

## **Ashaiman Municipal Assembly (Sale of Intoxicating Liquor) Bye-Law, 2017.**

In exercise of the powers conferred on the Ashaiman Municipal Assembly by section 181 subsection 1 of the Local Governance Act, 2016 (Act 936) this Bye –Law is hereby made.

### **License**

1. (a) A person shall not distil or sell any intoxicating liquor either as a wholesale or retailer in any part of the Municipality without a license issued by the ASHMA for that purpose.
- (b) The ASHMA shall issue separate licenses for distillation and retailing of intoxicating liquor.
- (c) Hotels, restaurants, bars and food joints that sell intoxicating liquor shall apply for a license before selling intoxicating liquor at the premises.
- (d) The ASHMA shall fix the fees payable for the license so issued by resolution and such a license shall expire on the 31<sup>st</sup> December of the year in which the license was issued.
- (e) The ASHMA shall grant a license after the Environmental Department of the ASHMA and the Police have conducted a survey certifying the suitability of the premises for either the distilling or sale of the intoxicating liquor.

### **Application to be in writing**

2. (a) A person who needs a license under this Bye-law shall submit an application in writing to the ASHMA, and the application shall contain the name, the address, the place and type of liquor the applicant intends to sell or is selling.
- (b) The license may be issued if the report of the Environmental Health Department and other relevant departments and agencies certifies the place as suitable for the activity.
- (c) In issuing the license, the distillers or retailers shall submit themselves and their workers for medical examinations conducted by the Medical Officer of ASHMA or other designated health facility approved by the ASHMA who shall issue a health certificate of all persons examined and shall indicate whether such persons are fit to work.
- (d) The ASHMA shall not issue a license to a distiller or seller who operates with children under 18 years of age.
- (e) Where a person issued with a license operates with children under 18 years, the license shall be revoked and shall only be restored after the ASHMA has satisfied itself that the breach shall not continue.

### **Condition and Duration of License**

3. A license issued under this law-:
  - a. Shall abide by the provision in the Liquor Licensing Act of 1970, and
  - b. Shall expire on the 31<sup>st</sup> December, of the year in which it was issued.

### **Fees**

4. The ASHMA shall by a resolution fix the fees payable for the issuance of the license.

### **Powers of Collection of Fees**

5. (a) An officer of the Revenue Department duly authorised by the ASHMA shall, at all reasonable times take steps to recover the approved fees.

(b) Where a person operates without the requisite license, the ASHMA shall impose a penalty on the person in addition to the payment of the approved fees.

### **Revocation of License**

6. The ASHMA may revoke any license where the proprietor or any person acting in that capacity
  - a. has refused to pay the approved fee;
  - b. is acting in a manner repugnant to the interest of the ASHMA;
  - c. is acting in a way injurious to public interest; or
  - d. does not use the place for the purpose for which it was originally intended.
7. A person shall not obstruct or otherwise interfere with any officer of the ASHMA or other persons authorized by the ASHMA in the performance of any duty assigned to them under this Bye-law.

### **Inspection**

8. An officer from the Health Department of the ASHMA may enter upon the premises of the distiller or seller of liquor to inspect the premises used for distilling or selling of the intoxicating liquor for following:
  - a. To ascertain whether the licensee is complying with the terms of the license,
  - b. To randomly test samples of the intoxicating liquor for analysis.

### **Prohibition**

9. (a) A licensee shall not allow any person who has not attained 18 years to distill, buy or sell intoxicating liquor at the premises of the licensee.  
(b) The licensee shall demand a proof of age and identity where the person seems not to have attained 18 years.  
(c) A licensee shall not sell intoxicating liquor to a drunken person and shall ensure that the premises are not used for any disorderly activities.  
(d) A licensee who contravenes any of the provisions of this Bye-law commits an offence and is liable on conviction to a fine of between 60-100 penalty units and in default to a term of imprisonment not exceeding three months or to both.  
(e) Where the default continues the license shall be revoked by the ASHMA.

### **Offence and Penalty**

10. A person who distils or sells liquor without the requisite license commits an offence and shall on summary conviction pay a fine of between 100-250 penalty units or in default to a term of imprisonment not exceeding 12 months or to both.

### **Interpretation**

11. In this Bye-law unless the context otherwise require.  
“liquor” means any distilled alcoholic drink, or any liquor produced by boiling/fermenting of food substance for example from malt, millet, sugar and sugar cane.  
“ASHMA” means Ashaiman Municipal Assembly.

### **Title**

This Bye-law may be cited as Ashaiman Municipal Assembly (Sale of Intoxicating Liquor) Bye-Law, 2017.

**Revocation**

12. All existing Bye-law on sale of intoxicating liquor is hereby revoked.

Made at meeting of the Assembly held on .....

SIGNED  
*Presiding Member*  
*Ashaiman Municipal Assembly*

SIGNED  
*Municipal Co-ordinating Director*  
*and Secretary to ASHMA*

Approved by the Regional Co-coordinating Council, Greater Accra on behalf of the Ministry of Local Government and Rural Development.

**Regional Minister**

**Regional Coordinating  
Director.**