

EAST. AFR. PROT.

3135

No. 19 of 1910

5135

Grand 22

1910

22 Jan.
previous Paper.36542
a

Liquor Ordinance

Submit explanation regarding hours of licensed premises Sunday Closing Clubs & license fees

~~Mr. Dingle~~
~~Mr. Butler~~
Mr. Reed

(1) Week day hours of sale (General Retail Licenses)

Bishop Tucker in his letter Apr 10. 1908 on T/ 12858/8 East suggested that the hours should be 14 daily - 8 a.m. to 10 p.m. - as the maximum.

The minutes in that paper approved 16 hours, but selected 9 a.m. to 11 p.m.

The Ordinance authorizes 15 hours - from 10 a.m. to 11 p.m. It would appear that the non-official element was mainly responsible for the 15 as opposed to the 14 hours "day".

The tone of the Gov's report on this paper is perhaps a little resentful: "the

Council was of opinion that this object [due rest & sleep] would be gained by reducing the number of hours from

... is hardly worth while to
... point; - as in tropics life begins
... in the day. ... is probably not the only to open
(2) Hours of sale on Sundays etc.

... suggested 5 hours as
... are in morning & two
... or evening.

... as 1/2000000 sub. approved
... hours.
... authorize 5 hours.
... 12 noon to 2 p.m. and 6 pm. to
... 7 pm.

The explanation given by the ... in this
... is does not satisfy me.
I wd. suggest that the 4 hour limit
might be introduced viz. 12 noon
to 2 pm. and 6 pm. to 8 p.m.
In this way, the 6-7p. refreshment
hour wd. be provided for as the
Gov. wishes & at the same time
6-8 pm. would surely cover
quite well the dinner hour.

(3) Section 10 (7) of the Ordinance
to for the Gov. contemplating legislation
against the consumption of the premises
of liquor purchased in a club,
he regards it as a desirable &
defensible procedure.

If members of the club on leaving
... with ... appropriate
... liquor at
the

x Quere
of any alteration
with 2000000
7-9 ...
to 6-9

to 24th
Gov 239
Sub 10

Railway Station Buffet - (Presumably
the exact provision is made for
them in the Ordinance vide 10(2))
This section should, I think, be
amended to prevent consumption
of the club premises, of liquor
purchased in the club.

(4) Section 10 (7) (a).

The words, in any quantity
have a very real meaning indeed.
If however consumption on the
premises be enforced, these words
become unobjectionable.

(5) The paragraph after Schedule 2.

This appears to be rather a merely
a matter of drafting but I think
will perhaps say whether it is
worth while mentioning in the
suggestion made in our sketch of 10/19
in Gov 23900/19 Sub

(6) Section 35

Further small matter of drafting
If an amending Ordinance is
proposed dealing with (2) & (3) above,
as suggested, the opportunity
might be taken to include this
alteration - & possibly (5) also.

a.c.f.
2/2

(2) & (3) are questions of policy
with regard to (3) one is perhaps a little apt to regard

Mr & Hopwood

I would look it alone. The Board was
satisfied & explanations were asked for them
the for better value & all greater of the
kind books to be put on the new, and if the
S.P. direct to go to and the new letter
with, it is not to be used in front altogether
Disproportionate to the cases of the attend

? Are not simply

Yes, I think so - Dr 11/3

Fide 12.3

I agree with Mr Fiddler.

J.
4.3.

Present on Mr Fiddler's proposal

10. III

S-R

clubs in connection with these distinct places with too much
of a "home" style. For example the convenience that
one club has generally by their rules restricts their
members from buying liquor in the club for consumption
off the premises made me take too narrow a view
of the construction of Sec 10(1)(a) of the act on 20/9/09.

But now these clubs are apparently liberally supplied with
still liquor for consumption off the premises provided
that it is sold to a member and in the club premises
(see Licensing Act 1902, Sec 27), and they may quote
this precedent against you if you propose to
introduce a more stringent law for S.A.P.

Moreover they will probably say that local cases demand
that the S.A.P. law should be, if anything, less rather
than more stringent than the local law, and that
the members club is necessarily a "free & easy"
house than the public or the secret & shady
side of Pall Mall and in that neighbourhood.

If you decide to amend with regard to (2)(a) or
other, I shall certainly include (b) & (c) in the amendment.

Mr Fiddler

J.R. 8/3

I would make the Sunday hours
4.00 - 12.20 & two hours in the
evening to be fixed by the Civil and Legislative
Council, & I would let the Club sell
liquor for consumption off the premises.

J.R.B.
March 9.

I agree
N.J.R.
10/3

5135

GOVERNMENT HOUSE,

Nairobi, Kenya 1910

January 24th 1910.

EAST AFRICA PROTECTORATE.

No. 52

My Lord,

With reference to Your Lordship's despatch No. 698 of November 18th 1909 and in reply to paragraph 2 of Your Lordship's despatch No. 455 of August 6th relating to the Liquor Ordinance 1909, I have the honour to report as follows:

2. Under the old Ordinance of 1902 the holder of a general retail Liquor Licence was authorized to sell liquor between the hours of 6 a.m. and 12 p.m. When the new Liquor Ordinance was first before the Legislative Council the question of reducing the hours for the sale of liquor was considered. The non-official members claiming to represent public opinion in the Protectorate urged strongly that as the existing hours had been found suitable for local requirements no alteration should be made. The Ordinance was subsequently returned by Your Lordship for further consideration of this question, and it was pointed out that the existing practice meant that a house licensed for the sale of liquor would be open for 18 out of every 24 hours

THE RIGHT HONOURABLE

THE EARL OF CREWE, K.G.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W.

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hours, and that although this might be convenient for the public, the interests of the Staff employed ought to be considered with a view to securing for them a reasonable period of rest. The Council were of opinion that this object would be gained by reducing the number of hours from 18 to 15.

3. As regards Sunday closing the Ordinance provides that licensed houses may be open between 12 midday and 2 p.m. and 7 p.m. to 9 p.m., i.e. the ordinary luncheon and dinner hours; and also between 6 p.m. and 7 p.m., this additional hour being added so as to meet the requirements of a large portion of the white community who take no stimulants before sunset, but after taking exercise between 4 p.m. and 6 p.m. require such refreshment.

4. With reference to paragraph 3a, at the present time the Mombasa Club is the only proprietary club in the Protectorate. Members who are leaving by train or who for some other reason will at the ordinary luncheon hour be at a place where food and drink cannot be obtained, frequently find it convenient to purchase a basket containing the refreshment they require. The proprietor of the Club who may, under his licence, sell liquor only to Club Members, has to pay only Ra.50 less than the holder of a general retail licence, and I do not think that there can be any fair complaint that the permission referred to is a legalization of unfair competition. As there appeared therefore to be no sufficient

*viz. R. 450
accompanied
into R. 500,
if latter is
situated within
vicinity of
area of Municipality
as Township -
Mombasa Club pays
R. 50 more*

sufficient reason for forbidding a convenient and seemingly unobjectionable practice, no alteration was made in the provision referred to.

5. The words "in any quantity" in Section 10 (7) (a) will be found in the Section of the Transvaal Law on which that Section is based, and as their insertion in the East Africa Ordinance will permit of a member of a proprietary club purchasing from the Club a case of any liquor which he found to his liking and which might be unobtainable elsewhere, and in view of the price paid for the licence previously referred to, it was considered that such sale and purchase should be allowed.

6. With reference to the second paragraph numbered 3 in Your Lordship's despatch No. 448 Section 3 of the Ordinance, together with the 2nd Schedule, prescribes the fees payable for licences; the paragraph in the Schedule at the end of the list directs that in the cases therein mentioned the whole of the fees before prescribed shall not be demanded, and I venture to think that such a paragraph which purports to make exceptions to what has been directed immediately before may properly be inserted in the Schedule.

7. I agree that a provision similar to that contained in Section 10 (2) (c) might properly have been inserted in Section 10 (3) and (8) to make it perfectly clear to the licensing Courts that they may authorize the issue of the dual licences mentioned in the paragraph at the foot of the

Schedule

Schedule, but I do not consider that the omission will cause any practical difficulty.

8. As it was desired when returning the Ordinance for the second time to the Council that only such verbal alterations as were essential to the proper working of the Ordinance be passed, the alteration suggested in this paragraph and the 3rd alteration suggested in paragraph 4 were not made.

I have the honour to be
Your Lordship's humble,
obedient servant,


GOVERNOR.

Jan
5135/10
Cap
at

DRAFT

Cap. No 141

Jan
Gisnard
MINUTE 16/3

22 Hd 10

Mr. Noall 18/3
Mr. Butler 19/3

Sir

- Mr. Just.
- Mr. Antrobus.
- Mr. Cox.
- Mr. C. Lucas.
- Mr. F. Hopwood.
- Mr. Seely.
- Mr. Earl of Crewe.

I have the honor to
ack. the receipt of
your despatch No. 32 of the
24th of Jan on the
subject of the ignon
Ordinance No. 12 of 1909