



## **ZOMBA DISTRICT COUNCIL**

### **LOCAL GOVERNMENT (ZOMBA DISTRICT COUNCIL) (OPAQUE AND TRADITIONAL BEER) BYLAWS, 2018**

**NOVEMBER, 2018**

LOCAL GOVERNMENT (ZOMBA DISTRICT COUNCIL) (OPAQUE AND TRADITIONAL  
BEER) BYLAWS, 2018

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GOVERNMENT NOTICE NO...

LOCAL GOVERNMENT (ZOMBA DISTRICT COUNCIL)  
(OPAQUE AND TRADITIONAL BEER) BYLAWS 2018

IN EXERCISE of the powers conferred by section 103 of the Local Government Act, the Zomba District Council has made the following Bylaws-

Citation	<b>1.</b> These Bylaws may be cited as the Local Government, (Zomba District Council) (Opaque and Traditional Beer) Bylaws, 2018.
Application	<b>2.</b> These Bylaws shall apply within the area of jurisdiction of the Zomba District Council.
Interpretation	<b>3.</b> In these Bylaws, unless the context otherwise requires-  “Approved” means approved by the Council regard being given to the reasonable public health requirements of the particular case;  “Council” means the Zomba District Council;  “Licensing officer” means the person appointed by the Council to issue licenses under these Bylaws;  “Opaque beer” means traditional beer brewed by industrial or traditional processes, i.e. chibuku or maseke;  “Premises” means any building habitually used for the retail sales of opaque and traditional beer; “Premises license” means a license issued under bylaw 3;  “Trade” means a skill for production.

## Retail licence

- 4.** - (1) No person shall sell by retail any opaque or traditional beer within area of jurisdiction of the Council unless he has first obtained a retail license from the licensing officer in the form specified in the First Schedule and paid to the licensing officer the fee specified in the Second Schedule:

Provided that the holder of a premises license shall not be required to obtain retail license in respect of opaque or traditional beer which he sells on the licensed premises.

(2) (a) A retail license shall be valid for a period of seven days.

(b) A retail licence for industrial brewed opaque beer shall be valid for a period of one year and shall expire at the end of each financial year.

(3) The following conditions shall apply to every retail license issued that the holder of such license shall-

- (a) sell opaque or traditional beer only on the days specified in the license;
- (b) not sell or supply opaque or traditional beer between the hours of 10:00 p.m. to 6:00 a.m.;
- (c) not sell or supply opaque or traditional beer to any person under the apparent age of 18 years;
- (d) not sell or supply any traditional beer to a drunken person;
- (e) keep all utensils, vessels, containers, linen, towels, cloths and other articles used in the conduct of his business in clean and sanitary condition and in good repair;
- (f) sell only sound and wholesome opaque or traditional beer; and
- (g) provide and maintain suitable means for protecting from contamination by dust, dirt, flies or other contaminating causes, any traditional beer sold or intended for sale.

Weapons prohibited  
where beer is being  
sold

**5.** - (1) Any person who has in his possession any weapon or other instrument capable of inflicting bodily harm and enters or remains in any place where opaque or traditional beer is being sold or supplied shall be guilt of an offence.

(2) Any seller of opaque or traditional beer who keeps or permits any person to enter or remain in any place where opaque or traditional beer is being sold by retail or on behalf of the seller, who has in his possession any weapon or other instrument capable of inflicting bodily harm, shall be guilty of an offence.

(3) This bylaw shall not apply to any police officer or to any security personnel whilst on duty and in uniform.

No selling of beer  
in unlicensed  
premises

**6.** - (1) No person shall use any premises for sale of opaque or traditional beer unless the proprietor of that premises has obtained from the Council a premises license in the form specified in the First Schedule and has paid to the Council the appropriate fee specified in the Second Schedule:

Provided that:

(a) the fee for a premises license shall be proportionately reduced by the number of completed months in a year which have expired prior to its issue; and

(b) no premises license shall be issued on payment of less than one quarter of the annual license fee.

(2) An application for a premises license shall be made to the Council at least three months before the date of which the applicant wishes to use the premises.

Validity of  
premises licence

**7.** A premises license shall be valid until the 30th day of June in the following year from the day of issue.

Renewal of  
premises licence

- 8.** An Application for the renewal of a premises license shall be made to the Council before the 1st day of July or at such later date as the Council may permit, prior to the year for which renewal is sought.

Premises licence  
conditions

- 9.** Every premises license shall be issued subject to the following conditions –

(1) The holder of a premises license shall not-

- (a) sell or allow traditional beer to be sold on the premises to which the license relates between the hours of 10:00 p.m. and 6:00a.m;
- (b) sell or supply opaque or traditional beer to any person under the apparent age of 18 years;
- (c) employ any person under the apparent age of 18 years on the premises;
- (d) permit disorderly conduct to take place on the premises;
- (e) sell or supply traditional beer to a drunken person;
- (f) permit any person, other than his employee, not in possession of a valid retail license to sell by retail traditional beer on the premises;

(2) The holder of a premises license shall-

- (a) maintain the premises at all times in a clean and sanitary condition and in good repair;
- (b) keep all utensils, vessels, containers, linen, towels, cloths, furniture and other articles used in the conduct of his business in clean and sanitary condition and in good repair;
- (c) sell or cause to be sold only sound wholesome traditional beer;
- (d) provide and maintain suitable means for protecting, from contamination by dust, dirt, flies or other causes, any traditional beer sold or intended for sale; and
- (e) provide separate latrines for each sex.

Refusal to admit

- 10.** The holder of a premises license or person authorised by him may refuse to admit or may remove from the premises any person who is drunk or disorderly or to whom the supply of beer is prohibited and any

such person who, on being requested by the holder of the license or any person authorised by him, refuses or, without reasonable excuse fails to leave the premises, shall be guilty of an offence.

Display of  
licence

**11.** The holder of a premises license shall display in a conspicuous place inside the premises a copy of his license.

Inspection of  
premises

**12.** A licensing officer or any person duly authorised in writing by the Council may for the purpose of :-  
(a) examining the premises licensed;  
(b) preventing or detecting an offence against these Bylaws; or  
(c) observing the state of repair or the sanitary condition of the premises and the general conduct of the business;  
(d) enter and inspect any premises, at any reasonable time.

Offence and  
penalty

**13.** Any person who contravenes or fails to comply with any provision of these Bylaws commits an offence and shall be liable to a fine of K2,000 and in the case of a continuing offence to a further fine of K200 for each day during which the offence continues after conviction thereof and to imprisonment for six months or to both such fine and imprisonment

FIRST SCHEDULE

FORM 1

APPLICATION TO SELL OPAQUE OR TRADITIONAL BEER

Mr/Ms.....  
.....  
.....  
.....

The Chief Executive  
Zomba District Council  
P.O. Box  
Zomba.

Dear Sir,

I hereby apply for a licence to sell Opaque/ Traditional Beer as from  
..... to .....20..... My station is  
.....  
.....

Yours faithfully,  
Applicant

*\* Delete if not applicable*



FORM II

LICENCE TO USE PREMISES FOR THE RETAIL SALE OF THE OPAQUE OR TRADITIONAL  
BEER

Name .....

Address .....

.....

.....

.....

Is hereby licensed to use premises specified below until 30<sup>th</sup> June, 20.... in  
accordance with the provisions of the Zomba District Council (Opaque and  
Tradition Beer) Bylaws.

Plinth area ..... Fee paid .....

Date issued .....

## SECOND SCHEDULE

- |    |  |            |
|----|--|------------|
| 1. | Retail licence to sell opaque or traditional beer, per day | K200.00    |
| 2. | Premises licence, per annum -                              |            |
|    | (a) for the retail of opaque beer                          | K60,000.00 |
|    | (b) for brewers of opaque beer                             | K50,500.00 |

Made by the Zomba District Council on this                      day of                      , 2018.

District Commissioner

Approved by the Minister of Local Government and Rural Development on this  
day of                      , 2018.

HON. KONDWANI NAKHUMWA  
Minister of Local Government and Rural Development

(FILE NO. ....)