

CHAPTER 107

LIQUOR LAW

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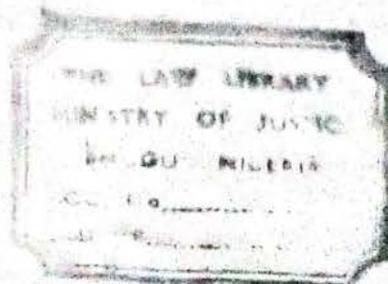
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CHAPTER 107

LIQUOR LAW

Law to regulate the importation, manufacture and sale of intoxicating liquor ANSL Cap. 83

[22th August 1991]

PART I — PRELIMINARY

1. This Law may be cited as Liquor Law.

Short title

2. In this Law —

Interpretation

“beer” includes every description of beer; porter, cider and perry and any fermented malt liquor; “board” means a licensing board;

“club” includes an institute;

“denatured spirit” means an intoxicating liquor which by the addition of some substance has been rendered impossible for use as a beverage;

“injurious spirit” means distilled liquors containing essential oils or chemical products, which are recognized as being injurious to health, such as thujone, star anise, benzoic aldehyde, salicylic esters, hyssop, absinthe and similar substances, unless such spirits have been denatured;

“intoxicating liquor” and “liquor” means any liquid which, if used as a beverage, may have an intoxicating effect, and include wines, beer and spirits, but do not include native liquor;

“licensed premises” and “premises” in relation to section 54, 57, 58 and 60 include any room or place adjacent to and in communication with any portion of any premisses licensed for the sale of liquor;

“native liquor” means fermented liquor usually made by natives in or about Nigeria;

“native of a prohibited area” means any person one of whose parents was a member of any tribe indigenous to a prohibited area as declared in section 5 of this Law and the descendants of such persons;

Provided that where a tribe occupies land both within and without a prohibited area this definition shall apply only to the part of the tribe which occupies land within such prohibited area:

“retail” means the sale of liquor in quantities not exceeding 9.09 litres to any one person during the space of twenty-four hours;

“sale” includes the distribution of liquor the property of the members of a club amongst such members;

“spirit” means distilled liquors and all mixtures and compounds made with such liquors, and includes any wine or beer containing more than twenty per centum of pure alcohol.

“the board” means a licensing boards’

“trade spirits” means such spirits as under Customs Act and the regulations made thereunder are to be regarded as “trade spirits”;

“wholesale” means the sale of liquor in quantities of not less than 9.09 litres to be delivered at one time to one person.

PART II — GENERAL

Exemption

3. Nothing in this Law shall apply to —

- (a) native liquor
- (b) the possession, sale, transfer, conveyance or removal of denatured spirits imported into Nigeria or distilled in Nigeria under a licenser;
- (c) any qualified medical practitioner, or licensed druggist administering or selling for purely medical purposes any bona fide medicine containing intoxication liquor;
- (d) the sale of intoxicating liquor by any person acting under the order of a court of selling liquor forfeited to the Government;
- (e) the sale of intoxicating liquor by an executor or administrator when such liquor forms part of the estate of a deceased person;
- (f) the sale by private arrangement of intoxicating liquor being the residue of a reasonable stock held for private consumption by a person about to leave Nigeria;
- (g) importation of intoxicating liquor for transit and the conveyance of such liquor through Nigeria subject to the provisions of the Law regulation goods in transit:

- (h) the importation of spirits intended solely for the purpose of testing palm-oil and the possession thereof by, or the sale thereof to, any person in possession of a permit issued by a Local Government to sell or possess such spirits for such purpose;

4. For the purpose of this Law the State shall be a licensed area.

Division of State into prohibited, licensed and restricted areas

5. (1) The government may by order declare any area therein defined to be a prohibited area.

Declaration of areas

(2) Regulations under section 68 of the Liquor Ordinance (Cap 14 Laws of Nigeria 1948) relating to prohibited areas, shall apply to the area so declared by the Government under this Law;

6. (1) The Governor may by regulations appoint such licensing boards for the purposes of this Law as he may think proper; and define the areas over which such board shall exercise jurisdiction.

Licensing boards

(2) The Secretary to the board shall be a serving officer of the local government council of the area concerned so designated by the Chairman of the board.

PART III — PROHIBITION OF TRADE SPIRITS AND INJURIOUS SPIRITS

7. The distribution, sale, disposal and possession of trade spirits and injurious spirits is hereby prohibited.

Prohibition of sale of trade spirits and injurious spirits

Penalty: a fine of two hundred naira for a first offence, and of one thousand naira for any subsequent offence, and the spirits may be forfeited

8. No person shall, within a licenced area sell intoxicating liquor to any person except under a licence authorizing such sale.

Sale of liquor in a licensed area

Penalty: a fine of one hundred naira for a first offence, and two hundred naira for any subsequent offence.

9. (1) The Government may make rules or a local government council may make bye-laws, regulating the sale of intoxicating liquor.

Sale of liquor by natives in a restricted area may be

(2) A bye-law made by a local government council under this section shall be binding on and apply to all persons within the area of the jurisdiction of the local government council whether such persons are ordinarily subject to the jurisdiction of a customary court or not.

(3) No bye-law made by a local government council under this section shall come into operation until it has been submitted to and approved by the Government.

Licences
authorizing
the sale of
liquor

10. Licences of the several descriptions following, authorizing the sales of intoxication liquor subject to the provisions of this Law may be issued by the prescribed officer —

- (a) a store liquor licence;
- (b) a tavern licence;
- (c) a wine and beer on licence
- (d) a wine and beer off licence;
- (e) a general wholesale liquor licence;
- (f) a general retail liquor licence;
- (g) a hotel liquor licence;
- (h) a club liquor licence;
- (i) a native club liquor licence;
- (j) a railway station liquor licence;
- (k) a railway restaurant car liquor licence;
- (l) a temporary liquor licence;

Provided that —

- (i) the licence mentioned in any of paragraphs (a) to (g) of this section shall not be issued unless the applicant therefor has produced to the prescribed officer receipt or proper certificates of full payment of rates and taxes payable by the applicant for the period of three years immediately preceding the date of application for the licence;
- (ii) the licence mentioned in any of paragraphs (b) and (c) of this section shall not be issued unless the premises in respect of which application for the licence is made —

- (A) consist wholly or mainly of a permanent structure with toilet facilities, and
- (B) are of an area of not less than eighteen square metres.

11. Every licence of a description mentioned in section 10 other than a licence of a description mentioned in paragraph (h) or paragraph (i) thereof, shall be subject to and shall be deemed to contain a condition that the holder of such licence shall not refuse to sell liquor to any person who may otherwise lawfully be supplied on account of the race, colour or creed of such person.

Licences other than club licences deemed to contain condition against discrimination

12. (1) None of the licences (a) to (j) mentioned in section 10 shall be issued except on a certificate of a licensing board.

Authority for the issue of licences

(2) Licence shall not be issued without the authority of the Governor.

(3) A temporary liquor licence shall not be issued except with the approval of the secretary to the local government council.

13. The following definitions and provisions shall apply to the aforementioned licences —

Definitions and conditions of licences

- (a) a "store liquor licence" authorizes the sale by retail of liquor, other than trade spirit, to be consumed elsewhere than on the licensed premises;
- (b) a "tavern licence" authorizes the sale by retail of wine and beer to be consumed on the licensed premises;
- (c) a "wine and beer on licence" authorizes the sale by retail of wine and beer to be consumed on the licensed premises. The licence does not authorize the sale of wine or beer containing more than twenty *per centum* of pure alcohol.
- (d) a "wine and beer off licence" authorizes the sale in quantities not exceeding two bottles to any one person during the space of twenty-four hours, of wine and beer to be consumed elsewhere than on the licensed premises. The licence does not authorize the sale of wine or beer containing more than twenty *per centum* of pure alcohol;
- (e) a "general wholesale liquor licence" authorizes the sale by wholesale of any liquor for consumption off the licensed premises;

- (f) a "general retail liquor licence" authorizes the sale by retail of any liquor for consumption off the licensed premises;
- (g) an "hotel liquor licence" authorizes the sale of liquor, other than trade spirits, by retail —
 - (i) on any day and at any hour to persons sleeping on the premises to be consumed thereon;
 - (ii) to persons taking meals in the hotel to be consumed therein with the meals, on Christmas Day, Good Friday, or Sunday between the hours of 12 noon and 2.30 p. m. and 6.30 p. m. and 12 midnight;
- (h)
 - (i) a "club liquor licence" authorizes the sale of liquor, other than trade spirits, to the members of the club to be consumed on the premises,
 - (ii) no place of accommodation, entertainment or refreshment shall be considered a club where other than members or their invited guests are allowed entry or accommodation or where other than members are charged or permitted to pay for any refreshment or accommodation they may obtain therein.
 - (iii) every club licence shall be issued to the proprietor, secretary or manager of the club:

Provided that no transfer of any such licence shall be necessary upon any change of any such proprietor, secretary or manager, but the person for the time being holding any such office shall be entitled to the privilege granted by the licence and subject to the duties and obligations imposed upon the holder thereof:

- (iv) a licensing board shall not authorize the grant or renewal of a club liquor licence unless the applicant shall produce a certificate from the Governor which shall state that it has been made to appear to his satisfaction that the club mentioned therein is a *bona fide* club, and is a proper club to be granted a licence,

(A copy of the rules of the club certified by the secretary or chairman must be deposited by the applicant with the officer from whom such certificate is requested i);

- (i)
 - (i) a "native club liquor licence" authorizes the sale of wine and beer not containing more than twenty *per centum* of pure alcohol to the members of the club, to be consumed on the premises;
 - (ii) the provisions of (ii) (iii) and (iv) of paragraph (h) shall apply to a native club liquor licence;

- (j) a "railway station liquor" licence authorizes the sale by retail of liquor, other than trade spirits, at any railway station, refreshment room or other railway premises named in such licence, to *bona fide* passengers traveling by train to be consumed on the railway premises.
- (i) a "railway restaurant car liquor licence" authorizes the sale by retail of liquor, other than trade spirits, in a restaurant car to passengers traveling on the train to be consumed on the train;
- (j) (i) a "temporary liquor licence" may be issued the holder of a licence to sell intoxicating liquor by retail and authorizes the holder to sell liquor by retail at any place of recreation or public amusement or other assembly subject to such restrictions and conditions as the officer issuing the licence shall think proper,
- (ii) a "temporary liquor licence" shall not be granted for any period exceeding three days;
- (iii) the licence shall specify the number of days and the hours during which the sale thereunder is authorized;
- (iv) the officer issuing the licence shall notify the senior police officer in the place of the issue of the licence and of the particulars thereof

14. (1) No licence mentioned in section 10 other than licences (g) (h), (i), (j), (k) and (l), authorizes the sale of liquor on Christmas Day, Good Friday or Sunday, except between the hours of 12. 30 p.m., and 2 p. m.; and between 5 p.m. and 12 midnight or on any other day except after 12 noon and before 12 midnight.

Hours during which liquor may be sold

(2) Notwithstanding the provisions of subsection (1), the secretary to a local government council may extend the hours during which liquor may be sold on any special occasion in respect of all or any licence holders.

15. (1) Every licence mentioned in section 10 other than a temporary licence shall expire on the 31st December in the year in which it is issued:

Licences expire on December 31st

Provided that when proper application for the renewal of a licence has been made, such licence shall continue in force until such time as the applicant has been notified by the decision of the licensing board or of the Government as the case may be.

(2) Notwithstanding the provisions of the preceding subsection, where under any regulation the prescribed fee for any licence may be paid by

instalments the licence shall become void as soon as any instalment is in arrear and shall thereafter be and remain of no effect.

PART IV — APPLICATION FOR LICENCES AND RENEWALS

Application to whom made

16. All applications for new licences or for the renewal of licences which may be issued on the certificate of a licensing board shall be made to the Secretary to the Local Government of the area in which they are situated.

Form and time of making application

17. All such applications shall be made in the prescribed form in triplicate as follows —

- (a) if for consideration at the meeting of the licensing board to be held in March-not later than the 15th January;
- (b) if for consideration at the meeting of the licensing board to be held in June-not later than the 15th April;
- (c) if for consideration at the meeting of the licensing board to be held in September - not later than the 15th July;
- (d) if for consideration at the meeting of the licensing board to be held in December -not later than the 15th October

Provided that in case any application as aforesaid shall through inadvertency not be made in due time, but shall be made before the officer to whom the same has been made has concluded his inquiry and reports as hereinafter provided, such officer may, if he thinks fit, accept the same for consideration upon condition of the payment of the sum of ten naira.

Provided further that the Governor may, if he thinks fit, remit the whole or any part of such sum.

Procedure on receipt of application

18. The officer authorized to receive application for the grant or renewal of licences shall on the receipt of an application —

- (a) cause a copy of the application to be posted in some conspicuous place outside his court or on some other principal building in the place where his court is situate;
- (b) notify the applicant in writing, and the public by a notice posted as provided in paragraph (a) of the date and place at which he will sit to inquire into the application and hear objection thereto, which date shall not be less than ten days after the posting of such notice

19. Any public officer or local authority and any person residing in the district or place wherein the licence or renewal is applied for, may, either individually or jointly with others, object to the granting or renewal of a licence.

Who may
object to issue
of licences

20. All objection to the granting or renewal of a licence shall be sent in writing to the officer to whom the application has been made, and where the objection is to the renewal of a licence, notice thereof stating the reasons for such objection shall be given to the applicant either personally or by means of registered letter by the person objecting, at least two days before the inquiry by such officer aforesaid:

Objections how
made

Provided that such officer may, in his discretion, hear an objector to the granting or renewal of a licence notwithstanding that he shall not have made his objection in writing or have given a notice as aforesaid, but when the notice required has not been given to the applicant, the officer shall adjourn the inquiry for such time as he may think proper in the interest of the applicant.

21. (1) The inquiry into an application for a new licence or for the renewal of a licence shall be held by the officer to whom application has been made sitting alone, or if the Governor should so direct in the case of an inquiry into an application in respect of premises in a township to be appointed by the two other persons being resident in township to be appointed by the Governor.

Inquiry

(2) Every applicant for a new licence shall appear either in person or by a representative at the time and place appointed for inquiry, or to which the inquiry may be adjourned

(3) Every applicant for the renewal of a licence, and person opposing an application, may, and shall if required by the officer holding the inquiry, appear in person before such officer.

(4) All persons appearing at any inquiry, whether as or for an applicant or person opposing an application may be required to give evidence on oath on any question which the inquiring officer may think proper affecting the application or the opposition thereto.

(5) An inquiry may be adjourned from time to time as the officer holding the same may think proper.

Provided that the inquiry is completed by such time as will permit of the report thereon being furnished to the board within the time mentioned in the next succeeding section.

After inquiry application and report thereon to be furnished to be board

22. (1) Immediately on the completion of such inquiry, the officer shall forward a copy of the application together with the written opposition (if any) thereto, and a certified copy of any evidence taken thereon to the chairman of the licensing board, so that the same shall be received not later than the last day of the month next preceding that in which the meeting of the licensing board at which they are to be considered is to be held.

(2) The officer when forwarding the application shall report to the licensing board on all matters which may affect the decision of the licensing board in respect of the application, and shall furnish the board with his recommendation of such persons.

Application for the grant of a railway station or restaurant car liquor licence

23. Application for the grant of a railway restaurant or liquor licence shall be made to the Minister charged with responsibility for matters relating to railway before the 1st day of December and the Minister may allow or reject any such application or may authorize the grant or renewal subject to any condition he may think proper.

PART V — CONSIDERATION OF APPLICATION FOR LICENCES AND RENEWALS BY LICENSING BOARD.

Sitting of licensing boards

24. Licensing boards shall sit at such place as may be prescribed, in the first week of March, June, September and December in each year, for the purpose of taking into consideration applications which have been forwarded as provided in section 16.

Discretion of licensing boards

25. (1) The licensing board may of its own motion take notice of any matter or thing which in the opinion of the members thereof would be an objection to the grant or renewal of a licence:

Provided that in the case of an application for the renewal of licence, if the cause of objection has not been previously brought to the knowledge of the applicant, the applicant shall be given an opportunity of answering the objection either in person or in writing

as the board may direct, and the consideration of the application shall be adjourned for such purpose for such time as the chairman may think proper.

(2) A board may in its discretion grant or refuse to grant a certificate for a licence or renewal of a licence or may grant a certificate, subject to such conditions as it may think proper not being repugnant to the provisions of this Law.

(3) Any such conditions shall be specified in the certificate granted by the board, and subject to any alterations which may be made by the Governor under the powers conferred by the next succeeding section shall be embodied in the licence.

(4) Whenever a board refuses to grant a certificate for the renewal of a licence it shall notify the applicant of its reasons for such refusal, and the applicant may appeal to the Governor who may uphold the decision of the board or direct that a certificate be granted subject to such conditions if any as he may think proper

26. (1) The Governor may direct that a certificate of a board for the grant of any new licence or of any specified kind of licence either generally or in relation to any specified area shall not have effect unless and until the same has been confirmed by the Governor.

Confirmation by the Governor of certificates for new licences may be required

(2) Every certificate to which such directions apply shall be sent to the Governor together with all material papers relating to the application therefor by the chairman of the board and the Governor may confirm the certificate either with or without altering or adding any conditions or may refuse to confirm the certificate.

27. The decision of the board and the certificate if any shall be sent by the chairman to the officer to whom the application for licence or renewal was made, or to such other officer as may be prescribed and shall be notified by such officer to the applicant

Notification of decision of the board

(2) The officer receiving the certificate shall on receipt of the prescribed fee issue a licence in the terms of the certificate.

Extension of
existing
licences when
renewal
refused

28. (1) When a certificate for the renewal of a licence has been refused by the board, the board may in its discretion authorize the issue of a licence to the applicant for such period as the board may proper think to enable the applicant to dispose of liquor then in his possession.

(2) A proportionate part of the prescribed fee for the annual licence shall be paid for every such licence.

Death or
insolvency of
applicant

29. In case the applicant shall die, or shall become insolvent after applying for the grant or renewal of a licence and before the licence or renewal licence has been issued, the Governor or the licensing board as the case may be, may authorise the issue of the licence or renewal licence to the executor, administrator, receiver or trustee, as the case may be, of the estate of such applicant.

PART VI — TRANSFERS AND REMOVAL OF LICENCES

Transfer of
licence

30. Any person being the holder of a licence granted on the certificate of a licensing board, who shall during the currency thereof sell or dispose of his business or the premises in respect of which such licence was granted, may make application to the Magistrate, if any, or to the Secretary to the Local Government Council, for a temporary transfer of such licence to the purchaser of such business or to the purchaser or lessee of such premises as the case may be, and the Magistrate or Secretary may, if he thinks fit and upon payment of the prescribed fee, grant a temporary transfer of such licence accordingly.

Removal of
licensed
premisses

31. (1) The holder of any licence granted on the certificate of a licensing board who may desire to remove his licence from the licenced premises to any other premises within the jurisdiction of the officer to whom application for a renewal of his licence would be made apply to such officer to authorize such removal; and if such officer is satisfied that to wait for the next meeting of the licensing board would subject such holder to serious loss or inconvenience, he may cause notice of the application and of the date and place at which he will hear objections to the application to be posted in a conspicuous manner on the premises to which it is proposed that the licence shall be removed, which date shall not be less than thirty days after the posting of such notice

(2) If on hearing the application and the objection, if any, thereto, the officer considers that the licence should be transferred, he may on payment of the prescribed fee authorize the removal of the licence and endorse the licence accordingly.

32. Any person to whom a licence may be transferred and any person who may be authorized to remove his licence to other premises shall on the expiration of the licence apply for a new licence as if he were not a licenced holder.

Fresh application to be made on the expiration of a licence transferred

33. The Minister charged with responsibility for matters relating to railways may, in respect of a railway station liquor licence or a railway restaurant car liquor licence, authorize the transfer of a licence or removal of a licence as he may think proper.

Transfer of railway station or restaurant car liquor licence

34. In the event of the death of the holder of any licence, the executor or the administrator of the deceased person or any person approved by the Magistrate (if any) or the Secretary to the local government council and in case of insolvency, the trustee or receiver of such insolvent, may carry on the business until the expiration of the licence either personally or by an agent approved by the Magistrate or Secretary to the local government council without any formal transfer of the licence.

Death or insolvency of a licence-holder

35. Any person to whom a licence may have been transferred or who may be carrying on a business in pursuance of the last proceeding section shall possess all the rights and be subject and liable to the duties, obligations and penalties of the original holder of the licence.

Duties and liabilities of a transferee

36. (1) Every holder of a licence (other than a club licence) granted on the certificate of a licensing board authorizing the sale of liquor by retail, shall suspend or affix, and maintain over the entrance to the licensed premises a board of not less dimensions than 62 by 21 centimeters, on which shall be printed in legible characters the name of the licensee and the class of the licence of which he is the holder.

Sign board

Penalty: a fine of forty naira

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te
in
the
after

(2) No person who is not licensed shall have any words on his premises purporting that he is licensed, and no licensed person shall have any word or letter on his premises purporting that he is licensed in any other way than that in which he is duly licensed.

Penalty: a fine of one hundred naira

Branch of
condition by a
licence-holder

37. The holder of any licence who shall commit any breach of the condition of his licence, for which breach no other penalty is provided, shall be liable to a fine of one hundred naira.

Both employer
and employee
liable for
offences of latter

38. If any person being the manager of, or the servant of, or authorized to act for, a licence-holder shall do any act or thing or be guilty of any omission which if done or omitted by the licence holder will constitute an offence by the licence holder both such person and the licence holder shall be liable to the penalties prescribed by this Law for such offence, whether such act, thing or omission was done or made with or without the knowledge or consent of the licence holder.

Licensee liable
to forfeiture on
conviction

39. Whenever a licence holder shall be convicted of an offence under this Law, his licence shall be liable to forfeiture.

Offences by
retail licence-
holder

40. The holder of a retail licence who —

- (a) permits drunkenness or any riotous or quarrelsome conduct to take place upon his premises
- (b) sells liquor to any person already in a state of intoxicating or by any means encourages or incites any such person to drink intoxicating liquor;
- (c) sells liquor to a person under eighteen years of age to be consumed by such person on the licensed premises;
- (d) sells or supplies liquor to any soldier or police officer on duty, or knowingly harbours or suffers to remain on his premises any such soldier or police officer unless for the purpose of keeping or restoring order in execution of his duty;
- (e) permits the premises to be used as a brothel or the habitual resort or place of meeting prostitutes, or allows any such person to remain on the licensed premises longer than is necessary for the consumption of any liquor purchased by her;

- (f) fails to admit to, or obstructs, any police officer or other authorized person from entering the licensed premises in the execution of his duty or fails to produce his licence when demanded by a police officer or other authorized person;
- (g) keeps his premises open for the sale of liquor during any time when his is not authorized by his licence to sell liquor or allows any liquor to be consumed on such premises during any such time;
- (h) being the holder of a tavern licence, a wine and beer licence or a general retail liquor licence, permits gaming or any unlawful game to be played on the licensed premises.

shall be liable to a fine of two hundred naira

41. No article whatever, except intoxicating liquor and non-intoxicating beverages, tobacco, cigars and cigarettes shall be sold on premises licensed under a tavern licence, or a wine and beer on licence.

Restriction as to goods sold on certain licences premises.

Penalty: a fine of fifty naira

42. (1) (a) Every conviction under this Law of a licence holder shall endorsed on his licence by the convicting court, and the licence-holder shall produce his licence to the court for such purpose.

Conviction to be endorsed on licence.

(2) Every applicant for the renewal of a licence shall if required by the officer to whom application is made, or by the licensing board, produce the licence for inspection.

(3) In the case of a renewal of the licence, all convictions within five years preceding such renewal endorsed on the licence renewal shall be transferred to the renewal licence, and it shall be the duty of the licence holder to produce his licence for such purpose to the officer issuing the renewal licence.

(4) Any person who —

- (a) neglects to produce his licence as required by the preceding subsection; or
- (b) without proper authority obliterates or alters any such endorsement as aforesaid.

shall be liable to a fine of twenty naira

Offences by
persons other
than the licence-
holder or

43. Any person who —

- (a) not being the occupier or a servant or member of the family of the occupier consumes any intoxicating liquor on premises licensed for the sale of liquor by retail during the hours when the sale of liquor is prohibited; or
- (b) obtains or attempts to obtain intoxicating liquor during the hours when the sale for liquor is prohibited by falsely representing himself to be a person sleeping on the hotel premises; or
- (c) being found on licensed premises during the hours during which the sale for liquor is prohibited, refuses his name and address when demanded by a police officer, or gives a false name or address.

shall be liable to a fine of ten naira for a first offence and of twenty naira for any subsequent offence.

Power to expel
drunkards, etc
from licensed
premises

44. (1) 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, and any person whose presence on his premises would subject him to a penalty under this Law.

(2) Any such person who, on being requested by such licensed person or his agent or servant or by a police officer to quit such premises refuses or fails to do so, shall be liable to a fine of ten naira.

(3) All police officers 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.

Onus of proof of
lawful
possession of
liquor in a
prohibited area

45. Any person who is found in possession of intoxicating liquor in a prohibited area, and is unable to produce a permit for the introduction of such liquor into the prohibited area or to prove that he has purchased such liquor from a person authorized to sell such liquor to him shall be presumed to have illegally introduced such liquor into such area unless he shall prove the contrary.

Power of
Magistrate and
police officers

46. Any Magistrate or person authorized in writing by a Magistrate and every police officer may —

- (a) enter any licensed premises at any time for the purpose of detecting or preventing any breach of the provisions of this Law or of any licence granted under this Law;
- (b) at any time demand the production of any licence or permit granted under this Law;
- (c) having reasonable grounds for suspecting that intoxicating liquor is being unlawfully sold, stored, introduced or otherwise dealt with, enter and inspect any premises and examine any package, vessel or conveyance;
- (d) seize and detain any intoxicating liquor which he has reason to believe has been distilled, manufactured, imported, introduced, sold or removed, or is possessed contrary to the provisions of this Law, or is on unlicensed premises for the purposes of sale, and any receptacle containing the same and any vessel, conveyance or animal used in transporting liquor contrary to the provisions of this Law.

47. (1) Any Magistrate or justice of the peace may grant a warrant authorizing any police officer above the rank of sergeant-major to enter at any time and if need be by force any premises or place, whether a building or not, situated within the territorial limits specified in the warrant, where the officer has reasonable grounds for believing that an offence against the provisions of section 8 is being committed and examine and search the said premises or place for any spirits, stills, apparatus or portions of apparatus suitable for the distillation of alcohol or the rectification or re-distillation of spirits and to seize and remove any spirits, stills, apparatus or portions of apparatus as aforesaid together with any vessel containing the same

Special search warrants in certain cases

(2) Where any spirits, stills, apparatus or portions of apparatus as aforesaid are removed from any premises or place in accordance with subsection (1) of this section the occupier of the premises or place may, if in the opinion of the officer executing the search warrant it is considered necessary so to do, be thereupon apprehended and thereafter dealt with according to law.

(3) No such warrant shall be granted unless the officer granting the same shall be satisfied by information on oath that owing to difficulties of communication or otherwise the course of justice might be defeated or delayed if it were necessary for a search warrant to be obtained as an when sufficient information was obtained in respect of each individual premises or place as aforesaid.

(4) Warrants granted in accordance with the provisions of this section shall remain in force for three months from the date thereof unless a shorter period is specified in the warrant

Offences may be tried summarily

48. All offences under this Law may be tried summarily, and the full penalties and forfeiture authorized by this Law may be imposed upon summary conviction.

Imprisonment may be enforced on second or subsequent conviction

49. If a person convicted of an offence under this Law, other than an offence under section 42, has been previously convicted of a similar offence, the court may, in lieu of or in addition to any fine, sentence the convicted person to imprisonment for two years.

Things liable to forfeiture

50. The following things may be forfeited on the order of a court —

- (a) intoxicating liquor distilled, manufactured, sold, removed, transported, introduced, possessed or otherwise dealt with in contravention of this Law;
- (b) any receptacle and package containing intoxicating liquor liable to forfeiture together with any articles packed therewith;
- (c) any vessel, cart, animal or conveyance used in conveying intoxicating liquor in contravention of this Law and any vessel from which any goods are thrown over-board to prevent seizure:

Provided that in the case of vessel exceeding two hundred and fifty tonnes burthen, the vessel shall be released from forfeiture if the owner thereof shall pay such penalty not exceeding two thousand naira, as the court may direct.

Incriminated informer not to incur penalty

51. (1) If any person shall lodge an information which shall lead to the conviction of any other person for an offence against this Law, he shall not incur any penalty notwithstanding that he may himself be incriminated in such offence:

Provided that offender is convicted of an offence of not less gravity than that in respect of which the informer is incriminated.

(2) The Governor may award any informer by whose information a conviction has been obtained a portion not exceeding one half of any fine

Provided that the informer has not himself committed an offence against this Law.

PART VII — MISCELLANEOUS

52. (1) If through any accident or omission anything required by this Law to be done is omitted to be done or is not done within the time fixed, the Governor may order all such steps to be taken as may be necessary to rectify any error or omission and may validate anything which may be irregularly done in matter or form so that the intent and purpose of this Law may have effect.

Power of Governor to rectify omissions and to order special meeting of licensing board

(2) The Governor may also authorize the holding of a special meeting of a licensing board together with the necessary preliminary inquiries:

Provided that the Governor may, if he thinks fit, make it a condition of the holding of special meeting of the licensing board that any person desiring to make an application to the licensing board at such meeting shall pay to the officer authorized to receive the application such sum not exceeding ten naira as the Governor may direct.

53. No debt shall be recoverable in any court for intoxication liquor supplied —

When debt for liquor supplied not recoverable

- (a) to any non-commissioned officer or private of the military forces or to any member of the police force below the rank of assistant superintendent, or to any merchant seamen, if the total debt exceeds fifty kobo;
- (b) if consumed on the premises where sold, unless the persons to whom the same was supplied was a lodger on such premises;
- (c) in respect of money, goods or security given with the object of obtaining such liquor.

54. The Governor may make regulations for all or any of the following purposes —

Power to make regulations

- (a) prescribing the fees to be paid for licences and on making the cases in which the fees to be paid by instalments, and the manner and times of payment of such fees or instalments;

- (b) prescribing the condition of a licence to distill spirits, or to manufacture wine;
- (c) prescribing the condition which shall be attached to any licence either generally or when granted in any specified area which may, in the case of a licence granted in respect of premises within a prohibited area, include a condition precluding the supply of liquor unless the purchaser produces a permit of the prescribed kind, specifying the kind and quantity of liquor which may be purchased at the premises;
- (d) prohibiting within a prohibited area the purchase of liquor at licensed premises without a permit authorizing the purchase of a specified kind and quantity of liquor at the licensed premises, prescribing the form of such permits, and the persons by whom, and in the Protectorate the conditions upon which, the same may be granted;
- (e) prescribing the procedure before a licensing board and on preliminary inquiries and providing for the payment of costs;
- (f) prescribing the powers of the Police Department in connexion with the inspection and reporting upon premises licensed for the sale of liquor;
- (g) regulating the issue of permits for the introduction of liquor into a prohibited area;
- (h) prescribing the returns to be made by licensing boards and officers issuing licences;
- (i) prohibiting the sale of trade spirits, except the same are contained in receptacles in which trade spirits are permitted to be imported;
- (j) prohibiting the inland carriage of trade spirits by railway or river beyond such places as may be specified;
- (k) altering any hours specified in this Law during which liquor may be sold, either in respect of any description of licence or in respect of area or place;
- (l) prohibiting or regulating the transport of intoxicating liquor from one part of a prohibited area to another part of a prohibited area;
- (m) generally for the purpose of giving effect to the object and purpose of this Law.

SUBSIDIARY LEGISLATION

Liquor Law

LIQUOR (LICENSING) REGULATIONS

1. These regulations may be cited as Liquor (Licensing) Regulations Short title

2. (1) Application for a licence or for the renewal of licence which may be issued on the certificate of a licensing board shall be in Form A or B in the First Schedule Forms of applications for licences and renewals issued on the certificate of a board. Form A and B of First Schedule
 - (2) Any person who in making any such application knowingly makes any false statement with regard to the particulars required in such application shall be liable to a fine of one hundred naira, and any licence issued on such application may be canceled by the issuing authority.

3. The officer inquiring into an application for a new licence shall inquire into and report to the licensing board on the following matters — Matters on which the officer inquiring into an application shall report to the board
 - (a) the character and circumstances of the applicant;
 - (b) the suitability of the premises in respect of which the licence is required;
 - (c) the distance to the nearest premises in respect of which a licence is held of the same class as that applied for;
 - (d) the approximate number of people in the locality to be served; and
 - (e) whether the licence is required for public convenience.

4. The following shall be members of the Liquor Licensing Board in each of the Local Government Areas — Licensing boards
 - (a) the secretary of the local government-chairman;
 - (b) the Tax assessment authority in the area-members;
 - (c) the medical officer of health in charge of the area or his representative-member;
 - (d) the officer in charge of Nigeria Police in the area-member.

Meeting of and
procedure before
the licensing
boards

5. (1) The chairman shall appoint and the secretary shall notify to each member of the board the day, hour and place at which the licensing board shall sit.

(2) The chairman shall preside at every sitting of the board unless unavoidably absent, in which case the senior official member present shall preside.

(3) Two members of the board in addition to the member presiding shall form a quorum.

(4) The decision of the majority of the members present shall be the decision of the board, and in the event of an equality of votes the member presiding shall have a casting vote in addition to his ordinary vote as a member.

(5) The member presiding may adjourn the sittings of the board from time to time as may be necessary until the completion of the business of the meeting.

Preparation and
forwarding of
the certificates of
the board Form
C

6. The certificate to give effect to the decision of the board for the issue of a licence or the renewal of a licence shall be prepared by the secretary to the board in the Form C in the First Schedule, and shall be signed by the chairman, or by the member who presided at the meeting when such decision was given.

FORMS OF LICENCES AND FEES

Forms D and E

7. Licences shall be issued in the Forms D and E in the First Schedule

Fees Second
Schedule

8. (1) The fees set forth in the Second Schedule shall be paid for the licences and matters therein specified.

(2) In the case of any licence, other than a temporary licence, which is not issued before 30th June in any year, half of the fee prescribed for such licence shall be demanded.

(3) The fees shall be paid before the issue of a licence:

Provided that in the case of a licence the fee for which exceeds twenty naira and which is issued before 30th June half of the fee may be paid before the issue of the licence and the balance on or before the 30th June.

Provided further that if such balance is not paid as aforesaid the licence shall be of no effect after the 30th June.

FIRST SCHEDULE

(Paragraph 2)

FORM A

LIQUOR LAW

Application for a licence by a person who does not hold a licence of the class applied for in respect of the premises in relation to which the licence is required.

To the Secretary to the Local Government of the Area in which the premises are situated, ie.....

1. Name of Applicant.....	
2. Nationality.....	
3. Age if Application.....	
4. Address to which notice in relation to the application shall be sent.....	
5. Class of licence required.....	
6. Description and situation of the premises in respect of which the licence is required.....	
7. Name of company of firm (if any) which the applicant represents and the country in which the company is incorporated (and nationality of every member of the firm).....	
8. Whether the licence is to be issued to the applicant or to the company or firm.....	
9. Whether the applicant or the company or firm which he represents has previously held any licence authorizing the sale of sale of liquor, which has been forfeiture or revoked.....	

Date this day of 20.....

Fee: fifty kobo

.....
Signature of Applicant

FORM B

LIQUOR LAW

Application for the renewal of licence

To the

1. Name and address of Applicant.....	
1. Class and number of licence held.....	
2. Description and situation of the premises licenced.....	
3. Name of present licence holder.....	
4. If the licence is held by a company or a firm or by a representative of a company or firm, wether there has been any and if so what change in the constitution of the company or any new member of the firm and if so the nationality of such member.....	
5. Whether any conviction has been endorsed on the current licence since it was issued, and if so the Particulars of each endorsement.....	

Dated thisday of20.....

Fee: fifty kobo

.....
Signature of Applicant



FORM D

NO.....

ENUGU STATE OF NIGERIA

The Liquor Law

Kind of liquor Licence.....
Store (A or B). Tavern General Wholesale (A or B) General Retail (A or B),
Hotel, Club (Preparatory of Members). Native Club, Railway Station, Railway
Restaurant Car or Temporary.

Licence is hereby granted to.....to sell by.....intoxicating
liquor at wholesale Retail.....
to be consumed.....the said premises.

OFF or ON

This licence shall expire on the.....day of
.....20.....and may be renewed on application being made not less
than fifteen days previous to the date of expiry.

This Licence is subject to the provisions of the Liquor Law to the
Regulations for the time being force thereunder and to the following special
conditions

- 1.....
- 2.....
- 3.....

Fee.....
Issued at.....
Date.....

.....
Issuing Officer
(Office Stamp to be impressed here)

FORM E

ENUGU STATE OF NIGERIA
The Liquor Ordinance (Chapter 83)

WINE AND BEER.....LICENCE
Licence is hereby granted to.....
to see by retail Wine and Beer at.....

.....
(Description and situation of Premises)
to be consumed.....the said
premises

This licence shall expire on theday of20.....
and may be renewed on application being made not less than fifteen days
previous to the date of expiry.

This Licence does not authorise the sale of Wine or Beer containing
more than 20 per cent alcohol, and is issued subject to the provisions of the
Liquor Law, and to the Regulations for the time being in fore under the said
Law and to the following special conditions

- 1.....
- 2.....
- 3.....

Fee:.....
Issued at:.....
Date:.....

.....
Issuing Officer
(Officer Stamp impressed here)

**SECOND SCHEDULE
FEES TO BE PAID FOR LICENCES**

Class of Licence	N	K
1. Store liquor licence-		
(a) When the premises are situated within a Category "A" area.....	240:	00
(b) When the premise are situated within a Category "B" area.....	70:	00
2. Tavern License.....	150:	00
3. Wine and beer On-License-		
(a) When the premises are situated in the township of Abkailiki, Onitsha, Enugu, Umuahia, Aba, Owerri or Nsukka	80:	00
(b) When the premise area situated in any other place.....	60:	00
4. Wine and Beer Off-License-		
(a) When the premise are situated in the township of Abakiliki, Onitsha, Enugu, Umuahia, Aba, Owerri or Nsukka.....	50:	00
(b) When the premise area situated in any other place.....	37:	00
5. General wholesale liquor licence-		
(a) When the premises are situated within a Category "A" area.....	240:	00
(b) When the premise are situated within a Category "B" area.....	70:	00
6. General retail liquor licence-		
(a) When the premises are situated within a Category "A" area.....	240:	00
(b) When the premise are situated within a Category "B" area.....	70:	00
7. Hotel Liquor Licence.....	200:	00
8. Club-	280:	00
(a) Proprietary Club Licence.....	80:	00
(b) Members' Club Licence.....	9:	00
9. Native Club Liquor Licence.....	70:	00
10. Railway Station Liquor Licence.....	50:	00
11. Railway restaurant car liquor Licence.....	4:	00
12. Temporary liquor licence for each day or part of a day.....	4:	00

FEES TO BE PAID FOR TRANSFERS AND RENEWALS —

For the Transfer or Renewal of a Licence

	N	:	K
1. Licences 2.5, 6 and 7 above.....	4	:	00
2. Other Licences.....	2	:	00

FEES CHARGE ON APPLICATION FOR LICENCES AND RENEWALS OF LICENCES —

For each application.....1 : 00

In this Schedule —

“premises situated within a Category ‘A’ area” means premises situated within the urban area of Enugu or Nsukka and premises situated within a Category ‘B’ area’ means premises situated within an area other than a Category ‘A’ area

