

Zambia

## Traditional Beer Act, 1930

### Chapter 168

Legislation as at 31 December 1996

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## Traditional Beer Act, 1930

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## Traditional Beer Act, 1930

### Chapter 168

Commenced on 11 April 1930

*[This is the version of this document at 31 December 1996.]*

*[Repealed by [Traditional Beer \(Repeal\) Act, 2011 \(Act 17 of 2011\)](#) on 15 April 2011]*

*[11 of 1930; 36 of 1933; 48 of 1940; 32 of 1941; 30 of 1950; 25 of 1953; 7 of 1955; 45 of 1958; 47 of 1963; 57 of 1964; 25 of 1969; Government Notices 304 of 1964; 497 of 1964; 502 of 1964; Act No. 22 of 1972; 6 of 1974; 13 of 1994]*

**An Act to make provision for regulating the sale, manufacture and possession of traditional beer; and to provide for matters incidental thereto or connected therewith.**

#### 1. Short title

This Act may be cited as the Traditional Beer Act.

*[As amended by No. 25 of 1969]*

#### 2. Interpretation

In this Act, unless the context otherwise requires—

"**Board**" means a Board appointed under section four, and includes and shall be deemed always to have included any person so appointed as a Board;

"**local authority**" means a municipal council, township council or board;

"**malt**" includes any kind of grain or other vegetable product in process of fermentation;

"**traditional beer**" means—

- (a) the drink which is brewed from grain or other vegetable matter and is commonly known as local beer, Lusaka beer, bwalwa, mowa, lwalwa, buwala, bukoko or chibuku;
- (b) honey beer; and
- (c) such other intoxicating liquor as the Minister may by statutory notice prescribe.

*[As amended by No. 30 of 1950, No. 45 of 1958 and No. 25 of 1969]*

#### 3. Restriction on sale of traditional beer

Save as in section four provided, the sale by any person of traditional beer is prohibited—

- (a) in any area declared to be municipality or township under the Local Government Act; and
- (b) in any area defined by regulations made under paragraph (b) of section four.

*[No. 32 of 1941]*

*[[Cap. 281](#)]*

#### 4. Regulations as to sale, manufacture, etc., of traditional beer

The Minister may by regulations—

- (a) in respect of any area declared to be municipality or township under the Local Government Act—
  - (i) prohibit or restrict the making, possession, introduction or removal of traditional beer save as may be prescribed by such regulations;
  - (ii) authorise the manufacture, possession and sale of traditional beer by the local authority of any municipality or township or by any person acting under the immediate supervision of the local authority;
- (b) in respect of any other area or portion of Zambia, to be defined in such regulations—
  - (i) appoint a Board for such area;
  - (ii) prohibit or restrict the making, possession, introduction or removal of traditional beer save as may be prescribed by such regulations;
  - (iii) authorise the manufacture, possession and sale of traditional beer by the Board appointed for such area or by any person acting under the authority of such Board;
- (c) declare any area, other than the areas mentioned in paragraph (a) or defined by regulations made under paragraph (b), to be a guard area and in respect of such area prohibit, control or restrict the sale of traditional beer.

*[As amended by No. 48 of 1940, No. 32 of 1941, No. 25 of 1953, No. 45 of 1958, G.N. No. 304 of 1964 and No. 25 of 1969]*

#### 5. Inebriated person not to be supplied

No person shall supply traditional beer to any person already inebriated from the effects of drinking.

*[As amended by No. 25 of 1969]*

#### 6. \*\*\*

*[Repealed by Act [No. 22 of 1972](#)]*

#### 6A. Prohibition of kachasu

It shall be unlawful for any person to prepare, use, possess, dispense, sell or expose for sale, the intoxicating liquor, by whatever name called, which is obtained through a process of distillation and is commonly known as kachipembe, kachasu, kapuli or lutuku.

*[No. 42 of 1974]*

#### 7. No licensed trader except under permit to supply any traditional beer

- (1) No person carrying on the business of a licensed trader or selling or exposing for sale any article of food or drink shall, unless authorised under subsection (2), keep, supply or cause to be supplied any traditional beer either at the place where such business is carried on or in connection with any transaction having relation to the said business.
- (2) No person shall brew and supply traditional beer in the form of rations to persons in his employ unless he is in possession of a valid permit.
- (3) The Minister may, by statutory instrument, make regulations governing the issue of such permit and the conditions under which the same may be granted, suspended, refused or cancelled and also

governing the conditions under which traditional beer may be supplied by employers to persons in their employ.

*[As amended by G.N. No. 304 of 1964 and No. 25 of 1969]*

## 8. Seizure of utensils

- (1) Any beer or malt or the apparatus, utensils or materials for making the same found under circumstances which afford reasonable grounds for suspecting a contravention of this Act or of any regulations made thereunder may be seized and removed and if perishable may be sold and, on the conviction for such a contravention of the owner of the articles so seized or of the person in whose possession they were found, such articles or their proceeds may be confiscated by order of a magistrate.
- (2) If the owner of any articles so seized cannot be ascertained, they or their proceeds may be confiscated seven days after seizure unless sooner claimed.

*[As amended by No. 36 of 1933]*

## 9. Entry on premises

Any Administrative Officer or police officer of or above the rank of Sub-Inspector or, if authorised thereto by any of the foregoing, any member of the Zambia Police Force may enter upon any premises upon which there is reasonable ground for suspecting that there is traditional beer or malt or the apparatus, utensils or materials for making the same contrary to this Act or any regulations made thereunder.

*[As amended by No. 47 of 1963, G.N. No. 502 of 1964 and No. 25 of 1969]*

## 10. Powers of arrest

Any person contravening this Act or any regulations made thereunder may be arrested without a warrant if the circumstances are such that immediate arrest appears necessary to prevent his escape.

## 11. Liability of occupier

The occupier or person having charge of the premises upon which a contravention of this Act or of any regulations made thereunder, together with any person who participated therein, shall be liable to be convicted of such contravention unless he can prove that such contravention took place without his knowledge.

## 12. Excessive quantity *prima facie* evidence

In any proceeding against any person for contravening this Act or any regulations made thereunder, the fact of more traditional beer being on the premises of such person than is reasonably required for the person residing therein and his family or persons usually residing with him shall be deemed *prima facie* evidence of such a contravention.

*[As amended by No. 25 of 1969]*

## 13. Penalty

Any person contravening the provisions of this Act or of any regulations made thereunder shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three hundred penalty units or, in default of payment, to imprisonment with or without hard labour for a period not exceeding three months and, on a second or subsequent conviction, to a fine not exceeding seven hundred and fifty penalty units or to imprisonment with or without hard labour for a period not exceeding six months.

*[As amended by Act [No. 6 of 1974](#) and 13 of 1994]*