



ST. HELENA

## CHAPTER 56

### LIQUOR ORDINANCE and Subsidiary Legislation

#### Non-authoritative Consolidated Text

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Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email [pa.lawofficers@legalandlands.gov.sh](mailto:pa.lawofficers@legalandlands.gov.sh)]<sup>1</sup>

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<sup>1</sup> These contact details may change during 2011 or early in 2012. In case of difficulty, email [shgwebsite@sainthelena.gov.sh](mailto:shgwebsite@sainthelena.gov.sh) or telephone (+290) 2470.

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## CHAPTER 56

## LIQUOR ORDINANCE

*(Ordinances 9 of 1988, 1 of 1991, 8 of 1997,  
11 of 1999, 6 of 2000 and 1 of 2001)*

AN ORDINANCE TO REGULATE THE SALE AND SUPPLY OF INTOXICATING LIQUOR AND FOR MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH.

**Commencement**

*[1 September 1988]*

PART I  
PRELIMINARY

**Short title**

1. This Ordinance may be cited as the Liquor Ordinance.

**Interpretation**

2. In this Ordinance, unless the context otherwise requires—

“**Court**” means the Magistrates’ Court;

“**denatured spirits**” means an intoxicating liquor which by the addition of some substance has been rendered unfit for use as a beverage;

“**hotel**” includes a boarding house and any building or premises used for the accommodation of the public in which lodgings are provided and provisions are supplied by the keeper or manager thereof;

“**intoxicating liquor**” includes every description of spirits, wine, beer, ale, porter, stout, cider, perry and other fermented liquor;

“**licence**” means a licence issued under the provisions of this Ordinance;

“**licensed premises**” means any house, shop, room, office, tavern or other place specified in a licence as the place where the holder of the licence may sell or supply intoxicating liquor;

“**meal**” means refreshment to the value of not less than £1 to which the sale of intoxicating liquor is ancillary;

“**permitted hours**” means those hours during which intoxicating liquor may be lawfully supplied on licensed premises;

“**sealed**”, in relation to a container or vessel, means hermetically sealed or closed by means of any plug, stopper, cap or substance and so secured that the container or vessel cannot be opened without the destruction of such plug, stopper, cap or substance;

“**spirits**” means ethyl alcohol and includes all liquors mixed with ethyl alcohol and all mixtures compounded with or prepared from ethyl alcohol but does not include methylated spirits or other denatured spirits or wine, beer, cider, perry or other fermented liquors which do not contain more than twenty *per cent* of pure alcohol;

“**tavern**” means any licensed premises comprising an open drinking bar or cafe used for the sale and consumption of intoxicating liquor, or any part of licensed premises which is used for the sale and consumption of intoxicating liquor.

**Activities not regulated**

- 3.** Nothing in this Ordinance shall apply to—
- (a) any qualified medical practitioner or licensed pharmacist administering or selling for purely medicinal purposes any *bona fide* medicine containing intoxicating liquor;
  - (b) any person selling any spirituous or distilled perfume, or medicated or methylated or other denatured spirits or any medicated wine;
  - (c) the sale of intoxicating liquor by any person acting under the order of a court or selling any such liquor forfeited to the Government;
  - (d) the sale of intoxicating liquor by an executor or administrator or trustee in bankruptcy when such liquor forms part of the estate of a deceased or bankrupt person who was not the holder of a licence;
  - (e) the sale by private arrangement of intoxicating liquor being the residue of a reasonable stock held for private consumption by a person about to leave St. Helena;
  - (f) the sale of intoxicating liquor on board any passenger ship calling at St Helena for consumption on board such ship;
  - (g) the sale of intoxicating liquor, in any canteen approved for that purpose by the Governor, to members of Her Majesty's Armed Forces.

PART II  
LICENCES AND LICENSING

**Licences**

**4. (1)** The court may grant the following licences under the provisions of this Ordinance—

- (a) a liquor sales licence;
- (b) a tavern licence;
- (c) an hotel liquor licence;
- (d) a restaurant liquor licence;
- (e) a club liquor licence;
- (f) a community centre liquor licence;
- (g) an occasional liquor licence.

**(2)** Subject to the provisions of this Ordinance, a licence (other than an occasional liquor licence) shall continue in force until the thirty-first day of December next following the date of issue thereof.

**Activities authorised by licences**

- 5. (1)** Subject to the provisions of this Ordinance—
- (a) a liquor sales licence shall authorise the sale, during the permitted hours on the licensed premises, for resale or consumption off such premises, of intoxicating liquor in any quantity: Provided that such licence shall not authorise the sale of intoxicating liquor otherwise than in sealed bottles or containers;
  - (b) a tavern licence shall authorise the sale on the licensed premises, during the permitted hours, of intoxicating liquor in any quantity to be consumed on or off such premises;

- (c) an hotel liquor licence shall authorise the sale on the premises of the hotel, for consumption on such premises, of intoxicating liquor in any quantity—
  - (i) to persons lodging at the hotel, at any hour of any day or night;
  - (ii) during the permitted hours, to any other person;
- (d) a restaurant liquor licence shall authorise the sale on the licensed premises, during the permitted hours, of intoxicating liquor in any quantity to any person taking a meal on such premises, if such liquor is consumed at such meal;
- (e) a club liquor licence shall authorise the sale, during permitted hours, of intoxicating liquor in any quantity to members of the club specified therein for consumption on the premises of the said club;
- (f) a community centre liquor licence shall authorise the sale of intoxicating liquor in any quantity, during permitted hours, to persons *bona fide* attending a dance or other recreational activity taking place in the community centre, for consumption on the premises;
- (g) an occasional liquor licence shall authorise the sale, during the permitted hours, of intoxicating liquor at such place of recreation or public amusement or other assembly (not being a place in respect of which any other licence is in force) as may be specified therein, for consumption at that place.

(2) The holder of an hotel liquor licence or a restaurant liquor licence may, by virtue of such licence, sell intoxicating liquor in any quantity for consumption by persons *bona fide* attending, by prior invitation, a private party or similar celebration held at premises other than the licensed premises:

Provided that such liquor is sold only on the premises where such party or celebration is taking place, and to the host or person organising the same.

### Permitted hours

6.<sup>2</sup> (1) The holder of a liquor sales licence or an occasional liquor licence shall not sell or offer for sale any intoxicating liquor otherwise than on the days and during the times as may be specified in the licence.

(2) The holder of a tavern licence, an hotel liquor licence, a restaurant liquor licence, a community centre liquor licence and a club liquor licence shall not sell or offer for sale any intoxicating liquor nor (in the case of a tavern) keep the tavern open except between the hours of 11 a.m. on one day and 1 a.m. on the next day.

(3) The holder of a liquor licence shall not sell or offer for sale any intoxicating liquor during any part of any Good Friday or Christmas Day, nor after 11.30 p.m. on the day immediately preceding such a day.

### Extension of permitted hours

7.<sup>3</sup> (1) The court may, subject to the provisions of this section, on the application of the holder of a licence, make an Order (to be known as a “Special Order of Exemption”)—

- (a) that the permitted hours in respect of the premises licensed by such licence shall be extended in such manner as may be specified in the Order; or
- (b) that there shall be permitted hours in respect of such premises at any time of any day or night (not being Good Friday or Christmas Day) when there would otherwise be no permitted hours.

<sup>2</sup> Section 6 amended by Ord. 6 of 2000

<sup>3</sup> Section 7 amended by Ords. 8 of 1997 and 6 of 2000

(2) Every application under subsection (1) shall be made in the prescribed form and delivered to the Clerk of the Peace, accompanied by the prescribed fee, at least seven days before the date on which the applicant desires to have the application considered by the court, and shall be heard in open court at one of the regular sittings of the court.

(3) The Clerk of the Peace shall send a copy of every application under subsection (1) to the Chief of Police, who shall be entitled—

- (a) to be heard on the application and to cross examine any witness called in support of the application; and
- (b) to adduce evidence in rebuttal of evidence given in support of the application.

(4) The court shall not make a Special Order of Exemption unless it is satisfied (after hearing evidence on oath) that—

- (a) the occasion on which the extension of permitted hours is sought is a special occasion of local or national celebration; or
- (b) the Order is sought for the purposes of a *bona fide* private party organised to celebrate a special occasion, and that arrangements can and will be made to ensure that only *bona fide* guests attending such party will consume intoxicating liquor on the licensed premises outside the permitted hours normally applicable thereto.

(5) A Special Order of Exemption may be made unconditionally or subject to such conditions as the court, in its discretion, may think appropriate.

### **Occasional liquor licences**

8. (1) Subject to the provisions of this Ordinance, the court may, on the occasion of any entertainment or other special occasion, grant to any person an occasional liquor licence:

Provided that a licence so granted shall not be valid for more than two consecutive days.

(2) Section 7(2) and (3) apply to an application for an occasional liquor licence as they apply to an application under that section.

### **Application for licences**

9. (1) All applications for the grant or renewal of a licence, other than an occasional liquor licence, shall be made in the prescribed manner, accompanied by the prescribed fee, to the Clerk of the Peace.

(2) On receipt of an application the Clerk of the Peace shall cause notice of the application and of the date and time when the application will be heard by the court to be posted at the Court House in Jamestown (and, if the premises to which the application relates are situated elsewhere than in Jamestown, on the official notice board in the district in which the premises are situated) and send copies thereof to the Chief of Police and to the applicant.

(3) Every notice under subsection (2) shall be in the prescribed form.

(4) The Chief of Police shall, on being notified of an application in accordance with the provisions of subsection (2), cause an inspection to be made of the premises to which the application relates and a report thereon to be forwarded to the Clerk of the Peace, to be placed before the court.

### **Objections**

10. (1) Any person residing within the radius of a quarter of a mile from the premises in respect of which an application is made under the provisions of section 9, or a member of the Legislative Council or any public officer, may object to the grant or renewal of a licence.

(2) Every objection under subsection (1) shall be sent in the prescribed form, to the Clerk of the Peace, so as to arrive not later than seven days before the day appointed for the hearing of the application; and the Clerk of the Peace shall send a copy thereof to the applicant not less than three days before that date:

Provided that the court may, in its discretion, hear an objector to the grant or renewal of a licence notwithstanding that he has not made his objection in the prescribed manner or that notice has not been given to the applicant as aforesaid, but when such notice has not been given to the applicant the court shall adjourn the inquiry for such time as it may think proper to afford the applicant a reasonable opportunity to answer the objection.

### **Court to hold inquiry**

11. (1) The court shall hold an inquiry into an application for the grant or renewal of a licence in open court.

(2) Every applicant for a new licence shall appear either in person or by a representative at the time and place appointed for the inquiry or to which the inquiry may be adjourned.

(3) Every applicant for the renewal of a licence and every person opposing an application for the grant or renewal of any licence may, and shall if required by the court, appear in person before the court at the time and place appointed for the inquiry or to which the inquiry may be adjourned.

(4) All persons appearing at any inquiry, whether as or for an applicant or a person opposing an application, may be required to give evidence on oath on any question which the court may think proper affecting any application or any objection thereto.

(5) An inquiry may be adjourned from time to time as the court may think proper.

### **General powers of court**

12. (1) The court may of its own motion take notice of any matter or thing which in its opinion would be an objection to the grant or renewal of a licence:

Provided that in the case of an application for the renewal of a licence, if the cause of objection has not previously been brought to the knowledge of the applicant, the applicant shall be given an opportunity of answering the objection and the consideration of the application shall be adjourned for that purpose for such time as the court may think proper.

(2) The court may refuse to grant or renew a licence on any of the grounds mentioned in section 13 or may grant or renew a licence either without conditions or on such conditions consistent with the provisions of this Ordinance as it may think proper.

(3) Any conditions attached to the grant or renewal of a licence shall be embodied in the licence.

### **Grounds on which licence may be refused**

13. The grounds upon which the court may refuse to grant or renew a licence are that the court is satisfied—

- (a) that the applicant is a company, firm, or other unnatural juridical person;
- (b) that the applicant is under the age of eighteen years;
- (c) that the applicant is a person of drunken or dissolute habits or otherwise of bad repute;



- (d) that the applicant is disqualified under the provisions of this Ordinance for holding a licence;
- (e) that the applicant has been convicted of an offence under this Ordinance within the twelve months preceding the date of the application;
- (f) that the premises are insanitary;
- (g) that the reasonable requirements of the neighbourhood do not justify the grant or renewal of the licence;
- (h) that the premises are in the immediate neighbourhood of a place of public worship, hospital or school;
- (i) that the good order of the neighbourhood in which the premises are situated will be disturbed if a licence is granted or renewed;
- (j) that in the case of an hotel liquor licence, the premises in respect of which application is made do not include at least three bedrooms for the accommodation of guests;
- (k) that in the case of a restaurant liquor licence, the applicant does not keep upon the premises in respect of which the application is made a *bona fide* restaurant at which meals will be regularly provided for guests, and that such premises do not provide reasonable facilities for persons taking meals in such restaurant;
- (l) in the case of a community centre liquor licence, that the premises are not a community centre managed by a Community Association registered under section 3 of the Community Centres Ordinance<sup>4</sup>:

Provided that the court shall refuse to grant or renew a licence if it is satisfied of any of the matters mentioned in paragraphs (a), (b), (d), (f), (j), (k) and (l) of this section.

### Temporary licences when renewal refused

**14. (1)** When the court has refused to renew a licence, it may in its discretion issue a licence to the applicant for such period as it may think proper to enable the applicant to dispose of intoxicating liquor then in his possession.

**(2)** When the court has refused to renew a licence, and the applicant has given notice of his intention to appeal in accordance with the provisions hereinafter contained, the court may issue a licence to the applicant for such period as it may think proper to enable the appeal to be heard:

Provided that if the applicant subsequently abandons the appeal, such licence shall be forthwith null and void and the applicant shall surrender the said licence to the Clerk of the Peace.

**(3)** A proportionate part of the prescribed fee for an annual licence shall be paid for every licence issued under the provisions of this section.

### Issue of licences

**15.** Licences shall, on payment of the prescribed fee, be issued by the Clerk of the Peace, in the prescribed form under the seal of the court.

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<sup>4</sup> Cap. 162

PART III  
TRANSFER AND REMOVAL OF LICENCES

**Transfer of licence**

**16. (1)** Any person being the holder of a licence who, during the currency thereof, sells or disposes of his business or the premises in respect of which the licence was granted, may make application to the court for the transfer of the licence temporarily to the purchaser of the business or to the purchaser or lessee of the premises as the case may be, and upon such application being granted, and on payment of the prescribed fee, the Clerk of the Peace shall transfer the licence accordingly.

**(2)** The court may refuse to authorise the transfer of a licence on any of the grounds specified in section 13(a) to (d), as if the person to whom the licence is desired to be transferred was an applicant.

**Removal of licence**

**17. (1)** The holder of a licence who desires to remove his licence from the licensed premises to any other premises may apply to the court for removal, and on the granting of such application, and on payment of the prescribed fee, the Clerk of the Peace shall endorse upon the applicant's licence the particulars of such change of premises, and upon such endorsement the holder of the licence shall be at liberty to sell intoxicating liquor in the terms of his licence on the premises named in such endorsement.

**(2)** The court may refuse to authorise the removal of a licence on any of the grounds specified in section 13(e) to (l).

**When transferred or removed licence expires**

**18.** Any person to whom a licence is transferred and any person who is authorised to remove his licence to other premises shall on the expiration of the licence apply for a new licence as if he were not a licence holder.

**Death or insolvency of licensee**

**19.** Where the holder of a licence dies or becomes insolvent, the personal representative of the deceased person or the trustee or receiver of the insolvent, as the case may be, may sell or expose for sale intoxicating liquor on the premises specified in the licence, and in the terms of the licence, until such licence expires without any formal transfer of the licence:

Provided that as soon as practicable after the death or insolvency of the holder of the licence, the personal representative or trustee or receiver, as the case may be, shall notify the fact to the Clerk of the Peace in writing.

PART IV  
APPEALS

**Appeal to Supreme Court**

**20. (1)** Any applicant who considers himself aggrieved by the refusal of the court to grant or renew a licence, and any objector who considers himself aggrieved by any decision of the court to grant or renew a licence, may appeal to the Supreme Court.

(2) Where the court refuses to transfer a licence under the provisions of section 16, the applicant or the person to whom the licence is desired to be transferred may appeal to the Supreme Court.

(3) Where the court refuses to remove a licence under the provisions of section 17, the applicant may appeal to the Supreme Court.

(4) Every appeal under this section shall be commenced by the appellant giving to the Registrar of the Supreme Court, within fourteen days of the decision appealed against, written notice of his intention to appeal, stating the grounds of such appeal.

### **Powers of Supreme Court**

**21. (1)** Where an appeal is brought under the provisions of section 20, the Supreme Court may—

- (a) uphold the decision of the court; or
  - (b) in the case of a refusal by the court to grant or renew a licence, order the grant or renewal of such licence subject to such conditions, if any, as the Supreme Court may specify that are not inconsistent with the provisions of this Ordinance; or
  - (c) in the case of a refusal by the court to transfer or remove a licence, order the transfer or removal of such licence; or
  - (d) in the case of an appeal by an objector, order that the decision of the court be reversed and that any licence issued pursuant thereto shall be surrendered to the Clerk of the Peace for cancellation.
- (2) The decision of the Supreme Court on any such appeal shall be final.

## **PART V**

### **GENERAL PROVISIONS REGULATING THE SALE OF INTOXICATING LIQUOR**

#### **Selling liquor without licence**

**22. (1)<sup>5</sup>** Subject to the provisions of this Ordinance, if any person—

- (a) sells any intoxicating liquor without holding a licence authorising him to sell such liquor; or
- (b) being the holder of a licence, sells any intoxicating liquor except on the licensed premises concerned,

he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £400 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) The court by which the holder of a licence is convicted of an offence under the provisions of this section may declare all intoxicating liquor found in his possession, and the vessels containing it, to be forfeited to the Crown.

#### **Breach of licence conditions**

**23.<sup>6</sup>** The holder of a licence who commits any breach of any condition of his licence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £200.

#### **Offences connected with permitted hours**

**24.<sup>7</sup> (1)** Subject to the provisions of this Ordinance, no person shall—

<sup>5</sup> Section 22(1) amended by Ord 1 of 2001

<sup>6</sup> Section 23 amended by Ord 1 of 2001

- (a) except during the permitted hours, himself or by his servant or agent, sell or supply to any person on any licensed premises any intoxicating liquor to be consumed either on or off the premises; or
- (b) except during the permitted hours, consume in, or take from, any such premises any intoxicating liquor:

Provided that intoxicating liquor sold during the permitted hours may be consumed on the licensed premises up to half an hour after the conclusion of the permitted hours.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £200.

### Restriction on credit sales

**25. (1)** No person shall, on any licensed premises—

- (a) himself or by his servant or agent sell intoxicating liquor to be consumed on the premises; or
- (b) consume intoxicating liquor,

unless it is paid for before or at the time when it is sold:

Provided that this section shall not apply—

- (i) if the liquor is sold or supplied for consumption at a meal supplied at the same time and is consumed with the meal and paid for together with the meal; or
- (ii) if the liquor is supplied to a person residing on the premises and is paid for with his accommodation; or
- (iii) if the liquor is sold under a club liquor licence to a member of the club; or
- (iv) if the liquor is sold in the circumstances authorised by section 5(2).

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £50.

### Restriction on consumption of liquor purchased under liquor sales licence

**26.** Where a person, having purchased intoxicating liquor from premises licensed under a liquor sales licence, drinks such liquor—

- (a) on those licensed premises; or
- (b) on premises adjoining or near those licensed premises that belong to the holder of the licence or are under his control or used by his permission,

the holder of the licence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £50.

### Provisions concerning young persons

**27.<sup>8</sup> (1)** A holder of a licence shall not knowingly sell or allow any other person to sell, and a servant of a holder of a licence shall not knowingly sell, intoxicating liquor to a person under the age of eighteen years.

(2) A person under the age of eighteen years shall not buy or consume intoxicating liquor on licensed premises.

(3) No person shall buy or attempt to buy intoxicating liquor for consumption on licensed premises by a person under the age of eighteen years.

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<sup>7</sup> Section 24 amended by Ord 1 of 2001

<sup>8</sup> Section 27 amended by Ord 11 of 1999 and Ord 1 of 2001

(4) The holder of a licence or his servant shall not knowingly deliver, nor shall the holder of a licence allow any person to deliver, to a person under the age of eighteen years, intoxicating liquor sold on licensed premises for consumption off such premises, except where the delivery is made at the residence or work place of the purchaser.

(5) No person shall knowingly send a person under the age of eighteen years for the purpose of obtaining intoxicating liquor sold or to be sold on licensed premises for consumption off the premises, whether the liquor is to be obtained from the licensed premises or other premises from which it is delivered in pursuance of the sale.

(6) Subsections (4) and (5) shall not apply where the person under the age of eighteen years is a member of the licence holder's family or his servant or apprentice and is employed as a messenger to deliver intoxicating liquor.

(7) Any person who contravenes the provisions of this section, other than the provisions of subsection (2), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £100.

(8) Any person contravening the provisions of subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £50.

### **Persons under eighteen not to be employed in taverns**

28. (1) If any person under the age of eighteen years is employed in any tavern at a time when the tavern is open for the sale or consumption of intoxicating liquor, the holder of the licence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £50.

(2) For the purposes of this section a person shall not be deemed to be employed in a tavern by reason only that in the course of his employment in some other part of the premises he enters the tavern for the purpose of giving or receiving any message or of passing to or from some part of the premises which is not a tavern and to and from which there is no other convenient means of access or egress.

(3) For the purposes of this section a person shall be deemed to be employed by the person for whom he works notwithstanding that he receives no wages for his work.

(4) Where in any proceedings under this section it is alleged that a person was at any time under eighteen years of age, and he appears to the court to have then been under that age, he shall be deemed for the purposes of the proceedings to have been then under that age unless the contrary is shown.

### **Exceptions from sections 27 and 28**

29. References in sections 27 and 28 to a tavern do not include any part of a tavern at any time when it is usual on the premises in question for such part to be, and it is—

- (a) set apart for the service of meals; and
- (b) not used for the sale or supply of intoxicating liquor otherwise than to persons having meals there for consumption by such persons as an ancillary to such meals.

### **Miscellaneous offences by licence holders**

30.<sup>9</sup> Any holder of a licence who—

<sup>9</sup> Section 30 amended by Ord. 1 of 2001

- (a) permits drunkenness or violent, quarrelsome, disorderly or riotous conduct to take place on the licensed premises or sells any intoxicating liquor to any drunken person; or
- (b) knowingly harbours or knowingly suffers to remain on his premises any police officer during any part of the time appointed for such police officer being on duty, unless for the purpose of keeping or restoring order or in execution of his duty; or
- (c) supplies any liquor or refreshment, whether by way of gift or sale, to any police officer on duty except by authority of a superior officer of such police officer; or
- (d) with intent to obtain any favour or concession with respect to the licence, bribes or attempts to bribe any police officer,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £200.

### Restriction Orders and related provisions

**31.**<sup>10</sup> (1) The court may by an order in writing (hereinafter called “a restriction order”) forbid the selling, delivering or supplying of intoxicating liquor to any person who within the immediately preceding period of twelve months—

- (a) shall have been twice convicted of drunkenness; or
- (b) having been once convicted of drunkenness, shall also have been convicted of assault, violence, or disorderly conduct; or
- (c) in the opinion of the court, by excessive drinking of intoxicating liquor, endangers the peace or wellbeing of his family or neighbours,

and every such order shall include a provision that the person in respect of whom the restriction order is being made shall not enter or be in any tavern or in the bar of any licensed premises.

(2) Before making a restriction order the court which is considering making such order shall call upon any person in respect of whom it is proposed to make such an order to show sufficient cause why such order should not be made, and if such person shall not show such cause, then the court may, in its discretion, make a restriction order for such period, not exceeding twelve months, as the court may determine.

(3) Any person who shall sell, deliver or supply any intoxicating liquor to, or purchase or procure any intoxicating liquor for, a person in respect of whom he knows a restriction order is in force, shall be guilty of an offence, and liable to a fine not exceeding £75:

Provided that where the person charged is the wife, husband or child of the person against whom the restriction order has been made and is in force, it shall be a good defence for the person so charged to prove that he or she acted under duress.

(4) Any person in respect of whom a restriction order is in force who is—

- (a) proved to have been in possession of intoxicating liquor;
- (b) proved to have consumed any intoxicating liquor; or
- (c) proved to have been in any tavern or in the bar of any licensed premises,

shall be guilty of an offence, and shall on conviction be liable to a fine not exceeding £75 or to imprisonment for a period not exceeding three months.

(5) A restriction order may be made by any court on its own motion or on the application of any person, including the Chief of Police.

(6) A person aggrieved by the making of a restriction order may appeal against such order to the Supreme Court as if such order were a sentence or order made upon conviction for an offence; and, upon notice of appeal being given to the Registrar of the Supreme Court—

- (a) the restriction order shall be suspended pending the hearing of the appeal; and
- (b) the Registrar shall notify the Chief of Police that such appeal is pending; and

<sup>10</sup> Section 31 amended by Ord. 1 of 2001

(c) the Chief of Police shall refrain (pending the hearing of the appeal) from taking the steps required to be taken under subsection (7) or, if such steps have already been taken, take steps to notify the public (and all holders of licences) of the effect of this subsection.

(7) Whenever a restriction order has been made the Chief of Police shall take appropriate steps to advise the public of such fact with specific notice to all holders of licences.

### **Procuring liquor for drunks**

**32.**<sup>11</sup> Any person who, on licensed premises, procures or attempts to procure any intoxicating liquor for consumption by a drunken person shall be guilty of an offence and shall on conviction be liable to a fine not exceeding £40.

### **Power to exclude drunks from premises**

**33. (1)** A holder of a licence or his agent or servant may refuse to admit to or may turn out of his licensed premises, by force if necessary, any person who is drunken, violent, quarrelsome or disorderly, and any person whose presence on his premises would subject him to a penalty under the provisions of this Ordinance.

**(2)**<sup>12</sup> Any such person who, on being requested by such licence holder or his agent or servant or by a police officer to quit such premises, refuses or fails to do so shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £40.

**(3)** All police officers are required, on demand of any licence holder or his agent or servant, to expel or assist in expelling any such person as is described in this section from such premises and may use such force as may be required for the purpose.

### **Liability for offences by employees**

**34.** If any person being the manager for, or the servant of, or authorised to act for, the holder of a licence shall do any act or thing or be guilty of any omission which if done or omitted by the licence holder would constitute an offence by the licence holder, such person and such licence holder shall each be guilty of the offence and liable on conviction to the penalties prescribed by this Ordinance for the offence, whether such act, thing or omission was done or made with or without the knowledge or consent of the licence holder.

## **PART VI MISCELLANEOUS**

### **Name of licensee to be displayed**

**35. (1)** Every holder of a licence, other than a club liquor licence, a community centre liquor licence, or an occasional liquor licence, shall keep painted on or affixed to the licensed premises, in a conspicuous place, his name followed by the word “licensed” and further words sufficient to describe the business for which the licence is granted.

**(2)** Any person who fails to comply with the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £25.

<sup>11</sup> Section 32 amended by Ord. 1 of 2001

<sup>12</sup> Section 33(2) amended by Ord. 1 of 2001

### Power of entry for police officers

**36.**<sup>13</sup> (1) Any police officer may at any time enter any licensed premises for the purpose of preventing or detecting the commission of any offence against this Ordinance; or to ascertain whether or not the provisions of this Ordinance are being complied with.

(2) If any person, himself or by any person in his employ or acting with his consent, obstructs or fails to admit a police officer who demands entry to premises in pursuance of this section, he shall be guilty of an offence and shall be liable on conviction to a fine of £200 or to imprisonment for three months, or both.

### Provisions as to search warrants

**37.** (1) If upon information given on oath, it appears to any justice of the peace that there is reasonable cause for suspecting that intoxicating liquor is kept for sale by any person not duly licensed under the provisions of this Ordinance, or by any holder of a licence on any premises not specified in his licence, such justice may issue a search warrant under his hand authorising any police officer at any time or times within one month from the date of the warrant to enter that place, which shall be named in the warrant, by force if need be, and search the place for and seize any intoxicating liquor which the police officer executing the warrant has reasonable grounds to suspect is in the place for the purpose of unlawful sale there or elsewhere, and the vessels containing such liquor.

(2) Where a police officer seizes any intoxicating liquor in pursuance of a warrant issued under the provisions of this section, any person found in the place at which such liquor was seized shall, unless he proves that he is there for a lawful purpose, be guilty of an offence and shall be liable on conviction to a fine not exceeding £50.

### Evidence

**38.** (1) Evidence that a transaction in the nature of a sale of intoxicating liquor took place shall, in any proceedings relating to an offence under the provisions of this Ordinance, be evidence of the sale of such liquor without proof that money passed.

(2) Evidence that consumption of intoxicating liquor was about to take place shall in any proceedings as aforesaid be evidence of the consumption of intoxicating liquor without proof of actual consumption.

(3) Evidence that any person, other than the occupier of licensed premises or a servant employed on licensed premises, consumed or intended to consume intoxicating liquor on such premises shall be evidence that the liquor was sold by or on behalf of the holder of the licence to that person.

### Closing premises in case of disorder

**39.**<sup>14</sup> (1) Where any riot or tumult occurs or is expected to occur at any place, the Chief of Police may order any licensed premises in or near such place to be closed during such time as he may think fit, and any person carrying out such order may use such force as may be reasonably necessary for closing such premises.

(2) Any person who resists or obstructs the execution of any order given under the provisions of subsection (1), and any holder of a licence who sells intoxicating liquor in

<sup>13</sup> Section 36 amended by Ord. 1 of 2001

<sup>14</sup> Section 39 amended by Ord. 1 of 2001



contravention of such order, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £200, and any holder of a licence so convicted shall be liable, in addition to such fine, to suffer the forfeiture of his licence.

### **Forfeiture of licence on conviction**

**40.** If any holder of a licence is convicted of a second or subsequent offence under the provisions of this Ordinance he may, by order of the court by which he is tried, forfeit his licence and be disqualified for any term of years, or permanently, for holding any licence under this Ordinance:

Provided that, for the purposes of this section, any conviction that took place more than five years before a subsequent conviction shall be disregarded.

### **Forfeiture of liquor etc**

**41. (1)** A court may order the forfeiture of—

- (a) intoxicating liquor sold or otherwise dealt with in contravention of the provisions of this Ordinance; or
- (b) any receptacle or package containing intoxicating liquor liable to forfeiture together with any article packed therewith.

**(2)** Liquor, vessels or other articles forfeited under the provisions of this Ordinance may be sold or otherwise disposed of as the court imposing the forfeiture may direct, and the proceeds shall be applied as if they were a fine.

### **Licence pending appeal**

**42. (1)** Where on conviction of an offence under the provisions of this Ordinance a licence is forfeited and the person convicted appeals against such conviction, the convicting court shall, on such conditions, if any, as it thinks just, grant a temporary licence, without payment of fee, to be in force until the appeal is determined or ceases to be prosecuted.

**(2)** A temporary licence granted under the provisions of subsection (1) shall be of the same type and, in addition to any conditions imposed under the said subsection, be subject to the same conditions as the licence which is forfeited.

### **Regulations**

**43.** The Governor in Council may make Regulations for all or any of the following purposes—

- (a) prescribing the manner in which applications for the grant, renewal, transfer or removal of licences shall be made;
- (b) prescribing the forms of licences to be issued under the provisions of this Ordinance;
- (c) prescribing the fees to be paid for licences and on making of applications for licences or for renewal, transfer or removal of licences, the cases in which the fees may be paid by instalments and the manner and times of payment of such fees or instalments;
- (d) prescribing the returns to be made in connection with the issue of licences;
- (e) generally for the purpose of giving effect to the objects and purposes of this Ordinance.

**Effect of Sunday (Observance) Ordinance**

**44.** Nothing in the Sunday (Observance) Ordinance<sup>15</sup> shall be interpreted so as to render unlawful anything which may lawfully be done under or by virtue of this Ordinance.

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<sup>15</sup> Cap. 161

**LIQUOR REGULATIONS – SECTION 43**

*(Legal Notices 27 of 1988, 11 of 1994, 10 of 1997, 12 of 1998, 4 of 2003, 8 of 2005, 10 of 2007, 6 of 2009 and 17 of 2009)*

**Short title**

1. These regulations may be cited as the Liquor Regulations.

**Forms and fees**

2. (1) The forms to be used for the purposes of the Liquor Ordinance, shall be those appearing in the First Schedule.
- (2) The fees payable in connection with licences and applications under the Liquor Ordinance, shall be those specified in the Second Schedule.

**Applications**

3. (1) Every application for the grant, renewal, transfer or removal of a licence shall be filed with the Clerk of the Peace at least one month before the date on which the grant, renewal, transfer or removal is desired to take effect:

Provided that the Court may hear an application which has not been so filed if the Court is satisfied, by evidence on oath, that it is in the interests of justice so to do.

- (2) In the case of an application for the grant, renewal, transfer or removal of a Club Liquor Licence or a Community Centre Liquor Licence, the application shall be accompanied by—

- (a) a copy of the constitution of the Club or Community Association; and
- (b) a list of the officers and committee members of the Club or Association; and
- (c) in the case of a Community Centre, a copy of the Certificate of Registration issued under the Community Centres Ordinance; and
- (d) in the case of a Club, a statement of the number of members enrolled with the club at the date of the application, specifying (where there are different categories of members) the number in each category.

- (3) Any person who knowingly or recklessly makes any false statement in or in connection with an application shall (without prejudice to any liability, in the case of a statement on oath, to be convicted of perjury) be guilty of an offence and liable on summary conviction to a fine of £100.

**FIRST SCHEDULE***Regulation 2(1)*

## Form 1

## LIQUOR ORDINANCE

**APPLICATION FOR THE GRANT OR RENEWAL OF A LICENCE**

(Other than an Occasional Liquor Licence)

1. Full Name of Applicant: .....
2. Address of Applicant: .....
3. Date of Birth: ...../...../19.....
4. Description of Premises .....  
.....
5. Type of Licence Required .....
6. Date from which licence is to operate: ...../...../20.....
7. The following are enclosed— (DELETE ANY WHICH DO NOT APPLY)
  - (a) Copy constitution
  - (b) List of Officers
  - (c) Copy Certificate of Registration (Community Centres)
  - (d) Statement of numbers of members (Club)
  - (e) The fee payable on this application

I HEREBY DECLARE that the information given above (and in any accompanying papers) is true and complete to the best of my knowledge, information, and belief; and I APPLY for a licence accordingly.

Dated this ..... day of ....., 20.....

Signed: .....

\_\_\_\_\_

## Form 2

## LIQUOR ORDINANCE

**APPLICATION FOR THE GRANT OF AN OCCASIONAL LIQUOR LICENCE**

1. Full Name of Applicant: .....
2. Address of Applicant: .....
3. Date of Birth: ...../...../19.....
4. Description of premises or place: .....  
.....
5. Description of entertainment or special occasion: .....  
.....
6. Dates and times when it is desired to sell liquor: .....  
.....

I HEREBY DECLARE that the information given above is true and complete to the best of my knowledge, information, and belief; and I APPLY for a licence accordingly.

Dated this ..... day of ....., 20.....

Signed: .....

\_\_\_\_\_

## Form 3

## LIQUOR ORDINANCE

**APPLICATION FOR SPECIAL ORDERS OF EXEMPTION**

1. Full Name of Applicant: .....
2. Address of Applicant: .....
3. Type of Licence Held: .....
4. Licensed premises: .....

I HEREBY APPLY for Special Order(s) of Exemption for the undernoted occasion(s)—

Date	Occasion	Hours Requested
<hr/>		

I HEREBY DECLARE that the information given above is true and complete to the best of my knowledge, information, and belief.

Dated this ..... day of ....., 20..... .

Signed: .....

\_\_\_\_\_

Form 4

LIQUOR ORDINANCE

**APPLICATION TO REMOVE OR TRANSFER A LICENCE**

1. Full Name of Applicant: .....
2. Address of Applicant: .....
3. Type of Licence Held: .....
4. Licensed premises: .....

I HEREBY APPLY (DELETE WHAT DOES NOT APPLY)

- (a) to transfer the above-mentioned licence to .....  
..... of .....

OR (b) to remove the above-mentioned licence to premises at  
.....

with effect from the ..... day of ....., 20..... .

Dated this ..... day of ....., 20..... .

Signed: .....

\_\_\_\_\_

## Form 5

## LIQUOR ORDINANCE

## LIQUOR SALES LICENCE

A LIQUOR SALES LICENCE is hereby granted to .....  
of ..... whereby he/she is authorised—

to sell, during the permitted hours on the licensed premises, for resale or consumption off such premises, intoxicating liquor in any quantity:

Provided that this licence shall not authorise the sale of intoxicating liquor otherwise than in sealed bottles or containers.

This licence expires on the 31st day of December, 20...., and is issued subject to:

- (a) the provisions of all laws from time to time in force; and
- (b) the conditions appearing in the Schedule below.

Dated this ..... day of ....., 20.....

Issued by order of the Court

.....  
Clerk of the Peace

**Schedule**

1. In this licence, “the licensed premises” means:
- 2.

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THIS LICENCE IS ISSUED WITHOUT  
ALTERATION AND IS NOT VALID  
UNLESS THE COURT’S SEAL IS  
IMPRESSED OPPOSITE

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## Form 6

## LIQUOR ORDINANCE

## TAVERN LICENCE

A TAVERN LICENCE is hereby granted to .....  
of ..... whereby he/she is authorised—  
to sell on the licensed premises, during the permitted hours, intoxicating liquor in  
any quantity to be consumed on or off such premises

This licence expires on the 31st day of December, 20...., and is issued subject to

- (a) the provisions of all laws from time to time in force; and
- (b) the conditions appearing in the SCHEDULE below.

Dated this ..... day of ....., 20.....

Issued by order of the Court

.....  
Clerk of the Peace

**Schedule**

1. In this licence, “the licensed premises” means:
- 2.

THIS LICENCE IS ISSUED WITHOUT ALTERATION AND IS NOT VALID UNLESS THE COURT’S SEAL IS IMPRESSED OPPOSITE	
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## Form 7

## LIQUOR ORDINANCE

**HOTEL LIQUOR LICENCE**

AN HOTEL LIQUOR LICENCE is hereby granted to .....  
 of ..... whereby he/she is authorised—  
 to sell on the premises of the hotel, for consumption on such premises, intoxicating  
 liquor in any quantity:

- (i) to persons lodging at the hotel, at any hour of any day or night;
- (ii) during the permitted hours, to any other person.

This licence expires on the 31st day of December, 20...., and is issued subject to:

- (a) the provisions of all laws from time to time in force; and
- (b) the conditions appearing in the Schedule below.

Dated this ..... day of ....., 20.....

Issued by order of the Court

.....  
 Clerk of the Peace

**Schedule**

1. In this licence, “the hotel” means:
- 2.

THIS LICENCE IS ISSUED WITHOUT  
 ALTERATION AND IS NOT VALID  
 UNLESS THE COURT’S SEAL IS  
 IMPRESSED OPPOSITE

## Form 8

## LIQUOR ORDINANCE

**RESTAURANT LIQUOR LICENCE**

A RESTAURANT LIQUOR LICENCE is hereby granted to.....  
of ..... whereby he/she is authorised—  
to sell on the licensed premises, during the permitted hours, intoxicating liquor in any  
quantity to any person taking a meal on such premises if such liquor is consumed at  
such meal;

This licence expires on the 31st day of December, 20...., and is issued subject to—

- (a) the provisions of all laws from time to time in force; and
- (b) the conditions appearing in the Schedule below.

Dated this ..... day of ....., 20.....

Issued by order of the Court

.....  
Clerk of the Peace

**Schedule**

1. In this licence, “the licenses premises” means:
- 2.

THIS LICENCE IS ISSUED WITHOUT ALTERATION AND IS NOT VALID UNLESS THE COURT’S SEAL IS IMPRESSED OPPOSITE	
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## Form 9

## LIQUOR ORDINANCE

## CLUB LIQUOR LICENCE

A CLUB LIQUOR LICENCE is hereby granted to .....  
of ..... whereby he/she is authorised—  
to sell, during permitted hours, intoxicating liquor in any quantity to members of the  
club for consumption on the premises of the club.

This licence expires on the 31st day of December. 20..... . And is issued subject  
to—

- (a) the provisions of all laws from time to time in force; and
- (b) the conditions appearing in the Schedule below.

Dated this ..... day of ....., 20..... .

Issued by order of the Court

.....  
Clerk of the Peace

**Schedule**

1. In this licence, “the club” means:
- 2.

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THIS LICENCE IS ISSUED WITHOUT ALTERATION AND IS NOT VALID UNLESS THE COURT’S SEAL IS IMPRESSED OPPOSITE	
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## Form 10

## LIQUOR ORDINANCE

## COMMUNITY CENTRE LIQUOR LICENCE

A COMMUNITY CENTRE LIQUOR LICENCE is hereby granted to .....  
of ..... whereby he/she is authorised—  
to sell intoxicating liquor in any quantity, during permitted hours, to persons *bona fide*  
attending a dance or other recreational activity taking place in the community centre,  
for consumption on the premises.

This licence expires on the 31st day of December, 20....., and is issued subject  
to—

- (a) the provisions of all laws from time to time in force; and
- (b) the conditions appearing in the Schedule below.

Dated this ..... day of ....., 20..... .

Issued by order of the Court

.....  
Clerk of the Peace

**Schedule**

1. In this licence, “the community centre” means:
- 2.

THIS LICENCE IS ISSUED WITHOUT ALTERATION AND IS NOT VALID UNLESS THE COURT’S SEAL IS IMPRESSED OPPOSITE	
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## Form 11

## LIQUOR ORDINANCE

**OCCASIONAL LIQUOR LICENCE**

AN OCCASIONAL LIQUOR LICENCE is hereby granted to ..... of  
 ..... whereby he/she is authorised—  
 to sell during the permitted hours specified in condition 1 in the Schedule below.  
 intoxicating liquor at the place of recreation or public amusement or other assembly  
 specified in condition 2 in the Schedule below for consumption at that place.

This licence is issued subject to—

- (a) the provisions of all laws from time to time in force; and
- (b) the conditions appearing in the Schedule below.

Dated this ..... day of ....., 20..... ..

Issued by order of the Court

.....  
 Clerk of the Peace

**Schedule**

1. The permitted hours under this licence shall be:
  
2. The place at which intoxicating liquor may be sold under this licence is:
  
- 3.

THIS LICENCE IS ISSUED WITHOUT ALTERATION AND IS  
 NOT VALID UNLESS THE COURT'S SEAL IS IMPRESSED  
 OPPOSITE

## Form 12

## LIQUOR ORDINANCE

**SPECIAL ORDER OF EXEMPTION**

WHEREAS ..... of .....  
is the holder of a .....  
licence in respect of the premises known as .....  
and it appears to the court, after hearing evidence on oath, that a Special Order of  
Exemption may lawfully be granted in respect of [each of] the occasion[s] specified  
in the First Schedule below;

NOW THEREFORE it is hereby ORDERED that the permitted hours specified in  
the third column of the said Schedule shall operate in the said premises in addition to  
the permitted hours normally applicable thereto SUBJECT to the conditions  
appearing in the Second Schedule below.

Dated this ..... day of ....., 20.....

Issued by order of the Court

.....  
Clerk of the Peace

**FIRST SCHEDULE**

Date	Occasion	Additional Hours
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**SECOND SCHEDULE**

1. During the additional permitted hours under this Order, all conditions  
(if any) attached to the licence shall remain in operation, except in so  
far as they are expressly varied by the following provisions of this  
Schedule.

- 2.

THIS ORDER IS ISSUED WITHOUT ALTERATION AND IS NOT VALID UNLESS THE COURT'S SEAL IS IMPRESSED OPPOSITE	.....
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## Form 13

## LIQUOR ORDINANCE

**OBJECTION TO GRANT OR RENEWAL OF A LICENCE**

I HEREBY GIVE NOTICE that I wish to object to the grant/renewal of a Liquor  
Licence to ..... in respect of premises at .....

THE GROUNDS OF MY OBJECTION ARE:

.....  
.....  
.....

Dated this ..... day of ....., 20..... .

Signature: .....

Full Name: .....

Address: .....

\_\_\_\_\_



## Form 14

## LIQUOR ORDINANCE

## NOTICE OF APPLICATION

Notice is Hereby Given that the application(s) listed below will be heard at the Court House, Jamestown, at ..... am/pm on the ..... day of ..... 20..... . Any person residing within a quarter of a mile of any premises in respect of which a licence is sought, any Legislative Councillor, or any Public Officer, may object to the grant of such licence by giving written notice of objection to the undersigned so as to arrive not later than the ..... day of ....., 20..... (Objections must be lodged on the correct form, which is available from the undersigned)

Applicant	Premises	Type of Licence
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Dated this ..... day of ....., 20..... .

.....  
Clerk of the Peace

Essex House,  
Jamestown.

SECOND SCHEDULE<sup>16</sup>*(Regulation 2(2))***FEEs**

1.	Upon application to the Licensing Justices for the grant, renewal, transfer, or removal of a licence; for each application	£5.50
2.	Upon an application for Special Order of Exemption	£5.50 plus £3.00 for each occasion (after the first) included in the same application
3.	Upon the issue of a Community Centre Licence	£32.00
4.	Upon the issue of an Occasional Liquor Licence	£5.50
5.	Upon the issue of any other licence, including liquor sales licence, tavern, club, hotel and restaurant	£80.00

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<sup>16</sup> *Second Schedule substituted by L.N. 4 of 2003, L.N. 8 of 2005, L.N. 10 of 2007, L.N. 6 of 2009 and L.N. 17 of 2009*