



## CHAPTER 13.17

# LIQUOR LICENCE ACT

### **Revised Edition**

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### **LIQUOR LICENCE ACT**

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## CHAPTER 13.17

# LIQUOR LICENCE ACT

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## CHAPTER 13.17

### LIQUOR LICENCE ACT

(Acts 18 of 1969, 9 of 1991, 3 of 1995, 9 of 1996 and S.I. 2/1995)

AN ACT to regulate the granting of licences for the sale and disposal of intoxicating liquors and connected matters.

Commencement [12 December 1969]

#### 1. SHORT TITLE

This Act may be cited as the Liquor Licence Act.

#### 2. INTERPRETATION

In this Act unless the context otherwise requires—

“**alcohol**” means pure ethyl alcohol;

“**beer**” includes ale, porter, stout, black beer and any other description of beer and any liquor which is made or sold as a description of beer or as a substitute for beer and which on analysis of a sample thereof at any time is found to be of a strength exceeding 2 degrees of proof;

“**boarding house**” or “**guest house**” means any building containing not fewer than 2 rooms for the accommodation of guests for reward and includes the curtilage thereof and all structures within such curtilage or occupied with or appurtenant to the said building;

“**certificate**” means a certificate issued by the licensing Board;

“**clerk**” means the clerk of the licensing Board for the district;

“**corked**” means effectively closed with a plug or stopper made of cork or wood or some other material;

“**dispose**” or any of its derivatives or grammatical forms, includes sell, barter, exchange, give, supply, deliver or otherwise pass or allow to pass into the control of some other person;

“**guest**” means any person using any licensed premises for lodging during a night or taking a meal therein;

“**hotel**” means a building or group of buildings used to provide services and accommodation to guests for reward, containing—

- (a) not less than 6 bedrooms;
- (b) one or more kitchens in which meals may be prepared by employees of the hotel owner or hotel operator for the guests; and
- (c) one or more dining rooms shared in common by all the guests, in which meals may be served by employees of the hotel owner or hotel operator to such guests;

“**information**” includes any complaint or charge;

“**intoxicating liquor**” or “**liquor**” includes every description of spirits, wines, beer, ale, port, stout, cider and other malt liquor;

“**licence**” means a licence issued under this Act authorising the sale or barter of intoxicating liquor;

“**licensed**” (as regards persons or premises) means the person named or whose names are written upon a licence issued under this Act and the premises in which the sale or disposal of liquor is authorised to be carried on by a licence issued under this Act;

“**licensed dealer**” means a person duly licensed under this Act to sell or barter intoxicating liquor and such expression includes a person duly authorised by the Accountant General to carry on temporarily the business of any licensed dealer under the provisions of this Act;

“**licensed premises**” includes every building yard or place for which a licence under this Act has been granted;

“**licensee**” means a person to whom a licence has been granted under this Act;

“**Licensing Board**” or “**Board**” means the Board established as such under this Act in each district of this State;

“**licensing session**” or “**session**” means a sitting of the licensing Board established under this Act for the granting of

certificates for licences, and any adjournment of such sitting;

“**litre**” means  $\frac{2}{9}$  of a gallon;

“**Minister**” means the Minister for the time being charged with responsibility for trade;

“**new certificate**” means a certificate issued by the Board to an applicant who shall not at the time of making the application hold a licence in respect of the premises sought to be licensed;

“**occupier**” means the person in actual occupation of a house or premises or the person carrying on either on his or her own behalf or as agent of another the trade or business conducted therein;

“**person**” includes every member of a firm or the manager or agent of a company or corporation or other person acting for such company or corporation;

“**public officer**” includes a police constable or a revenue officer;

“**revenue officer**” includes any officer of the Customs Department and all persons employed on any duty or service relating to the customs or excise laws by the order of or with the concurrence, whether previously given or not, of the Accountant General or the Comptroller of Customs;

“**sealed**” means secured with any substance without the destruction of which the cork, plug or stopper cannot be withdrawn;

“**spirits**” means every description of brandy, hollands, gin, whisky, rum, bitters, liqueurs or cordials, whether mixed with any other fluid, or unmixed, but does not include malt liquor, 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;

“**strength**” in relation to spirits means the strength as ascertained by the method or instrument approved by the Comptroller of Customs and Excise.

*(Amended by Acts 9 of 1991 and 9 of 1996)*

## LICENSING BOARDS AND LICENSING SESSIONS

### 3. LICENSING DISTRICTS AND CONSTITUTION OF LICENSING BOARDS

- (1) For the purposes of this Act, the State shall be divided into 2 licensing districts corresponding to the judicial districts of the State.
- (2) For each licensing district there shall be established a licensing Board consisting of the magistrate of the district and not more than 5 other persons to be appointed by the Cabinet. *(Amended by Act 9 of 1991)*
- (3) The quorum of a licensing Board is 2 members including the magistrate of the district and the magistrate shall be Chairperson of the Board.
- (4) In the case of an equality of votes on any question arising at a licensing session, the Chairperson shall have a second or casting vote.
- (5) If for any cause fewer than 2 members of a licensing Board are able to be present at the time and place appointed for a licensing session, the power of the Board to adjourn may be exercised by the member present.
- (6) Each member of a licensing Board appointed by the Cabinet shall, subject to the terms of his or her appointment, hold office for one year.
- (7) Every attorney-at-law entitled to practise before the High Court in Saint Lucia has a right of audience before the licensing Board.
- (8) The licensing Board shall hold its sessions at any building or premises in the district used by a magistrate as a district court.
- (9) The clerk of the district court for the judicial district shall be the clerk to the licensing Board for the same district.
- (10) The members of the Board shall be paid such fees for each session as may be prescribed by the Cabinet.



#### 4. AUTHORITY CONFERRED BY THE DIFFERENT LICENCES

- (1) The several licences specified in Schedule 8 hereto may be applied for and granted subject to the provisions of this Act.
- (2) Each licence granted under this Act shall authorise the holder to sell spirits according to its provisions in respect of the premises specified in the licence but not otherwise; and any licensed person selling spirits otherwise than according to the provisions of his or her licence and in respect of the premises specified in the licence shall, in respect of any such sale be deemed to be unlicensed to all intents and purposes.

However, it shall be competent to any person, subject to the provisions of this Act to apply for and hold all or any one or more licences grantable under this Act; but each licence shall apply to separate and distinct premises.

#### 5. TYPE OF LICENCES

Subject to this Act and to any other Act related to the sale or disposal of intoxicating liquor, the following shall apply in respect of each licence specified—

- (a) a “beer licence” permits the holder thereof to sell beer for consumption on or off the licensed premises at any time between the hours of 8:00 a.m. and 10:00 p.m.;
- (b) a “boarding house licence” or “guest house licence” permits the holder thereof to sell intoxicating liquor at the boarding house or guest house to residents there or to any person taking a meal there or to *bona fide* travellers at any hour of the day or night;
- (c) a “club licence” permits the holder of any registered proprietary club to sell spirits in and upon the club premises named in the licence for consumption on the club premises between the hours of 9:00 a.m. and midnight;
- (d) a “grocer’s retail licence” permits the holder thereof to sell intoxicating liquor in sealed bottles or containers for consumption off the licensed premises between the hours of 8:00 a.m. and 10:00 p.m. ;
- (e) a “hotel licence” permits the holder thereof to sell intoxicating liquor at the hotel on any week day or

Sunday at the following times and to the following persons—

- (i) members of the public at any time except between the hours of 3:00 a.m. and 8:00 a.m. of the same day, and
- (ii) residents at any hour of the day or night;
- (f) an “occasional licence” shall be granted only to the holder of a licence issued under this Act and shall permit the holder thereof to sell such intoxicating liquors as are specified in the licence held by him or her, in any place named in the occasional licence, during such time stated in such occasional licence but not exceeding 3 consecutive days at any one time;
- (g) a “refreshment house licence” permits the holder thereof to sell intoxicating liquor for consumption on the licensed premises at any time between the hours of 6:00 a.m. and midnight;
- (h) a “restaurant license” permits the holder of any premises which are structurally adapted and in good faith used and intended to be used for the purpose of habitually providing for guests taking meals therein, to sell intoxicating liquor for consumption at such meals on any week day, Sunday, public holiday except Good Friday and Corpus Christi, between the hours of 9:00 a.m. and 2:00 p.m., and 3:00 p.m. and 2:00 a.m.;
- (i) a “retail licence” shall authorise the holder thereof to sell intoxicating liquor for consumption on or off the licensed premises at any time between the hours of 8:00 a.m. and 8:00 p.m.;
- (j) a “wholesale licence” permits the holder thereof to sell intoxicating liquor between the hours of 8:00 a.m. and 4:00 p.m. for consumption off the licensed premises and in quantities of not less than 9 litres contained in one cask or of 9 litres contained in one case;
- (k) it is lawful for the holder of “a wholesale licence” to sell imported spirits in the unbroken packages in which they were imported, although the same shall contain less than 9 litres.

*(Amended by Act 30 of 1970, 9 of 1991 and Substituted by Act 3 of 1995)*

## **6. PROCEDURE FOR APPLYING FOR LICENCE**

- (1) A person who desires to obtain a licence under this Act other than for a hotel or an occasional licence shall forward an application in triplicate to the clerk for transmission to the Board in the form prescribed in Schedule 1.
- (2) The clerk, on receipt of such an application shall forward a copy each to the Commissioner of Police and to the Development Control Authority.
- (3) It is the duty of the Commissioner of Police on receipt of such application to make either by himself or herself or by a police officer deputised by him or her, such officer not being below the rank of sergeant, an inquiry as to the character of the applicant, that is, whether he or she has been convicted of any criminal offences.
- (4) On receipt of the application under subsection (2) the Development Control Authority shall forward to the Board a report after an examination has been made of the area stating the suitability or otherwise of the premises sought to be licenced, the nature and distribution of licenced premises (if any) already existing in the area and the feasibility of granting any or further licences.
- (5) The police officer making the report and the officer at the Development Control Authority who carried out the examination shall be required to attend the session when such an application is to be heard.
- (6) An application made under this section shall be heard by the Board in open court at a licencing session of the district in which are situate the premises sought to be licenced.
- (7) Any such certificate may be granted only by the Board or a majority of the members of the Board present at such licencing session.
- (8) The Board shall only grant a licence where it is satisfied that the applicant is a fit and proper person to hold such a licence and that the premises are suitable and appropriate for the area for which the licence is sought.

*(Inserted by Act 9 of 1991)*

## **7. ANNUAL AND QUARTERLY LICENSING SESSIONS**

- (1) An annual licensing session for the hearing annual and of applications for certificates under this Act shall be held in each district in the month of December in each year on a day fixed by the magistrate and published in the Gazette.
- (2) Where any person shall, at least 7 days before 1 March, 1 June or 1 September, make application in duplicate in the manner prescribed in Schedule 1, for a certificate, a quarterly licensing session shall be held in the month specified in such notice in the Gazette for the purpose of hearing the application.
- (3) The Cabinet may authorise the holding of a special licensing session otherwise than as provided in the preceding subsections of this section at such times and on such conditions as to the payment of costs as to him or her may seem expedient.

## **8. SESSIONS TO BE ADVERTISED**

- (1) Notice of the day and place appointed for any licensing session shall be given by the magistrate not less than 14 days prior to the day so appointed by causing the same to be advertised in the Gazette and with respect to a special licensing session in such other manner as the Cabinet may direct and also in the district by affixing the notice thereof on or in a conspicuous place near the principal door of the police stations in the district.
- (2) Each notice as aforesaid shall have appended thereto the particulars contained in an application for a new certificate; and the person so applying shall keep affixed to or in a conspicuous place upon the premises in respect of which a licence is sought a copy of such notice and the particulars aforesaid.

## **9. ADJOURNMENT OF SESSIONS**

A licensing Board may cause any session duly advertised as aforesaid, to be adjourned by public oral notice given in court to any specified day or place; and all persons bound to be present at the sessions so adjourned shall be equally bound to be present at the time and place appointed by such notice.

**10. DURATION OF CERTIFICATE**

A certificate granted at an annual licensing session shall be in force from 1 January after the granting thereof for one year thence next ensuing and no longer; and a certificate granted at a quarterly or special session shall expire at the end of the year in which such certificate was granted.

**11. PROCEDURE WHERE APPLICANT HOLDS LICENCE IN RESPECT OF PREMISES SOUGHT TO BE LICENSED**

When the application for a certificate is made by a person who holds a licence in force in respect of the premises sought to be licenced, the following provisions shall have effect—

- (a) the applicant shall, 10 days before the day appointed for the licensing session, send an application in the manner prescribed in Schedule 1 to the clerk of the district in which the premises sought to be licensed are situate and shall state in such application that he or she holds a licence then in force in respect of the premises;
- (b) the applicant need not appear at the licensing session unless he or she is required by the licensing Board to attend;
- (c) the licensing Board shall not entertain any objection to the grant of a certificate or take any evidence with respect thereto, unless written notice to oppose the grant stating the grounds of opposition shall have been served upon the clerk not less than 7 days before the day fixed for the holding of the licensing session or before the day fixed for the hearing of the application;
- (d) the clerk shall serve upon the applicant a copy of the notice of objection at least 3 days before the date fixed for the hearing;
- (e) the licensing Board may, although no adequate notice of objection or opposition shall have been given, adjourn the granting of the certificate to a future day and require the attendance of the applicant on such day when the case may be heard and the objection considered as if the notice herein before prescribed had been given;
- (f) when any applicant for a certificate has, through inadvertence or other sufficient reason given to the

satisfaction of the licensing Board, failed to comply with any of the preliminary requirements of this Act, the licensing Board may, if they think fit, and upon such terms as they think proper, postpone the consideration of the application to an adjourned session, and if at such adjourned session the Board shall be satisfied that such terms have been complied with, they may proceed to grant or withhold such certificate as if the preliminary requirements of this Act had been complied with.

## **12. PROCEDURE WHERE APPLICANT NOT LICENCE HOLDER**

When the application is for a new certificate the applicant shall state on his or her application in the manner as provided in Schedule 1 that he or she does not hold a licence in respect of the premises sought to be licensed and shall attend in person when his or her application is to be heard.

## **13. STAMP DUTY ON APPLICATIONS**

Upon every application for a certificate there shall be affixed a stamp duty of \$5 to be paid by the applicant. *(Amended by Act 9 of 1996)*

## **14. GRANT OF CERTIFICATE AND ITS FORM**

- (1) Subject to the provisions of this Act, the granting of a certificate is at the entire discretion of the licensing Board and upon such conditions as the Board may determine and the certificate shall, subject to any special conditions imposed by the Board in any particular case, be in the form prescribed in Schedule 3.
- (2) Any person is at liberty to oppose the grant of a certificate by notice in the form prescribed in Schedule 4 served upon the clerk at least 7 days before the date fixed for the hearing of the application for a certificate; and the clerk shall serve upon the applicant a copy of the Notice of Objection at least 3 days before the date fixed for hearing.

**15. BOARD TO TAKE EVIDENCE ON OATH**

A licensing Board shall not receive any evidence with respect to any application for a certificate or any objection thereto which is not given on oath or affirmation.

**16. GROUNDS FOR REFUSAL OF APPLICATION**

Subject to section 14(1) any application to the licensing Board for a certificate under this Act may be refused on any of the following grounds—

- (a) that the premises are unfit for the purpose of the certificate applied for or are in the opinion of the Board undesirable to be licensed;
- (b) that the applicant is not a person of good character;
- (c) that the applicant having within the preceding year been a holder of a licence in any part of the State allowed his or her licensed premises to become a nuisance to his or her neighbourhood;
- (d) that the premises are likely to be a nuisance to the neighbourhood;
- (e) that the applicant has neglected to comply with any of the provisions of this Act in making his or her application;
- (f) that there is a sufficient number of premises already licensed to meet the needs of the neighbourhood;
- (g) that the applicant has not attained the age of 21 years;
- (h) that the premises do not comply with the provisions of section 38;
- (i) that a licence granted to him or her or his or her spouse or any relative resident with the applicant has been cancelled under the provisions of this Act;
- (j) that the premises are within  $\frac{1}{2}$  a mile of a distillery;
- (k) that the premises are within 200 yards of a school, church or place of public worship.

**17. APPEALS**

An applicant or any person objecting to the grant of a certificate, who may be dissatisfied with the decision of a licensing Board, shall have

a right of appeal to the High Court; and in such event the provisions relating to appeals from magistrates contained in the Criminal Code or any Act amending the same shall apply to such appeal.

## **18. ACCOUNTANT GENERAL TO GRANT LICENCES**

- (1) Upon the production of a certificate granted by a licensing Board and payment of the fee prescribed in Schedule 8, the Accountant General shall issue a licence to the person named and with respect to the premises specified in such certificate—

However, the Accountant General may refuse to issue any licence until the applicant has satisfied him or her that he or she has no spirits in his or her possession upon which the excise duty or trade duty or any other duty leviable on such spirits has not been paid or if he or she be in possession of such spirits until the applicant pays the amount which the Accountant General may certify to be payable as excise duty or trade duty or other duty thereon.

In addition if any objection shall have been raised to the grant of such certificate and notice of appeal thereon shall have been given to the Accountant General, the Accountant General may refuse to issue the licence pending the outcome of such appeal.

- (2) Where the Accountant General has refused to issue a licence on production of a certificate from the Board, he or she shall within 14 days communicate his or her refusal in writing to the Board with his or her reasons therefor and shall also return the certificate to the Board.
- (3) Upon proof being given to the satisfaction of the Accountant General that a licence has been lost or destroyed, he or she shall grant a duplicate thereof which duplicate shall operate in all respects as the original licence.

## **19. LIST OF LICENCES TO BE PUBLISHED**

Within the months of February and August in each year the Accountant General shall cause to be published in the Gazette a return containing the names of all persons to whom specified licences have been granted together with the address of the premises to which each specified licence applies. He or she shall also forward a certified copy of such list to the clerk.



## HOTEL LICENCES

### 20. MINISTER TO AUTHORISE ISSUE OF HOTEL LICENCES

- (1) The Minister may, if he or she thinks fit, on the application to him or her for an hotel licence, authorise the Accountant General to issue an hotel licence to such applicant in respect of any premises which are used as a *bona fide* hotel.

However, if the Minister is satisfied that the hotel in respect of which such licence shall have been issued is not conducted as a *bona fide* hotel or in a fit or proper or orderly manner, he or she may revoke such licence at any time and the same shall be cancelled, in addition to any other penalty which the holder of any such licence may be liable under the provisions of this Act.

- (2) There shall be paid to the Accountant General in respect of such hotel licence the fees set out in Schedule 8.
- (3) On the receipt of the prescribed fees the Accountant General shall issue a licence in the form set out in Schedule 5.
- (4) Such licence shall remain in force until the end of the year in which it is granted, and may thereafter be renewed annually on payment of the prescribed fees unless the licence is cancelled under the provisions of subsection 1.

However, the holder of an hotel licence shall pay such trade and other duties payable by him or her and shall comply with such provisions of this Act relating to stock book and permits as apply to a licensed dealer and shall in all respects conduct and manage his or her business in accordance with the provisions of this Act.

## OCCASIONAL LICENCES

### 21. APPLICATION FOR OCCASIONAL LICENCE

- (1) The magistrate, or in his or her absence the clerk or any other person designated in writing by the Accountant General, may whenever he or she considers it conducive to public convenience, comfort and order, on the application of any person holding a licence under this Act and on payment of the

fees prescribed in Schedule 8, grant him or her a certificate for an occasional licence upon such terms as he or she shall think fit, but not exceeding 3 consecutive days.

- (2) Upon the production of such certificate to the Accountant General and payment of the fee prescribed in Schedule 8 hereto, the Accountant General shall issue to the person named on the certificate an occasional licence authorising him or her to sell liquor at any place specified in the certificate whether the same or other than his or her licensed premises during such time and subject to such conditions as the magistrate shall have approved, but not exceeding 3 consecutive days.

## **TRANSFER OF LICENCES**

### **22. APPLICATION AND MODE OF TRANSFER OF A LICENCE**

- (1) The magistrate may in his or her discretion, sanction the transfer of a licence on such terms and conditions, if any, as he or she considers proper.
- (2) An application for transfer shall be made by the holder of the licence and the intended transferee on the form prescribed in Schedule 6 to the magistrate for consideration by the magistrate who shall secure from the Commissioner of Police a report as to the character of the applicant. The magistrate shall annex the report to the prescribed form which shall become part of the form and if he or she is satisfied shall approve the transfer of the licence by endorsement thereon, and the date of the endorsement shall be deemed to be the date of the transfer.  
*(Amended by Act 9 of 1996)*

### **23. DEATH OR INSOLVENCY OF LICENSEE**

- (1) In the event of the death of the holder of any licence, the executor or the administrator of the deceased person or any person approved by the magistrate, and in case of insolvency the trustee or receiver of such insolvent or any person authorised by the magistrate, may carry on the business on the licensed premises until the expiration of the licence either personally or by an agent approved by the magistrate without any formal transfer of the licence.

- (2) Any person to whom a licence may have been transferred or who may be carrying on a business under the preceding section shall possess all the rights and be subject to all the duties, obligations and penalties of the original holder of the licence.

#### **24. MODE OF TRANSFER OF LICENCE TO OTHER PREMISES**

- (1) The magistrate may, in his or her discretion, authorise the removal of a licence to some other premises, on such terms and conditions, if any, as he or she considers proper.
- (2) An application for a removal shall be made to the magistrate in writing in the form set out in Schedule 7 and the magistrate shall secure from the Commissioner of Police a report (excepting the character of applicant) based on the matters described in section 6(3). (*Amended by Act 9 of 1996*)
- (3) The magistrate shall annex the report to the prescribed form which shall become part of the form and if he or she is satisfied that a licence should be issued he or she may approve the removal of the licence by endorsement thereon or adjourn the application for the determination of the Board and the date of endorsement in either case shall be deemed to be the date of removal.
- (4) An objection to the transfer of a licence or the removal of a licence to some other premises shall be made and heard in the manner as provided in section 11(c).
- (5) An application for transfer of a licence or for the removal of a licence to some other premises shall be published by the clerk in the Gazette
- (6) The clerk shall within 14 days of the endorsement notify the Accountant General of any transfer or removal of a licence to some other premises.

#### **25. TRANSFEREE OF LICENCE TO APPLY FOR NEW CERTIFICATE ON EXPIRATION OF LICENCE**

Any person to whom a licence may be transferred and any person who may be authorised to carry on a business on the death or insolvency of a licensee, shall on the expiration of the licence, apply for a new certificate as if he or she were not a licensed dealer.

**26. STAMP DUTY ON APPLICATIONS FOR TRANSFER**

Upon every application for transfer of a licence from a licensee to another person or for the removal of a licence from licensed premises, to other premises, there shall be affixed a stamp duty of \$5. (*Amended by Act 9 of 1996*)

**27. SIGN BOARD TO BE AFFIXED ON LICENSED PREMISES**

Every licensee shall affix a board in some conspicuous place over the door or window of the licensed premises, whereupon shall be printed in legible characters his or her full names and underneath his or her full names the words "Licensed to sell intoxicating liquor No...." with the number of his or her licence, and in default thereof shall be liable to a penalty not exceeding \$50.

**DISPOSAL WITHOUT LICENCE OR IN CONTRAVENTION OF LICENCE****28. DISPOSAL WITHOUT LICENCE**

- (1) Any person who exposes for sale or disposes of any intoxicating liquor without being duly licensed to sell the same commits an offence.
- (2) Any person who having a licence sells, barter or exchanges or otherwise disposes of any intoxicating liquor at any place or in any manner except as provided by this Act or by any other statute in force in respect of his or her licence, commits an offence.
- (3) It is not an offence to sell or expose for sale intoxicating liquor without a licence, under the following conditions—
  - (a) where the intoxicating liquor shall be sold by virtue of any legal process or any law authorising the same;
  - (b) where the intoxicating liquor shall be in the nature of medicated spirits or spirits made up in medicine and sold by a duly qualified medical practitioner or licensed chemist or druggist;
  - (c) where the intoxicating liquor shall form part of the estate of a deceased person if the Comptroller of Inland Revenue shall authorise its sale, or where the intoxicating

liquor shall be sold by a licensed auctioneer under conditions approved by the Accountant General;

- (d) any sale authorised under and conducted according to the provisions of the customs and excise Acts.

## 29. STRENGTH OF SPIRITS

- (1) A licence for the sale of any spirits shall not authorise the sale at a lower strength than 40% alcohol by volume other than spirits imported in bottles and sold intact in the bottles in which the same were imported, and if any spirits at a lower strength than 40% alcohol, by volume, other than spirits imported in bottles and sold intact in the bottles in which the same were imported are found on any licenced premises, the same shall be forfeited and may be seized by any public officer, and the person in whose name the premises are licenced, and the manager of such premises commits an offence under this Act. *(Substituted by Acts 9 of 1991 and 3 of 1995)*
- (2) If in any prosecution under the preceding subsection any question shall arise as to whether any spirits seized are or are not spirits imported in bottles and sold intact in the bottles in which the same were imported, then and in such a case the proof thereof shall lie on the defendant or the owner or the claimant of such spirits.
- (3) A person holding a licence issued under this Act who sells spirits diluted with anything but pure water commits an offence and on summary conviction is liable to a penalty not exceeding \$500.
- (4) Any licensed person who sells any liquor which is afterwards certified by any Government chemist or duly qualified analyst or medical practitioner to contain any substance added to or diluted with any such liquor, which is likely to cause injury to health, is liable to a fine not exceeding \$1000.
- (5) Upon a second conviction for the offence as last aforesaid the licence issued to such person shall be cancelled.
- (6) Every licensee shall sell all intoxicating liquor which is sold by retail and not in sealed casks or bottles, in measures marked according to the standard legally in force in the State.

- (7) Every licence holder who acts or suffers any person under his or her control or in his or her employment to act in contravention of any of the foregoing subsections, is liable to a penalty not exceeding \$500.

*(Amended by Act 9 of 1996)*

## **CLOSING HOURS**

### **30. CLOSING HOURS**

- (1) Subject to the provisions of section 5 relating to the closing hours for specific licences, a licence holder shall not sell, or expose for sale, any intoxicating liquor or open, or keep open, his or her licensed premises—
- (a) during the whole of Good Friday, Christmas Day and Corpus Christi Day;
  - (b) during Sunday or any other day set apart by public proclamation or otherwise for divine service (except between the hours of midday and 3:00 p.m.);
  - (c) on any public holiday (except between the hours of 7:00 a.m. and 9:00 a.m. of the same day);
  - (d) on other days between the hours of 2:00 a.m. and 8:00 a.m. of the same day.
- (2) The provisions of subsection (1) shall not apply to the holder of a hotel licence, a boarding house licence, a guest house licence, or a restaurant licence in respect of the sale or disposal of liquor to guests or residents at the hotel, boarding house, guest house, or restaurant.

### **31. EXEMPTIONS FROM CLOSING HOURS IN CASES OF EMERGENCY**

It is lawful for the Accountant General or any public officer authorised by the Governor Governor, in any case of emergency to grant a written permit authorising the holder of a licence to deliver from his or her licensed premises during the closing hours any quantity of liquor not exceeding the quantity stated on such permit.

**32. PENALTY FOR REFUSAL TO CLOSE LICENSED PREMISES IN CASES OF RIOT**

Every licence holder who keeps his or her licensed premises open at or after any hour at which any magistrate or justice of the peace, either personally or in writing, directs the same to be closed in case of apprehended or actual riot or tumult, is liable to a penalty not exceeding \$1500 and cancellation of his or her licence; and any person acting by order of any magistrate or justice of the peace may use such force as may be necessary for the purpose of closing the premises.

**33. CONTRAVENTION OF PROVISIONS AS TO CLOSING HOURS**

If any person during the time at which premises for the sale of intoxicating liquor are directed to be closed by or under this Act or any other statute, disposes of or exposes for sale or disposal in those premises any intoxicating liquor or allows any intoxicating liquor although purchased, sold or otherwise disposed of as aforesaid before the hours of closing to be consumed on those premises, or opens or keeps open those premises, that person commits an offence.

**34. PENALTY ON PERSONS FOUND ON LICENSED PREMISES DURING CLOSING HOURS**

If during any period during which any premises are required by law to be closed, any person is found on those premises, he or she shall, unless he or she satisfies the court that he or she was an inmate, or a servant on the premises, or that his or her presence on the premises was not in contravention of the provisions of this Act relating to closing hours, commits an offence.

**35. POWER TO APPREHEND PERSON GIVING FALSE NAME OR ADDRESS**

(1) Any peace officer, or other person authorised in writing by a magistrate may demand the name and address of any person found on the premises during the period in which they are required by law to be closed; and if he or she has reasonable grounds to suppose that the name or address given is false may require evidence of the correctness of the name or address, and may, if the person fails upon his or her demand to give his or

her name or address, or the required evidence, apprehend him or her without a warrant.

- (2) If any person required under this section to give his or her name and address fails to give the same, or gives a false name or address, or gives false evidence with respect to his or her name and address, he or she commits an offence.

### **36. PENALTY FOR MISREPRESENTATION AS RESIDENT OF HOTEL**

If any person by falsely representing himself or herself to be a resident of a hotel or a boarding house or a guest house, licensed for the sale of liquor, buys or obtains or attempts to buy or obtain any liquor, he or she commits an offence.

## **DISPOSAL OF LIQUOR TO, AND EMPLOYMENT OF MINORS**

### **37. NO DISPOSAL OF LIQUOR TO PERSONS APPARENTLY UNDER 16**

- (1) The holder of a licence shall not sell or dispose of, or allow any person to sell or dispose of, to be consumed on the licensed premises, any liquor to any person apparently under the age of 16 years.
- (2) The holder of a licence shall not dispose of, or allow any person to sell or dispose of, any description of liquor to any person apparently under the age of 16 years for consumption by any person excepting such liquors as are delivered in corked or sealed bottles or containers for consumption off the licensed premises only.
- (3) A person shall not send any person under the age of 16 years to any premises where liquors are disposed of for the purpose of obtaining any liquor, excepting as described in the aforesaid subsection for consumption by any person off the licensed premises.
- (4) A licence holder shall not employ or allow any person under the age of 16 years to sell, dispose of or serve any liquor on the licensed premises.



- (5) Any person who acts in contravention of the foregoing subsections of this section commits an offence.

However, this section shall not prevent the employment by the holder of a licence, of a member of his or her family resident with him or her or his or her servant or apprentice or messenger to deliver liquor in corked or sealed bottles or containers as allowed by this section.

## **UNAUTHORISED INTERNAL COMMUNICATION ENTRANCES AND ALTERATIONS IN LICENSED PREMISES**

### **38. NO INTERNAL COMMUNICATION WITH LICENSED PREMISES**

- (1) A holder of a licence shall not make or use or allow to be used—
- (a) any internal communication between any licensed premises in respect of which a licence is in force and any premises not so licensed; or
  - (b) any entrance to the licensed premises other than that approved by the Board.
- (2) An alteration in any licensed premises in respect of which a licence is in force, which gives increased facilities for the sale or disposal or consumption of liquor or conceals from observation any part of the premises used for the sale or disposal or consumption of liquor or which affects the communication between the part of the licensed premises where the liquor is sold, disposed of or consumed and any other part of the premises or any street or other public way, shall not be made without the prior consent of the Board.
- (3) The Board may, before giving its consent require plans of the proposed alterations to be deposited with them at such time as they may determine.
- (4) If any person acts in contravention of this section he or she commits an offence and his or her licence may be cancelled.

## POWERS OF ENTRY, INSPECTION AND SEIZURE

### 39. POWER OF ENTRY ON LICENSED PREMISES

- (1) Any magistrate, or the Accountant General or a revenue officer or any police officer not being below the rank of corporal or any person authorised in writing by a magistrate or by the Accountant General, either alone or with such other persons as he or she may call to his or her assistance may—
  - (a) enter any licensed premises or any yard, court or place belonging thereto or connected therewith at any time for the purpose of detecting or preventing any breach of the provisions of this Act, or any other statute which it is his or her duty to enforce, or of any licence or permit granted under this Act;
  - (b) at any time demand the production of any licence or permit granted under this Act; and any person who fails to comply with this provision shall be guilty of an offence against this Act;
  - (c) having reasonable grounds for suspecting that any liquor is being unlawfully sold or disposed of, stored, introduced or otherwise dealt with, enter and inspect any ship, boat, conveyance or any premises and examine any place therein and any receptacle, package or thing, and may use all necessary force and break open any door or entrance or obstruction to any of the aforesaid if entry cannot otherwise be obtained;
  - (d) seize and detain any liquor which he or she has reason to believe has been distilled, manufactured, introduced, sold, disposed of or removed, or is possessed contrary to the provisions of this Act or any other statute or is on unlicensed premises for sale or disposal or otherwise, contrary to law, and any receptacle or package or thing containing the same and any ship, boat, conveyance or animal used in transporting liquor contrary to the provisions of this Act or any other statute.
- (2) Where upon the examination under the provisions hereinbefore contained of any licensed premises the stock or quantity of liquor found on the premises appears to the officer examining to be in excess of the quantity the licensee should have on hand,

such excess, unless the licensee or person in charge of such premises accounts satisfactorily therefor to the officer by the production of permits or receipts or otherwise, shall be forfeited and the licensee or person in charge of such premises commits an offence.

- (3) The powers conferred by this section are in addition to and not in derogation of any power conferred by any other statute.

#### **40. OBSTRUCTING ENTRY**

- (1) Whoever by himself or herself or by any other person in his or her employ or acting by his or her direction or with his or her consent refuses or fails to admit any magistrate or peace officer or the Accountant General or a revenue officer or other person duly authorised in the execution of his or her duty demanding to enter under the section, last aforesaid, or of this Act, or of one act in aid or assistance of any of the aforesaid, commits an offence.
- (2) Whoever molests, hinders, opposes, or obstructs any magistrate, or other peace officer or the Accountant General or a revenue officer, or a duly authorised person, or one acting in aid or assistance of any of the aforesaid, in the execution of his or her duty under the section last aforesaid or of this Act, commits an offence.
- (3) Whoever removes, throws away or destroys or causes to be removed, thrown away or destroyed, any liquor in order to prevent or impede any search for or seizure of the same, commits an offence.

#### **41. CUSTODY OF THINGS SEIZED**

All ships, boats, goods, or other things which may be seized under this Act shall be delivered into the custody of the Accountant General or some person authorised in that behalf by the Accountant General who shall cause the same to be properly secured.

However, if it appears to the Accountant General that anything seized is of a perishable nature or is likely to become deteriorated by being kept, he or she may order the sale of such thing pending its forfeiture, and shall retain the proceeds thereof until determination of the issue.

## CONDITIONAL RELEASE OF THINGS SEIZED

### 42. RELEASE OF SEIZURE ON BOND

- (1) It shall be lawful for the magistrate, on application made to him or her in a summary way, provided the Accountant General gives his or her consent thereto, to order the delivery of any ship, boat, goods, or other thing seized, to the owner or his or her agent, on security being given by bond to the satisfaction of the Accountant General, to answer double the value of the same in case of forfeiture, such value to be taken to be that which is fixed by the Accountant General, and such bond shall be taken to the use of Her Majesty in the name of the Accountant General, and shall be delivered and kept in the custody of the Accountant General; and in case the ship, boat, goods, or other thing is or are forfeited, the value thereof shall be paid into the hands of the Accountant General who shall thereupon cancel the bond.
- (2) A deposit of money in such sum as the Accountant General may consent to, being not less than the value fixed by him or her, in any such case, may be made with the Accountant General *in lieu* of a bond.

## CLAIMS, FORFEITURES AND SEIZURES

### 43. OBJECTIONS TO SEIZURES

- (1) Any person claiming that anything seized is not liable to forfeiture shall, by himself or herself or his or her agent give notice in writing to the Accountant General of such claim, within 10 days of the seizure, and such notice shall state that the person claiming is the owner or is agent for the owner, as the case may be, of the thing seized and shall also state the residence and occupation of the claimant.
- (2) Every such claim shall be supported by the oath of the claimant, or, if the claim is made through an agent, by that of his or her agent swearing to the best of his or her knowledge and belief.
- (3) When any such claim is made through an agent evidence of his or her authority as agent shall be filed with the claim; and if such authority is not admitted on the hearing, it must be proved.

**44. ACCOUNTANT GENERAL TO TAKE LEGAL PROCEEDINGS**

- (1) Where any notice of claim has been given in respect of anything seized, the Accountant General shall take legal proceedings for its forfeiture against the claimant who shall be the defendant in the cause.
- (2) If any act is done for the doing of which a licence or permit or authority is required, the onus of proving the existence of the licence or permit or authority shall be upon the defendant.
- (3) At the hearing the Accountant General may appear in person or by counsel or by a revenue officer, or by a police officer, or other person authorised by the Accountant General in writing to that effect.
- (4) At the hearing the onus of proving ownership of the thing seized and its exemption from forfeiture shall be on the defendant.

**45. SALE OF SEIZURES BY AUCTION**

- (1) Anything seized and forfeited, or not claimed within the time fixed by this Act, may be sold by auction by any person, whether an auctioneer or not, under the direction of the Accountant General, who shall previously notify such sale in the Gazette.
- (2) The money arising from such sale shall be applied to pay—
  - (a) all charges incidental to such sale and for the custody and carriage;
  - (b) all charges incidental to the seizure, if any, and the proceedings thereon;

and the residue of such money, if any, shall be paid into the Treasury.

## **PERMIT FOR SPIRITS BY ONE LICENCE HOLDER TO ANOTHER**

### **46. SPIRITS SUPPLIED BY ONE LICENSEE TO ANOTHER TO BE BY PERMIT**

- (1) The holder of a licence shall not supply another licence holder with spirits in any quantity, unless accompanied by a permit in the form prescribed under the provisions of the Excise Act for the removal of spirits exceeding in quantity 4½ litres; and any licence holder supplying spirits to or receiving from any other licence holder in any quantity unless accompanied by such permit, commits an offence.
- (2) A person licensed to sell spirits shall not receive any spirits save by lawfully importing the same or for some other person licensed to sell spirits, not in any quantity less than 4½ litres at a time of the same denomination from the same person so licensed and any person who shall receive any spirits contrary to this subsection is liable to a penalty not exceeding \$1,500.
- (3) If any person buys or procures any liquor from a person not having authority to sell or deliver the same, he or she is liable to a penalty not exceeding \$500.

*(Amended by Act 9 of 1996)*

## **DISPOSAL FROM VESSEL OR BOND**

### **47. PROHIBITION OF SALE OF SPIRITS ON BOARD VESSEL OR IN BOND EXCEPT BY LICENCE**

It shall be unlawful to dispose of any intoxicating liquor to any person in this State from on board of any vessel or from any bond, unless the person disposing the same has first obtained a licence.

However, there shall be exempt from the provisions of this section any bona fide disposal to the holder of a licence of any liquor from on board any vessel or from any bond by the consignee thereof; such disposal being effected in one lot and as one transaction, subject to the approval of the Accountant General in writing.

## STOCK BOOK, PERMITS

### 48. STOCK BOOK TO BE KEPT BY LICENSEE

- (1) Every licensed dealer shall provide himself or herself with and keep a stock book according to a pattern obtainable on application from the clerk and shall on receiving or sending out any spirits required to be accompanied by a permit under the provisions of this Act or of the Excise Act enter on the same day into his or her stock book the following particulars—

*On receipt*

Date: From whom received—Quantity—Description—Strength of Spirit.

(Name and address)

*On sending out*

Date: To whom sent—Quantity—Description—Strength of Spirit  
(Name and address)

- (2) Every licensed dealer shall—
- (a) keep the stock book on his or her licensed premises, open for inspection by any police officer not being below the rank of Corporal or by any revenue officer;
  - (b) keep his or her stock book open for inspection for not less than 12 months after it is filled up;
  - (c) on receiving spirits accompanied by a permit, immediately cancel the permit by writing in large letters in ink across the front of the same the word “received” and the date and hour of such receipt.
- (3) Any holder of a licence who—
- (a) fails to produce a stock book as by this Act required to any police officer not being below the rank of Corporal or to any revenue officer demanding the same for inspection or fails to make the entries as by this Act required;
  - (b) hinders or obstructs any such officer inspecting the same or making any entry therein or extracts therefrom;
  - (c) cancels, alters, obliterates or destroys any part of a stock book or any entry therein, in contravention of the provisions of this Act; or

(d) makes a false entry in a stock book, commits an offence.

However, a penalty shall not be incurred by any holder of a licence for failure to produce a permit to any revenue or police officer as aforesaid demanding the same if it is proved by such licence holder that the failure was caused by the permit having been lost or accidentally destroyed more than 3 months after the date thereof.

## **BRIBES**

### **49. PENALTY FOR BRIBES**

- (1) Every person who offers or causes to be offered to any revenue or police officer any money or other consideration with intent to corrupt such officer, commits an offence.
- (2) Any revenue or police officer who accepts or receives any money or valuable consideration offered on the part of any person whether licensed or not commits an offence and is liable to a fine not exceeding \$2,000 and in default of payment to imprisonment for 2 years.

*(Amended by Act 9 of 1996)*

## **REGISTERS**

### **50. REGISTER OF LICENCES**

- (1) There shall be kept by the clerk a register to be called "The Register of Licences" in such form as may be prescribed by the magistrate, containing the particulars of all licences granted, the premises in respect of which they were granted, the names of the owner of such premises and transfers of licences and licensed premises.
- (2) There shall be entered on "The Register" all forfeitures, convictions, cancellations of licences and other matters relating to the licences on the Register as directed by the magistrate.



- (3) The Register of Licences kept under this section shall be receivable in evidence of the matters required by this Act to be entered therein.
- (4) Every certified copy of an entry made in the Register of Licences under this Act purporting to be signed by the clerk shall be evidence of the matter stated in such certified copy without proof of the signature or authority of the person signing the same.

## **51. RECORD OF CONVICTIONS ON REGISTER**

- (1) With respect to the record of convictions for offences under this Act, the following provisions shall have effect where the Act requires the conviction to be recorded on the licence, that is to say—
  - (a) the court before whom any licensed person is accused shall require such person to produce such licence at the hearing and the summons shall state that such production will be required;
  - (b) if such person is convicted the court shall cause the short particulars of such conviction and the penalty imposed to be endorsed on his or her licence before it is returned to the offender;
  - (c) the clerk shall enter the particulars respecting such conviction if so directed by the magistrate in the Register of Licences kept by him or her under section 50;
  - (d) where the conviction of any person has the effect of cancelling the licence, the licence shall be retained by the clerk and notice of such cancellation shall be sent to the Accountant General.

## **PROSECUTION. ONUS OF PROOF. PENALTIES**

### **52. SUMMARY PROCEEDINGS**

All prosecutions under this Act shall be taken in summary manner in the name and instance of the Accountant General or any person authorised by him or her in writing or by any Revenue or police officer before a magistrate in accordance with the provisions of the Criminal Code.

**53. ONUS OF PROOF**

In any prosecution under this Act wherever it appears that the defendant has done any act or been guilty of any omission in respect of which were he or she not duly licensed, he or she would be liable to some penalty under this Act, it is incumbent upon the defendant to prove that he or she is or was duly licensed.

**54. PENALTY WHERE NONE SPECIALLY PROVIDED**

- (1) Every person who contravenes any of the provisions of this Act on being convicted is liable to a penalty not exceeding \$1,500 if no other penalty is provided.
- (2) If any person ordered to pay a fine for any contravention of the provisions of this Act shall not pay such fine within such time as may be stipulated by the magistrate, he or she is liable to imprisonment for any term as may be stipulated by the magistrate but not exceeding 2 years.

*(Amended by Act 9 of 1996)*

**55. APPROPRIATION OF PROPERTY FORFEITED AND OF PENALTIES RECOVERED**

The proceeds of sale of any property forfeited under the provisions of this Act, and the amount of any penalty recovered under this Act, shall be paid into the Treasury for the use of the State.

However, the Minister responsible for Finance may award any portion of such proceeds or of such penalty not exceeding  $\frac{1}{2}$  to the revenue officer or police officer or other person concerned in the seizure of such forfeited property, or in the recovery of such penalty.

*(Amended by Act 9 of 1996)*

**56. EVIDENCE OF DISPOSAL OR CONSUMPTION OF LIQUOR**

- (1) In proving the sale or other disposal of liquor for the purposes of any proceedings for an offence under this Act, it shall not be necessary to show that any money actually passed or any liquor was actually consumed, if the court hearing the case is satisfied that a transaction in the nature of a sale or other disposal actually took place or that any consumption of liquor was about to take place.

- (2) Proof of consumption or intended consumption of liquor on licensed premises by some person other than the licence holder or by a member of his or her family residing on, or a servant employed on the premises, shall be evidence that the liquor was sold or otherwise disposed of by or on behalf of the holder of the licence to the person consuming, or being about to consume, or carry away the same.
- (3) When any person shall supply another with food or aerated or other drink and with liquor and receive payment the presumption that the supply of liquor was under a contract of sale shall not be rebutted by any suggestion or allegation or pretence that the payment was in respect of the food or aerated or other drink only.

**57. EVIDENCE OF PRECISE DESCRIPTION OF LIQUOR NOT NECESSARY**

In any prosecution for an offence with respect to liquor, it shall not be necessary that any witness should depose directly to the precise description of the liquor with respect to which the offence has been committed or to the precise consideration thereof or to the fact of the offence having been committed with his or her participation or to his or her own personal or certain knowledge, but as soon as it appears to the court that the circumstances sufficiently establish the offence complained of, the court shall put the defendant on his or her defence and in default of such evidence being rebutted, shall convict the defendant accordingly.

**58. PROOF OF AUTHORITY OF OFFICER OR OTHER PERSON**

If on any trial a question arises whether any person is a revenue officer or is duly authorised, his or her own evidence thereof, or any other evidence of his or her acting as such, shall be *prima facie* evidence of his or her authority.

**59. PROOF OF KNOWLEDGE NOT NECESSARY**

On the hearing or trial of any proceedings for an offence under this Act, it shall not be necessary for a conviction to prove guilty knowledge or that the act charged was committed knowingly.

**60. CONVICTIONS FOR SEVERAL OFFENCES ON THE SAME DAY**

Convictions for several offences may be made under this Act, although such offences may have been committed on the same day.

**61. LIABILITY OF LICENCE HOLDER FOR OFFENCES COMMITTED BY OTHER**

If any person being a member of the family of, or the manager for, or the servant or in the employ of, or authorised to act in any way for, or suffered to be or upon the premises of a licence holder, shall do any act or thing or be guilty of any omission which done or omitted by the licence holder would constitute an offence by the licence holder, both such person and the licence holder is each liable to the penalties prescribed by this Act for such offence, whether such act, thing or omission was done or made with or without the knowledge or consent of the licence holder.

**62. CANCELLATION OF LICENCE**

- (1) If any person holding any licence issued under this Act is convicted of any second or subsequent offence against the provisions of this Act, or against the provisions of any law for the time being in force in this State against smuggling or the illicit distilling of liquor or against the Customs and Excise Act or the Drugs (Prevention of Misuse) Act the magistrate by whom such licensee is convicted may order that his or her licence shall be cancelled in addition to any other penalty to which he or she may be liable.
- (2) Where there have been 2 convictions on different occasions of persons whether it be the same person or not found to be in possession of dangerous drugs on any licenced premises, the magistrate shall order that the licence in respect of those premises be cancelled.
- (3) Where the police officer in charge of a district in which any licenced premises are situate, believes on reasonable grounds that such premises are frequented or used by persons engaged in drug trafficking, the officer may issue a temporary order on the licensee, suspending the licence for the premises and order the premises closed for any period not exceeding 14 days; and he or she shall within 14 days after the date of such temporary order as aforesaid apply to the magistrate setting out the grounds of

his or her belief for suspension of the licence and if the magistrate is satisfied as to the grounds of his or her belief he or she shall cancel the licence issued in respect of such licenced premises.

*(Amended by Acts 21 of 1990 and 9 of 1991)*

## **PROCEEDINGS AGAINST LICENCE-HOLDER WITHOUT THE STATE**

### **63. PROVISIONS WHERE LICENCE-HOLDER INCURS A PENALTY AND IS WITHOUT THE STATE**

Where by the provisions of this Act the holder of a licence is made liable to a penalty in respect of any offence and a charge is preferred alleging such offence, the following proceedings shall be lawful, that is to say—

- (a) the summons may be served in the manner prescribed by law, or by leaving the same with any person who is apparently a clerk or servant found on the premises for which the licence is granted, or if no such person can be found, by affixing the same in a conspicuous manner to the outer door or outer wall of the premises;
- (b) where the holder is without the State, his or her attorney or agent may appear on his or her behalf; and
- (c) where the holder is without the State, either at the time of the offence charged or at the time when the summons is served, the magistrate on being satisfied as to the serving of the summons as hereinbefore authorised, shall proceed to investigate the matter of the charge, whether any attorney or agent appears for such holder or not, and if the offence is proved, may order the penalty to be paid and to be levied upon the goods and chattels of the holder of the licence by distress, but where it is not shown that the holder left the State to avoid service of the summons upon him or her personally, the magistrate shall not make order or direct that the holder shall be imprisoned, either in default of sufficient goods or chattels being found or otherwise.
- (d) however, if the penalty has not been paid, or satisfied by distress, and the defendant returns to State, he or she may on

application to that effect be ordered to undergo imprisonment in case of non-payment as soon as possible, or within such time as the court may direct.

## OFFENCES AGAINST PUBLIC ORDER

### 64. PENALTY FOR PERMITTING GAMBLING, DRUNKENNESS ETC. ON PREMISES

- (1) Any person who being the holder of a licence—
  - (a) permits drunkenness, gambling or any other disorderly conduct therein;
  - (b) sells liquor to any drunken person;
  - (c) permits his or her premises to be used as a brothel,is liable to a penalty not exceeding \$500 and in default of payment to imprisonment for any term not exceeding one year. *(Amended by Act 9 of 1996)*
- (2) If any person is charged with permitting drunkenness in contravention of this section, and it is proved that any person was drunk on the premises, it shall lie on the defendant to prove that he or she or other persons employed by him or her, took all reasonable steps for preventing drunkenness on the premises.
- (3) A conviction under this section shall be endorsed on the licence of any such person and shall also be entered in the Register.

### 65. PENALTY FOR DRUNKEN QUARRELSOME OR DISORDERLY BEHAVIOUR ON LICENSED PREMISES

- (1) Whoever is drunk, riotous, quarrelsome or disorderly in any licensed premises and refuses or neglects to quit such licensed premises upon being requested so to do by the owner, manager, occupier of such premises or his or her agent or servant, or by any police or other constable, is liable summarily to a penalty not exceeding \$250. *(Amended by Act 9 of 1996)*
- (2) Any owner, manager, occupier of such premises or his or her agent or servant or any police or other constable is hereby authorised to use all necessary force not extending to a blow or wound or grievous or dangerous harm to expel such drunken, riotous, quarrelsome or disorderly person from any such

licensed premises who refuses to quit upon being requested so to do.

- (3) It is lawful for any police officer or other constable to take into custody without a warrant any drunken, or quarrelsome or disorderly person so found in any licensed premises who refuses to quit having been requested so to do by such police or other constable.
- (4) Whoever is found drunk or quarrelsome or disorderly in any licensed premises is liable summarily to a penalty not exceeding \$50.

## **PROTECTION OF OFFICERS AND OTHERS**

### **66. NO LIABILITY ON FORFEITURE OF THINGS SEIZED**

An action, suit, or prosecution whatever shall not be brought against any person in respect of any detention or seizure made under this Act when such detention or seizure has been followed by forfeiture of the articles seized or any portion of them.

### **67. LIMITATION OF PROCEEDINGS**

- (1) An action or other proceeding shall not be brought against any officer or other person acting under the authority of this Act unless such action or other proceeding is commenced within 3 months after the cause of action has arisen; and such action or other proceeding shall not be commenced until one month has elapsed after notice in writing has been delivered to such officer or person, or left at his or her usual place of abode, by the plaintiff, his or her attorney-at-law or agent.
- (2) In such notice there shall be clearly stated the cause of action or proceeding, the name and place of abode of the plaintiff, and the name and place of abode of his or her attorney-at-law or agent; and evidence of the cause of such action shall not be produced except of such as is contained in such notice.
- (3) Proof of the service of such notice shall be produced on the trial, and in case the plaintiff fails to prove the service of such notice the proceedings shall be dismissed with costs.

**68. TENDER OF AMENDS**

It is lawful for any officer or other person to whom such notice is given, at any time before the commencement of the action or proceeding, to tender amends to the plaintiff or his or her attorney-at-law or agent, and in case such tender is not accepted, to plead the same, and if the court finds the tender sufficient it shall give judgment for the defendant.

However, it is lawful for such defendant by leave of the court where such action or proceeding is brought at any time before the hearing to pay money into court by way of amends.

In addition in any such action, if the judge or court before whom or which such action or proceeding is tried certifies that the defendant acted upon reasonable grounds, the plaintiff shall not be entitled to more than \$0.25 damages, or fine, nor to any costs.

**69. LIMITATION OF LIABILITY**

When any action, suit, or prosecution whatever is brought against any person in respect of any detention or seizure made under this Act, and which has not been followed by forfeiture of any of the articles detained or seized, if the judge or court before whom or which such action, suit, or prosecution is tried is of opinion that there was reasonable ground for such detention or seizure, the defendant shall not be liable to pay to the plaintiff in such action or suit more than \$0.25 damages, nor any costs of suit, nor shall he or she in such prosecution be liable to more than a fine of \$0.25 without costs.

**FALSE EVIDENCE****70. PENALTY FOR GIVING FALSE EVIDENCE**

Every person who knowingly and wilfully gives any false evidence as to any of the matters as by this Act required, or who corruptly procures or suborns any person to give any false evidence as aforesaid commits an offence and is liable on summary conviction to a fine not exceeding \$1000. (*Amended by Act 9 of 1996*)



**REGULATIONS**

**71. CABINET TO MAKE REGULATIONS**

The Cabinet may make regulations for—

- (a) for prescribing the fees to be paid for each licence and the manner and time of payment;
  - (b) for prescribing the conditions which shall be attached to any licence either generally or specially;
  - (c) for prescribing the limits to the number of licences issued either generally or in relation to any type of licence or in relation to any district or any area;
  - (d) for requiring licenced premises to be provided with conveniences, including toilets; and
  - (e) for the purpose of giving effect generally to the objects and purposes of this Act.
- (2) Regulations made under this section may contain provisions for imposing fines not exceeding \$2000 for non compliance. *(Amended by Acts 9 of 1991 and 9 of 1996)*

**SCHEDULE 1**

(Sections 6(1), 7(2), 11(a), and 12)

**APPLICATION FOR A CERTIFICATE FOR A LICENCE TO SELL INTOXICATING LIQUOR**

(Under the provisions of section ..... of the Liquor Licensing Act)

.....  
(Date)

To: The Clerk,

Licensing District No .....

I ..... of .....  
(name) (address)

hereby make application for a ..... licence

(type of licence)

in respect of premises situate at .....  
(address of proposed premises)

2. I am over 21 years of age.

3. (1) I hold a ..... licence at present in respect of premises situate .....

(2) I do not hold a licence at present.  
(Answer (1) or (2) above).

4. Particulars of proposed premises.

(1) Do these premises occupy an entire building? .....  
(Answer "Yes" or "No")

(2) If "No", what is the rest of the building used for? .....

(3) Do you live "In" or "Near" the premises? .....  
(Answer "In" or "Near")

(4) If "Near", how far? .....

(5) Number of rooms contained in the premises? .....

(6) Number of doors? .....

(7) Number of windows? .....

(8) Number of other licensed premises in your village street or road? .....

(9) Or alternatively—  
Number of other licensed premises within the radius of a mile? .....

(10) Or average number of persons residing within the radius of a mile? .....

(11) Or average number of dwelling within the radius of a mile? .....

- 5. (1) Have you applied for a certificate before? .....  
(Answer "Yes" or "No")
- (2) What was the result? .....  
(Answer "Granted" or "Refused")
- (3) If "Refused" state why .....  
.....  
(Signature of Applicant).

**SCHEDULE 2**

Section 6

**REPORT ON APPLICATION FOR CERTIFICATE FOR LICENCE TO SELL INTOXICATING LIQUOR**

(Under the provisions of section ..... of the Liquor Licensing Act)

.....  
(Date)

- 1. Name of Applicant .....
- 2. Address of proposed premises .....
- 3. Are there any convictions against the applicant? .....  
(Answer "Yes" or "No")
- 4. If "Yes", state offences and dates of convictions .....
- 5. Particulars of proposed premises
  - (1) Do these premises occupy an entire building? .....  
(Answer "Yes" or "No")
  - (2) If "No" what is the rest of the building used for? .....
  - (3) Number of rooms contained in the premises? .....
  - (4) Number of doors? .....

- (5) Is there any internal communication between the proposed premises and any other building or any part of a building? .....
- 6. By what means is water supplied to the proposed premises? .....
- 7. Are the proposed premises situate within 200 yards of any school or church or place of public worship? .....
- (a) Are there any other licensed premises in that street, road or village, if so state number in street, road village as the case may be .....
- or
- (b) Number of licensed premises within the radius of a mile? .....
- (c) Average number of dwellings within the radius of a mile? .....
- (d) Average number of persons residing within the radius of a mile? .....
- 8. From your enquiries, what is the applicant's general reputation in the area where the proposed premises are situate? .....
- 9. Other enquiries .....
- 10. Remarks or observations .....

*Signature of Police Officer making Report.*

**SCHEDULE 3**

Section 14(1)

**CERTIFICATE OF LICENSING BOARD**

To the Accountant General.

The Licensing Board of the district of the State of Saint Lucia do hereby certify that we have heard and considered the application of made before us this day of for a liquor licence and we have determined that the said may have such licence. These are therefore to authorise and require you on payment by the said of such sum as may be authorised on that behalf by any law for the time being in force to grant to the said a liquor licence in respect of his or her premises at special conditions—

.....  
*Chairperson, Licensing Board.*

**SCHEDULE 4**

Section 14(2)

**OBJECTION TO GRANT OF CERTIFICATE FOR LICENCE TO SELL INTOXICATING LIQUOR**

(Under the provisions of section ..... of the Liquor Licensing Act)

.....  
*(Date)*

To: The Clerk,

Licensing District No .....

TAKE NOTICE that I, the undersigned intend to object to the grant of a certificate to .....

*(name of applicant)*

in respect of premises situate at ..... at the session of the Board fixed for .....

*(date)*

on the following grounds—

.....  
*Signature of Objector.*

**SCHEDULE 5**

Section 20(3)

**HOTEL LICENCE**

(Serial Number)  
Treasury.

.....  
(Date)

Received the sum of \$..... A. B.  
..... of .....  
having paid the stipulated fee of .....  
in respect of the above-named licence is hereby authorised to sell  
intoxicating liquor at .....  
subject to the provisions of the Liquor Licensing Act.

.....  
*Accountant General.*

**SCHEDULE 6**

Section 22(2)

(To be completed  
in duplicate).

**APPLICATION FOR TRANSFER OF LIQUOR LICENCE**

(Under the provisions of section ..... of the  
Liquor Licensing Act)

.....  
(Date)

To: The Magistrate,  
Licensing District No.....

Revision Date: 31 Dec 2005

- 1. Name of holder .....
- 2. Address of holder .....
- 3. Address of Licensed Premises .....
- 4. Number of Licensed Premises .....
- 5. Name of Transferee .....
- 6. Address of Transferee .....
- 7. Age of Transferee .....  
*(State date and year of birth)*
- 8. I ..... of ..... hereby agree to transfer the Licence No .....to .....

.....  
*Signature of Transferer.*

.....  
*Signature of Transferee.*

- 9. Report of Commissioner of Police to be annexed.

**SCHEDULE 7**

Section 24(2)

(To be completed in duplicate).

**APPLICATION FOR REMOVAL OF A LIQUOR LICENCE TO ANOTHER PREMISES.**

(Under the provisions of the Liquor Licensing Act)

.....  
*(Date)*

To : The Magistrate,  
Licensing District No .....

I ..... of ..... holder of a  
(state address)  
licence in respect of premises situate at ..... hereby make application for transfer of the said licence to new premises situate at .....

2. Particulars of new premises

(1) Do these premises occupy an entire building? .....  
(Answer "Yes" or "No")

(2) If "No", what is the rest of the building used for? .....

(3) Do you live "In" or "Near" the premises? .....  
(Answer "In" or "Near")

(4) If "Near", how far? .....

(5) Number of rooms contained in the premises .....

(6) Number of doors .....

(7) Number of windows .....

3. (1) Have you applied for a Certificate before? .....  
(Answer "Yes" or "No")

(2) What was the result .....  
(Answer "Granted" or "Refused")

(3) If "Refused", state why .....  
.....  
(Signature of Applicant).

4. Number of other licensed premises in your village street or road .....  
or

Number of licensed premises within the radius of a mile? .....

Average number of dwellings within the radius of a mile .....

Average number of persons residing within the radius of a mile? .....

Signature of Commissioner of Police.



**SCHEDULE 8**

(Section 18(1), 20(2), 21(2))

| <i>Type of Licence</i>                           | <i>Fees per 1/2 year for City of<br/>Castries, Towns of<br/>Soufriere, Gros-Islet and<br/>Vieux-Fort and within<br/>radius of one mile of them</i> | <i>Fees per 1/2 year<br/>for other places</i> |
|--|--|---|
|  | \$   | \$  |
| Boarding House or Guest House                    | 300  | 300   |
| Clubs  | 120  | 120   |
| Grocer's Retail                                  | 300  | 200   |
| Hotel—   |  |   |
| (i) below 20 rooms                               | 375  | 375   |
| (ii) 20 – 39 rooms                               | 900  | 900   |
| (iii) 40 – 59 rooms                              | 1,875  | 1,875   |
| (iv) 60 – 99 rooms                               | 3,000  | 3,000   |
| (v) 100 – 169 rooms                              | 4,500  | 4,500   |
| (vi) 170 rooms and over                          | 6,000  | 6,000   |
| Refreshment House                                | 280  | 185   |
| Restaurant                                       | 300  | 300   |
| Retail   | 180  | 135   |
| Wholesale—                                       |  |   |
| (i) Castries, Gros-Islet and environs as above   | 1,500  | 1,500   |
| (ii) Vieux-Fort, Soufriere and environs as above | 1,000  | 1,000   |
| Occasional, for each day or part thereof         | 50   | 50  |

*(Substituted by Act 9 of 1996)*