by substituting for section 9 thereof the following new section —

"Notice or advertisement of application	9. On receipt of an application made under section 8, the licensing authority shall, as soon as practicable, and at of the expense of the applicant, publish or cause to be published, for information only, a notice of the application in two separate issues of the Gazette and of a newspaper circulating in the area where the applicant intends to carry on business."	
9. The Act is amended by deleting sections 10 and 11 therefrom.	Deletion of sections 10 and 11	
10. The Act is amended by substituting for section 12 thereof the following new section —	Replacement of section 12	
"Consideration of applications	12. A licensing authority shall meet at least once in each month of the year for the purpose of considering applications tendered to it under section 8."	
11. The Act is amended by substituting for section 14 the following new section —	Replacement of section 14	
"General principles affecting issues of licences	14. Subject to the provisions of sections 15 and 16, a licensing authority may refuse to issue a licence if it is satisfied that — (a) the applicant is a minor; or (b) the issue of such licence would conflict with any approved or proposed town planning scheme or zoning area, or any health or other regulations."	
12. Section 16 of the Act is amended by deleting sub-section (3) therefrom.	Amendment of section 16	
13. Section 18 of the Act is amended by substituting for paragraph (a) thereof the following paragraph —	Amendment of section 18	
"(a) may authorize the issue to the applicant of a licence containing such provisions or conditions as the licensing authority considers appropriate; or"		
14. Section 19 of the Act is amended in subsection (1) thereof, by substituting for that subsection the following new subsection —	Amendment of section 19 (1)	
"Subject to the provisions of this section, every licence issued under this Act shall, unless previously renewed or revoked, expire at the end of a period of 12 months or a period of one year."		
15. The Act is amended by substituting for section 25 thereof the following section —	Replacement of section 25	
"Register of licences	25. Each licensing authority shall keep a register in such form as may be prescribed, containing particulars of all licences issued in the area of such licensing authority."	
16. Section 29 of the Act is amended by substituting therefor, the following new section —	Replacement of section 29 (1)	

"Licenses
required
for sale of
intoxicating
liquor

29 No person shall sell intoxicating liquor except under and in accordance with the terms and conditions of one of the following licences —

- (a) a club liquor licence;
- (b) a bottle store liquor licence;
- (c) a bar liquor licence;
- (d) a restaurant liquor licence;
- (e) a temporary liquor licence; or
- (f) a special liquor licence."

Deletion of
section 29 (2)

17. The Act is amended by deleting subsection (2) of section 29 therefrom.

Deletion of
sections 41
and 42

18. The Act is amended by deleting sections 41 and 42 therefrom.

Amendment
of sections 43
and 44

19. Sections 43 and 44 of the Act are amended by substituting for the words "licensing officer" wherever they occur the words "licensing authority" in each case.

Deletion of
sections 47,
48 and 50

20. The Act is amended by deleting sections 47, 48 and 50 therefrom.

Amendment
of section
54 (1)

21. Section 54 (1) of the Act is amended by —

(a) substituting for item (a) thereof the following new item —

"(a) farmer, stock raiser, any produce of market gardener
or such business or (other than meat)"
dairyman

and

(b) deleting items (b) and (d) therefrom.

Deletion of
section 57

22. The Act is amended by deleting section 57 therefrom.

PASSED by the National Assembly this 5th day of August, 1993.

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