



**THE  
OFFICIAL GAZETTE  
OF THE  
COLONY AND PROTECTORATE  
OF  
KENYA  
(SPECIAL ISSUE)**

**Published under the Authority of His Excellency the Governor of the  
Colony and Protectorate of Kenya.**

---

**Vol. XXX.—No 50.**

**NAIROBI, August 18, 1928.**

**Price 50 Cents.**

**Registered as a Newspaper at the G. P. O.**

---

**CONTENTS**

---

	PAGE
Govt. Notice No. 424—A Bill for introduction into Legislative Council—The Native Liquor (Amendment) Ordinance, 1928 .. ..	1261

## Colony and Protectorate of Kenya.

GOVERNMENT NOTICE No. 424.

HIS Excellency the Governor has approved of the introduction of this Bill into Legislative Council in the present Session under Certificate of Emergency.

R. W. LAMBERT,

*Clerk to the Legislative Council.*

### A Bill to Amend the Native Liquor Ordinance.

BE IT ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "the Native Liquor (Amendment) Ordinance, 1928," and shall be read as one with the Native Liquor Ordinance (Chapter 133 of the Revised Edition), as amended by the Native Liquor (Amendment) Ordinance, 1927, hereinafter referred to as "the Principal Ordinance."

Short title.

2. Section 11 of the Principal Ordinance is hereby repealed and the following section substituted therefor:—

Amendment of section 11 of Principal Ordinance.

10 11. No person who has been granted a licence under this Ordinance shall sell or supply any native intoxicating liquor:—

To whom may be sold.

(a) To any non-native.

(b) To any female in a township.

15 (c) To any person apparently under the age of eighteen years.

(d) To any drunken person.

20 (e) To any person, in quantities, exceeding one Imperial quart, unless such person has in his possession a permit authorising him to purchase and possess such liquor.

3. Section 14 of the Principal Ordinance is hereby repealed and the following section substituted therefor:—

Amendment of section 14 of Principal Ordinance.

25 14. (1) Subject to the provisions of this section, any person found to be in possession of any native intoxicating liquor exceeding one imperial quart in any place other than on licensed premises or his own premises, shall be deemed to be guilty of an offence unless he shall prove that such liquor was being transported from a licensed place of manufacture to licensed premises for the purpose of sale therein.

Being in possession of native intoxicating liquor off licensed premises.

30 Provided that it shall be lawful for any person to purchase, possess or transport native intoxicating liquor if he shall have first obtained a permit, from the administrative officer in charge of the district of sale or of the district in which he is so found, to purchase, possess or transport such liquor. Any such permit shall be produced on demand to any administrative officer or police officer or any person authorised thereto by an administrative officer.

Provided also that any person who shall have been granted a licence under section 26 of this Ordinance shall not require such permit to transport palm-wine from the place of tapping to licensed premises.

(2) Any person who purchases any native intoxicating liquor except on licensed premises shall be guilty of an offence against this Ordinance 5

(3) On the conviction of any person of an offence under this section, the Court shall order the liquor in respect of which such offence is committed, to be 10  
confiscated.

#### OBJECTS AND REASONS.

Under the proviso in section 11 of the Native Liquor Ordinance, Cap. 133 of the Laws of Kenya, it has been held necessary under recent judgments of the Supreme Court to prove that liquor was bought on licensed premises before a conviction could be secured.

The effect of this was that if liquor was bought on unlicensed premises its possession was not an offence. Also the Ordinance provides only for the sale of liquor. To purchase liquor is not an offence.

The amending Bill is intended to do away with these difficulties, and to enable District Officers to carry out the intention of the original law.