

# PROJET DE LOI

ENTITLED

## **The Liquor (Resale Prices) (Guernsey) Law, 1972 \***

*[CONSOLIDATED TEXT]*

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* Ordres en Conseil Vol. XXIII, p. 358; as amended by the Tourist (Amendment) (Guernsey) Law, 1983 (Ordres en Conseil Vol. XXVIII, p. 275); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the States Treasurer (Transfer of Functions) (Guernsey) Ordinance, 2008 (No. VII of 2008, Recueil d'Ordonnances Tome XXXIII, p. 38); the Chief Accountant (Transfer of Functions) (Guernsey) Ordinance, 2013 (No. XLIII of 2013); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

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## **The Liquor (Resale Prices) (Guernsey) Law, 1972**

### ARRANGEMENT OF SECTIONS

1. Prohibition of measures for maintaining resale prices.
2. Remedies for breach of prohibition.
3. Interpretation.
4. Citation.
5. Commencement.

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## **The Liquor (Resale Prices) (Guernsey) Law, 1972**

**THE STATES**, in pursuance of their Resolution of the twenty-fourth day of February, nineteen hundred and seventy-one, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

### **Prohibition of measures for maintaining resale prices.**

1. A licensee shall not –
  - (a) when selling or supplying or permitting the sale or supply of intoxicating liquor make any stipulation as to the price at which such intoxicating liquor or any part thereof shall be resold or otherwise fix or attempt to fix the resale price thereof by any other means,
  - (b) withhold supplies of intoxicating liquor from any other licensee seeking to obtain them for resale on the ground that that licensee has sold intoxicating liquor at a price, or is likely if intoxicating liquor is supplied to him to sell at a price, below a price, suggested or in any other way recommended by the licensee or any other person for the sale of intoxicating liquor.

### **Remedies for breach of prohibition.**

2. (1) If a licensee contravenes any of the foregoing provisions of this Law the Royal Court may, upon an application in that behalf by Her Majesty's Procureur –
  - (a) suspend, vary or order the forfeiture of his liquor licence, or

- (b) direct the [States Treasurer] not to renew his liquor licence,

and in such a case Her Majesty's Procureur shall summon the licensee named in the application to appear before the Royal Court to show cause why his liquor licence should not be suspended, varied or forfeited or to show cause why the Royal Court should not direct the [States Treasurer] not to renew his liquor licence, as the case may be; and such summons as aforesaid shall state the grounds upon which Her Majesty's Procureur intends to rely to support his application.

(2) Her Majesty's Procureur may in any case, at his discretion, and shall at the request of the States [Committee for Economic Development], make an application in pursuance of the provisions of the last preceding subsection.

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## NOTES

*In section 2,*

*the words in the first and second pairs of square brackets were substituted by the Chief Accountant (Transfer of Functions) (Guernsey) Ordinance, 2013, section 1, with effect from 1st December, 2013, subject to the savings and transitional provisions in section 2 of the 2013 Ordinance;<sup>1</sup>*

*the words in the third pair of square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 1(a), with effect from 1st May, 2016.<sup>2</sup>*

*The functions, rights and liabilities of the Commerce and Employment Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Economic Development and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 1(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>3</sup>*

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## **Interpretation.**

3. (1) In this Law, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

**"Her Majesty's Procureur"** includes Her Majesty's Comptroller,

**"intoxicating liquor"** includes spirits, wines, beer, porter, cider and perry,

**"licensee"** means a person in whose favour a liquor licence has been granted by the Royal Court in pursuance of the Ordinance of 1960,

**"liquor licence"** means a licence granted by the Royal Court to a person in pursuance of the Ordinance of 1960 for the sale of intoxicating liquor,

**"the Ordinance of 1960"** means the Liquor Licensing Ordinance, 1960<sup>a</sup>,

**"the Royal Court"** means the Royal Court sitting as a Full Court.

(2) Any reference in this Law to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Law.

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## NOTES

*The Liquor Licensing Ordinance, 1960 has since been repealed by the Liquor Licensing Ordinance, 1984, section 159, Fifth Schedule, with effect from 1st January, 1985,*

*The Liquor Licensing Ordinance, 1984 has since been repealed by the Liquor Licensing Ordinance, 1993, section 113, with effect from 29th September, 1993.*

*The Liquor Licensing Ordinance, 1993 has since been repealed by the Liquor Licensing Ordinance, 2006, section 102(a), with effect from 1st June, 2006, subject to the provisions of section 94 and section 95 of the 2006 Ordinance.*

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<sup>a</sup> Recueil d'Ordonnances Tome XII, pp. 314, 369, 377 and 394; Tome XIII, pp. 37, 282 and 312; Tome XIV, pp. 126 and 149; Tome XV, pp. 9, 204, 382 and 397; Ordinance Nos. XXII, XLVI and LIV of 1971.

**Citation.**

4. This Law may be cited as the Liquor (Resale Prices) (Guernsey) Law, 1972.

**Commencement.**

5. This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States.

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**NOTE**

*The Law was brought into force on 1st August, 1972 by the Liquor (Resale Prices) (Guernsey) Law, 1972 (Commencement) Ordinance, 1972, section 1.*

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<sup>1</sup> These words were previously substituted by the States Treasurer (Transfer of Functions) (Guernsey) Ordinance, 2008, section 1, with effect from 1st February, 2008, subject to the savings and transitional provisions in section 2 of the 2008 Ordinance.

<sup>2</sup> These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 28, with effect from 6th May, 2004; and prior to that substitution and in accordance with the provisions of the Tourist (Amendment) (Guernsey) Law, 1983, section 2(1), with effect from 8th November, 1983, were to be construed as a reference to the States Tourist Board.

<sup>3</sup> The functions, rights and liabilities of the Commerce and Employment Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Tourist Board and its President by the Machinery of Government (Transfer of Functions) (Guernsey)

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Ordinance, 2003, section 1, Schedule 1, paragraph 28, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.