

LIQUOR LICENSING ACT

1970 (ACT 331)

Section 6-Akpeteshie.

(1) No person shall sell akpeteshie under any spirit licence unless the licence is expressly endorsed to authorise the licensee to sell akpeteshie.

(2) A spirit licence may be limited to the sale of akpeteshie.

(3) No spirit licence shall be required for the sale of akpeteshie to any statutory corporation or other person prescribed by regulations.

(4) A distiller of refined spirit shall have a first option on the purchase of all products of a distiller of akpeteshie.

(5) The rate per gallon of the duty payable on akpeteshie produced shall be that set out in the Third Schedule;

Provided that no duty shall be payable on the sale by a manufacturer of akpeteshie of his products to a manufacturer of refined spirit.

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(1) Every licensee shall enter into a stock book to be kept by him for that purpose a true record of all spirits bought and sold by him, and shall within seven days after the expiration of every month render to the police officer in charge of the district in which the licensee sells spirits a true and accurate return in the form prescribed by regulations, showing—

(a) the quantity of each description of spirits on hand at the commencement of that month;

(b) the quantity of each description of spirits bought or sold by him during that month and the names of persons from whom such quantity was bought; and

(c) the stock of each description of spirits remaining on hand on the last day of the immediately preceding month.

(2) No licensee shall render a return which is false or lacking in any material particular.

(3) Any police officer not below the rank of Inspector, and any police officer authorised in writing by a police officer not below the rank of Inspector, may at any time between the hours of 8 a.m. and 6 p.m. inspect the stock-in-trade of any licensee and require him to produce his stock book for the purpose of comparing the entries therein with such stock-in-trade, and may seize any spirits found in excess of the stock shown in the stock book.

(4) The provisions of this section shall not apply to locally manufactured spirits.

Section 7-Stock Book to be Kept.

(1) Every licensee shall enter into a stock book to be kept by him for that purpose a true record of all spirits bought and sold by him, and shall within seven days after the expiration of every month render to the police officer in charge of the district in which the licensee sells spirits a true and accurate return in the form prescribed by regulations, showing—

(a) the quantity of each description of spirits on hand at the commencement of that month;

(b) the quantity of each description of spirits bought or sold by him during that month and the names of persons from whom such quantity was bought; and

(c) the stock of each description of spirits remaining hand on the last day of the immediately preceding month.

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(4) The provisions of this section shall not apply to locally manufactured spirits.

Section 9-Storage of Spirits.

A licensee shall not store spirits in any place other than his place of business.

Section 10-Regulations.

The Minister may by legislative instrument make regulations—

- (a) prescribing the method and form of application for a licence to sell spirits and the authority to which the application is to be made;
- (b) prescribing the procedure relating to the grant of a licence, including the consideration of objections to the grant, and appeals to the Minister from a grant or a refusal to grant a licence;
- (c) prescribing the form and duration of the licence, the method of collection of fees payable therefor, the conditions to be observed by a licensee and the duties of a licensee;
- (d) providing for the transfer of a licence;
- (e) prescribing permitted hours and providing for all matters in relation thereto;
- (f) prescribing the time at or within which the duty on akpeteshie produced is to be paid, the method of collection of such duty, and the repayment of any duty paid in error contrary to the proviso to section 6(5);
- (g) altering or revoking any of the fees set out in the Second and Third Schedules;
- (h) providing for or prescribing any other matter or thing which the Minister considers expedient for giving effect to the provisions of this Act.

Section 11-Offences.

- (1) Any person who contravenes section 5 (1), 6 (1) or 9 or any condition included in a licence to sell spirits shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred new cedis.
- (2) Any person who contravenes any provision of section 7 or 8 shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred new cedis or to imprisonment not exceeding one year, or to both, and any spirits seized under section 7 in relation to which the offence was committed may be forfeited and disposed of as the Court may direct.
- (3) In the event of a second conviction of a licensed person under this section, his licence shall be suspended for a year, and in the event of a third or subsequent conviction under this section he shall be disqualified from holding any such licence for such period, not less than five years in each case, as the Court shall direct.
- (4) A conviction for an offence under this section shall be endorsed on the licence, if any, of the offender.

Section 12-Licence to sell Wine and Beer.

(1) No person shall sell wine or beer on any premises or in the open, except under and in accordance with one of the following licences—

(a) a spirit licences granted under section 5;

(b) an off-licence to sell wine and beer not to be consumed on the premises;

(c) an on-licence to sell wine and beer which may be consumed on the premises.

(2) The fee payable for a licence to sell wine and beer shall for every store be that set out in the Fourth Schedule.

Section 13-Regulations.

The Minister may by legislative instrument make regulations—

(a) prescribing or providing for, in respect of licences to sell wine and beer, all such matters as may be prescribed or provided for under section 10 in respect of licences to sell spirits;

(b) altering or revoking the fee set out in the Fourth Schedule.

Section 14-Offences.

(1) Any person who contravenes section 12 (1) or any condition included in a licence to sell wine and beer shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred new cedis.

(2) Subsections (3) and (4) of section 11 shall apply in the event of a conviction under this section as they apply to a conviction under section 11.

Section 15-Young Persons to be Excluded.

(1) No holder of a licence to sell spirits, wine or beer shall allow any person under the apparent age of eighteen years to be at any time in the bar of the licenced premises during permitted hours.

(2) Any licensee who contravenes this section, and any person who causes or procures any person under the apparent age of eighteen years to enter or to be in the bar of any licensed premises during the permitted hours, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty new cedis and in default of payment to imprisonment not exceeding one month.

(3) If a person under the apparent age of eighteen years is found in the bar of any licensed

premises during permitted hours, the holder of the licence shall be deemed to have committed an offence under this section unless he shows that he had used all due care to prevent that person from being admitted to the bar or the young person had attained the age of eighteen years.

(4) No licensee under this Act shall sell any spirit, wine or beer to any drunken person or permit any disorderly or improper conduct on his premises or any part of the premises attached thereto.

Section 16-Power to Demand Name and Address.

(1) Any police officer in uniform may demand the name and address of any person found after the permitted hours on any premises licensed for the sale of spirits, wine or beer, and, if he has reasonable ground to suspect that the name or address given is false, he may require evidence of its correctness.

(2) Any person who fails upon demand to give his name and address, or satisfactory evidence of such name and address, may be arrested by the police officer without warrant and taken as soon as practicable before a magistrate.

Section 17-Police Officers.

No licensee under the Act shall sell akpeteshie, spirits, beer or wine to any police officer in uniform.

Section 18-Offences.

Any person who—

(a) when required to give his name and address under section 16, fails to do so or gives a false name or address; or

(b) not being an inmate, servant or lodger, on premises licensed for the sale of spirits, wine or beer, or otherwise lawfully permitted to be upon such premises, is found on such premises after the permitted hours without reasonable excuse; or

(c) by falsely representing himself to be a lodger, buys or obtains, or attempts to buy or obtain, spirits, wine or beer at any premises after the permitted hours,

shall be guilty of an offence and liable on conviction to a fine not exceeding twenty new cedis.

Section 19-Liability of Employer.

A master or employer shall be liable for an offence committed under sections 4, 11, 14 or 18 by his servant or agent in the course of his employment.

Section 20-Limitation of Actions.

No prosecution shall be commenced under this Act after the expiration of six months from the date of the offence.

Section 21-Sale without Licence in Special Cases.

Nothing in this Act contained shall prevent—

- (a) the executor or administrator of a deceased licensee or the assignee or trustee of any licensee who becomes insolvent or bankrupt before the expiration of his license, from selling any spirits, wine or beer coming to them in that capacity in the premises specified in the licence; or
- (b) the executor or administrator of any person not licensed who dies leaving among his assets or estate a private stock of spirits, wine or beer not exceeding fifty gallons from selling it; or
- (c) any person from selling his private stock of spirits, wine or beer not exceeding twenty-five gallons at any sale of his effects on leaving Ghana; or
- (d) any officer of or person authorised by any court from selling any spirits, wine or beer seized or taken in execution under due process of law.

Section 22-Interpretation.

In this Act, unless the context otherwise requires—

"akpeteshie" means spirits manufactured in Ghana by the distillation of a fermented liquid in a simple pot still;

"bar" means any open drinking bar on licensed premises or any part of the licensed premises exclusively or mainly used for the sale and consumption of spirits, wine or beer;

"beer" includes any description of beer, and any liquor made or sold as a description of beer or as a substitute for beer and which contains more than one per cent of pure alcohol, but does not include pito and other similar locally brewed liquors;

"blend" means to mix the products of two or more distillers to obtain a uniform product;

"compound" means to mix an ingredient or material with spirits, but does not include methylating;

"distiller" means any person who produces spirits by the distillation of fermented spirits or by the distillation of fermented spirits or by chemical means and includes any person who rectifies, compounds, blends or methylates;

"licensee" means a person holding a licence to sell spirits, wine or beer under this Act;

"methylate" means to mix non-potable methyl alcohol and other substances with spirits to render them non-potable;

"Minister" means the Minister responsible for Industries;

"permitted hours" means the hours during which any licensed premises are by regulations allowed to be open for the sale of spirits, wine or beer under this Act;

"premises" includes any store, hotel or restaurant and the curtilage thereof and any yard attached thereto;

"rectify" means to purify spirits by distillation,filtration or other means;

"refined spirits" means spirits produced by rectifying akpeteshie;

"sell" includes to dispose of by barter, exchange or in any other manner for valuable consideration;

"spirits" means akpeteshie, brandy, gin, liqueur, rum,whisky and all other distilled liquors and includes all liquors mixed with spirits and all mixtures, compounds or preparations made with spirits, but does not include alcohols other than ethyl alcohol and potable methyl alcohol and medical preparations containing alcohol;

"store" includes a house, shop and every other building not being a hotel, bar or restaurant;

"wine" does not include palm wine.

Section 23-Repeals and Savings.

(1) The following enactments are hereby repealed—

Liquor Licences (Spirits) Ordinance (Cap. 220).

Liquor Licences (Wine and Beer) Ordinance (Cap. 221).

Young Persons (Exclusion from Licensed Premises) Ordinance (No. 48 of 1952).

Liquor (Northern Territories) Ordinance (No. 26 of 1953).

Liquor Licences Act, 1959 (No. 19).

Manufacture and Sale of Spirits Act, 1962 (Act 154).

Manufacture and Sale of Spirits (Amendment) Decree, 1967 (N.L.C.D. 209).

Manufacture and Sale of Spirits (Amendment) Decree, 1968 (N.L.C.D. 219).

(2) Notwithstanding the repeal of the Manufacture and Sale of Spirits Act, 1962 (Act 154), all statutory instruments made thereunder and in force immediately before the commencement of this Act shall continue in force as if made under the corresponding provision of this Act, until revoked, modified or otherwise altered.