

REPUBLIC OF NAMIBIA

NATIONAL ASSEMBLY

LIQUOR AMENDMENT BILL

(As read a First Time)

*(Introduced by the Minister of Industrialization, Trade and
Small and Medium Enterprises Development)*

[B. 7 - 2016]

EXPLANATORY NOTE:

- _____ Words underlined with a solid line indicate insertions in existing provisions.
- [] Words in bold type in square brackets indicate omissions from existing provisions.

BILL

To amend the Liquor Act, 1998, so as to provide for the issuing of licences to establishments within a prescribed distance in the vicinity of certain areas and the inclusion of residential premises and hospitals as an additional factor to be taken into account when considering a licence application; to provide for the inclusion of a representative of the Ministry of Industrialization, Trade and Small and Medium Enterprises Development, local authorities and traditional authorities in Regional Liquor Licensing Committees; to provide for the regulation of the selling of alcohol in retail outlets linked to petrol and diesel service stations outside the prescribed hours; to empower the Minister to prohibit the sale of alcohol at certain public premises; to provide for the imposition of administrative penalties for contravention of the Act; to increase the penalties for certain offences; and to provide for incidental matters.

BE IT ENACTED as passed by the Parliament, and assented to by the President, of the Republic of Namibia as follows:

Insertion of section 2A in Act No. 6 of 1998

1. The Liquor Act, 1998, (hereafter referred to as the “principal Act”), is amended by the insertion after section 2 of the following section:

“Prohibition of granting of licences near certain places”

2A. (1) No person shall be granted a licence for the sale of liquor, within a prescribed distance from the vicinity of -

- (a) a school;
- (b) a place of worship;
- (c) a hospital; or
- (d) residential premises,

unless a written consent has been given by all owners of residential premises, situated within the prescribed distance of the vicinity of the proposed licensed premises, affected persons and relevant authorities, after a prescribed notice has been served on those owners, affected persons and relevant authorities.

(2) The provisions of subsection (1) shall not apply to a valid licence that was granted before the establishment of the school, place of

worship, hospital or residential premises referred to in that subsection, but those provisions shall be applicable when the licence is being renewed under the provisions of this Act.

(3) A license issued under this Act does not authorize any person to sell, offer for sale or otherwise furnish any liquor at or from a diesel and petrol service station, beyond the prescribed hours.

(4) The Minister, on the recommendation of the committee, may by notice in the *Gazette* prohibit the sale of alcohol at certain public premises as the Minister deems fit.”.

Amendment of section 16 of Act No.6 of 1998

2. Section 16 of the principal Act is amended in paragraph (a) by the substitution for subparagraph (iii) of the following subparagraph:

“(iii) the need to avoid [**as far as possible,**] the establishment of licensed premises within the prescribed distance from [**in**] the vicinity of schools, [**or**] places of worship, hospitals or residential areas.”.

Amendment of section 24 of Act No.6 of 1998

3. Section 24 of the principal Act is amended by the substitution for subsection (2) of the following subsection:

“(2) A Committee established by subsection (1) shall consist of [**five**] eight members appointed in the following manner:

(a) [**Two**] Three *ex-officio* members, namely -

- (i) the magistrate resident in or assigned to the district in which the seat of the region concerned is situated, who shall be the Committee Chairperson;
- (ii) the police officer for the time being in command of the police for the region concerned, or [**in his or her absence, his or her deputy**] an officer designated by him or her; and
- (iii) one representative of the Ministry responsible for Industrialization, Trade and Small and Medium Enterprises Development, residing in the region and designated by the Minister.

(b) [**two**] four members appointed by the Minister by notice in the *Gazette*, from the following persons -

- (i) [**(aa) a health officer; or**

(bb) a social worker registered or authorized to practise as such under the Social and Social Auxiliary Workers’ Professions Act, 1993 (Act 22 of 1993); or

(cc) a registered nurse registered or authorized to practice as such under the Nursing Professions Act, 1993 (Act 30 of 1993); or

(dd) a medical practitioner registered or authorized to practise as such under the Medical and Dental Professions Act, 1993 (Act 21 of 1993),

practising his or her profession in the employment of the State in the region concerned and nominated by the Minister of Health and Social Services; and] one member nominated by the Minister responsible for Health;

(ii) one member nominated by the affiliated chamber in the region concerned of the Namibia National Chamber of Commerce and Industry and appointed by the Minister, or failing such a nomination, one resident of such region appointed by the Minister;

(iii) one member from a local authority in the region nominated by the regional council; and

(iv) one member from a traditional authority in the region nominated, after consultation with the traditional authorities in the region, by the regional council; and

(c) one representative, residing in the region, designated by the regional council.”.

Amendment of section 65 of Act No.6 of 1998

4. Section 65 of the principal Act is amended in subsection (6) by -

(a) the deletion after subparagraph (ii) of the word “or”; and

(b) the addition after subparagraph (iii) of the following subparagraph:

“(iv) impose an administrative penalty of an amount not exceeding N\$ 8000; or”.

Amendment of section 72 of Act No.6 of 1998

5. Section 72 of the principal Act is amended in subsection (1) by the substitution for paragraphs (a) and (b) of the following paragraphs:

“(a) on a first conviction be liable to a fine not exceeding [~~N\$ 4000~~] N\$12 000 or to imprisonment for a period not exceeding [~~one year~~] three years or to both such fine and such imprisonment;

(b) on a second or subsequent conviction be liable to a fine not exceeding [~~N\$ 8000~~] N\$ 24 000 or to imprisonment for a period not exceeding [~~two years~~] six years or to both such fine and such imprisonment.”.

Short title

6. This Act is called the Liquor Amendment Act, 2016.
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