



**ASCENSION**

**REVISED EDITION OF THE LAWS, 2017**

**CRIME AND CRIMINAL PROCEDURE**

**CONTROL OF ALCOHOL AND ACCESS TO BARS (CHILDREN AND YOUNG PERSONS) ORDINANCE, 2013<sup>1</sup>**

*Ordinance A4 of 2013  
In force 1 August 2013*

*No amendments to 1 November 2017*

*No subsidiary legislation to 1 November 2017*

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**CONTROL OF ALCOHOL AND ACCESS TO BARS (CHILDREN AND YOUNG PERSONS) ORDINANCE, 2013**

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AN ORDINANCE to create offences concerning the supply of alcohol to or by young persons; for setting a time limit for children in bars; and for connected or incidental matters.

**Short title and commencement**

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<sup>1</sup> 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 November 2017.

1. This Ordinance may be cited as the Control of Alcohol and Access to Bars (Children and Young Persons) Ordinance, 2013, and comes into force on 1st August 2013.

### Interpretation

2. In this Ordinance—
- “**alcohol**” includes every description of spirits, wine, beer, cider, and any fermented, distilled or spirituous liquor;
- “**bar premises**” means the whole extent of any premises in or upon which alcohol is sold for consumption on the premises whether habitually or on a specific occasion;
- “**child**” means a person under the age of 16 years;
- “**hotel**” means 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;
- “**manager**” means the person with the responsibility of supervising and running the relevant premises whether employed as such or not;
- “**parent or legal guardian**” means a person who has parental responsibility or other legal responsibility for the child;
- “**permitted time**” means the times set out in section 5 or the time provided for by an Extended Hours Permit granted under section 8;
- “**public place**” means any place to which, at the time of the offence, the public or any section of the public has access, whether on payment or otherwise, as of right or by virtue of express or implied permission;
- “**sell**” includes barter or exchange;
- “**servant**” or “**agent**” includes any person who works at the relevant premises in a capacity, whether paid or unpaid, which authorises the person to request another person to leave the premises;
- “**supply**” means supply in any manner, whether or not for reward, and includes supply by way of sale, hire or loan; and
- “**young person**” means a person under the age of 18 years.

### Supply of alcohol to young persons

3. (1) A person aged 18 years or over who—
- (a) sells alcohol to a young person;
- (b) supplies alcohol to a young person in a public place;
- (c) is the parent or carer of a young person and causes or permits that young person to consume alcohol in a public place; or
- (d) subject to subsection (1A), causes or permits a young person to sell or supply alcohol,

commits an offence.

Penalty: A fine of £2,000 or imprisonment for 6 months, or both.

(1A) A person does not commit an offence under subsection (1)(d) by reason of causing or permitting a young person who is at least 16 years of age to supply alcohol to accompany a meal served at a table.

- (2) It is a defence for a person charged with an offence under this section to show that the person—
- (a) believed the young person was 18 years of age or over; and
- (b) either—

- (i) the person had taken reasonable steps to establish the young person's age; or
- (ii) no reasonable person could have suspected from the young person's appearance that the young person was under 18 years of age.

(3) A person is to be treated as having taken reasonable steps to establish the young person's age if and only if—

- (a) the person was shown evidence of the young person's age; and
- (b) that evidence would have convinced a reasonable person.

(4) *Omitted*

### **Purchase and consumption of alcohol by young persons prohibited**

4. (1) It is an offence for any young person to buy or consume alcohol on bar premises.

Penalty: A fine of £500.

(2) *Omitted*

### **Children prohibited from bar premises after permitted time**

5. (1) A person who causes, or secures, or attempts to cause or secure, any child to go to, or to be in any bar premises after the permitted time, commits an offence.

Penalty: A fine of £2,000 or imprisonment for 6 months, or both.

(2) Subject to subsection (3) the permitted time is 9.0 p.m. each day, except that it is 10.30 p.m. on Friday and Saturday.

(3) For any child lodging at an hotel the permitted time for bar premises on the hotel is 10.0 p.m. each day, except that it is 10.30 p.m. on Friday and Saturday.

(4) *Omitted*

### **Manager and bar staff liable**

6. (1) If a child is found in any bar premises at any time after the permitted time, the manager and any servant or agent of the manager responsible for the sale of alcohol at that time, are each deemed to have committed an offence under section 5 unless he or she proves that he or she used due diligence to prevent such child from being admitted to or remaining on the bar premises.

(2) Subsection (1) does not apply if the manager, servant or agent—

(a) believed the child was 16 years of age or over; and

(b) either—

(i) he or she had taken reasonable steps to establish the child's age; or

(ii) no reasonable person could have suspected from the child's appearance that the child was under 16 years of age.

- (3) A person is to be treated as having taken reasonable steps to establish the child's age if and only if—
- (a) the person was shown evidence of the child's age; and
  - (b) that evidence would have convinced a reasonable person.

### **Unaccompanied child refusing to leave premises**

7. (1) It is an offence for any unaccompanied child to remain on bar premises after being requested to leave the premises by the manager or the manager's servant or agent, if by so remaining the child's presence would be liable to render the manager, servant or agent liable to be convicted of any offence under this Ordinance.

Penalty: A fine of £100.

(2) *Omitted*

(3) For the purposes of this section a child is unaccompanied if he or she is not in the company of a parent or carer.

### **Extended Hours Permit**

8. (1) The manager of any bar premises may apply to the chief officer of police for an Extended Hours Permit for any special occasion.

(2) An Extended Hours Permit extends the permitted time for the bar premises until such time and on such days of the week as the chief office of police specifies in the permit.

(3) A manager who applies for an Extended Hours Permit pursuant to subsection (1) must supply the chief officer of police with information as to the nature of the special occasion and indicate the proposed extended time, in a form the chief officer requires.

(4) There is payable for and in respect of every Extended Hours Permit a fee in a sum the Administrator prescribes.

(5) A manager whose application for an Extended Hours Permit is refused or is granted subject to conditions has the right to make written representations to the Administrator.

(6) The Administrator may, after considering any representations made under subsection (5), and acting in his or her discretion –

- (a) either confirm or revoke the decision; and
- (b) give any ancillary directions the Administrator considers appropriate.

### **Powers of entry for police**

9. (1) Any police officer may enter any bar premises for the purpose of preventing or detecting a contravention of any provision of this Ordinance or conditions of any Extended Hours Permit:

(1A) A police officer entering any premises pursuant to subsection(1) must not

remain on the premises any longer than is necessary for preventing or detecting the commission of an offence.

(2) A police officer who is unable to gain entry into any bar premises in accordance with this section, if satisfied that some person is on the premises at the time, and after taking reasonable steps to make known his or her identity, may use such force as is necessary to gain entry.

(3) Any manager, or any servant or agent of a manager, who fails or refuses to admit a police officer who demands entrance to any bar premises under the provisions of subsection (1) commits an offence.

Penalty: A fine of £2,000 or imprisonment for 6 months, or both.

### **Manager's liability**

10. If under this Ordinance any act or omission constituted an offence on the part of a manager, or a servant or agent of a manager, the manager commits the offence in addition to the servant or agent, unless the manager satisfies the court that –

- (a) he or she did not know of the circumstances constituting the particular Offence; and
- (b) had taken all reasonable steps to prevent such circumstances occurring.

### **Repeal**

11. The Control of Alcohol (Young Persons) Ordinance, 2010 is repealed.

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