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SCHEDULE.

CHAPTER 239.

PALM WINE.

An Ordinance to regulate the sale of palm wine.

[1ST JANUARY, 1927.]

41 of 1926.
27 of 1929.
Rules Nos.
18 of 1929
and 5 of 1930.

Short title
and
application.
*

1. This Ordinance may be cited as the Palm Wine Ordinance, and it shall apply to the City of Freetown, but the Governor in Council may by Order extend its application to any area or place situated within the Colony.

Sale of palm
wine only
under licence.

2. (1) No person shall by himself or anyone in his service sell, barter or expose for sale or barter palm wine except under a licence issued under this Ordinance, and on the premises or at the place specified in such licence, and in conformity with this Ordinance and the conditions of his licence.

Onus of
proof.

(2) In proceeding under this section, it shall not be necessary for the prosecutor to prove that the person charged had no licence, or that the premises or place on which any sale, barter or exposure of palm wine took place was not mentioned in the licence, but the person charged, if he alleges that he was licensed or that the premises or place on which any sale, barter or exposure for sale or barter took place was mentioned in his licence, shall prove the same.

Penalty.

(3) Any person contravening the provisions of this section shall on summary conviction be liable: for a first offence to a fine not exceeding ten shillings or to imprisonment, with or without hard labour, for a period not exceeding seven days; for a second offence to a fine not exceeding five pounds or to imprisonment, with or without hard labour, for a period not exceeding fourteen days; and for any subsequent offence to a fine of fifty pounds or to imprisonment, with or without hard labour, for a period not exceeding six months.

Liability of
occupier for
sale on
unlicensed
premises.

3. Every occupier of unlicensed premises on which any palm wine is sold shall, if it is proved that he was privy to the sale, be guilty of an offence, and on summary conviction be liable to a fine not exceeding ten pounds.

* It has been applied to several areas. See the appropriate volume of subsidiary legislation.

4. The Governor in Council may by Order appoint any person or body of persons to be the licensing authority for the purpose of this Ordinance for the area specified in such Order. In the absence of any such special appointment in respect of any area the Police Magistrate shall be the licensing authority in respect of the Freetown Police District.

Appointment
of licensing
authorities.

5. (1) Any person wishing to obtain a licence for the sale of palm wine shall, one month at least before the licence is required, make application in person or in writing for a licence to the licensing authority, setting forth his name and address and a description of the situation of the premises or place in respect of which the application is made, and shall pay to the licensing authority the prescribed fee.

Application
for licence.

(2) The licensing authority on receiving such application shall issue a notice under his hand in the form prescribed in the Schedule to this Ordinance, or as near thereto as circumstances permit, and shall cause the said notice to be published once in the *Gazette* and to be affixed for a period of not less than ten days on the door of the premises to be licensed and on the nearest police station thereto. The notice shall fix a day for the hearing of the application for a licence and of objections thereto, which shall not be less than ten days from the date of the publication thereof.

Notice of
date of
hearing.

6. (1) The Commissioner of Police, the City Council of Freetown, or any Advisory, Municipal or Administrative Board having jurisdiction over the place in which the premises to be licensed are situate, and any person owning or occupying premises, or the minister of any place of worship situated within one hundred yards of the premises intended to be licensed, may object to the granting of such licence.

Objections
to issue of
licence.

(2) Written notice of such objection and of the grounds thereof shall be given to the licensing authority, and a copy thereof shall also be supplied to the applicant at least three days before the date of the hearing of the application.

Notice of
objection.

7. The licensing authority may, in its discretion, but subject to the provisions of this Ordinance and the rules made thereunder—

Power of
licensing
authority.

(a) after satisfying itself as to the fitness of the person and to the suitability of the premises or place, grant a licence authorising the person named therein to sell palm wine on the premises or at the place specified in the licence;

(b) determine and endorse on the licence the hours during which palm wine may not be sold, provided that no licence under this Ordinance shall authorise the sale of palm wine before five o'clock in the morning or after nine o'clock in the evening or on Sundays, Christmas Day or Good Friday;

(c) cancel any licence, if it shall consider that the cancellation of the licence is necessary or advisable:

Provided that, except when the licence is cancelled by reason of the licence holder having been convicted of an offence under this Ordinance, or any Ordinance amending or substituted for the same, the holder of any licence proposed to be cancelled shall be entitled to be heard by the licensing authority in opposition to such proposed cancellation and the holder of such cancelled licence shall be entitled to a refund of a proportionate part of the fees paid for the licence.

Duration of licences.

8. Licences shall be of either annual, half-yearly or quarterly duration and shall commence at the beginning of the year, half-year or quarter respectively in each and every year, half-year or quarter for which such licence has been granted.

Control over transfer of licences.

9. A licence shall not be transferred from one person to another, or from one premises to other premises, or from one place to another place, except with the consent of the licensing authority and on payment of the prescribed fee.

Penalty for keeping palm wine in any place not authorised.

10. Any person—

(a) who occupies any premises in respect of which no licence under the provisions of this Ordinance has been issued, and without the permission of the licensing authority, has in his possession or on any such premises any palm wine which he is not authorised to sell, unless he shall account for the possession of the same to the satisfaction of the Court; or

(b) who, holding a licence to sell palm wine, without the written permission of the licensing authority, keeps such palm wine in any place other than the premises specified in his licence,

shall be liable on summary conviction to a fine not exceeding five pounds, and the palm wine and vessel in which it is contained, found in any such place, shall be seized and forfeited to Her Majesty.

Offences of a licence holder.

11. Any licensed person who—

(a) permits drunkenness or any riotous or quarrelsome conduct to take place upon his premises;

(b) sells palm wine to any person already in a state of intoxication;

(c) knowingly sells palm wine to any child under fourteen years of age;

(d) knowingly sells or supplies palm wine to any soldier, constable or railway servant on duty, or knowingly harbours or suffers to remain on his premises any such soldier, constable or railway servant, unless, in the case of a constable, for the purpose of keeping or restoring order or in the execution of his duty;

(e) permits his premises to be used as a brothel or knowingly permits his premises to be the habitual resort or place of meeting of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution, and allows them to remain thereon longer than is necessary for the purpose of obtaining reasonable refreshment;

(f) knowingly permits his premises to be the habitual resort or place of meeting of thieves or reputed thieves;

(g) keeps his premises open for the sale of palm wine during any time when he is not authorised by his licence to sell palm wine, or allows palm wine purchased before the hour of closing to be consumed on such premises after closing hours;

(h) permits gaming or any unlawful game to be played on the licensed premises;

(i) sells palm wine for any valuable consideration other than a cash payment in current coin;

(j) refuses to produce his licence when demanded by a constable;

shall be liable on summary conviction for a first offence to a fine not exceeding five pounds, and for any subsequent offence to a fine not exceeding ten pounds, and, in case of a conviction under sub-section (e) for permitting his premises to be used as a brothel, to forfeiture of his licence and disqualification for ever from holding a licence.

12. (1) Any conviction for an offence under sections 11 and 18 shall be recorded by the magistrate on the licence of the person convicted.

Recording
convictions
on licences.

(2) The licensing authority shall, in granting a new licence to such convicted person, from time to time transfer the record of such conviction to the licence so granted by him. The record of a conviction shall not be transferred after five years.

(3) Any person who defaces or obliterates, or attempts to deface or obliterate, any record of a conviction on his licence, shall be liable to a fine not exceeding five pounds.

Power to expel drunkards from licensed premises.

13. 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, or whose presence on his premises would subject him to a penalty under this Ordinance. Any such person who, on being required by such licensed person or his agent or servant or by a constable to quit such premises, refuses or fails to do so, shall be liable on summary conviction to a fine not exceeding five pounds, and all constables 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. The court committing any person to prison for non-payment of any fine under this section may order him to be imprisoned with hard labour.

Penalty for being found on premises after closing time.

14. (1) If within any period when licensed premises are required under the provisions of this Ordinance to be closed any person is found on such premises, he shall, unless he satisfies the Court that he was an inmate, a servant or a lodger on such premises, a private friend of the licensee *bona fide* entertained by him at his own expense, or that otherwise his presence on such premises was not in contravention of the provisions of this Ordinance with respect to the closing of licensed premises, be liable on summary conviction to a fine not exceeding forty shillings.

Demand for name and address of person found on premises after closing time.

(2) Any constable may demand the name and address of any person found on any licensed premises within any period when they are under the provisions of this Ordinance required to be closed and, if he has reasonable ground to suppose that the name or address given is false, may require evidence of the correctness of such name and address, and may, if such person fail upon such demand to give his name and address and, if required, satisfactory evidence of the correctness of such name and address, apprehend him without warrant and carry him as soon as practicable before a magistrate.

Penalty for refusal to give name or address.

(3) Any person, required by a constable under this section to give his name and address, who refuses to give the same, or gives a false name or address, or makes a false statement with respect to such name or address, shall be liable on summary conviction to a penalty not exceeding five pounds.

(4) Every person who, by falsely representing himself to be a lodger, buys or obtains, or attempts to buy or obtain at any premises any palm wine during the period when such premises are required under the provisions of this Ordinance to be closed, shall be liable on summary conviction to a fine not exceeding five pounds.

False personation of lodger.

(5) Every person who knowingly purchases palm wine from a person who is not duly licensed to sell the same shall be liable on summary conviction to a fine not exceeding five pounds.

15. Any magistrate or constable may—

Powers of police.

(a) enter any licensed premises at any time for the purpose of detecting or preventing any breach of the provisions of this Ordinance;

(b) at any time demand the production of a licence;

(c) having reasonable grounds for believing that palm wine is being sold by any unlicensed person, enter and inspect any premises occupied by such person; and

(d) seize and detain any palm wine, together with the receptacles containing the same, found either on premises occupied by, or in the possession or under the control of any unlicensed person whom he has reasonable grounds for suspecting of having sold palm wine:

Provided that every such seizure and detention shall be forthwith reported to a court having jurisdiction in the area in which such seizure is made, and that such palm wine and receptacles shall be restored to such person unless a prosecution is instituted against such person within three days.

Every person who, by himself, or by any person acting by his direction, or with his consent, refuses or fails to admit any constable in the execution of his duty demanding to enter in pursuance of this section, shall be liable on summary conviction to a fine not exceeding for the first offence, five pounds, and not exceeding for the second and every subsequent offence twenty pounds.

16. A court may order the forfeiture of any palm wine and of the receptacles containing the same, which may be found either on premises occupied by, or in the possession or under the control of, any unlicensed person who is convicted of selling palm wine.

Forfeiture of palm wine.

Any palm wine ordered by a court to be forfeited under this section or under section 10 of this Ordinance shall be sold, destroyed or otherwise dealt with as the court may think fit, and the proceeds of the sale of any such palm wine shall be paid into the general revenue of the Colony.

Evidence of sale.

17. In any proceeding relating to any offence under this Ordinance, it shall not be necessary to show that any money actually passed if the court hearing the case be satisfied that a transaction in the nature of a sale actually took place.

Copy of licence to be given to licence holder.

18. (1) At the time of granting the licence there shall be given to the licence holder a certified copy thereof, and at any time, if the licensing authority is satisfied that such copy has been lost or destroyed, he may give another certified copy on the application of the licensee and on production of the licence.

Licence to be hung in conspicuous place in shop.

(2) Such copy shall be hung up or affixed in some conspicuous part of the room, shop, booth or other place where such palm wine is licensed to be sold.

Penalty.

(3) If such copy is not hung up or affixed, the person who sells palm wine, in such room, shop, booth or place shall be deemed to be a seller of palm wine without a licence and shall be liable on summary conviction to a fine not exceeding, for the first offence ten pounds, and for the second and any subsequent offence twenty pounds.

Signboard on licensed premises.

(4) Every holder of a licence to sell palm wine to be consumed in any premises shall set out and affix a signboard over the door or on some other conspicuous part of the front of the premises where palm wine is sold and consumed. Such board shall be white, and have painted legibly thereon in black letters of not less than two inches in height the name of the licence holder and also the words "Licensed Dealer in Palm Wine," and for each day on which the licence holder shall sell palm wine without having such signboard set up and affixed, he shall be liable on summary conviction to a fine not exceeding one pound.

Room to be set apart for the public.

(5) Every holder of a licence to sell palm wine to be consumed in any premises shall set apart for the sole accommodation and use of the public at least one apartment fit and proper for such purpose.

Sections of Ordinance to be affixed on premises.

(6) Every holder of a licence to sell palm wine in a shop of other premises shall keep constantly affixed on some conspicuous part of the premises wherein palm wine is so sold a copy or

sections 10, 11, 12, 13, 14, 15 and 19 of this Ordinance, which shall be supplied to him on application by the licensing authority.

19. The Governor in Council may, in relation to all or any of the areas or places to which this Ordinance is applied, prescribe rules for all or any of the following purposes—

Power to make rules.

(a) the fees to be paid on applications for licences or transfers of licences and the forms of such licences;

(b) prohibiting the grant of a licence within any such area or in respect of premises situate within such part of any area as may be specified;

(c) limiting the number of licences which may be granted in any area;

(d) imposing conditions which shall attach to all licences issued in any area or in any specified part of an area; and

(e) generally for giving effect to the purposes of this Ordinance.

Except in so far as they may be revoked or amended by any rules made under this section, the provisions contained in the Schedule to this Ordinance shall be in force.

SCHEDULE.

Section 5 (2).

1. The following shall be the form of notice to be issued by the licensing authority on receiving an application for a licence—

Form of notice.

I hereby give notice that.....of.....has made application for a licence to sell palm wine for a period of.....from the 1st day of.....19.....

Any person objecting to the granting of the said licence must on or before the.....day of.....19....., send to.....(the above named applicant) notice in writing of his intention to object to the grant of the said licence and together with such notice a statement in writing containing in general terms the grounds of his opposition.

All objections of which notice as aforesaid has been given to the granting of the licence will be considered by.....(licensing authority) at.....on the.....day of.....19.....

Dated this.....day of.....19.....

.....
Licensing Authority.

Section 8.

2. The following shall be the form of annual, half-yearly or quarterly licence to sell palm wine.

Form of licence.

Licence is hereby granted to.....of.....to sell palm wine at (*here insert description of place or premises*) subject to the provisions of the Palm Wine Ordinance, and any rules for the time being in force thereunder and to the following conditions—

(a) (*Hours during which the sale may take place.*)

(b) (*Any special conditions.*)

This licence will expire on the.....day of.....19.....

Dated this.....day of.....19.....

.....
Signature of Officer issuing the licence.

Section 19.

3. The following shall be the fees—

Fees.

					£	s.	d.
On application for any licence	...	...	...	...	0	1	0
For an annual licence	...	...	...	...	1	0	0
For a half-yearly licence	...	...	...	...	0	10	0
For a quarterly licence	...	...	...	...	0	5	0
On transfer of a licence	...	...	...	...	0	2	6

