

ALCOHOL, DRUGS AND TOBACCO

Liquor Act 6 of 1998.

Summary: This Act consolidates and amends the laws relating to the sale and supply of liquor. It came into force on 22 December 2001 (GN 250/2001, GG 2670). It replaces the following laws pertaining to liquor:

- Kaffir Beer (Rural Areas) Control Ordinance 36 of 1957
- *Chapter V, Railways and Harbours Control and Management Consolidation Act 70 of 1957*
- *section 22, General Law Amendment Act 102 of 1967*
- *Supply and Sale of Liquor Proclamation, 1967 (RSA Proc. R.231 of 1967)*
- *Supply and sale of liquor to Natives in South West Africa and the brewing and supplying of Kaffir Beer in South West Africa, RSA Proclamation 205 of 1968*
- Liquor Ordinance 2 of 1969
- *Arrangement appertaining to the sale and supply of liquor in Walvis Bay, 1984 (RSA Proc. R.21 of 1984)*
- section 5, National Transport Corporation Act 21 of 1987 (which was in the interim repealed by the National Transport Services Holding Company Act 28 of 1998, with effect from 1 April 1999).

In addition to regulating the licensing process, the Act forbids the sale of drinks that are more than 3% alcohol to persons under 18, prohibits the supply of liquor to employees as remuneration and forbids the consumption of liquor in public places.

Amendments: The Fourth Schedule of the Act is amended by GN 104/2006 (GG 3665) which contains requirements for shebeens.

Regulations: Regulations made under any of the laws repealed by the Act survive in terms of section 86 of the Act.

Regulations under the new Act are contained in GN 142/2001 (GG 2575), as amended by GN 251/2001 (GG 2670) (Fourth Schedule) and GN 105/2006 (GG 3665). These regulations came into force on the same date as the Act, and replace RSA GN 49/1969 as amended.

Appointments: Regional Liquor Licensing Committees are appointed in GN 20/2002 (GG 2692), GN 41/2003 (GG 2933), GN 77/2004 (GG 3189), GN 178/2004 (GG 3261), GN 34/2005 (GG 3410), GN 150/2006 (GG 3699), GN 153/2007 (GG 3900), GN 55/2008 (GG 4005), GN 239/2008 (GG 4136), GN 35/2009 (GG 4225), GN 136/2009 (GG 4278) and GN 62/2010 (GG 4451).

Cases: *S v Teek* 2009 (1) NR 127 (SC) (addresses credibility of child evidence in case involving allegations under section 71(s) of Act).

The following cases pertain to the Liquor Ordinance 2 of 1969 which has been replaced by the Liquor Act 6 of 1998:

- Marais v The Chairman of the Liquor Licensing Board of Namibia* 1991 NR 306 (HC)
- Swanepoel v Marais & Others* 1992 NR 1 (HC)
- Weyand v Chairman, Liquor Licensing Board* 1993 NR 150 (HC).

Articles: Legal Assistance Centre, *Alcohol and Youths: Suggestions for Law Reform, Monograph 4*, 2009.

Tobacco Products Control Act 1 of 2010.

Summary: This Act establishes a Tobacco Products Control Committee and a Tobacco Products Control Fund and provides measures to reduce supply and demand in respect of tobacco products, to prohibit the sale of tobacco to persons under 18 and to protect against exposure to tobacco smoke. It is designed to make Namibia compliant with the World Health Organisation Framework Convention on Tobacco Control. It will come into force on a date set by the Minister.

Related international agreement: *WHO Framework Convention on Tobacco Control, 2003* (entered into force internationally on 27 February 2005; signature: 29 January 2004; ratification approved by Parliament: 26 October 2005; deposit: 7 November 2005; effective date: 5 February 2006). (source: WHO, www.who.int/fctc)

INTERNATIONAL LAW

Convention on Psychotropic Substances, 1971

accession: 31 March 1998

Single Convention on Narcotic Drugs, 1961, as amended by the Protocol of 25 March 1972

accession: 31 March 1998

Note: The UN Treaty Data Base lists two other drug-related treaties to which “South West Africa (Namibia)” is party by means of territorial application. However, this may no longer apply to independent Namibia.

* *Final Act of the United Nations Opium Conference held at United Nations Headquarters, New York, from 11 May to 18 June 1953; Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of Opium, 1953* (territorial application as of 9 March 1960, with effect from 8 March 1963)

* *Protocol bringing under international control drugs outside the scope of the Convention of 13 July 1931 for limiting the manufacturing and regulating the distribution of narcotic drugs, as amended by the Protocol signed at Lake Success on 11 December 1946. Signed at Paris on 19 November 1948* (territorial application as of 5 October 1954, with effect from 4 November 1954)

United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988

(entered into force internationally on 11 November 1990)

ratification approved by Parliament: 26 February 2009 (source: Parliament)

accession: 6 March 2009 (source: Ministry of Foreign Affairs)

WHO Framework Convention on Tobacco Control, 2003

(entered into force internationally on 27 February 2005)

signature: 29 January 2004

ratification approved by Parliament: 26 October 2005

deposit: 7 November 2005; effective date: 5 February 2006 (source: WHO, www.who.int/fctc)

SADC Protocol on Combating Illicit Drug Trafficking in the Southern African Region, 1996

(entered into force within SADC on 20 March 1999) (source: SADC)
signature: 24 August 1996 (source: SADC)
ratification: 18 August 1998 (source: SADC; Ministry of Foreign Affairs)

See also Tobacco Growers Protection Ordinance 2 of 1933 (**AGRICULTURE**).

See also **CRIMINAL LAW AND PROCEDURE**.

See also Ordinance for Prevention and Combating of Alcoholism and Anti-Social Conduct 11 of 1965 (**HEALTH**).

See also Medicines and Related Substances Control Act 13 of 2003 (**MEDICINE AND MEDICAL PROFESSIONS**)

See also Brewers & Distillers Licences Duty Proclamation 3 of 1924 (**REVENUE**).