

EAST AFR. PROT.

23908

23908

566

Governor No.

336

1909

Liquor Order 1909

25 June

Last Previous Paper

Submits

26050/6

~~Mr. Reed~~  
Mr Reed

Provision has been made in accordance with the directions in our despatch of 1 June 08, except that the hours ~~within~~ which liquor may be sold under a General Retail liquor licence have been made 8 am to 11 pm instead of 9 am to 11 pm on ordinary days, and 5 hours on all on Sundays, Tues day & Good Friday instead of 4 hours. The provision for the grant of midnight privileges has been retained, with a reduction in the extra fee.

S. B. seems to be ~~entirely~~ drafted & copies of two distinct matters. The meaning seems however to be clear for the marked sections.

A. B. W. 1909-11-06

Subsequent Paper

26542

Allen, B?

Ed 2 July

H. Fiddes

have examined this and other possible objections to it. The Bishop's objection has been met to the extent mentioned by the Danbury, and I need only add that they have rightly ignored her remark on club licenses (s. 10(7) (a) & (a)) as unaltered, and have written under a misconception, as clearly all licenses supplied in or by a club have to be consumed on the premises. At any rate, that is how I should construe s. 10(7) (a), para (a) relating to premises, clubs and para (d) to non-premises, club.

A

s. 32 of the former. It is omitted. It seems unnecessary.

There are one or two small blunders - e.g. in s. 11 (c) term is a superfluous "(1)"; in s. 20 line 2 "Retail" should be inserted between "General" & "Wholesale" and in s. 37 "transfer" should be "transfers".

In s. 25 the words "has place in which" in lines 3 & 4 ["of the Province ... situated"] are unnecessary. It is the same province.

None of the above are important enough for amendment, I think.

In the second schedule the paragraph following the list of fees is in one particular only covered by the Act - see s. 10(2)(c) - and I incline to think that all the provisions of this paragraph should have found appropriate places in s. 10.

So I go to the point.

Proceed as proposed

HFR 24/7

JFB

July 26. H. J. R. 27/7

MCC

2. to A it seems to me best under

this section as it stands there is nothing to prevent the Club from publishing a copy of minutes to a member for communication anywhere - but if this were done I think it should be done in order of s. 567 before the account is - The words "in any quantity" must have been inserted for some purpose, why not?

If the draft is sanctioned, the printed works waiting - done so

B I agree with the Bishop, but I don't see how amendment can be made to the legal effect of the same?   
 <sup>in 1881 amendment only</sup>

was put in the Bishop's report HFR

The only other ground explained why efforts were not fully given to the law of the State seems to be that the law of opening might be asked why the law was not done. I think the law was not done because of the law.

57.7

Opt. case on

Attome HFR

C O  
3003

Governor's Office,

Nairobi,

June 25th 1909.

EAST AFRICA PROTECTORATE.

No. 250  
(Incl. 2)

568

My Lords,

With reference to Your Lordship's despatch No. 288 of June 1st 1909, I have the honour to transmit herewith for Your Lordship's approval copies of the Liquor Ordinance 1909 as amended and passed by the Legislative Council together with an explanatory Memorandum by the Crown Advocate.

I have the honour to be,  
with the highest respect,  
My Lord,  
Your Lordship's most obedient,  
humble servant,

H.M. PRINCIPAL SECRETARY OF STATE

FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W.

Ordinance  
Crown Advocate  
Jun. 25th  
12958

INCLOSURE NO 2

In Despatch No. 336 of 25/11/1909

C.O.  
2390

THE EAST AFRICA LIQUOR ORDINANCE 1909.

569

---:oO&O-O&O:---

This Ordinance was returned to the Legislative Council for further consideration of the following matters :-

1. Whether the hours authorized by the Ordinance for the sale of liquor should not be shortened.
  2. Whether the Ordinance should not provide for the closing of licensed premises on Sunday or for at any rate, a portion of that day.
  3. The question of vested interests.
2. The Council made amendments in the Ordinance to the following effect :-
1. A General Retail Liquor Licence to authorise the sale of liquor on days other than Sunday, Christmas day and Good Friday between 8 o'clock in the morning and 11 o'clock at night.
  2. All retail premises to be closed on Sundays, Christmas Day and Good Friday except between the hours of 12 mid-day and 2 p.m., and 6 p.m. and 9 p.m.
  3. As the hours during which premises might be open for the sale of liquor had been reduced the fee for a General Retail Licence was reduced in respect of premises in or near a Township from Rs.600 to Rs.500 and in respect of country premises from Rs.450 to Rs.400.

2.

Provision was also made for granting midnight privileges under Section 20 to the holder of a general Retail Licence.

4. Abolishing all vested interests in every description of licence. Every application for the renewal of a licence to be treated as an application for a new licence which can be refused or granted on terms as the Court may think fit. In the case of the refusal to renew a licence the Court is required to state its reasons.

5. Providing for the extension of an existing licence when the renewal is disallowed to permit of the holder disposing of the liquor on his premises (Section 31).

6. Prohibiting the granting of new licences when the number of premises already licensed is sufficient for the requirements of the neighbourhood (Section 32 (3)).

7. The Bill as amended should be forwarded to the Secretary of State for his approval before being assented to by His Excellency.

*B. P. Smith.*

CROWN ADVOCATE.

5609

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5

571

E. A. P. No. 4445

The G. A. G.

body of

~~letter~~

DRAFT

Sir,

I have the honour to ask, the rect, of your despatch No. 33d of the 25th of June, forwarding ~~unauthenticated~~ copies of the Liquor Ordinance 1908, and to inform you that the power of disallowance will not be exercised with regard to ~~this Ordinance~~.

MINUTE

Mr. Daulton

Mr. Hill

Mr. Rice

Mr. Just

Mr. Antrous

Mr. Cox

Sir C. Lucas

Sir P. Hopwood

Col. Seely

The Earl of Crewe

2. I observe that the hours during which liquor may be sold under a General Retail Liquor Licence have been made from 8 a.m. to 11 p.m. on ordinary days, and five hours in all on Sundays, Christmas Day, and Good Friday, instead of from 8 a.m. to 11 p.m. on ordinary days, and four hours in all on Sundays, Christmas Day, and Good Friday, as proposed in my despatch No. 258 of the 1st of June 1908. I shall be glad to be informed of the reasons which led to the adoption of the longer hours.

3. There does not appear to be any provision in section 10(7) of the Ordinance to make it illegal to sell liquor in clubs for consumption off the premises, and should instances of this occur it will be necessary to legislate against it. I do

not perceive the purpose for which the words "in any quantity" have been inserted in section 10 (7) (a).

3. In the second schedule, the paragraph following the list of fees is covered by the Ordinance in one particular only, namely by section 19(2) (c) as regards a Cafe Liquor Licence, and I am inclined to think that all the provisions of this paragraph should have found appropriate places in section 10.

4. I note the following very small points.

In section 11(c) the e is a superfluous "1".

In section 20 line 2 the word "Retail" should be inserted between "General" and "Liquor".

In section 35 the words ~~Same~~ "of the Province in which the premises to which it is proposed to remove are situated" are unnecessary, since the removal contemplated is to premises in the same province.

In section 37 "transferer" should be "transferer".

I, etc.,

(Signed) CREWE