



ST HELENA

REVISED EDITION OF THE LAWS, 2017

RECREATION & TOURISM

LIQUOR ORDINANCE, 1988¹

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In force 1 September 1988*

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6 of 2016, 12 of 2017, 13 of 2017, 16 of 2017 (in force 20 December 2017)*

Subsidiary legislation:

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*Amended by L.N.11/1994, L.N.10/1997, L.N.12/1998, L.N.4/2003, L.N.8/2005,
L.N.10/2007, L.N.6/2009, L.N.17/2009, L.N. 45/ 2013, L.N 3/2018*

LIQUOR ORDINANCE, 1988

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¹ Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 April 2018.

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AN ORDINANCE to regulate the sale and supply of intoxicating liquor and for incidental and connected matters.

PART I PRELIMINARY

Short title

1. This Ordinance may be cited as the Liquor Ordinance, 1988.

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 of the boarding house or premises;
 - “**intoxicating liquor**” includes every description of spirits, wine, beer, ale, porter, stout, cider, perry and other fermented liquor;
 - “**licence**” means a licence issued under 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 the 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 20% 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. This Ordinance does not 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 or aircraft calling at St Helena for consumption on board such ship or aircraft;
 - (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 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 this Ordinance, a licence (other than an occasional liquor licence) continues in force until 31st December next following the date of issue of the licence.

Activities authorised by licences

5. (1) Subject to this Ordinance—
- (a) a liquor sales licence authorises the sale, during the permitted hours on the licensed premises, for resale or consumption off such premises, of intoxicating liquor in any quantity, but only in sealed bottles or containers;
 - (b) a tavern licence authorises 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 authorises 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 authorises 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 the liquor is consumed at the meal;
 - (e) a club liquor licence authorises the sale, during permitted hours, of intoxicating liquor in any quantity to members of the club specified in the licence for consumption on the premises of the club;
 - (f) a community centre liquor licence authorises 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 authorises the sale, during the permitted hours, of intoxicating liquor at a place of recreation or public amusement or other assembly (not being a place in respect of which any other licence is in force) specified in the licence, 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 the liquor is sold only on the premises where the party or celebration is taking place, and to the host or person organising the same.

Permitted hours

6. (1) The holder of a liquor sales licence or an occasional liquor licence must not sell or offer for sale any intoxicating liquor otherwise than on the days and during the times specified in the licence.

(2) The holder of a tavern licence, an hotel liquor licence, a restaurant liquor licence, a club liquor licence or a community centre liquor licence must 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 11.00 a.m. on one day and 1.00 a.m. on the next day.

(3) *Repealed by Ord. 13 of 2017*

Extension of permitted hours

7. (1) The court may, subject to this section, on the application of the holder of a licence, make an order (a “**Special Order of Exemption**”) that—

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

(2) An application under subsection (1) must be –

- (a) made in the prescribed form;
- (b) delivered to the Clerk of the Peace, accompanied by the prescribed fee, at least 7 days before the date on which the applicant desires to have the application considered by the court; and
- (c) heard in open court at one of the regular sittings of the court.

(3) The Clerk of the Peace must send a copy of every application under subsection (1) to the Director of Police, who is 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 must 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 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 to the premises.

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

Occasional liquor licences

8. (1) Subject to this Ordinance, the court may, on the occasion of any entertainment or other special occasion, grant to any person an occasional liquor licence; but such a licence must not be valid for more than 2 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, must 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 must 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 of the notice to the Director of Police and to the applicant.

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

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

Objections

10. (1) **The following persons may** object to the grant or renewal of a licence:

- (a) any person residing within the radius of a quarter of a mile from the premises in respect of which an application is made under section 9;
- (b) a member of the Legislative Council; or
- (c) any public officer.

(2) Every objection under subsection (1) must be sent in the prescribed form, to the Clerk of the Peace, so as to arrive not later than 7 days before the day appointed for the hearing of the application; and the Clerk of the Peace must send a copy of the objection to the applicant not less than 3 days before that day.

(3) The court may, in its discretion, hear an objector to the grant or renewal of a licence even if the objector has not made the objection in the prescribed manner or notice has not been given to the applicant as required by subsection (2). If such notice has not been given

to the applicant the court must adjourn the inquiry for such time as it thinks proper to afford the applicant a reasonable opportunity to answer the objection.

Court to hold inquiry

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

(2) An applicant for a new licence must appear either in person or by a representative at the time and place appointed for the inquiry or to which the inquiry is 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 must 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 is 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 thinks proper affecting any application or any objection to an application.

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

(1A) 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 must be given an opportunity of answering the objection, and the consideration of the application must be adjourned for that purpose for such time as the court thinks 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 this Ordinance that the court thinks proper.

(3) Any conditions attached to the grant or renewal of a licence must be written on the licence.

Grounds on which licence may be refused

13. (1) The grounds upon which the court may refuse to grant or renew a licence are that—

- (a)** the applicant is a company, firm, or other juridical person;
- (b)** the applicant is under the age of 18 years;
- (c)** the applicant is a person of drunken or dissolute habits or otherwise of bad repute;
- (d)** the applicant is disqualified under this Ordinance from holding a licence;
- (e)** the applicant has been convicted of an offence under this Ordinance within the 12 months preceding the date of the application;

- (f) the premises are insanitary;
- (g) the reasonable requirements of the neighbourhood do not justify the grant or renewal of the licence;
- (h) the premises are in the immediate neighbourhood of a place of public worship, hospital or school;
- (i) the good order of the neighbourhood in which the premises are situated will be disturbed if a licence is granted or renewed;
- (j) in the case of an hotel liquor licence, the premises in respect of which application is made do not include at least 3 bedrooms for the accommodation of guests;
- (k) 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 the premises do not provide reasonable facilities for persons taking meals in the restaurant;
- (l) in the case of a community centre liquor licence - the premises are not a community centre managed by a Community Association registered under section 3 of the Community Centres Ordinance, 1988.

(2) If the court is satisfied of any of the matters mentioned in paragraphs (a), (b), (d), (f), (j), (k) and (l) of subsection (1), the court must refuse to grant or renew the licence.

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 a period it thinks proper to enable the applicant to dispose of intoxicating liquor then in the applicant's possession.

(2) When the court has refused to renew a licence, and the applicant has given notice of an intention to appeal in accordance with Part IV below, the court may issue a licence to the applicant for a period it thinks proper to enable the appeal to be heard.

(2A) If the applicant subsequently abandons an appeal contemplated by subsection (2), the licence becomes null and void and the applicant must immediately surrender it to the Clerk of the Peace.

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

Issue of licences

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

PART III TRANSFER AND REMOVAL OF LICENCES

Transfer of licence

16. (1) A person who is the holder of a licence and who, during the currency of the licence, sells or disposes of the person's business or the premises in respect of which the licence was granted, may apply 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. Upon such application being granted, and on payment of the prescribed fee, the Clerk of the Peace must transfer the licence accordingly.

(2) The court may refuse an application for 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 the licence from the licensed premises to any other premises may apply to the court for removal.

(1A) On the granting of an application under subsection (1), and on payment of the prescribed fee, the Clerk of the Peace must endorse upon the applicant's licence the particulars of the change of premises. The holder of the licence may then sell intoxicating liquor in the terms of the licence on the premises named in the endorsement.

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

When transferred or removed licence expires

18. A person to whom a licence is transferred under section 16 and a person who is authorised to remove a licence to other premises under section 17 must, on the expiration of the licence, apply for a new licence as if the person were not a licence holder.

Death or insolvency of licensee

19. (1) If 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 the licence expires, without any formal transfer of the licence.

(2) As soon as practicable after the death or insolvency of the holder of a licence, the personal representative or trustee or receiver, as the case may be, must notify the fact to the Clerk of the Peace in writing.

PART IV APPEALS

Appeal to Supreme Court

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

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

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

(4) Every appeal under this section must be commenced by the appellant giving written notice of intention to appeal, stating the grounds of the appeal, to the Registrar of the Supreme Court, within 14 days of the decision appealed against.

Powers of Supreme Court

21. (1) When an appeal is brought under section 20, the Supreme Court may—
- (a) uphold the decision of the court;
 - (b) in the case of a refusal by the court to grant or renew a licence - order the grant or renewal of the licence subject to any conditions the Supreme Court specifies that are not inconsistent with this Ordinance;
 - (c) in the case of a refusal by the court to transfer or remove a licence - order the transfer or removal of the 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 to that decision be surrendered to the Clerk of the Peace for cancellation.
- (2) The decision of the Supreme Court on any such appeal is final.

PART V

GENERAL PROVISIONS REGULATING THE SALE OF INTOXICATING LIQUOR

Selling liquor without licence

22. (1) It is an offence for a person to—
- (a) sell any intoxicating liquor without holding a licence authorising the person to sell such liquor; or
 - (b) being the holder of a licence, sell any intoxicating liquor except on the licensed premises concerned.

Penalty: A fine of £400 or imprisonment for 6 months, or both.

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

Breach of licence conditions

23. The holder of a licence who contravenes any condition of the licence commits an offence.

Penalty: A fine of £200.

Offences connected with permitted hours

24. (1) Subject to subsection (1A), no person may—
- (a) except during the permitted hours, himself or herself or by a 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.

(1A) 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) A person who contravenes subsection (1) commits an offence.
Penalty: A fine of £200.

Restriction on credit sales

25. (1) Unless it is paid for before or at the time when it is sold, but subject to subsection (1A), no person may, on any licensed premises—

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

(1A) Subsection (1) does not apply—

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

(2) A person who contravenes subsection (1) commits an offence.
Penalty: A fine of £50.

Restriction on consumption of liquor purchased under liquor sales licence

26. If a person, having purchased intoxicating liquor from premises licensed under a liquor sales licence, drink the 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 the holder's control or used by the holder's permission,

the holder of the licence commits an offence.

Penalty: A fine of £50.

Provisions concerning young persons

27. (1) A holder of a licence must not knowingly sell or allow any other person to sell, and a servant of a holder of a licence must not knowingly sell, intoxicating liquor to a person under the age of 18 years.

(2) A person under the age of 18 years must not buy or consume intoxicating liquor on licensed premises.

(3) No person may buy or attempt to buy intoxicating liquor for consumption on licensed premises by a person under the age of 18 years.

(4) The holder of a licence or the holder's servant must not knowingly deliver, nor may the holder of a licence allow any person to deliver, to a person under the age of 18 years, intoxicating liquor sold on licensed premises for consumption off such premises, unless the delivery is made at the residence or work place of the purchaser.

(5) No person may knowingly send a person under the age of 18 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) do not apply if the person under the age of 18 years is a member of the licence holder's family or is the holder's servant or apprentice and employed as a messenger to deliver intoxicating liquor.

(7) A person who contravenes this section, other than subsection (2), commits an offence.

Penalty: A fine of £100.

(8) A person who contravenes subsection (2) commits an offence.

Penalty: A fine of £50.

Persons under 18 years not to be employed in taverns

28. (1) If any person under the age of 18 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 commits an offence.

Penalty: A fine of £50.

(2) For the purposes of this section a person is not deemed to be employed in a tavern by reason only that in the course of the person's employment in some other part of the premises the person enters the tavern for the purpose of—

- (a) giving or receiving any message; or
- (b) 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 is deemed to be employed by the person for whom he or she works even if he or she receives no wages for his or her work.

(4) If in any proceedings under this section it is alleged that a person was at any time under 18 years of age, and the person appears to the court to have then been under that age, the person is to 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. (1) 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 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 those persons as an ancillary to such meals.

(2) Section 28(1) does not apply in respect of employment of a person aged 16 or older who works on the tavern premises solely for purposes of providing musical entertainment if—

- (a) that person is at all times supervised by his or her parent or guardian, or a person with the parent's or guardian's agreement;
- (b) in the case of a person of compulsory school age, the work is not performed during school hours; and
- (c) the work is not detrimental to the child's mental or physical health or development and does not interfere with the child's education.

Miscellaneous offences by licence holders

30. It is an offence for the holder of a licence to—

- (a) permit drunkenness or violent, quarrelsome, disorderly or riotous conduct to take place on the licensed premises or sell any intoxicating liquor to any drunken person;
- (b) knowingly harbour or knowingly suffer to remain on the 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 or her duty;
- (c) supply 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 that police officer; or
- (d) with intent to obtain any favour or concession with respect to the licence, bribe or attempt to bribe any police officer.

Penalty: A fine of £200.

Restriction Orders and related provisions

31. (1) The court may by an order in writing (“**a restriction order**”) forbid the selling, delivering or supplying of intoxicating liquor to any person who within the immediately preceding period of 12 months—

- (a) has been twice convicted of drunkenness;
- (b) having been once convicted of drunkenness, has also 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 or her family or neighbours,

and every restriction order must include a provision that the person in respect of whom the order is being made must 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 it must call upon the person in respect of whom it is proposed to make the order to show sufficient cause why the order should not be made. If the person does not show such cause, the court may, in its discretion, make a restriction order for a period it determines, not exceeding 12 months.

(3) Subject to subsection (3A), a person who knowingly sells, delivers or supplies any intoxicating liquor to, or purchases or procures any intoxicating liquor for, a person in respect of whom a restriction order is in force, commits an offence.

Penalty: A fine of £75.

(3A) If the person charged under subsection (3) is the spouse, life partner or child of the person against whom the restriction order has been made and is in force, it is a good defence for the person so charged to prove that he or she acted under duress.

(4) It is an offence for a person in respect of whom a restriction order is in force to—

- (a) be in possession of intoxicating liquor;
- (b) consume any intoxicating liquor; or
- (c) be in any tavern or in the bar of any licensed premises.

Penalty: A fine of £75 or imprisonment for 3 months, or both.

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

(6) A person aggrieved by the making of a restriction order may appeal against the 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 is suspended pending the hearing of the appeal;
- (b) the Registrar must notify the Director of Police that the appeal is pending; and
- (c) the Director of Police must 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 Director of Police must take appropriate steps to advise the public of the fact with specific notice to all holders of licences.

Procuring liquor for drunks

32. A person who, on licensed premises, procures or attempts to procure any intoxicating liquor for consumption by a drunken person commits an offence.

Penalty: A fine of £40.

Power to exclude drunks from premises

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

(2) A person as described in subsection (1) who, on being requested by a licence holder or the holder's agent or servant or by a police officer to quit the licensed premises, refuses or fails to do so commits an offence.

Penalty: A fine of £40.

(3) All police officers are required, on demand of any licence holder or the holder's agent or servant, to expel or assist in expelling a person as described in subsection (1) from the licensed premises and may use such force as is required for the purpose.

Liability for offences by employees

34. If any person who is an agent or servant of, or authorised to act for, the holder of a licence does any act or thing or is guilty of any omission which if done or omitted by the licence holder would constitute an offence by the licence holder, that person and the licence holder are each guilty of the offence and liable on conviction to the penalties prescribed by this Ordinance for the offence, whether the 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, must keep painted on or affixed to the licensed premises, in a conspicuous place, the holder's name followed by the word "licensed" and further words sufficient to describe the business for which the licence is granted.

(2) A person who fails to comply with subsection (1) commits an offence.
Penalty: A fine of £25.

Power of entry for police officers

36. (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) A person who, by himself or herself or by any person in his or her employ or acting with his or her consent, obstructs or fails to admit a police officer who demands entry to premises pursuant to this section commits an offence.
Penalty: A fine of £200 or imprisonment for 3 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 this Ordinance, or by any holder of a licence on any premises not specified in the holder's licence, the Justice of the Peace may issue a search warrant under his or her hand authorising any police officer at any time or times within one month from the date of the warrant to enter that place, which must be named in the warrant, by force if need be, and search the place for and seize –

- (a)** 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
- (b)** the containers of the liquor.

(2) If a police officer seizes any intoxicating liquor pursuant to a warrant issued under subsection (1), any person found in the place at which such liquor was seized, unless the

person proves that he or she is there for a lawful purpose, commits an offence.
Penalty: A fine of £50.

Evidence

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

(2) Evidence that consumption of intoxicating liquor was about to take place is, in any proceedings relating to an offence under this Ordinance, 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 is 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. (1) If any riot or tumult occurs or is expected to occur at any place, the Director of Police may order any licensed premises in or near that place to be closed during such time as the Director of Police thinks fit, and any person carrying out the order may use such force as is reasonably necessary for closing those premises.

(2) It is an offence for—

(a) any person to resist or obstruct the execution of any order given under subsection (1); or

(b) the holder of a licence to sell intoxicating liquor in contravention of such an order.

Penalty: A fine of £200.

(3) The holder of a licence convicted under subsection (2) is liable, in addition to a fine, to suffer the forfeiture of the licence.

Forfeiture of licence on conviction

40. (1) If any holder of a licence is convicted of a second or subsequent offence under this Ordinance the holder may, by order of the court by which the holder is tried, forfeit the licence and be disqualified for any term of years, or permanently, from holding any licence under this Ordinance.

(2) For the purposes of subsection (1), any conviction that took place more than 5 years before a subsequent conviction is to 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 this Ordinance; and

(b) any receptacle or package containing intoxicating liquor liable to forfeiture,

together with any article packed with the liquor.

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

Licence pending appeal

42. (1) If on conviction of an offence under this Ordinance a licence is forfeited and the person convicted appeals against the conviction, the convicting court must, 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 subsection (1) must be of the same type and, in addition to any conditions imposed under that subsection, is 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 are to be made;
- (b) prescribing the forms of licences to be issued under 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. *Omitted (Ordinance repealed by Ord.13 of 2017)*

LIQUOR ORDINANCE, 1988**LIQUOR REGULATIONS, 1988**
(Section 43)**Citation**

1. These Regulations may be cited as the Liquor Regulations, 1988.

Forms and fees

2. (1) The forms to be used for the purposes of the Ordinance are those appearing in the First Schedule.

(2) The fees payable in connection with licences and applications under the Ordinance are those specified in the Second Schedule.

Applications

3. (1) Every application for the grant, renewal, transfer or removal of a licence must 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: but 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 to do so.

(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 must be accompanied by—

- (a) a copy of the constitution of the club or community association;
- (b) a list of the officers and committee members of the club or association;
- (c) in the case of a community centre, a copy of the certificate of registration issued under the Community Centres Ordinance, 1988; 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) A person who knowingly or recklessly makes any false statement in or in connection with an application commits an offence.

Penalty: A fine of £100.

(4) A conviction under sub-regulation (3) does not affect any liability, in the case of a statement on oath, to be convicted of perjury.

FIRST SCHEDULE
(Regulation 2(1))

FORMS

Form 1
LIQUOR ORDINANCE, 1988

APPLICATION FOR THE GRANT OR RENEWAL OF A LICENCE
(Other than an Occasional Liquor Licence)
(Section 9(1))

1. Full name of applicant:
2. Address of applicant:
3. Date of birth:
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 of constitution
 - (b) List of officers
 - (c) Copy of 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, 1988

APPLICATION FOR THE GRANT OF AN OCCASIONAL LIQUOR LICENCE
(Sections 7 and 8)

1. Full name of applicant:
2. Address of applicant:
3. Date of birth:
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, 1988

APPLICATION FOR SPECIAL ORDER OF EXEMPTION

(Section 7)

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

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, 1988

APPLICATION TO REMOVE OR TRANSFER A LICENCE

(Sections 16 and 17)

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:

.....(name)

of(address)

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, 1988

LIQUOR SALES LICENCE
(Section 5(1)(a))

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.

This licence does not authorise the sale of intoxicating liquor otherwise than in sealed bottles
or containers.

This licence expires on the 31st 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 Magistrates' Court

.....

Clerk of the Peace

Schedule

- 1. In this licence, "the licensed premises" means:
- 2. The holder of a liquor sales licence must not sell or offer for sale any intoxicating
liquor otherwise than on the days and during the times specified in the licence, namely:
- 3. *[Other conditions, if any]*

*This licence is issued without alteration and is not valid unless the court's seal is impressed
opposite:*

Form 6
LIQUOR ORDINANCE, 1988

TAVERN LICENCE
(Section 5(1)(b))

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 31st 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 Magistrates' Court

.....
Clerk of the Peace

Schedule

1. In this licence, “the licensed premises” means:
2. The permitted hours are between the hours of 11.00 a.m. on one day and 1.00 a.m. on the next day.
3. *[Other conditions, if any]*

This licence is issued without alteration and is not valid unless the court’s seal is impressed opposite:

Form 7

LIQUOR ORDINANCE, 1988

HOTEL LIQUOR LICENCE

(Section 5(1)(c))

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 31st 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 Magistrates’ Court

.....
Clerk of the Peace

Schedule

1. In this licence, “the hotel” means:
2. The permitted hours are between the hours of 11.00 a.m. on one day and 1.00 a.m. on the next day.
3. *[Other conditions, if any]*

This licence is issued without alteration and is not valid unless the court’s seal is impressed opposite:

Form 8
LIQUOR ORDINANCE, 1988

RESTAURANT LIQUOR LICENCE
(Section 5(1)(d))

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 31st 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 Magistrates' Court

.....

Clerk of the Peace

Schedule

- 1. In this licence, "the licensed premises" means:
- 2. The permitted hours are between the hours of 11.00 a.m. on one day and 1.00 a.m. on the next day.
- 3. [Other conditions, if any]

This licence is issued without alteration and is not valid unless the court's seal is impressed opposite:

Form 9
LIQUOR ORDINANCE, 1988

CLUB LIQUOR LICENCE
(Section 5(1)(e))

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 31st 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 Magistrates' Court

.....

Clerk of the Peace

Schedule

1. In this licence, “the club” means:
2. The permitted hours are between the hours of 11.00 a.m. on one day and 1.00 a.m. on the next day.
3. *[Other conditions, if any]*

This licence is issued without alteration and is not valid unless the court’s seal is impressed opposite:

Form 10

LIQUOR ORDINANCE, 1988**COMMUNITY CENTRE LIQUOR LICENCE**

(Section 5(1)(f))

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 expire on 31st 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 Magistrates’ Court

.....

Clerk of the Peace

Schedule

1. In this licence, “the community centre” means:
2. The permitted hours are between the hours of 11.00 a.m. on one day and 1.00 a.m. on the next day.
3. *[Other conditions, if any]*

This licence is issued without alteration and is not valid unless the court’s seal is impressed opposite:

Form 11

LIQUOR ORDINANCE, 1988**OCCASIONAL LIQUOR LICENCE**

(Section 5(1)(g))

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 that Schedule) 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 Magistrates' Court

.....

Clerk of the Peace

Schedule

- 1. The permitted hours under this licence are:
- 2. The place at which intoxicating liquor may be sold under this licence is (*specify*):
- 3. [*Other conditions, if any*]

This licence is issued without alteration and is not valid unless the court's seal is impressed opposite:

Form 12

LIQUOR ORDINANCE, 1988

SPECIAL ORDER OF EXEMPTION

(Section 7)

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 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 Magistrates' Court

.....

Clerk of the Peace

First Schedule

Date	Occasion	Additional Hours
------	----------	------------------

Second Schedule

1. During the additional permitted hours under this order, all conditions (if any) attached to the licence 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:

Form 13

LIQUOR ORDINANCE, 1988

OBJECTION TO GRANT OR RENEWAL OF A LICENCE

(Section 10)

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, 1988

NOTICE OF APPLICATION

(Section 9(3))

NOTICE IS HEREBY GIVEN that the application(s) listed below will be heard at the Court House, Jamestown, at a.m./p.m. 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)

Dated this day of, 20.....

.....

Clerk of the Peace

Essex House,

Jamestown.

Applicant	Premises	Type of Licence
-----------	----------	-----------------

SECOND SCHEDULE²
(Regulation 2(2))

FEEs		
1.	Upon application to the court for the grant, renewal, transfer, or removal of a licence; for each application	£15.00
2.	Upon an application for special order of exemption	£10.00 plus £5.00 for each occasion (after the first) included in the same application
3.	Upon the issue of a community centre licence	£45.00
4.	Upon the issue of a liquor sales licence	£100.00
5.	Upon the issue of an occasional liquor licence	£10.00
6.	Upon the issue of any other licence, including tavern, club, hotel and restaurant	£125.00

² *Second Schedule amended by L.N. 3 of 2018*