



AN ACT TO REPEAL THE LIQUOR DECREE, CAP 163 OF 1928 AND ENACT AN ACT WHICH PROVIDES FOR THE PROVISIONS WITH REGARD TO CONTROL AND REGULATE FOR THE IMPORTATION, WAREHOUSING, SALE, DELIVERY CONSUMPTION OF INTOXICATING LIQUORS AND FOR OTHER MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO

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ACT NO. 9 OF 2020

I ASSENT



{ DR. ALI MOHAMED SHEIN }
PRESIDENT OF ZANZIBAR AND CHAIRMAN OF
THE REVOLUTIONARY COUNCIL

11th May....., 2020

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ENACTED by the House of Representatives of Zanzibar.

**PART ONE
PRELIMINARY PROVISIONS**

Short Title and
Commencement.

1. This Act may be cited as the Liquor Control Act, 2020 and shall come into operation after being assented to by the President.

Application.

2.-(1) This Act shall apply to any person dealing with the importation, warehousing, sale, delivery and consumption of intoxicating liquors in Zanzibar.

(2) Save otherwise provided, this Act shall not apply to:

- (a) denatured spirit;
- (b) denatured alcohol;



- (c) essences, syrups and tinctures for manufacturing of aerated waters and cordials;
- (d) the importation, sale, possession or delivery of drugs, cosmetics, spirituous or distilled perfumery under the Zanzibar Food, Drugs and Cosmetics Act;
- (e) any registered or licensed medical practitioner or registered druggist importing, delivering, administering or selling for medical purposes any medicine containing alcohol; and
- (f) any person acting under the authority of the law in the exercise or discharge of his duties.

Interpretation.

3. In this Act, unless the context provides otherwise:

“adulterated liquor” means any liquor mixed or colored to the prejudice of the purchaser with any ingredient whatsoever water or any other thing, whether injurious to health or not, either to increase its bulk or measure or to affect the quality of such liquor or to conceal its interior quality;

“alcohol” means a product of fermentation or distillation of grains, fruits or other agricultural products, and includes synthetic ethyl alcohol which contains more than 0.5 per centum of alcohol by weight;

“Board” means the Zanzibar Liquor Control Board established under section 8 of this Act;

“commercial vehicle” means a motor vehicle or trailer constructed or adapted and used primarily for the conveyance of goods of any description;

“court” includes all judges and magistrates and all persons, except arbitrators, legally authorized to take evidence;

“denatured” means effectually rendered unfit for human consumption;

“denatured alcohol” means and includes all alcohol or any compound thereof which by the admixture of such denaturing material is rendered unfit for use as a beverage;

“denatured spirits” means methylated spirits and includes any intoxicating liquor which by addition of some substance has been rendered unfit for use as a beverage;



“government department” means any department, institution, premise, unit or facility of the Revolutionary Government of Zanzibar or the Government of the United Republic of Tanzania situated in Zanzibar;

“guest” means any person who, for consideration paid by him or on his behalf, occupies accommodation or receives meals, beverages or any other services authorized in a hotel;

“hotel” means any reputable place, premise or establishment operated by responsible persons of good reputation where the guest may, for a consideration, obtain sleeping accommodations, beverages and meals and which, in urban areas has at least ten and in any other place at least six permanent bedrooms for the use of guests, a public dining room or rooms operated by the same management accommodating at least thirty persons at one time and a kitchen apart from the public dining room or rooms in which food is regularly prepared for the public;

“import” means to bring or cause to be brought into Zanzibar by sea or air;

“institution” means any Government or private department, facility, establishment or premises situated in Zanzibar;

“intoxicating liquor” means any liquid of any description whatsoever which contains more than 0.5 per centum of alcohol by weight, but does not include native liquor;

“license” means any license granted under this Act;

“licensee” means any person to whom a license has been issued under this Act;

“licensed premises” means any premise, place or establishment having minimum accommodation required and licensed under this Act;

“licensed warehouse” means a warehouse or other place licensed under this Act for the warehousing of intoxicating liquors;

“Minister” means the Minister responsible for local governments;

“officer of the Board” means any person authorized to act under this Act;

“permit” means any permit granted under this Act;



“Police” means any member of the Police Force of or above the rank of constable.

“possession” means actual physical control and includes having liquor in the possession or custody of any other person for the use or benefit of oneself or of any other person;

“prohibited person” for the purpose of this Act, means public motor vehicle or any person who is below twenty one years old or who is still under the custody of parents or guardians or against whom a prohibition order issued by the Court in accordance with this Act;

“public motor vehicle” means a motor vehicle which carries or is intended to carry passengers for a fare;

“spirituous or distilled perfumery” means any perfume or scents or toilet preparation consisting of a solution of essential oils in spirits;

Manufacturing
and distilling
liquor
prohibited.

4.-(1) No person or any institution shall distil or manufacture any intoxicating liquor in Zanzibar.

(2) Any person or institution that contravenes the provisions of subsection (1) of this section, is guilty of an offence and upon conviction, shall be liable to imprisonment for a term of not less than five years or to a fine of not less than Five Million Tanzanian Shillings and all liquor and machinery used for such distilling or manufacture shall be forfeited and dealt with as the Board may direct.

Consumption
or
possession
of liquor
prohibited.

5.-(1) No prohibited person shall consume or possess any intoxicating liquor in Zanzibar.

(2) No person shall consume or supply to any person for the purpose of consuming or to purchase denatured spirits or denatured alcohol or to be in possession thereof for the purpose of consuming.

(3) Any person who contravenes the provisions of this section, commits an offence and shall, on conviction, be liable to a fine or to imprisonment mentioned under section 42(2) of this Act.

Provided that in any proceedings under this section, the burden of proving that the supply or purchase or possession of denatured spirit or denatured alcohol was for the purposes other than for consuming shall lie on the person alleging the same.



Sell and warehousing of liquor by license.

6.-(1) No person, Government department or any institution shall sell or warehouse any intoxicating liquor without holding a license authorizing the sale or warehousing thereof.

(2) No person, Government department or any institution licensed to sell intoxicating liquors by retail or wholesale shall keep or store such liquors elsewhere than in such premises as shall be specified in the license.

Provided that subsection (2) shall not apply to intoxicating liquors bona fide and actually in course of transit or be kept solely for private consumption or not for sale.

(3) No person other than a person holding a license under this Act may have in his possession any intoxicating liquors except such a person has purchased or obtained bona fide for his own private consumption and not for sale.

(4) Every licensee shall fix or paint the license or cause to be fixed or painted his license in a conspicuous place on the licensed premise.

(5) Any person, Government department or institution desiring to obtain any license or permit or a renewal thereof for the sale, warehousing, import or delivery of intoxicating liquor in Zanzibar shall make an application in person, in the prescribed form, in triplicate, to the Board not later than seven days after the publication of the notice for the hearing of applications.

(6) No person, Government department or any institution that has been refused a license to sell or warehouse intoxicating liquor or that has been refused a renewal thereof or whose license has been revoked or cancelled for any ground set out in this Act, that person, Government department or institution shall not be granted the license until it solves the defects identified and apply for that license again.

(7) When the renewal is refused by the Board, the applicant shall, upon payment of the prescribed fee, be given special occasion permit for such period to dispose the remained stock of intoxicating liquor on the premise within three months.

Importation and Delivery of liquor by Permit.

7.-(1) No person, Government department or any institution shall import or deliver intoxicating liquor without a permit to import or to deliver intoxicating liquor.

(2) Any person, Government department or any institution desiring to import or deliver intoxicating liquor unless otherwise provided, shall apply to the Board for a permit to import or to deliver intoxicating liquor in Zanzibar.



PART TWO
ESTABLISHMENT OF THE ZANZIBAR LIQUOR
CONTROL BOARD

Establishment
of the Board.

8.-(1) There shall be an Advisory Board of Controlling Liquor in Zanzibar which shall be composed of the following:

- (a) a Chairperson who shall be appointed by the President;
- (b) a Director responsible for Regional and local government coordination;
- (c) a Director responsible for tourisms;
- (d) one State Attorney from the Attorney General's Chambers;
- (e) one representative from the Police Force;
- (f) one representative from the Zanzibar National Chamber of Commerce, Industries and Agriculture; and
- (g) one representative from the Zanzibar Association of Tourism Industry.

(2) Save for the Chairperson and ex-officio members, other members shall be appointed by the Minister in consultation with relevant institution based on experience, integrity, skills and gender.

(3) The Chairperson shall hold office for a term of four years but he may be eligible for re-appointment.

(4) A member shall hold office for a term of three years but he may be eligible for re-appointment.

(5) A person shall qualify for the appointment as the Chairperson, if that person:

- (a) is a Zanzibari;
- (b) holds at least a first degree in the field of law, business, accountancy, public administration or any related fields from any recognized institution;
- (c) has enough working experience in the fields prescribed under paragraph (b) of this subsection; and
- (d) has sound integrity.



(6) A member so appointed by the Minister under paragraphs (e), (f) and (g) of subsection (1) of this section, shall cease to be a member of the Board once qualifications of his appointment cease.

(7) The Board members shall elect one among the members to be a Vice-Chairperson of the Board during the first meeting.

Vacancy of a Member.

9.-(1) The office of a member of the Board shall become vacant, if the member:

- (a) completes term of the office;
- (b) without reasonable excuse, fails to attend three consecutive meetings of the Board;
- (c) resigns or becomes in any manner, disqualified from membership of the Board;
- (d) convicted with criminal offence;
- (e) fails to comply with this Act or Regulations made under this Act;
- (f) becomes incapacitated by reasons of physical or mental health to perform his duties; or
- (g) dies.

(2) Subject to the provisions of this Act relating to quorum, the proceedings of the Board shall not be invalid by reason of vacancy or absence of any member of the Board.

Resignation of the Chairperson or a member.

10.-(1) The Chairperson or a member of the Board may, at any time, resign by giving notice in writing to the appointing authority and from the date specified in the notice or, if no date is so specified, from the date of receipt of the notice by the appointing authority, such person shall cease to be the chairperson or a member.

(2) Where a person ceases to be the Chairperson or member of the Board, as the case may be, for any reason before the expiration of the term of office, the appointing authority shall appoint another person in such place and the person so appointed shall hold office for the remainder of the term of office of his predecessor.

(3) Where a member appointed by the Minister becomes absent from three consecutive meetings of the Board without reasonable excuse, the Chairperson shall report to the Minister of that fact and the Minister shall terminate the appointment



of the member, and appoint another member, and the person so appointed shall hold office for the remaining term of office of his predecessor.

Secretary of
the Board.

11.-(1) There shall be a Secretary to the Board to be appointed by the Board.

(2) A person shall be eligible to be appointed as a Secretary to the Board if that person possesses at least first degree in the field of law, business administration, accountancy or administration.

(3) The Secretary of the Board shall be accountable to the Board and specifically responsible to ensure that:

- (a) the accurate minutes of the meetings of the Board are properly taken;
- (b) proper notifications of the meetings of the Board are given to the members;
- (c) he provides the correct advice to the Board when so needed and any other matters as the Board may direct.

Powers and
duties of the
Board

12.-(1) The duties and powers of the Board shall be to:

- (a) control the sale, importation, storage, consumption and delivery of liquor;
- (b) make terms for the maintenance of licensed premises for liquor and to control the keeping in and delivery from any such licensed premises;
- (c) authorize the sell, storage, warehousing, delivery or consumption of intoxicating liquors;
- (d) prepare guidelines on fees and charges concerning with liquor business to be levied by the local government authorities;
- (e) do all things concerning with the management of the Board;
- (f) recommend to the Minister, the appointment of staff and officers of the Board for the purposes of enforcement of this Act;
- (g) govern the application, issuance, renewal and expiry of licenses and permits;
- (h) prescribe conditions that are attached to licenses and permits;



- (i) prescribe occasions for which special permits may be issued;
- (j) conduct inspections in the areas where liquor is sold and stored;
- (k) prescribe forms on purchase order, pass note, standards for licensed premises and premises used by license or permit holders for the sale and liquor service delivery;
- (l) advise the Minister in the proper implementation of business and liquor control; and
- (m) in consultation with the Minister, do anything in its capacity incidental to the execution of this Act or Regulations made under this Act.

(2) The Board may revoke, cancel or forfeit any license or permit for any ground that would disentitle the holder under this Act, if the holder has contravened the provisions of this Act, the Regulations or conditions of the license or permit.

Committees of the Board.

13. The Board may establish committee as it considers necessary;

Delegation of functions of the Board.

14. The Board may, for the proper discharge of its functions, delegate some of its functions to the committee.

Meetings of the Board.

15.-(1) The Board shall meet ordinarily once in every three months and may meet at any time when the need arises.

(2) The meeting of the Board shall be convened and presided by the Chairperson, in the absence the Chairperson, the Vice-Chairperson shall preside the meeting and in the absence of both Chairperson and Vice-Chairperson, the members present in the meeting shall elect one among themselves to preside the meeting.

(3) The Board may invite any person to attend any meeting of the Board as an expert but that person shall not have right to vote.

Quorum of the meeting of the Board.

16. The quorum of the meeting shall be more than half of the members of the Board.

Decisions of the Board

17. The decision of the Board shall be made by consensus and in the event of disagreement, the decision shall be reached by voting and in case of an equality of the votes, the Chairperson or Vice-Chairperson or a member presiding the meeting, shall have a casting vote.



Minutes of the Board.

18.-(1) The minutes of proceedings of all meetings of the Board shall be confirmed by the Board at its next meeting and signed by the Chairperson of the meeting and the Secretary of the Board.

Procedures of the meetings of the Board.

19. Subject to the provisions of this Act, the Board shall have the power to regulate its own procedures in respect of the meetings and the proper conduct of its business including committees of the Board.

Closure of a liquor shop, bar or club.

20. The local government authorities shall have powers to close any liquor shop, bar or club which violates the provisions of this Act.

Objections.

21. In case there is a written objection against the application from the residents of the area concerned, the Board shall consider such objection, and:

- (a) review the application;
- (b) approve that application if it does not violate the provisions of this Act or any other law; or
- (c) refuse that application.

Board may restrict.

22. The Board may, by an order published in the Official Gazette, prescribe the number of licenses or permits, permitted or restricted to be issued in any area in Zanzibar.

Allowances of the members.

23. The Chairperson and members of the Board shall be paid such allowance in accordance with the Public Service Act, Regulations and guidelines.

Annual Report.

24. The Chairperson shall make and submit the report on the conduct of business of the Board to the Minister after the thirtieth day of June of each financial year and not later than after thirty days.



PART THREE
LICENSES, PERMITS AND OTHER MATTERS
RELATING THERETO

Licenses
and permits
that may be
granted.

25.-(1) The following licenses and permits may, pursuant to this Act and Regulations made under this Act, be issued by the Board after the payment of the prescribed fee:

- (a) Hotel license;
- (b) Bar license;
- (c) Liquor shop license;
- (d) Warehouse license;
- (e) Import permit;
- (f) Delivery permit; and
- (g) Special occasion permit.

(2) No institution or person shall be granted a license or permit, more than one in one area for the products of one kind.

(3) Without prejudice to the provisions of this Act, all licenses or permits issued, shall cease to operate temporarily in the holy month of Ramadhan, except for the hotels holding the rank of one star and tourism's restaurant.

(4) Notwithstanding the provisions of subsection (3) of this section, an institution or person who opens a bar, club, liquor shop, warehouse or sales, buys, consumes, imports or delivers any intoxicating liquor during the holy month of Ramadhan, commits an offence and shall upon conviction, be liable to the penalty provided under section 42(2) of this Act.

Application
for a license
or permit.

26.-(1) The application for any license or permit shall be made to the Board.

(2) Contrary to the conditions relating to permits, all licenses shall be for a period of eleven months and for hotels and tourism's restaurants, shall be for the period of twelve months.

(3) All licenses and permits granted under this Act shall be in a prescribed form.



(4) The Board may prescribe occasions for which special permits may be issued.

Fresh application to be made.

27.-(1) Any person who is authorized by this Act or Regulations made under this Act to conduct the business of the deceased licensee may, at the next annual Board meeting, make fresh application as if he was not a licensed person.

(2) Any person who is authorized by any law to conduct the business of any licensee, shall possess all rights, duties, obligations and liabilities of the licensee.

Conditions as to issuance of licenses.

28. No license shall be issued to sell or warehouse intoxicating liquor if:

- (a) having regard to the applicant's financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of the applicant's business;
- (b) the past or present conduct of the applicant affords reasonable grounds for belief that the applicant will not carry on business in accordance with this Act and with integrity and honesty;
- (c) the applicant or an employee or agent of the applicant makes a false statement or provides false information in an application under this Act;
- (d) the applicant is carrying on activities that are contrary to the laws, if the applicant is licensed, in contravention of this Act or the Regulations;
- (e) the applicant is carrying on activities that contravene or will contravene if the applicant is licensed, any law;
- (f) the premises, accommodation, equipment and facilities in respect of which the license is to be issued are not, or will not be, if the applicant is licensed, in compliance with this Act and the Regulations;
- (g) the applicant is not able to demonstrate to the satisfaction of the Board that he will exercise sufficient control, over the business, including the premises, accommodation, equipment and facilities in respect of which the license is to be issued;
- (h) the applicant is of a bad fame, character or drunken habits;
- (i) the premises in respect of which the application is made are unclean and out of repair;



- (j) the number of premises already licensed are sufficient in that area or municipality; or
- (k) the premises are in less than One Thousand meters from the areas which the public has an access or residential areas or place of worship or hospital or school.

Hotel
license.

29. A hotel license shall authorize the licensee to sell intoxicating liquor to his guest to be consumed in that hotel in accordance with the provisions of this Act.

Bar
license.

30.-(1) A bar license shall authorize the licensee to sell by retail, intoxicating liquor to be consumed on the premises between four o'clock in the afternoon and twelve o'clock at night.

(2) Any licensee of the bar who contravenes the provisions of subsection (1) of this section, commits an offence and shall upon conviction, be liable to a fine of not less than One Million Tanzanian Shillings or his license be forfeited.

(3) Any institution which contravenes the provisions of subsection (1) of this section, commits an offence and upon conviction, shall be liable to pay a fine of not less than Ten Million Tanzanian Shillings or if it fails to pay the fine, the existing assets of the institution in Zanzibar shall be seized and auctioned for payment of such fine or its license be forfeited.

(4) Any person found in the act of leaving a premise in respect of which a bar license is in force with liquor in his possession, commits an offence and shall upon conviction, be liable to a fine of not less than One Million Tanzanian Shillings or to imprisonment for a term of not less than two months.

Liquor shop
license.

31.-(1) A liquor shop license shall authorize the licensee to sell in its original state of importation, any intoxicating liquor, wholesale or retail, to be consumed off premises between eight o'clock in the morning and seven o'clock in the night.

(2) All intoxicating liquors, purchased or sold, to be consumed off the premises, shall be totally covered in an orderly and appropriate manner to prevent nuisance and protect the decency of the public.

(3) For the purpose of the implementation of this Act, the liquor shop includes all shops issued with license or permit to conduct business of intoxicating liquor which have not qualified to be a bar, club or hotel.



(4) Every liquor shop licensee shall, upon receiving prescribed purchase order from the buyer, sell and issue a prescribed pass note for such sell.

(5) All purchases orders and pass notes prepared by the Board shall be issued and prescribed by the Board after payment of the prescribed fee.

(6) Any person who contravenes the provisions of this section, commits an offence and shall upon conviction, be liable to a fine of not less than Five Hundred Thousand Tanzanian Shillings or to imprisonment for a term of not less than four months.

(7) In the event of an institution having committed an offense under this section, that institution shall be fined of not less than Five Million Tanzanian Shillings or if it fails to pay the fine, the existing assets of that institution in Zanzibar shall be seized and auctioned for payment of such fine.

Warehouse
license.

32.-(1) Warehouse license shall authorize the holder thereof to store intoxicating liquors at a premise authorized thereof subject to the conditions and restrictions set by the Board.

(2) Any person who contravenes the provisions of this section, commits an offence and shall upon conviction, be liable to a fine of not less than Six Hundred Thousand Tanzanian Shillings or to imprisonment for a term of not less than five months.

(3) In the event of an institution having committed an offense under this section, that institution shall be fined of not less than Ten Million Tanzanian Shillings or if it fails to pay the fine, the existing assets of that institution in Zanzibar shall be seized and auctioned for payment of such fine and its license be forfeited.

Import
permit.

33.-(1) An import permit shall be granted to not more than three importers subject to the following criteria, the importer:

- (a) is a Zanzibari;
- (b) is a tax payer;
- (c) has a warehouse; and
- (d) has a motor vehicle for delivery of such liquor.



(2) Any person who imports intoxicating liquor in Zanzibar without holding a permit authorizing thereof, commits an offence and shall upon conviction, be liable to imprisonment for a term of not less than two years or to a fine of not less than Five Million Tanzanian Shillings and any liquor found in possession thereof shall be seized and dealt with in a manner that the Board deems fit.

(3) In event of an institution having committed an offence under this section, commits an offence, such entity shall, upon conviction, be liable to pay a fine of not less than Five Million Tanzanian Shillings or if it fails to pay the fine, the existing assets of that institution in Zanzibar shall be seized and auctioned for payment of such fine or its permit be forfeited.

Delivery permit.

34.-(1) A delivery permit shall authorize the holder thereof to deliver intoxicating liquor from one place or premise to another in Zanzibar.

(2) Any person who contravenes the provisions of subsection (1) of this section, commits an offence and shall, upon conviction, be liable to a fine not less than One Million Tanzanian Shillings or to imprisonment for a term of not less than three months and any liquor found in possession thereof may be seized and dealt with as the Board thinks fit.

(3) Any institution which contravenes the provisions of subsection (1) of this section, commits an offence and such institution shall upon conviction, be liable to pay a fine of not less than Five Million Tanzanian Shillings or if it fails to pay the fine, the existing assets of the institution in Zanzibar shall be seized and auctioned to cover such fine or its permit be forfeited.

Storage of liquor in the licensed premises.

35.-(1) No licensee shall sell any intoxicating liquor unless there is a suitable store-room in his licensed premise approved by the Board for the safe keeping of such intoxicating liquor therein.

(2) All liquors over and above quantity shall be deposited in such store-room.

(3) Any intoxicating liquor found stored in any part of a licensed premise other than approved store-room, shall be seized and dealt with as the Board thinks fit.

(4) Before any license is issued, the Board may inspect such a premise and require structural alterations of such as it deems suitable for the storage of intoxicating liquor.

(5) No licensee shall alter or increase any part of a licensed premise without the approval of the Board.



PART FOUR POWERS AND DUTIES OF OFFICERS

- Inspector and Officers of the Board.
36. The Inspector or an officer authorized by the Board shall have power to conduct inspection in the liquor licensed premise at any time and shall submit such inspection reports to the Board and relevant local government authorities.
- Inspection.
- 37.-(1) Any Inspector or officer of the Board, for the purpose of due compliance of this Act, shall at all times, have access to any premise licensed under this Act or where the licensee carries on his business.
- (2) Where the Inspector or officer of the Board enters upon any premises in accordance with the provisions of this Act, then he may:
- (a) require the licensee to produce any book, data, document, record or thing, which such licensee is required to keep under the provisions of this Act;
 - (b) examine any book, data, document, record or thing and take copies of any book, data, document or record;
 - (c) require any licensee or any person employed by such licensee to answer questions relating to any book, data, document, record or thing, or to any entry in any book, data or document;
 - (d) after examination, seize and detain any book, data, document, record or thing, if in his opinion it may afford evidence of the commission of any offence under this Act;
 - (e) require any container, envelope, or other receptacle, in any such premises to be opened;
 - (f) at the risk and expense of the licensee, open and examine any package, any goods or materials, in any such premises; and
 - (g) take and retain without payment such samples as he may think necessary for the performance of his duties.
- (3) Where the Inspector or officer of the Board acting under the provisions of this Act is unable to obtain free access to a premise of a licensee where an importer carries on his business or at the premise where a person who has dealings with such



licensee carries on his business or to any receptacle contained in those premises, he may, at any time, enter such premises and open such receptacle in such manner, if necessary by force, as he may think necessary.

(4) Where, on the entry upon any premises under the provisions of this Act, any liquor found in relation to which any offence under the provisions of this Act has been committed, then such liquor shall be liable to forfeiture.

Abuse of
authority.

38. Any officer or other person who, duly employed for the prevention of offences under this Act or Regulations made there under:

- (a) makes any collusive seizure or delivers up any article or makes any agreement to deliver up or not to seize any vessel or other means of conveyance or any liquor liable to seizure; or
- (b) accepts, agrees to accept, or attempts to obtain any bribe, gratuity, recompense or reward for the neglect or non-performance of his duties; or
- (c) conspires or connives with any person to do any act or thing contrary to this Act or the proper execution of his duties;

commits an offence against this Act and shall upon conviction, be liable to imprisonment for a term not less than three years or to a fine not less than Six Million Tanzanian Shillings.

PART FIVE FINANCIAL PROVISIONS

Funds of
the Board.

39.-(1) The funds and resources of the Board shall consists of:

- (a) Such sums as may be provided by the Government for the purpose thereof;
- (b) Any sums which may be donated and approved by the Board in consultation with the Minister; and
- (c) Any sums, fees, fines or penalties and charges imposed or which in any manner are payable to or vested to the Board in respect of any matter under this Act and Regulations made under this Act.

(2) The funds shall be used to carry out the duties of the Board.



Accounts
and Audits.

40.-(1) The Board shall keep proper records of accounts and other financial statements and other records in relation thereto and in the manner approved by the Minister.

(2) The accounts of the Board shall be audited by the Controller and Auditor General.

PART SIX PENAL PROVISIONS

Offences by
prohibited
person.

41.-(1) No prohibited person shall enter any licensed premise or possess any intoxicating liquor in Zanzibar.

(2) Any intoxicating liquor found in possession of a prohibited person shall be seized by any police officer or any authorized officer under this Act.

(3) Any prohibited person who contravenes the provisions of this section, commits an offence and shall upon conviction, be liable to a fine or imprisonment mentioned in section 43(3) of this Act.

Offences by
licensee.

42.-(1) No licensee shall:

- (a) allow a person who is intemperate habit to enter in his licensed premise and drinks again;
- (b) permit his licensed premise to be used as brothel or resort or place of prostitution;
- (c) open for the sale of intoxicating liquor during a time not authorized in his license;
- (d) permit other persons to manage or conduct any business in his licensed premises without the authority of the Board;
- (e) permit or admit persons other than those authorized by this Act into his licensed premise; or
- (f) sell or supply or allow to be sold or supplied any intoxicating liquor to a prohibited person.

(2) Any licensee who contravenes the provisions of this section commits an offence and shall upon conviction, be liable to forfeit his license or a fine of not less



than One Million Tanzanian Shillings or to imprisonment for a term of not less than six months.

Prohibition
Order.

43.-(1) The Board may prohibit, any person who is confirmed of intemperate habit or wasted or bad fame or character, by a prohibition order, to sell, purchase, possess or consume any intoxicating liquor for a period of not less than one year.

(2) The Board shall cause notice of prohibition to be given to the Minister and to every licensee within its jurisdiction in any manner it deems fit.

(3) Any person who contravenes a prohibition order issued by the Board, commits an offence and shall upon conviction, be liable to imprisonment for a term of not less than six months or to a fine of not less than One Million Tanzanian Shillings and all intoxicating liquor found in his possession shall be seized and be dealt with as the Board may think fit.

(4) In the event of an institution having committed an offense under this section, that institution shall be fined of not less than One Million Tanzanian Shillings or if it fails to pay the fine, the existing assets of the institution in Zanzibar shall be seized and auctioned for payment of such fine and its license be forfeited.

(5) Any aggrieved party under this section may appeal against the decision of the Board to the Minister for review and the decision of the Minister shall be final.

Persons
prohibited
from liquor
business or
transaction.

44.-(1) No licensee or any person holding a permit shall employ or engage any prohibited person in liquor business or transaction.

(2) Any person who contravenes this section commits an offence and shall on conviction, be liable to a fine of not less than One Million Tanzanian Shillings or imprisonment for a term of not less than two months.

(3) In the event of an institution having committed an offense under this section, that institution shall be fined of not less than One Million Tanzanian Shillings or if it fails to pay the fine, the existing assets of that institution in Zanzibar shall be seized and auctioned for payment of such fine and its license be forfeited.

Selling or
warehousing
of liquor
without a
license.

45.-(1) Any person who sells or warehouses any intoxicating liquor without holding a license authorizing thereof, commits an offence and shall upon conviction, be liable to a fine of not less than One Million Tanzanian Shillings or to imprisonment for a term of not less than one year.



(2) In the event of an institution having committed an offense under this section, that institution shall be fined of not less than One Million Tanzanian Shillings or if it fails to pay the fine, the existing assets of that institution in Zanzibar shall be seized and auctioned to cover the payment of such fine.

Making
false use of
documents.

46.-(1) Any institution or person who is in possession of or makes, signs or executes, any false purchase order or pass note or other document, for the purpose of the evasion or which contravenes this Act commits an offence and shall upon conviction, be liable to a fine of not less than One Million Tanzanian Shillings or imprisonment for a term of not less than six months.

(2) In the event of an institution having committed an offense under this section, that institution shall be fined of not less than One Million Tanzanian Shillings or if it fails to pay the fine, the existing assets of that institution in Zanzibar shall be seized and auctioned to cover the payment of such fine.

Court to
endorse
convictions.

47. The Court shall send to the Board or relevant local government authorities, a duplicate of endorsed conviction document of a license or permit.

Compou-
nding of
offences.

48.-(1) The Board may compound any offence committed by any institution or person under this Act or Regulations made and administered by the local government authorities if that institution or person:

- (a) admits in writing that has committed an offence and shall take due care not to repeat the same; and
- (b) pays other sums payable under this Act or its Regulations.

(2) If the fine imposed under subsection (1) of this section is not paid on demand, the Board shall file a case to the Court against such institution or person.

(3) The imposition of fine under subsection (1) of this section shall not be regarded as a conviction of the alleged offence provided that, the sum is paid in full; no prosecution for the alleged offence shall be instituted.

General
Penalty.

49. Any institution or person who contravenes any provision of this Act or any Regulations made there under in respect of which no penalty is provided, shall upon conviction, be liable to a fine of not less than One Million Tanzanian Shillings or imprisonment for a term of not less than three months.



PART SEVEN GENERAL PROVISIONS

Powers of
the Minister
to give
directives to
the Board.

50. Subject to the provisions of this Act, the Minister may give directives of a general nature to the Board relating to the operation and undertakings of the Board.

(2) The Board shall consider all directives so given by the Minister.

Immunity
from
proceedings
or liability.

51. No officer or any person authorized under this Act shall be liable to any action, suit or proceeding for any act or matter done bona fide by him on the execution of his duties and powers conferred under this Act.

Regulations.

52. The Minister may make Regulations for better implementation of the provisions of this Act.

Repeal.

53. The Liquor Decree, Cap. 163 of 1928 and all its amendments and Regulations made there under are hereby repealed.

PASSED by the House of Representatives of Zanzibar on 6th April, 2020.

(RAYA ISSA MSELLEM)

Clerk of the House of Representatives of Zanzibar.