

(Sale of Intoxicating Liquor) Bye-Law, 2017

IN EXERCISE of the powers conferred on the Adentan Municipal Assembly by section 181 subsection 1 of the Local Governance Act, 2016 (Act 936) this Bye-law is hereby made.

Title

This Bye-law shall be cited as Adentan Municipal Assembly (Sale of Intoxicating Liquor) Bye-Law, 2017

License

1. (1) A person shall not distill or sell any intoxicating liquor either as a wholesale or retailer in any part of the Municipality without a license issued by the AdMA for that purpose.
- (2) The AdMA shall issue separate licenses for distillation and retailing of intoxicating liquor.
- (3) Hotels, restaurants, bars and food joints that sell intoxicating liquor shall apply for a license before selling intoxicating liquor at the premises.
- (4) The AdMA shall fix the fees payable for the license so issued and such a license shall expire on the 31st December of the year in which the license was issued.
- (5) The AdMA shall grant a license after the Environmental Department of the AdMA 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) Any person who needs a license under this Bye-law shall submit an application in writing to the AdMA. 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 reports of the Environmental Health Department and other relevant departments and agencies certify 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 AdMA or other designated health facility approved by the AdMA and Environmental Health Officer shall issue a health certificate of all persons who shall work in the distillery or selling at a hotel, restaurant, bars and food joints as fit and proper persons with no health problems which may have an adverse effect on the people they serve.
- (d) AdMA 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 AdMA has satisfied itself that the breach shall not continue

Condition and Duration of License

3. A license issued under this law-:
 - a. Shall comply with the provisions in the Liquor Licensing Act of 1970, and
 - b. Shall expire on the 31st December, of the year in which it was issued.

Fees

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

Powers of Collection of Fees

5. (1) An officer of the revenue department duly authorised by the AdMA shall , at all reasonable times take steps to recover the approved fees,
(2) Where a party operates without the requisite license, AdMA shall impose a penalty to be fixed by the Assembly on the person in addition to the payment of the approved fees.

Revocation of License

6. The AdMA may revoke any such 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 Assembly's interest;
 - 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 AdMA or other persons authorized by the AdMA in the performance of any duties assigned to them under this Bye-law.

Penalty

8. A person who distils or sells liquor without the requisite license contravenes paragraph 1 of this Bye-law and commits an offence and shall on summary conviction pay a fine of 100 penalty units or in default to a term of imprisonment not exceeding six months or to both.

Inspection

9. (1) An officer from the Health Department of the AdMA may enter upon the premises of the distiller or seller of liquor for purposes of inspecting the premises used for distilling or selling of the intoxicating liquor in respect of:
 - a. whether the licensee is complying with the terms of the license,
 - b. randomly test samples of the intoxicating liquor for analysis.

Prohibition

10. (1) A licensee shall not allow any person who has not attained 18 years to distil, buy or sell intoxicating liquor at the premises of the licensee.
(2) The licensee shall demand a proof of age and identity where the person seems not to have attained 18 years.
(3) A licensee shall not sell intoxicating liquor to a drunken person and shall ensure that the premises are not used for any disorderly activities.
(4) A licensee who contravenes any of the provisions of this Bye-law commits an offence and is liable on conviction to a fine of 120 penalty units and in default to a term of imprisonment not exceeding six months or to both.
(5) Where the default continues the license shall be revoked by the AdMA

Interpretation

11. In this Bye- law unless the context otherwise requires,

“ 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.

“AdMA” means Adentan Municipal Assembly.

Revocation

12. All existing Bye-law on sale of intoxicating liquor in force immediately before the passage of this Bye-law is hereby revoked.

Presiding Member

(Hon. Odai- Boye Joseph)

Municipal Coordinating Director

(Moirā Nancy Ewa)

Regional Minister

Regional Co-ordinating Director