



**TRISTAN DA CUNHA**

**REVISED EDITION OF THE LAWS, 2017**

**RECREATION AND TOURISM**

**LIQUOR (TRISTAN DA CUNHA) ORDINANCE, 1956<sup>1</sup>**

*Ordinance SH5 of 1956  
In force 14 May 1956*

*Amended by Ordinance T6/1968*

*No subsidiary legislation to 1 November 2017*

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**LIQUOR (TRISTAN DA CUNHA) ORDINANCE, 1956**

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AN ORDINANCE to regulate the sale and supply of liquor.

**Short title**

1. This Ordinance may be cited as the Liquor (Tristan da Cunha) Ordinance, 1956.

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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.

## Interpretation

2. In this Ordinance, unless the context otherwise requires—
- “**liquor**” means any spirits, wine, ale, beer, porter, cider, perry or other fermented, distilled, spirituous or malt liquor of an intoxicating nature and every drink with which any such liquor has been mixed;
- “**sell**” and “**selling**” mean and include barter or supply for any consideration in money, goods or services and offering and exposing for sale;
- “**spirits**” means every description of brandy, hollands, gin, whiskey, rum, bitters, liqueurs or cordials, whether mixed with any other fluid or unmixed, but does not include beer, wine, methylated spirit, bay rum or any spirit which is perfumed or otherwise treated and is used and described for purposes of sale as a perfume, scent or flavouring essence;
- “**the Islands of Tristan da Cunha**” mean Tristan da Cunha, Nightingale, Inaccessible and Gough Islands.

## Importation of liquor

3. (1) It is not lawful for any person to import into the Islands of Tristan da Cunha any liquor without having previously obtained a permit in writing, from the Administrator, in Form A in the Schedule to this Ordinance.

(2) The Administrator has discretion to grant or refuse any application for a permit under this section and to decide upon its terms in regard to quantity, quality or otherwise.

(3) A person who imports liquor into the Islands of Tristan da Cunha or takes possession or accepts delivery of liquor so imported except under the authority of and within the terms specified as to description, quantity and quality by a permit granted under this section commits an offence.

Penalty: A fine of £100.

(4) All liquor in respect of which a conviction takes place under the provisions of this section is forfeited to the Crown.

(5) This section does not prevent a person, not being a person in respect of whom a restriction order made under section 9 is in force, from carrying a reasonable quantity of liquor into the Islands of Tristan da Cunha from any calling ship for his or her personal use:

But in the case of spirits the amount so carried must not exceed one-third of an Imperial gallon.

## Licence required to sell liquor

4. (1) Subject to subsection (2), a person who sells or exposes for sale any liquor without being duly licensed, or who sells or exposes for sale any liquor for which no import permit has been obtained commits an offence.

Penalty: As provided in section 11.

(2) It is not an offence to sell or expose for sale liquor without a licence—

(a) when it is sold by virtue of any legal process or any law authorising the sale;

- (b) when it is in the nature of medicated spirits or spirits made up in medicine and sold by a duly qualified medical practitioner;
- (c) when it is the property of a person about to leave or who has left the Islands or forms part of the estate of a deceased person, if the Administrator authorises its sale;
- (d) when it is sold on board any ship calling at the Islands to be consumed on board ship or is imported in accordance with section 3(5).

### **Classes of licences**

**5.** Licences under this Ordinance are issued by the Administrator and are of the following classes—

- (a) a store liquor licence, in Form B in the Schedule, which entitles the holder to sell liquor in sealed containers for consumption off the premises under conditions and in amounts the Administrator directs;<sup>2</sup>
- (b) a club liquor licence, in Form C in the Schedule, which entitles the holder to sell liquor to the members of the club for consumption on the premises.

### **Bottle Sales Book**

**6. (1)** No liquor may be sold or delivered by the holder of a store liquor licence for consumption off the premises except on the completion of entries in a Bottle Sales Book which must be kept in Form D in the Schedule.

**(2)** The licence holder must at all reasonable times permit the inspection of the Bottle Sales Book by the Administrator or any person authorised by him or her in writing.

- (3)** It is an offence for a licence holder to—
- (a) sell or deliver any liquor and fail to make the prescribed entries in the Bottle Sales Book in respect of all liquor sold or delivered;
  - (b) make false entries in the Bottle Sales Book;
  - (c) wilfully mutilate the Bottle Sales Book;
  - (d) refuse to allow any authorised person to inspect the Bottle Sales Book as required by subsection (2);
  - (e) sell or deliver any liquor in a bottle which has not written, printed or stamped upon it, or upon an adhesive label firmly affixed to it, in letters easily legible, a description of its contents.

Penalty: A fine of £50.

**(4)** Subsection (3)(e) does not apply to liquor sold or delivered by the licence holder in a case which has not been unfastened since it was received by him or her from the person from whom he or she purchased it, if the bottles in such case are labelled with the name and address of the bottler.

### **Selling liquor in breach of conditions of licence**

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<sup>2</sup> As at 1 November 2017 the amounts were 1 litre of wine and 2 bottles of wine per person.

**7. (1)** The holder of a club liquor licence which has been issued under section 5(b) who knowingly sells or supplies liquor in breach of the conditions of that licence commits an offence.

Penalty: As provided in section 11.

**(2)** A person who takes from the premises in respect of which a club liquor licence has been issued under section 5(b) liquor which to the person's knowledge has been obtained in contravention of subsection (1) commits an offence.

Penalty: As provided in section 11.

### **Selling liquor to or procuring liquor for drunken persons**

**8. (1)** The holder of a licence which has been issued under section 5(a) or (b) who knowingly sells or supplies liquor to a drunken person commits an offence.

Penalty: As provided in section 11.

**(2)** A person who procures or attempts to procure any liquor for consumption by a drunken person from premises in respect of which a licence has been issued under section 5(a) or (b) commits an offence.

Penalty: As provided in section 11.

### **Restrictions on sale delivery supply and consumption of liquor**

**9. (1)** The Administrator may by an order in writing ("**a restriction order**") forbid the sale, delivery or supply of liquor to any person who –

- (a) within the 12 months previous to the making of the order has been twice convicted of drunkenness; or
- (b) having been once so convicted, has also been convicted of assault, violence or disorderly conduct; or
- (c) in the opinion of the Administrator, by excessive drinking of liquor misspends, wastes or lessens his or her estate or greatly impairs his or her health or endangers the peace of his family.

**(2)** A restriction order is in force during such time, not exceeding 12 months, as the Administrator determines.

**(3)** A person who sells, delivers or supplies any liquor to, or purchase or procure any liquor for, a person in respect of whom he or she knows a restriction order is in force, commits an offence.

Penalty: As provided in section 11.

**(4)** A person in respect of whom a restriction order is in force who is found in possession of liquor or who is found to have consumed any liquor, commits an offence.

Penalty: As provided in section 11.

**(5)** A licence holder who sells, delivers or supplies any liquor to a person under the age of 18 years commits an offence.

Penalty: As provided in section 11.

(6) A person who gives or supplies liquor as the pay, wages or reward or any part thereof, for labour commits an offence.  
Penalty: As provided in section 11.

**Miscellaneous offences**

- 10. It is an offence for a person to be drunk, violent or disorderly in or near—
  - (a) any licensed premises;
  - (b) any road or public thoroughfare;
  - (c) any place of entertainment or other premises or place to which the public are granted or have access.

Penalty: As provided in section 11.

**Penalties**

- 11. A person found guilty of an offence against this Ordinance, or any rules made under it, is, if no other penalty is provided, liable on conviction—
  - (a) to a fine not exceeding £25, or
  - (b) for a second or subsequent offence, to a fine not exceeding £50.

**Administrator in Council may make rules**

- 12. (1) The Administrator in Council may make rules, which may at any time be varied or revoked subject to the prior approval of a Secretary of State—
  - (a) subject to the prior approval of a Secretary of State, to impose, alter or vary fees payable for licences under this Ordinance or to alter or vary the conditions of any such licence;
  - (b) to provide generally for the effective carrying out of this Ordinance.
- (2) By such rules there may be imposed, in respect of the breach of any of them, a penalty not exceeding the sum of £10.

**SCHEDULE**

Form A  
IMPORT PERMIT

No:  
Permission is hereby granted to A.B. of .....  
to import into the Islands of Tristan da Cunha, from ..... (supplier)  
..... of ..... (address in full) ..... by .....(name of  
vessel) ..... the following quantities of liquor—

Description of liquor.	Quantities of liquor to be stated in gallons or fractions of a gallon.

Date stamp.  
Administrator.

Tristan da Cunha,  
South Atlantic.

Form B  
STORE LIQUOR LICENCE

A.B. is hereby licensed to sell liquor in the premises situate at (describe fully) from the date hereof until the ..... day of ....., 20..... subject to the following conditions and to the provisions of the Tristan da Cunha Liquor Ordinance—

- (1) No liquor may be consumed on the premises described in this licence;
- (2)
- (3) etc.

Granted this ..... day of ....., 20.....  
.....  
Administrator.  
Tristan da Cunha,  
South Atlantic.

Form C  
CLUB LIQUOR LICENCE

A.B. is hereby licensed to sell liquor in the premises situate at (describe fully) from the date hereof until the ..... day of ....., 20..... subject to the following conditions and to the provisions of the Tristan da Cunha Liquor Ordinance—

- (1) No liquor may be sold for consumption off the premises;
- (2) Liquor may be sold only to bona fide members of the Club;
- (3) Liquor for consumption on the premises shall be by unsealed bottle, glass or measure;
- (4)
- (5)

Granted this ..... day of ....., 20.....  
.....  
Administrator.  
Tristan da Cunha,  
South Atlantic.

Form D  
BOTTLE SALES BOOK

Date.	Name of person to whom supplied.	Quantity supplied in gallons or fractions of a gallon.	Description of liquor.

