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CHAPTER 93

THE LIQUOR ACT.

Commencement: 1 October, 1960.

An Act to make provision for regulating the manufacture and sale of intoxicating liquor, and to provide for matters incidental thereto and

connected therewith.

PART I—INTERPRETATION.

1. Interpretation.

In this Act, unless the context otherwise requires—
(a) (b)

(c)

“administration” means the administration of a district;

“bar” means any part of licensed premises exclusively or mainly

used for the sale and consumption of intoxicating liquor;

“enguli” means any spirits manufactured in Uganda but does not

include refined spirits or any other spirits produced locally by the

exclusive licensee;
(d)

“excisable liquor” means liquor on the manufacture of which an

excise duty is imposed, and “nonexcisable liquor” means liquor

on the manufacture of which no such duty is imposed;
(e)

(f) (g) (h)

(i)

(j) (k)

“exclusive licensee” has the same meaning as is assigned to it in

the Enguli (Manufacture and Licensing) Act;

“intoxicating liquor” means liquor or native liquor;

“issue” in relation to a licence includes renew;

“licence” means a licence specified in the Third Schedule to this

Act;

“licensed premises” means premises in respect of which a licence

is in force;

“licensee” means the holder of a licence;

“licensing authority” means a licensing authority specified in the

First Schedule to this Act, or a licensing board or licensing
(l) (m)

officer within the scope of its or his or her appointment;

“licensing board” and “licensing officer” mean respectively a

licensing board and a licensing officer appointed under section 3;

“liquor” means any spirits (including refined spirits), wine, ale,

beer, porter, cider, perry, hop beer or any drink containing more

than 2 percent by weight of absolute alcohol, but does not include

enguli or native liquor;

(n) “meal” means food served for consumption for which a price of not less than two shillings per person is paid or to be paid and which is not served or displayed on a bar counter ordinarily used for the sale or service of intoxicating liquor;

(o) “municipality” and “town” have the same meanings as in the Local Governments Act;

(p) “native liquor” means those intoxicating drinks which are prepared or manufactured in accordance with native custom otherwise than by distillation and are known as omwenge, pombe, kangara, muna, marissa, amarwa, kwete, duma and nule, or any other intoxicating drink so prepared or manufactured;

(q) “permitted hours” means the period during which a licensee is authorised by his or her licence to sell intoxicating liquor;
(r) “person” includes a corporate, but not an unincorporated body;

(s) “personal representative” has the same meaning as in the Law Reform (Miscellaneous Provisions) Act;

(t) “premises” in relation to a ship and train licence, a travelling wholesale liquor licence or a spirituous liquor licence issued in conjunction with either of such licences means the ship, train or vehicle, in respect of which the licence is issued or applied for;

(u) “quarter” means any period of three months ending on the last day of March, June, September or December;

(v) “refined spirits” means potable spirits, blended from a specially prepared alcoholic concentrate and pure neutral spirit produced from enguli; the resultant blend, after a suitable period of maturing being reduced or letdown with treated water to drinking strength for bottling and which is manufactured by the exclusive licensee and marketed under the trademark of “Uganda Waragi” or any other trademark approved by the Minister by statutory order;

(w) “rural area” means any part of Uganda which is not in a municipality, town or trading centre;

(x) “sale by retail” means in the case of beer, cider, perry and native liquor a sale of less than four gallons, and in any other case of less than two gallons;
(y) “sale by wholesale” means any sale other than a sale by retail;

(z) “sell” and its grammatical variants and cognate expressions include barter, offer for sale and expose for sale and their grammatical variants and cognate expressions;
(aa) “spirits” and “spirituous liquor” mean any spirits (including

refined spirits but not including enguli) fit for human consumption or any drink containing such spirits; and “nonspirituous liquor” means liquor which does not consist of or contain such spirits;

(bb) “trading centre” means an area declared to be a trading centre under the Trade Licensing Act;

(cc) “year” means a period of twelve months beginning on the 1st January and ending on the 31st December.

PART II—LICENSING.

2. Unlicensed sale of liquor, etc. prohibited.

(1) Subject to this Act, no person shall—

sell liquor anywhere in Uganda; or

manufacture or sell native liquor in a municipality, town or trading centre, unless he or she is licensed to do so by a licensing authority under this Act.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

3. Licensing authorities.

The authorities mentioned in the First Schedule to this Act shall, to the extent specified in it, be licensing authorities for the purposes of this Act.

Subject to this Act, a licensing authority may appoint such boards and persons (to be known as licensing boards and licensing officers respectively) as it thinks fit for the purpose of exercising the powers and performing the duties conferred and imposed upon the licensing authority under this Act, and any such appointment may relate to the whole area in which the licensing authority has jurisdiction or to a specified part of it and to all licences or to licences of a specified kind.

The Minister may, where he or she is satisfied that it is necessary for the proper administration of this Act—

(a) direct a licensing authority to appoint or terminate the

appointment of a licensing board or licensing officer; and (b) where a licensing authority fails to make or terminate an appointment which it has been directed to make or terminate under this subsection, himself or herself make or terminate the appointment.

(4) The Second Schedule to this Act shall have effect in relation to any licensing board or licensing officer appointed under this section.

4. Issue of licence, etc.

Subject to this Act, a licensing authority may on application and on payment of the prescribed fee issue to any person qualified to hold the licence any of the licences specified in the Third Schedule to this Act, and that Schedule shall have effect in relation to the respective kinds of licence so specified.

Every application for a licence shall be in the prescribed form and contain the prescribed particulars or, if no appropriate form or particulars have been prescribed, shall be in the form and contain the particulars the licensing authority thinks appropriate.

A licence shall not be transferable from the licensee to any other person except in accordance with this Act.

A licensing authority may refuse to issue a licence under this section or may issue such licence subject to such conditions, not inconsistent with this Act, as it thinks fit to impose.

Where a licensing authority refuses to issue a licence under this section, it shall, if requested to do so by the applicant, inform the applicant of its reasons for the refusal.

5. Licensed premises.

Every licence shall specify the premises in respect of which it is in force and shall, subject to any conditions which may be imposed under subsection (2), authorise the sale of liquor or the manufacture or sale of native liquor, as the case may be, only on those premises.

A licensing authority may impose on a licence for the sale of
intoxicating liquor a condition that the intoxicating liquor may be sold or sold and consumed only on a specified part of the licensed premises, and any licence on which such a condition is imposed shall authorise the sale or sale and consumption only on the part so specified.

6. Transfer of licence.

Subject to this Act, a licensing authority may on application and on payment of the prescribed fee transfer a licence for the remainder of its period of validity from the person specified in it as licensee or from any premises specified in it as licensed premises to some other person or premises.

Every application made under this section shall be in the prescribed form and contain the prescribed particulars or, if no appropriate form or particulars have been prescribed, shall be in such form and contain such particulars as the licensing authority thinks appropriate.

Where a licensing authority transfers a licence under this section, it shall, on surrender of the existing licence and on payment of the prescribed fee, make an appropriate endorsement on it.

A licensing authority may refuse to transfer a licence under this section or may transfer it subject to such conditions, not inconsistent with this Act, as it thinks fit to impose.

Where a licensing authority refuses to transfer a licence under this section it shall, if requested to do so by the applicant for the transfer, inform him or her of its reasons for the refusal.

7. Provisional licence.

(1) Subject to this Act, a licensing authority may on application and
on payment of the prescribed fee issue a licence provisionally to any person
in respect of premises about to be constructed, or in the course of
construction, for the purpose of being used for the sale of intoxicating liquor
for consumption on the premises or for the manufacture of native liquor.

(2) Every application made under this section shall—
(a) be in the prescribed form and contain the prescribed particulars

or, if no appropriate form or particulars have been prescribed, be

in such form and contain such particulars as the licensing authority thinks appropriate; and (b) be accompanied by a plan of the proposed licensed premises.

Notwithstanding any other provision of this Act, a licence issued under this section shall not come into force until the licensing authority endorses on it a certificate that the proposed licensed premises have been completed and that the licence is in force.

A licensing authority may refuse to issue or endorse a licence under this section or may issue or endorse such licence subject to such conditions, not inconsistent with this Act, as it thinks fit to impose.

Where a licensing authority refuses to issue or endorse a licence under this section, it shall, if requested to do so by the applicant for the issue or endorsement, inform the applicant of its reasons for the refusal.

8. Duplicate licence.

Where it is satisfied that a licence is lost or destroyed, a licensing authority shall on payment of the prescribed fee, issue a duplicate of the licence to the licensee.

Where a licensee who has obtained a duplicate licence under this section recovers the original licence, he or she shall surrender the duplicate to the licensing authority, and if the licensee fails to do so he or she commits an offence and is liable on conviction to a fine not exceeding two hundred shillings.

9. Restrictions on issue of licence.

Where a licensing authority is an administration, it shall not issue or transfer a spirituous liquor licence to any person without the consent of the district commissioner.

Except with the consent of the Minister, a licensing authority shall not issue or transfer a licence to any person if it is satisfied that the person—

is under the age of twenty-one years; or

has been the holder of a licence which has within the immediately preceding two years been cancelled under this Act.
(3) A licence issued or transferred in contravention of any provision of this section shall be void.

10. Form and duration of licence.

Licences shall be in the appropriate prescribed form or, if there is no appropriate prescribed form, in a form the licensing authority thinks appropriate.

A licence, other than an occasional licence—

may be issued for a year or for one or more quarters in any year;

shall come into force on the date of commencement specified in it, which may be the first or any subsequent day of the year or other period for which it is issued; and

unless earlier cancelled or surrendered under this Act, shall expire at the end of the year or other period for which it is issued;

except that where application for the renewal of a licence, other than an occasional licence, is made within such period as may be prescribed before the expiry of the licence, the licence shall remain in force until the application is finally determined.

An occasional licence shall be valid for such period as the licensing authority may in its discretion specify in the licence.

In this section, “occasional licence” means a licence specified in the Fourth Schedule to this Act.

11. Exhibition of licence.

Every licensee shall keep his or her licence exhibited in a conspicuous place in his or her licensed premises.

Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding five hundred shillings.

12. Surrender of licence.

A licensee may at any time surrender his or her licence to the licensing authority which issued it and shall thereupon in the case of an annual licence
be entitled—

if the unexpired period of the licence is six months or more, to a refund of one-half of the fee paid for it; and

if the unexpired period of the licence is less than six months but more than three months, to a refund of one-quarter of the fee paid for it.

13. Appeals.

(1) Any person aggrieved by—

a refusal of a licensing authority to issue or transfer a licence to him or her, or to exercise in his or her favour any power to endorse, exempt, consent or approve conferred upon it by this Act;

a refusal of a district commissioner under section 9(1) to consent to the issue or transfer of a spirituous liquor licence to him or her;

the imposition by a licensing authority of a condition on a licence issued or transferred to him or her;

any written instructions given to him or her under section 17(1); or

the cancellation of his or her licence by a licensing authority under the provisions of section 14(2),
may appeal in writing to the Minister, whose decision shall be final.

An appeal under this section shall be lodged within twenty-one days of the date on which the appellant is served with notice of the decision or other action or matter by which he or she is aggrieved.

On an appeal under this section, the Minister may dismiss the appeal or make any order or exercise any power in relation to the subject matter of the appeal which could have been made or exercised by the licensing authority or district commissioner from whose decision or other action the appeal has been lodged or make such other order as appears to the Minister necessary and just.

14. Cancellation and suspension of licence.

(1) Where a licensee is convicted—

of an offence under this Act; or

of an offence in respect of his or her licensed premises—

(i) under the Public Health Act or the Food and Drugs Act; or
(ii) under the provisions of the Penal Code Act relating to the keeping of premises for purposes of prostitution or as a common gaming house,

the court which convicts the licensee may, in addition to any other penalty, cancel his or her licence and, where he or she has previously been convicted of any of the offences mentioned in paragraphs (a) and (b) of this subsection or of an offence under the Liquor Ordinance, 1955, shall so cancel his or her licence unless for special reasons it thinks fit not to do so.

(2) A licensing authority may cancel a licence issued by it if the licensee—

ceases to carry on the business authorised by the licence; or

is sentenced to imprisonment for any offence other than an offence mentioned in subsection (1).

Where criminal proceedings are instituted against the holder of a licence for an offence mentioned in subsection (1), the licensing authority which issued the licence may, subject to any order which may be made by the court having jurisdiction to try the proceedings, suspend the licence until the proceedings have been finally disposed of.

Where a court on convicting a licensee cancels his or her licence under subsection (1)—

it shall cause notice of the cancellation to be sent to the licensing authority which issued the licence; and

an appeal shall lie against the cancellation, which for the purposes of any such appeal shall be deemed to be part of the sentence imposed on the appellant by the court which convicted him or her.

Where a court or a licensing authority cancels a licence under this section and an appeal is brought against the cancellation under this Act, the cancellation shall not have effect while the appeal is pending;

but where the licence has been suspended under subsection (3), this subsection shall not operate so as to invalidate the suspension.

Where a licensing authority has cancelled a licence or received notice from a court of the cancellation of a licence under this section—

(a) it shall by notice in writing require the licensee to surrender the licence; and

(b) if the licensee fails to surrender the licence within thirty days of service on him or her of any such notice, he or she commits an offence and is liable on conviction to a fine not exceeding five hundred shillings; except that where an appeal is brought against the cancellation under the provisions of this Act— (i) this paragraph shall not apply while the appeal is pending;

and (ii) if the appeal is dismissed or ceases to be prosecuted, the period of thirty days mentioned in this paragraph shall begin to run on the date of the dismissal or cessation.

PART III—SALE OF LIQUOR, CONDUCT OF LICENSED PREMISES, ETC.

15. Sale outside permitted hours, etc.

(1) Subject to this Act—

(a) any licensee who, himself or herself or by his or her servant or agent—
(i) sells or supplies outside the permitted hours to any person

in his or her licensed premises any intoxicating liquor to be consumed either on or off the premises; or (ii) otherwise contravenes any term or condition of his or her licence; and

(b) any person who, outside the permitted hours, consumes any intoxicating liquor in, or takes any intoxicating liquor from, any licensed premises,
commits an offence and is liable on conviction to a fine not exceeding five thousand shillings.

(2) Nothing in subsection (1) shall prohibit or restrict—

the sale or supply to, or consumption by, any person of intoxicating liquor in any licensed premises where he or she is residing;

the ordering of intoxicating liquor to be consumed off the premises, or the dispatch by the vendor of intoxicating liquor so ordered;

the supply of intoxicating liquor for consumption on licensed premises to any private friends of the licensee bona fide entertained by him or her at his or her own expense, or the consumption of intoxicating liquor by persons so supplied; or

the consumption of intoxicating liquor at a meal by any person on

licensed premises at any time within half an hour after the conclusion of the permitted hours, if the intoxicating liquor was supplied during the permitted hours and served at the same time as the meal and for consumption at the meal.

16. Manufacture of native liquor in contravention of licence.

Any licensee who, himself or herself or by his or her servant or agent, manufactures native liquor in contravention of any term or condition of a licence authorising him or her to manufacture such native liquor commits an offence and is liable on a first conviction to a fine not exceeding one thousand shillings and on a second or any subsequent conviction to a fine not exceeding three thousand shillings.

17. Orderly conduct of licensed premises.

A licensing authority may at any time while a licence is in force give to the licensee such written instructions (not being inconsistent with this Act or the terms or conditions of the licence) as it thinks necessary to ensure the orderly conduct of the licensed premises.

Instructions given under subsection (1) shall, unless a shorter period of validity is specified in the instructions, remain in force until the expiry of the licence held by the licensee to whom they have been given and shall then cease to have effect.

Any licensee who, himself or herself or by his or her servant or agent, permits any drunkenness or any violent, quarrelsome or disorderly behaviour to take place in his or her licensed premises, or who contravenes any instructions given to him or her under subsection (1), commits an offence and is liable on conviction to a fine not exceeding one thousand shillings.

18. Power to exclude drunkards, etc. from licensed premises.

Without prejudice to any other right to refuse a person admission to premises or to expel a person from premises, a licensee may refuse to admit to, or may expel from, his or her licensed premises any person who is drunken, violent, quarrelsome or disorderly or whose presence in the premises would subject the licensee to a penalty under this Act.

If any person liable to be expelled from licensed premises under
this section, when requested by the licensee or his or her agent or servant or any police officer or chief to leave the premises, fails to do so, he or she commits an offence and is liable on conviction to a fine not exceeding five hundred shillings.

(3) In this section—

“chief” means an officer of an administration in charge of a county, subcounty, parish or village;

“police officer” includes a person employed on police duties by an administration.

19. Young persons.

(1) Any licensee who allows a person under the apparent age of
eighteen years to be in a bar on his or her licensed premises, other than a bar

in a members club, during the period when the sale and consumption of intoxicating liquor is authorised by his or her licence commits an offence and is liable on conviction to a fine not exceeding two hundred shillings; except that—

this subsection shall not apply if such person is in the bar solely for the purpose of passing to or from some other part of the premises, not a bar, being a part to or from which there is no other convenient means of access or egress; and

the licensing authority may exempt any licensed premises from the operation of this subsection if it is in the opinion of the licensing authority impracticable for the licensee to comply with it.

Any licensee who employs or permits a person under the apparent age of eighteen years to sell or control or supervise the sale of intoxicating liquor on licensed premises, or to have the custody or control of intoxicating liquor on licensed premises, commits an offence and is liable on conviction to a fine not exceeding five hundred shillings.

Any licensee who knowingly sells or permits any other person to sell and any servant of a licensee who knowingly sells intoxicating liquor to a person under the apparent age of eighteen years commits an offence and is liable on conviction to a fine not exceeding five hundred shillings; except that this subsection shall not apply—

(a) to the purchase by a person who has attained the apparent age of sixteen years of wine, beer, porter, cider, perry or native liquor

for consumption at a meal in a part of the licensed premises usually set apart for the service of meals that is not a bar; or (b) where the licensee proves that the intoxicating liquor was sold, or that he or she had reasonable grounds for believing that the intoxicating liquor was sold to such person for consumption off the premises by some other person who was of or over the age of eighteen years.

20. Structural alterations.

(1) No alteration shall be made to licensed premises in respect of which a first class bar licence, a second class bar licence, an entertainment licence or a travellers bar licence is in force if the alteration—

gives increased facilities for drinking;

conceals from observation any part of the premises used for drinking; or

affects the communication between the part of the licensed premises where liquor is sold and any other part of the licensed premises or any street or other public place,
unless the licensing authority has consented in writing to the alteration, or the alteration is required by order of some lawful authority.

If any alteration is made to any licensed premises in contravention of subsection (1), the licensee of those premises commits an offence and is liable on conviction to a fine not exceeding five hundred shillings.

Where a licensee is convicted of an offence under subsection (2), the court which convicts him or her may, in addition to any other penalty, order the licensee within a time to be fixed by the court to restore the premises to which the conviction relates to their original condition or to alter them in a manner to be specified in the order, and if the licensee fails to comply with the order within the time so fixed, he or she commits an offence and is liable on conviction to a fine not exceeding one thousand shillings.

An appeal shall lie against an order made under subsection (3), and for the purposes of any such appeal, the order against which the appeal is brought shall be deemed to be part of the sentence imposed on the appellant by the court which made the order.

21. Other business on licensed premises.

(1) Any person who, being the holder of a licence for the sale of
intoxicating liquor to be consumed on the premises, carries on without the consent in writing of the licensing authority any business on the licensed premises except that connected with the conduct of a hotel or restaurant or the sale of light refreshments, nonintoxicating drinks, cigars, cigarettes, tobacco, matches or smokers' requisites commits an offence and is liable on conviction to a fine not exceeding five hundred shillings.

(2) Nothing in this section shall operate so as to relieve any person from the obligation to obtain a trading licence or any other kind of licence which he or she may be required by any law for the time being in force to obtain for the purpose of conducting, or in connection with the conduct of, any business.

22. Closing of licensed premises in case of disorder.

(1) Where—

a district commissioner is satisfied that a riot or disorder has occurred or is likely to occur in any place over which he or she exercises authority;

a police officer not below the rank of inspector is satisfied that a riot or disorder has occurred or is likely to occur in any place; or

a licensing authority is satisfied that a riot or disorder has occurred or is likely to occur in any place under its jurisdiction,
the district commissioner, police officer or licensing authority, as the case may be, may order the licensee of any licensed premises in or near that place to close those premises for any period specified in the order; but except with the consent of the Minister, the period so specified shall not exceed fourteen days.

An order made under this section shall be in writing and, without prejudice to any other method of service, shall be deemed to have been served upon a licensee if a copy of it is affixed in a conspicuous position on the outside of his or her licensed premises.

Any licensee who fails to comply with an order which has been made under this section and served upon him or her commits an offence and is liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Any licensee aggrieved by an order made under this section may
within fourteen days of the order being served upon him or her appeal in writing to a chief magistrate or a

magistrate grade I generally or specially appointed by the Chief Justice, who may thereupon dismiss the appeal or revoke the order or vary its period of validity.

Where an appeal has been made under this section and has not yet been decided, the fact that the appeal is pending shall not affect the operation of the order to which the appeal relates.

The decision of a magistrate on an appeal made under this section shall be final.

23. Storage, sale and supply of liquor.

(1) A licensee who stores intoxicating liquor intended for sale shall not do so otherwise than in—

his or her licensed premises;

premises previously approved for the purpose by the licensing authority; or

a warehouse licensed or approved for the storage of dutiable or excisable goods by the commissioner of customs and excise under the East African Customs and Transfer Tax Management Act or the East African Excise Management Act.

No person shall during the permitted hours refuse, without reasonable grounds for the refusal, to sell or supply intoxicating liquor which he or she is authorised to sell or supply under this Act.

No person shall sell or supply any intoxicating liquor on licensed premises unless he or she bona fide believes that the person to whom the intoxicating liquor is sold or supplied is not intoxicated.

Any person who contravenes any provision of this section commits an offence and is liable on conviction to a fine not exceeding one thousand shillings.

PART IV—SUPPLEMENTARY.

24. Manufacture of nonexcisable liquor, etc.

(1) No person shall—

manufacture any nonexcisable liquor in any part of Uganda; or

unless he or she is an African, manufacture or sell any native liquor in a rural area, except in accordance with the terms and conditions of a permit issued by the district commissioner exercising authority over the place where the manufacture or sale takes place.

A district commissioner may on application and on payment of the prescribed fee issue a permit under this section subject to such conditions as he or she thinks fit or may without assigning a reason refuse to issue any such permit.

A permit issued under this section may be cancelled at any time by the district commissioner who issued it.

Any person aggrieved by a refusal of a district commissioner to issue to him or her a permit under this section or by the imposition of any condition on, or the cancellation of, any such permit, may, within thirty days of the refusal, imposition or cancellation, appeal in writing to the Minister, who may either dismiss the appeal or make any order or exercise any power in relation to the subject matter of the appeal which could have been made or exercised by the district commissioner from whose decision the appeal has been lodged.

The decision of the Minister on an appeal brought under this section shall be final.

Any person who contravenes any provision of subsection (1) commits an offence and is liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

25. Denatured spirits.

(1) Any person who—

prepares any denatured spirits for use as a beverage or as a mixture with a beverage;

sells any denatured spirits, whether or not they have been prepared in the manner described in paragraph (a) of this subsection, as or for a beverage, or mixed with a beverage;

uses any denatured spirits or any derivative thereof in the
preparation of any article capable of being used wholly or partially as a beverage or internally as a medicine; or (d) sells or has in his or her possession any article of the kind mentioned in paragraph (c) of this subsection, commits an offence and is liable on conviction to a fine not exceeding five thousand shillings or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(2) In this section, “denatured spirits” means methylated spirits within the meaning of the East African Excise Management Act, specially denatured spirits within the meaning of that Act or any other spirits rendered unfit for human consumption.

26. False statement in application to licensing authority.

Any person who in any application to a licensing authority under this Act knowingly makes a statement, whether orally or in writing, which is false in a material particular commits an offence and is liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

27. Evidence.

In any proceedings relating to an offence under this Act—

evidence that a transaction in the nature of a sale of intoxicating liquor took place shall be prima facie evidence of the sale of such intoxicating liquor without proof that money passed;

evidence that consumption of intoxicating liquor was about to take place shall be prima facie evidence of the consumption of such intoxicating liquor without proof of actual consumption;

evidence that any person, other than the licensee or a servant or agent of the licensee, consumed or intended to consume intoxicating liquor in licensed premises shall be prima facie evidence that such intoxicating liquor was sold by or on behalf of the licensee to that person in those premises;

evidence that a closed bottle or other container bears a label or other marking which indicates that it contains any kind of intoxicating liquor shall be prima facie evidence that it contains the kind of intoxicating liquor indicated;

the burden of proving that the manufacture or sale of intoxicating liquor is lawful shall be on the person alleging the same; and

(f) a copy of a licence certified by the licensing authority which issued the licence to be a true copy of the licence shall be prima facie evidence of the nature and contents of such licence.

28. Sale or supply of intoxicating liquor on credit.

No action shall be maintainable to recover any debt alleged to be due in respect of the sale or supply of any intoxicating liquor which was delivered for consumption on the premises where it was sold or supplied unless the person to whom it was sold or supplied was at the time of the sale or supply living on the premises.

29. Service of documents.

Without prejudice to any other method of service, a licensing authority may serve any document on an applicant for a licence or on a licensee or his or her personal representative by post.

30. Disposal of fees.

Notwithstanding any other law, a fee payable to a licensing authority under this Act shall be credited to the licensing authority's own revenue or, if the licensing authority is a district commissioner, to the Consolidated Fund.

31. Variation of Schedules and rules.

The Minister may by statutory instrument add to the provisions of any of the Schedules to this Act, or vary or repeal any such provision.

Any instrument made under subsection (1) shall be laid on the table of Parliament as soon as may be after it has been made, and if a resolution is passed by Parliament within ninety days of its having been so laid that the instrument or any part of it be annulled, the instrument or that part to which the resolution relates, as the case may be, shall thenceforth be void but without prejudice to the validity of anything previously done under it or to the making of any new instrument.

The Minister may make rules prescribing the procedure to be followed in hearing and determining applications and appeals under this Act, and any such rules may without prejudice to the generality of the foregoing—

(a) prescribe when, or how often, hearings shall take place;
(b) (c)

provide for hearings to be conducted either in public or in

private;

provide for notice of hearings to be given, and prescribe the

length and nature of the notice and the manner in which it shall

be published or served;
(d) (e)

provide for the adjournment of hearings;

specify the persons who may appear and be heard at hearings and

provide for any such persons to appear in person or by advocate

or to submit written representations; and
(f)

prescribe the kind of evidence which may be admitted, and the

manner in which evidence may be taken and recorded, at a

hearing.
(a) (b) (c)

The Minister shall make rules prescribing any fee to be prescribed under this Act.

The Minister may make rules prescribing anything other than a fee to be prescribed under this Act.

Rules made under this section may contain different provisions in respect of different licences or licensing authorities or different classes of licences or licensing auth orities and may, when they relate to fees, provide—

for the remission of the fees in any particular case at the

discretion of the Minister;

for the imposition of different fees in respect of different classes

of licences or permits or in different areas; and

for the issue of any particular class of licence or permit without

fee.

32. Manufacture and sale of native liquor in rural areas.

(1) Except as provided in this section, nothing in this Act shall apply to or affect the manufacture or sale of native liquor by an African in a rural area, which shall be regulated in a district by such laws as may be made for the purpose by the administration under and in accordance with the Local Governments Act.

(2) If the Act mentioned in subsection (1) does not include power to make laws regulating the manufacture and sale of native liquor by Africans, that Act shall, subject to subsection (3) be deemed to include such power.
(3) Notwithstanding any law to the contrary, no law to which subsection (1) refers shall apply to or affect the manufacture or sale of native liquor in a municipality, town or trading centre.

33. Savings.

Nothing in this Act shall affect—

the bona fide administration or sale for purely medical purposes, and in accordance with every law for the time being in force governing the administration and sale of medicine by a medical practitioner, a veterinary surgeon or a pharmacist, of a medicine containing intoxicating liquor;

the sale of spirituous or distilled perfume or perfumery otherwise than for human consumption;

the sale by a deceased person's personal representative of intoxicating liquor forming part of the estate of the deceased person, unless it was held by the deceased person for the purpose of trade;

the sale by a trustee in bankruptcy of intoxicating liquor forming part of the bankrupt's estate;

the sale by the liquidator of a company of intoxicating liquor forming part of the company's assets;

the sale of intoxicating liquor to the members only of any canteen, club, institute, mess or similar institution of— (i) the Uganda Peoples' Defence Forces; (ii) the Uganda Police Force; or (iii) the Uganda Prisons Service,

except that this paragraph shall not apply to any such canteen, club, institute, mess or similar institution conducted by any person for private profit;

(g) any sale of intoxicating liquor which takes place—
(i) in a building certified by the clerk to Parliament to be the

building in which Parliament meets; and (ii) with the consent of, and in accordance with any directions which may be given by, the clerk to Parliament; (h) the manufacture of excisable liquor;

(i) the operation of the Enguli (Manufacture and Licensing) Act; or (j) subject to section 14 of this Act, the operation of the Public Health Act or the Food and Drugs Act.

SCHEDULES

First Schedule.

s. 3.

Licensing authorities.

PART I.

Licensing authorities for the issue of any licence except a ship and train licence, a travellers bar licence, a travelling wholesale liquor licence and a spirituous liquor licence issued in conjunction with any such licence—

Area in which the licensed premises or proposed licensed premises are situated
Municipality
Town
Trading centre
Any area which is not a municipality, town or trading centre

Part II.

Licensing authorities for the issue of a ship and train licence, a travellers bar licence, a travelling wholesale liquor licence and a spirituous liquor licence issued in conjunction with any such licence—

Licence	Licensing authority
A travellers bar licence and a spirituous liquor licence issued in conjunction with it	The district commi premises are situate
A ship and train licence for a train and a spirituous liquor licence issued in conjunction with it	The district commi
A ship and train licence for a ship and a spirituous liquor licence issued in conjunction with it	The district commi calls regularly
A travelling wholesale liquor licence	The district commi

Second Schedule.

s. 3.

Licensing boards and licensing officers.

A licensing board shall consist of not less than five and not more than seven members.

The licensing authority, or the Minister, if the licensing board is appointed by the Minister, shall appoint a member of a licensing board to be its chairperson.

The quorum at a meeting of a licensing board shall be three, and every question shall be decided by a majority of the members present and voting on that question; and in the event of an equality of votes, the chairperson shall have a second or casting vote.

If the chairperson is absent from a meeting of a licensing board, the members present at that meeting shall choose one of their number to preside at that meeting; and the person so chosen shall in respect of that meeting have the powers and perform the duties of the chairperson.

The acts of a licensing board may be signified by writing under the hand of the chairperson.

Subject to this Act, a licensing board may regulate its own procedure.

No person who has a financial interest in the manufacture or sale of intoxicating liquor in Uganda shall be appointed to be a member of a licensing board or to be a licensing officer.

The appointment of any member of a licensing board or of any licensing officer may at any time be terminated by the licensing authority which made the appointment or by the Minister, if he or she made the appointment.

Any member of a licensing board and any licensing officer may resign his or her appointment at any time by writing under his or her hand addressed to the licensing authority which appointed him or her or, if the Minister appointed him or her, to the Minister.

Third Schedule.

s. 4.

Licences.

1. Licences which may be issued.

The following licences may be issued under this Act—

a bar licence;

a night club liquor licence;

an off-licence;

a wholesale liquor licence;

a travelling wholesale liquor licence;

an entertainment licence;

(g) a ship and train licence;
(h) an auction liquor licence;
(i) a special liquor licence;
(j) a club liquor licence;
(k) a travellers bar licence;
(l) a temporary liquor licence;
(m) a temporary extension liquor licence;
(n) a temporary transfer liquor licence;

(0) a spirituous liquor licence;
(p) a refined spirits licence;
(q) a temporary disposal licence;
(r) a native liquor shop licence;
(s) a native liquor brewing licence;
(t) a casual brewing native liquor licence; and
(u) a temporary native liquor licence.

2. Bar licence.

A bar licence shall authorise the licensee to sell nonspirituous liquor either wholesale or retail to be consumed either on or off premises between the hours of 12.45 p.m. and 2 p.m. and 5 p.m. and 10 p.m.

A hotel management may sell nonspirituous liquor to the residents of the hotel either in their rooms or in the residents lounge at any time.

3. Night club liquor licence.

A night club liquor licence may be issued in respect of any premises where
a dance is held for the public and the public is allowed in either free of charge or on payment of money, and shall authorise the sale of nonspirituous liquor between the hours of 7 p.m. and 1 a.m.

4. Off-licence.

An off-licence shall authorise the holder to sell between the hours of 7.30 a.m. and 5.30 p.m. nonspirituous liquor either wholesale or retail to be consumed off the premises.

No off-licence shall be issued in respect of any premises unless the licensing authority is satisfied that the premises are constructed for the purposes of, and intended to be used only as a shop for, retail or wholesale trade, or for both retail and wholesale trade and that separate storage accommodation, which in the opinion of the licensing authority is safe and adequate, is provided for all liquor kept on the premises.

5. Wholesale liquor licence.

A wholesale liquor licence shall authorise the sale of nonspirituous liquor wholesale between the hours of 7.30 a.m. and 5.30 p.m.

No wholesale liquor licence shall be issued unless the licensee possesses, in the opinion of the licensing authority, premises suitable for the storage of liquor in large quantities.

6. Travelling wholesale liquor licence.

A travelling wholesale liquor licence shall authorise the sale of liquor by wholesale between the hours of 7.30 a.m. and 5.30 p.m. from a vehicle by or on behalf of the holder of a wholesale liquor licence in any area in Uganda specified in the licence.

7. Entertainment licence.

(1) An entertainment licence may be issued in respect of any premises duly licensed as a theatre under the Electronic Media Act or the Stage Plays and Public Entertainments Act, or in respect of any premises used for the public presentation of athletic or sporting contests or games, or for parades, displays, gymkhanas, tattoos, exhibitions, fetes, bazaars or similar functions or entertainments.

The licensing authority which issues an entertainment licence shall specify in the licence the part of the licensed premises in which liquor may be sold, and the licence shall authorise the retail sale of liquor in the part so specified for consumption in that part during the periods described in subparagraphs (3) and (4) of this paragraph.

Where the licensed premises are a theatre, an entertainment licence shall authorise the sale of liquor between the hours of 6 p.m. and midnight; but sales shall take place only on days when a public performance is being given in the theatre and not more than fifteen minutes after the end of the performance.

Where the licensed premises are not a theatre, an entertainment licence shall authorise the sale of liquor during any public presentation or exhibition of the kind mentioned in subparagraph (1) of this paragraph and for fifteen minutes before and after such presentation or exhibition.

8. Ship and train licence.

A ship and train licence shall authorise the sale of nonspirituous liquor on board a ship or train.

9. Auction liquor licence.

An auction liquor licence shall authorise the sale by auction on a specified date of nonspirituous liquor on the premises specified in the licence.

10. Special liquor licence.

A special liquor licence shall authorise the sale of nonspirituous liquor on special occasions, subject to such conditions as the licensing authority may direct.

11. Club liquor licence.

(1) A club liquor licence may be issued in respect of—

a proprietary club; or

a members club, and shall authorise the sale of nonspirituous liquor to the members of the club between the hours of 12.45 p.m. and 2 p.m. and 5 p.m. and 10 p.m.

No place of accommodation, entertainment or refreshment shall be deemed to be a club when persons other than members or the invited guests of members are allowed entry or accommodation or when persons other than members are charged or permitted to pay for any refreshment or accommodation in that place.

For the purposes of this Schedule, a person shall be deemed to be a member of a club if he or she uses that club by virtue of an agreement between that club and a club of which he or she is a member.

Every club liquor licence shall be issued—

in the case of an incorporated club, to the club;

in the case of an unincorporated proprietary club, to the proprietor; and

in the case of an unincorporated members club, to the secretary or manager or to some other responsible officer.

Where a club liquor licence has been issued in respect of an unincorporated members club and the person to whom the licence was issued is succeeded in the office which he or she held at the time of issue by some other person, no transfer of the licence shall be necessary, but the person for the time being holding the office shall be entitled to the privileges granted by the licence and shall be subject to the duties and liabilities imposed upon the holder of the licence.

A licensing authority shall not issue a club liquor licence unless it is satisfied that the club in respect of which the licence is applied for is conducted in good faith as a club, and may call upon any applicant for such a licence to produce, in addition to the particulars required by the other provisions of this Act, such information as it may reasonably need to satisfy itself that the club is so conducted.

12. Extension licence.

An extension licence may be issued to a proprietary club or a members club for the entertainment of members and their guests and shall authorise the sale of nonspirituous liquor to the members of the club between the hours of 5 p.m. and 1 a.m.

13. Travellers bar licence.

A travellers bar licence shall authorise the sale of nonspirituous liquor by retail at any railway station or airport refreshment room at any time.

An applicant for a travellers bar licence shall produce a written recommendation from the manager of the railway station or airport premises to which the application relates that the licence should be issued to the applicant.

14. Temporary liquor licence.

A temporary liquor licence shall authorise the holder of a bar licence or club liquor licence in exceptional cases to sell nonspirituous liquor for a limited period (to be specified in the licence) at any place other than his or her licensed premises.

15. Temporary extension liquor licence.

A temporary extension liquor licence shall authorise the holder of a licence to sell nonspirituous liquor by retail and to sell that liquor outside the permitted hours, during the hours and on the special occasion or occasions specified in the temporary extension liquor licence issued to him or her.

16. Temporary transfer liquor licence.

A temporary transfer liquor licence shall authorise the transfer of a licence from the licensee or licensed premises specified in the licence to some other person or premises for a period which shall be specified

in the temporary transfer licence and which shall not exceed the period of validity of the transferred licence or sixty days, whichever is shorter.

17. Spirituous liquor licence.

A spirituous liquor licence shall authorise the sale of spirituous liquor by the holder of any of the licences mentioned in paragraph (1)(a) to (m) of this Schedule on the same terms and conditions as those on which he or she is authorised to sell nonspirituous liquor.

18. Refined spirits licence.

Subject to subparagraph (2) of this paragraph, a refined spirits licence shall authorise the licensee, other than a holder of a spirituous liquor licence, to sell between the hours of 12.45 p.m. and 2 p.m. and between the hours of 5 p.m. and 10 p.m., refined spirits, wholesale or retail, to be consumed on or off the premises.

Where the licensee is the holder of any of the licences mentioned in paragraph 1(a) to (m) and (s) of this Schedule or the holder of a licence or permit to sell native liquor issued by the district administration under this Act, the refined spirits licence shall authorise the licensee to sell refined spirits on the same terms and conditions as those on which he or she is authorised to sell nonspirituous liquor or native liquor, as the case may be.

19. Temporary disposal licence.

A temporary disposal licence shall authorise a licensee whose licence has not been renewed or has been cancelled under this Act to sell during a limited period (to be specified in the licence) any intoxicating liquor which was in his or her possession when his or her licence expired or was cancelled, which his or her expired or cancelled licence authorised him or her to sell and which has not been forfeited by the order of a court.

20. Native liquor shop licence.

A native liquor shop licence shall authorise the retail sale of native liquor for consumption on or off the premises between the hours of 12.45 p.m. and 2 p.m. and between the hours of 5 p.m. and 10 p.m.

A native liquor shop licence shall not authorise the licensee to have in his or her possession at any one time more than a limited amount of native liquor (which shall be specified in the licence).

21. Native liquor brewing licence.

A native liquor brewing licence shall authorise the manufacture of native liquor on the licensed premises, and the sale by wholesale of any native liquor so manufactured.

A native liquor brewing licence shall not authorise the licensee
to have in his or her possession at any one time more than a limited amount of native liquor (which shall be specified in the licence).

22. Casual brewing native liquor licence.

A casual brewing native liquor licence shall authorise the brewing licensee to manufacture not more than ten gallons of native liquor within a period to be specified in the licence, and to sell any native liquor so manufactured to the holder of a native liquor shop licence.

A person may hold more than one casual brewing native liquor licence at the same time.

23. Temporary native liquor licence.

A temporary native liquor licence shall authorise the holder of a native liquor shop licence to sell native liquor by retail outside the permitted hours or at a place other than the licensed premises on a day and for a period to be specified in the temporary native liquor licence issued to him or her.

24. Hours of sale.

A licence which authorises the sale of intoxicating liquor by retail shall, unless a condition to the contrary is imposed on the licence by the licensing authority, authorise such sale on Sundays as well as on other days.

A licence which authorises the sale of intoxicating liquor by wholesale shall authorise the sale subject to the provisions of the Shop Hours Act.

25. Maximum holdings of native liquor.

A person who holds more than one licence of a kind which specifies maximum amounts of native liquor which the licensee may have in his or her possession at any one time, may have in his or her possession at any time an amount of native liquor which does not exceed the total of the amounts so specified in each licence.

Fourth Schedule.

s. 10.

Occasional licences.

An auction liquor licence.

A special liquor licence.

A temporary liquor licence.

A temporary extension liquor licence.

A temporary transfer liquor licence.

A spirituous liquor licence issued in conjunction with any of the licences mentioned in items 1 to 5 of this Schedule.

A temporary disposal licence.

A casual brewing native liquor licence.

A temporary native liquor licence.

History: Cap. 95; S.I. 49/1966; S.I. 135/1968, s. 2; Act 30/1969; S.I. 49/1973; S.I. 78/1977.

Cross References

East African Customs and Transfer Tax Management Act, Laws of the Community,1970 Revision, Cap. 27. East African Excise Management Act, Laws of the Community, 1970 Revision, Cap. 28. Electronic Media Act, Cap. 104. Enguli (Manufacture and Licensing) Act, Cap. 86. Food and Drugs Act, Cap. 278. Law Reform (Miscellaneous Provisions) Act, Cap. 79. Liquor Ordinance, Ordinance 5/1955. Local Governments Act, Cap. 243. Penal Code Act, Cap. 120. Public Health Act, Cap. 281. Shop Hours Act, Cap. 99.
Stage Plays and Public Entertainments Act, Cap. 49. Trade (Licensing) Act, Cap. 101.