

## CHAPTER 182

### LIQUOR LICENCES

1957-40

This Act came into operation on 6th December, 1957.

#### Amended by:

<i>1958-48</i>	<i>1968-34</i>	<i>1982/103</i>
<i>1959-33</i>	<i>1977-13</i>	<i>1987-19</i>
<i>1961-13</i>	<i>1980-26</i>	<i>1999-25</i>
<i>1964-32</i>	<i>1983-34</i>	<i>2008/87</i>
<i>1967/168</i>	<i>1984-31</i>	

#### Law Revision Orders

*The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:*

1985	2002	2008
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#### Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument



## **CHAPTER 182**

### **LIQUOR LICENCES 1957-40**

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SCHEDULE

**BARBADOS****LIQUOR LICENCES  
1957-40**

*An Act to consolidate and amend the law relating to the sale of intoxicating liquor and the supply thereof in clubs.*

[Commencement: 6th December, 1957]

**PART I  
PRELIMINARY****Short title**

1. This Act may be cited as the *Liquor Licences Act*.

**Interpretation**

2. For the purposes of this Act,  
“club” means any club consisting of not less than 15 members;  
“intoxicating liquor” includes every description of spirits, wines, ale, beer, porter, stout, cider, perry and other malt liquor and any fermented or distilled liquor;  
“licence” means a licence issued under this Act;

“licensed premises” means any house, shop, room, office, booth, unit, bar or other place specified in the licence of the licensee as the place where the licensee may sell or supply or offer for sale or expose for sale any intoxicating liquor;

“licensee” means a person who at the material time holds a valid unexpired licence which has been issued or transferred to him under this Act;

“licensing authority” means the licensing authority constituted under subsection (2) of section 9 having jurisdiction in respect of any matter;

“Licensing Sessions” has the meaning given that expression in section 14;  
*[1980-26]*

“magistrate” means the magistrate having jurisdiction in respect of any matter arising under this Act;

“members’ club” means a club all the property, funds and assets of which belong jointly to the members thereof, whether such are vested in trustees for the members or otherwise;

“proprietary club” means any club other than a members’ club;

“restaurant” means any premises which are capable of accommodating persons for meals, and adapted for the serving of meals and mainly so used;

“sealed container” includes a bottle, vessel or jar the aperture of which is covered by a cork or cap;

“secretary”, in relation to a club, includes any officer of a club or other person performing the duties of a secretary and, in the case of a proprietary club where there is no secretary, the proprietor of the club;

“unregistered club” includes a club which has been struck off a register of clubs, so long as it is not included in any such register.

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PART II  
LICENCES TO SELL LIQUOR

**Sale of intoxicating liquors requires licence**

**3.** Except as otherwise provided in this Act, no person shall sell or expose or offer for sale any intoxicating liquor otherwise than under the authority, and in accordance with the terms, of a licence.

**Kinds of licence**

**4.(1)** A licence shall be one of the following kinds:

- (a) a general wholesale licence;
- (b) a wholesale licence;
- (c) a retail licence;
- (d) an hotel licence;
- (e) a restaurant licence;
- (f) an occasional licence;
- (g) a members' club licence;
- (h) a proprietary club licence;
- (i) a druggist licence.

(2) A general wholesale licence shall authorise the licensee, subject to this Act, to sell intoxicating liquor in bond or for export under the following conditions—

- (a) in sealed containers;
- (b) not for consumption upon the licensed premises; and

- (c) in quantities of not less than two gallons, provided that, if on any occasion rum only is included in a sale, then the quantity sold shall be not less than one gallon.

[1959-33]

(3) A wholesale licence shall authorise the licensee, subject to this Act, to sell intoxicating liquor otherwise than in bond or for export under the following conditions—

- (a) in sealed containers;
- (b) not for consumption upon the licensed premises; and
- (c) in quantities of not less than two gallons, provided that, if on any occasion rum only is included in a sale, then the quantity sold shall be not less than one gallon.

(4) A retail licence shall authorise the licensee, subject to this Act, to sell intoxicating liquor otherwise than—

- (a) to another holder of a retail licence in quantities of more than one gallon for resale; or
- (b) upon hotel, restaurant or club premises; or
- (c) in bond; or
- (d) for export.

(5) An hotel licence shall be granted only in respect of an hotel and shall authorise the licensee, subject to this Act, to sell intoxicating liquor only for consumption upon the licensed premises.

(6) A restaurant licence shall be granted only in respect of a restaurant and shall authorise the licensee, subject to this Act, to sell intoxicating liquor only—

- (a) for consumption on the licensed premises; and
- (b) where food is available to the customer on such premises at the time of such sale.

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- (7) An occasional licence shall authorise the licensee, subject to this Act, to sell intoxicating liquor only—
- (a) for a period of twenty-four hours; and
  - (b) for consumption on the premises in respect of which such occasional licence is granted.
- (8) A members' club licence shall be granted only in respect of a members' club and shall authorise the licensee, subject to this Act, to supply intoxicating liquor only in accordance with the provisions of this Act applicable to members' clubs.
- (9) A proprietary club licence shall be granted only in respect of a proprietary club and shall authorise the licensee, subject to this Act, to supply intoxicating liquor only in accordance with the provisions of this Act applicable to proprietary clubs.
- (10) A druggist licence shall authorise the person to whom it is granted to sell still wines imported in bottles in one set of premises to be specified in the licence.

### **Expiration of licence**

5. Every licence, other than an occasional licence, shall expire on the thirty-first day of December in the year in which such licence is in force, and shall state in such licence the date of expiry thereof.

### **Form of licence**

6. Every licence shall be issued in the prescribed form.

### **Licence fees**

7. The duty payable in respect of a licence shall be the appropriate duty specified in the Schedule.

**Druggist licence**

**8.(1)** Parts III and IV shall not apply to a druggist licence which shall, upon payment of the appropriate duty specified in the Schedule, be issued by the licensing authority to any person who satisfies the licensing authority that he is a registered druggist.

(2) All the other provisions of this Act shall, so far as possible consistently with this section, apply to licences granted under this section.

**PART III****LICENSING AUTHORITIES****Licensing districts and authorities**

**9.(1)** For the purposes of this Act, each magisterial district constituted under the *Magistrates Jurisdiction and Procedure Act*, Cap. 116 shall be a licensing district.

(2) Subject as hereinafter provided, the licensing authority for each licensing district shall be the magistrate for that district and two other persons residing within that district, to be appointed by the Minister:

Provided that, in the case of the licensing district for District A, it shall be sufficient if any one of the magistrates for that district sits as a member of the licensing authority for that district.

[1967/168]

(3) Every person appointed to be a member of a licensing authority for a licensing district pursuant to subsection (2) shall, during his tenure of office as such, *ex officio* be a Justice of the Peace for the Island.

[1964-34]



**Duration and vacation of office**

**10.(1)** Every member of a licensing authority appointed by the Minister pursuant to subsection (2) of section 9 shall, subject to this section, hold office for a period of three years from the date of his appointment but shall be eligible for reappointment.

(2) Such member shall be deemed to have vacated his office—

- (a) if without leave granted by the Minister he fails to attend two consecutive sittings of the licensing authority of which he is a member;
- (b) if without such leave he is absent from the Island for a period of three months while a member of such licensing authority; or
- (c) if he resigns, refuses to act or becomes incapable of acting as a member of such licensing authority.

(3) The Minister may at any time revoke the appointment of any member of a licensing authority made by him for incompetence or misbehaviour or for any other reason which in his opinion makes it expedient so to do.

(4) In the event of any member of a licensing authority ceasing to hold office before the expiration of the period for which he was appointed to hold office, the Minister may appoint in his place another person residing in the same district to be a member of such licensing authority.

(5) Any person appointed under subsection (4) shall hold office only for such period as the person in whose place he is appointed would have held office.

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[1958-2; 1967/168]

**Travelling expenses**

**11.** A member appointed by the Minister shall be entitled to be paid reasonable travelling expenses from moneys voted by Parliament for that purpose in respect of sittings for travelling between his place of residence and the place where such sittings are held.

**Decisions of licensing authority**

**12.(1)** Subject as hereinafter provided, where any power may be exercised or any duty is to be performed by a licensing authority, that power may be exercised and that duty may be performed by a majority of the licensing authority provided that such majority includes the magistrate sitting as a member of such authority.

(2) Where either of the two members appointed by the Minister fails to attend any sitting of the licensing authority at the hour fixed for such sitting, the magistrate and the other member so appointed may exercise any power or perform any duty which it would be lawful for the licensing authority to exercise or perform at such sitting of the licensing authority, provided that where the magistrate and such member differ as to their decision, the decision of the magistrate shall be the decision of the licensing authority.

**Magistrate to preside**

**13.** The magistrate shall preside at all sittings of a licensing authority.

**Licensing Sessions**

**14.** A licensing authority shall sit once during each of the months of February, April, June, August, October and December in every year on days to be appointed by the magistrate for the district in which the authority sits and such sittings shall be known as "Licensing Sessions".

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[1980-26]

**Adjournments**

**15.** Any sitting of a licensing authority may be adjourned by such authority or, in the absence of both members appointed by the Minister, by the

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magistrate, either generally or in respect of any specified application, to such day or days as the licensing authority or the magistrate may determine.

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[1967/168]

### **Notice of sittings**

**16.(1)** The magistrate shall cause notice of a sitting of a licensing authority to be published in the *Official Gazette* and at least 1 newspaper of Barbados not less than 1 month before the date of such sitting.

(2) This section shall not apply to any adjournment of a sitting.

### **Fees on applications**

**17.** No application under this Act shall be accepted by, or on behalf of, the magistrate, unless there is paid upon the lodging of such application the prescribed fee.

## PART IV

### LICENSING PROCEDURE

#### *Grant of Licences*

### **Applications for new licences and transfers of licence**

**18.(1)** Any person

- (a) desiring to obtain a new licence in respect of any premises, other than an occasional licence;
- (b) desiring to obtain a transfer of a licence from the licensee to himself; or
- (c) being the holder of a licence and desiring to transfer his licensed trade from the licensed premises to other premises within the same district,

may, 21 days at least before the day appointed for the Licensing Sessions, make an application in the prescribed form to the magistrate, who shall cause notice of such application to be published in the *Official Gazette* and at least 1 newspaper of Barbados not less than 15 days before the day appointed for the Licensing Sessions.

(2) Every such application shall show the name, occupation and residence of the applicant and the situation of the premises and the trade in respect of which the application is made.

(3) A copy of such application shall be served by the applicant 21 days at least before the day appointed for the Licensing Sessions upon the police officer in charge of the district in which are situated the premises in respect of which the application is made and shall be affixed to such premises, for a period of at least 21 days before the day appointed for the Licensing Sessions.

(4) In the case of an application to transfer the licensed trade to other premises, a copy of such application shall also be affixed to the licensed premises.

### **Objections to applications**

**19.(1)** Any person who objects to

- (a) the grant, renewal or transfer of a licence; or  
[1980-26]
- (b) the operation of an unexpired licence, whether or not that licence has been transferred,

may lodge in triplicate with the magistrate for the district in which the objection is to be heard, a notice of the objection and a statement of the grounds on which the objection is being made.

(2) In the case of an objection made under paragraph (a) of subsection (1), the notice of objection and the statement of the grounds of the objection must be lodged at least 7 days before the date appointed for the Licensing Session at which the application for the grant, renewal or transfer would normally be heard, and in the case of an objection made under paragraph (b) of subsection (1), the notice

of objection must be lodged within 7 days from the date appointed for any Licensing Session.

(3) The magistrate shall cause a copy of a notice of objection to be served forthwith upon the applicant and the police officer in charge of the district in which the premises concerned are situated.

(4) Notwithstanding that no notice of objection has been lodged with the magistrate or is served under subsection (3), a licensing authority may consider any objection to an application made under subsection (1) thereof, and may, upon such conditions, including such order as to costs as the magistrate sees fit to impose, adjourn the hearing of the application, and fix a fresh date for the hearing thereof.

(5) The magistrate may, in fixing a fresh date under subsection (4) for the hearing of the application, require the applicant and other parties concerned to attend on the date so fixed, and on that date the application may be heard and the objection considered as if a notice had been lodged under subsection (2) and served under subsection (3).

(6) Where an objection has been made under paragraph (b) of subsection (1), the grounds of that objection must relate only to matters or events occurring after the expiration of a period of 2 months after the date of the granting of the licence.

### **Revocation of licence**

**19A.(1)** After hearing an objection under paragraph (b) of section 19(1), the magistrate may revoke the licence in respect of which the objection was made, or dismiss the objection.

(2) Where a magistrate revokes a licence under subsection (1), money paid in respect of the issue of that licence is not recoverable.

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[1980-26]

**Witnesses**

**20.(1)** The magistrate shall issue summonses to any witness to attend the hearing on an application under this Act free of charge on the application of the applicant, a member of the Police Force or a person who has lodged the notice referred to in section 19.

(2) Any person disobeying such summons may be proceeded against in like manner and be subject to the like penalties as provided in the *Magistrates Jurisdiction and Procedure Act*, Cap. 116.

**Hearing of applications**

**21.** The provisions of the *Magistrates Jurisdiction and Procedure Act*, Cap. 116 generally which relate to complaints shall, so far as is possible consistently with this Act, apply to proceedings taken, or the hearing of any application made, under this Act.

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[1959-33]

**Parties who may appear**

**22.(1)** The applicant, any member of the Police Force and a person who has lodged the notice referred to in section 19 may appear personally or by attorney-at-law on the hearing of an application under this Act.

(2) Nothing in this Act shall be construed to exempt from section 19 any member of the Police Force who wishes to oppose the grant, renewal or transfer of a licence.

**Personal attendance of applicant**

**23.(1)** Subject as otherwise provided in this Act, no new licence shall be granted and no licence transferred from the holder thereof to the applicant unless the applicant attends personally before the licensing authority on the hearing of the application.

(2) The licensing authority may dispense with such attendance in the case of illness or other unavoidable absence or in a case where the applicant has attended on such hearing but the application has not been finally disposed of on that occasion.

### **Evidence**

**24.** All evidence given before the licensing authority shall be given on oath, and any person giving false evidence shall be liable to be proceeded against and be punishable as if he had committed perjury.

### **Applications for transfer**

**25.** Notwithstanding any other provisions of this Act, the magistrate may, if he sees fit, grant any application under paragraph (b) or paragraph (c) of subsection (1) of section 18: if

- (a) no notice under section 19 has been lodged within 14 days of the publication of such application in the *Official Gazette*; and
- (b) the police officer in charge of the district in which are situated the premises in respect of which the application is made certifies in writing to the magistrate that he has no objection to the grant of such application.

### **Provisional authority to carry on business in case of death**

**26.(1)** Subject to subsection (2), the magistrate may, on proof to his satisfaction of the death, insanity, bankruptcy or incapability from sickness or other infirmity of a licensee, grant a provisional authority upon payment of the prescribed fee to some fit and proper person approved by the magistrate to carry on the business of the licensee upon the licensed premises under and subject to the terms of the licence until the next Licensing Sessions.

(2) Where such death, insanity, bankruptcy or incapability occur within 1 month prior to such Licensing Sessions and no application for transfer of the relevant licence is granted before the conclusion of such Licensing Sessions, such

provisional authority shall continue in force until the next ensuing Licensing Sessions notwithstanding that the relevant licence would otherwise have expired prior to the next ensuing Licensing Sessions.

### **Renewal of licences**

**27.(1)** Applications for renewal of licences for the ensuing year shall, subject as otherwise provided in this Act, be heard at the Licensing Sessions to be held in December in each year.

(2) Except as otherwise provided in this Act, all the provisions thereof relating to applications for new licences shall apply to applications for renewal of licences.

(3) Except in the case of an application to which subsection (6) applies, it shall not be necessary to cause notice of applications for renewal of licences to be published.

(4) It shall not be necessary for the applicant for the renewal of a licence to attend personally before the licensing authority, unless

(a) a notice under section 19 has been lodged in respect of such application; or

(b) the magistrate requires the applicant to attend personally.

(5) The magistrate may, if he sees fit, grant an application for renewal of a licence: if

(a) no notice under section 19 has been lodged within the time prescribed in that subsection; and

(b) the police officer in charge of the district in which are situated the premises in respect of which the application is made certifies in writing to the magistrate that he has no objection to the grant of such application.

(6) Where any person fails to make application to the licensing authority for the renewal of a licence within the time prescribed by this Act but application is



made before the date on which the licence expires, such application may be granted in accordance with this Act subject to the hearing of such application at a Special Licensing Session, if necessary, in order to comply with this Act.

[1961-13]

### **Hearing of applications**

**28.(1)** Except as otherwise provided in this Act, every application shall be heard by the appropriate licensing authority at the Licensing Sessions or Special Licensing Sessions at which it would normally be heard in accordance with this Act.

(2) Nothing in subsection (1) shall be construed so as to restrict in any manner the authority of the licensing authority to adjourn any sitting.

(3) Subject to this Act and any regulations, the granting of an application under this Act shall be at the entire discretion of the licensing authority or the magistrate, as the case may be, and upon such conditions and restrictions as may be imposed by such licensing authority or magistrate.

### **Conditions applicable to all licences**

**29.** In addition to any conditions or restrictions imposed by the licensing authority or the magistrate, the following conditions and restrictions shall be applicable to the grant of all applications and implied in all licences issued under this Act

- (a) every licence shall be issued in respect of certain premises named and described in the licence and shall authorise the sale or supply of intoxicating liquor on such premises only;
- (b) except as provided in this Act, a licence shall not be transferable;
- (c) every licence of a description mentioned in section 4, other than a licence of a description mentioned in paragraph (g) thereof, shall be subject to and be deemed to contain a condition that the holder of such licence shall not refuse to sell liquor to any person who may otherwise

lawfully be supplied, on account of the race, colour or creed of such person.

**Conditions to be satisfied prior to grant**

**30.(1)** Subject to subsection (2), no application shall be granted unless and until the licensing authority or the magistrate, as the case may be, is satisfied that

- (a) the applicant is a fit and proper person to be entrusted to sell intoxicating liquor;
- (b) the premises in respect of which the application is to be granted are suitable for the conduct of business under the particular kind of licence referred to in the application, and are situated and constructed in accordance with this Act or any regulations;
- (c) no reasonable objection exists to the grant of the application.

(2) Subject to subsection (4), no application for the renewal of a licence of the class specified in paragraph (b), (d), (e), (g) or (h) of section 4(1) shall be granted unless the applicant furnishes to the licensing authority certificates from the Commissioner of Inland Revenue, the Commissioner of Land Tax, the Comptroller of Customs and the Director of National Insurance stating that all liabilities for the payment of tax and national insurance contributions in respect of the business or trade to which the application for the renewal of the licence relates have been discharged.

*[1983-34; 1987-19; 1999-25]*

(3) The Commissioner of Inland Revenue, the Commissioner of Land Tax, the Comptroller of Customs or the Director of National Insurance shall issue a certificate referred to in subsection (2) if he is satisfied that all liabilities for the payment of tax or national insurance contributions, as the case may be, have been discharged.

*[1999-25]*

(4) Where an applicant for the renewal of a liquor licence is not the fee simple owner of premises on which is located the business or trade to which the application for renewal relates, the requirement contained in subsection (2) for a

certificate from the Commissioner of Land Tax shall not apply to such an applicant.

[1987-19]

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[1983-34]

### **Applications not to be granted in certain circumstances**

**31.(1)** No application shall be granted in any of the following circumstances—

- (a) where the applicant—
  - (i) is under twenty-one years of age; or
  - (ii) is disqualified under this Act or any other law from being a licensee;
- (b) where the premises in respect of which the application is made—
  - (i) are part of, or include, premises wherein any intoxicating liquor is distilled or brewed; or
  - (ii) is within fifty yards of any such premises or the piece or parcel of land on which such premises or any part thereof are situated.

(2) Sub-paragraph (ii) of paragraph (b) of subsection (1) shall not apply to any person who at the time of the repeal of the Liquor Licences Act, 1909,\* was the holder of a licence given under subsection (1) of section 14 of that Act, in respect of the premises referred to in such licence.

*\*[This Act, 1909-2, was repealed by the Liquor Licences Act, 1957, 1957-40, which this Chapter incorporates.]*

### **Only licensing authority may refuse application**

**32.** Notwithstanding the provisions of this Act providing for the granting of certain applications by the magistrate, no application shall be refused except by the licensing authority.

**Appeal from decision of licensing authority or magistrate**

**33.** Any applicant, any member of the Police Force or any person who has objected before the licensing authority to the grant of any application and who is dissatisfied with any decision of the licensing authority or the magistrate in connection with such application shall have a right of appeal in accordance with the *Magistrates Jurisdiction and Procedure Act*, Cap. 116.

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[1959-33]

*Occasional Licences***Application for occasional licence**

**34.** A licensee, other than a person who holds only a general wholesale licence or a wholesale licence, may apply to the magistrate in whose district any public entertainment, festivity or meeting is to be held by any person other than the applicant for an occasional licence to carry on his trade thereat.

**Notice to police**

**35.** Such application shall be made at least seven days before the date of such public entertainment, festivity or meeting and the magistrate shall forthwith give notice of the same to the police officer in charge of the district in which such public entertainment, festivity or meeting is to be held and no such application shall be granted until such police officer has had a reasonable opportunity to state whether he opposes the issue of such licence.

**Magistrate may grant application**

**36.** The magistrate may, subject to this section and at his discretion, grant such application:

Provided that—

- (a) any such licence shall be valid for twenty-four hours only and shall permit the sale of intoxicating liquor only during the hours during which such public entertainment, festivity or meeting is held; and
- (b) in the case of a race meeting, the written permission of at least two of the stewards is first obtained.

### **Interpretation**

**37.** For the purposes of sections 34, 35 and 36, the expression “public entertainment, festivity or meeting” means an entertainment, festivity or meeting to which the general public are admitted whether upon payment or otherwise.

### **Occasional licence to persons conducting entertainments**

**38.** Subject to the provisions and conditions set out in sections 35 and 36, a magistrate may, in like manner and upon the certificate of approval of the police officer in charge of the district in which are situated the premises in respect of which the application is made, grant an occasional licence to the applicant therefor, whether the applicant is licensed or not, to sell intoxicating liquor at any entertainment, meeting or sports gathering conducted or organised by the applicant for such licence.

### *Issue of Licences*

### **Issue of licences on payment of duty**

**39.(1)** Upon the grant of any application for the issue, renewal or transfer of a licence by a licensing authority or a magistrate, the licensing authority or magistrate, as the case may be, upon payment to him of the appropriate duty set out in the Schedule, shall issue to the licensee the appropriate licence:

Provided that—

[1968-34]

- (a) in the case of a licence, other than a retail licence, which is issued in respect of a whole year or a whole year except the first quarter thereof, such duty may be paid in two equal instalments, the first of which shall be paid upon the issue of such licence and the second not later than the first day of July in the same year;
  - (b) in the case of a retail licence issued—
    - (i) in respect of a whole year, such duty may be paid in four equal instalments, the first of which shall be paid upon the issue of such licence and the other instalments not later than the first day of April, July and October respectively in the same year;
    - (ii) in respect of a whole year except the first quarter thereof, such duty may be paid in three equal instalments, the first of which shall be paid upon the issue of such licence and the second and third instalments not later than the first day of July and October respectively in the same year;
  - (c) in the case of a licence, other than an occasional licence, which is issued after the thirty-first day of March in any year, the duty payable in respect thereof shall be reduced by one-fourth in respect of each quarter of one year which has expired prior to the issue of such licence.
- (2) Every licence shall state thereon the conditions and restrictions subject to which the application in respect of the issue of such licence has been granted.
- (3) No such licence shall be issued after the expiry of a period of three months from the date on which the application was granted by the licensing authority or the magistrate, as the case may be, or, in the case of an appeal from the decision of the licensing authority, from the date on which such appeal was finally disposed of.

**Recovery of duty**

40.(1) Any duty or instalment of duty due in respect of a licence may be recovered by summary proceedings before a magistrate on the complaint of the clerk to the licensing authority.

(2) Any licence in respect of which any duty or instalment of duty is due and payable shall be void for any period during which such duty or instalment is due and payable and remains unpaid.

**Quarterly returns**

41.(1) The Accountant-General shall cause to be published in the *Official Gazette* during the months of January, April, July and October in every year a return showing such particulars as may be prescribed in respect of all licences, other than occasional licences, granted during the preceding quarter of the year.

(2) Production of a copy of the *Official Gazette* containing any such return shall be sufficient evidence of any fact therein stated as to any licence therein referred to.

## PART V

## CLUBS

**Certain clubs to be registered**

42.(1) The secretary of every club, which occupies any premises habitually used for the purpose of a club and in which any intoxicating liquor is supplied to members or their visitors or guests, shall cause the club to be registered in the manner provided in this Act.

(2) The registration of a club under this Act shall not constitute the club premises licensed premises nor authorise the sale or supply of intoxicating liquor therein which would be contrary to this Act or otherwise illegal.

**Registers of members' and proprietary clubs**

**43.(1)** Every magistrate shall cause to be kept separate registers of all registered members' clubs and of all registered proprietary clubs situated in the district of such magistrate, but no club shall be entered thereon without an order to that effect from the magistrate or the licensing authority in that district:

Provided that there shall be only one register of members' clubs and one register of proprietary clubs in respect of District A.

(2) Such register shall contain the following particulars—

- (a) the name and objects of the club;
- (b) the address of the club premises;
- (c) particulars of the terms of occupancy of the club premises;
- (d) the name of the secretary and, in addition in the case of a proprietary club, the name of the proprietor;
- (e) such other particulars as may be prescribed.

**Application for registration**

**44.(1)** The secretary of every club which is required to be registered under this Act shall make application to the magistrate of the district in which the club premises are situated for an order to the Commissioner of Police to enter the club on the appropriate register.

(2) In support of such application, the secretary shall produce to the magistrate a return signed by the secretary giving the particulars mentioned in subsection (2) of section 43, and shall attach thereto—

- (a) a copy of the existing rules of the club;
- (b) a list of the General Committee and Wine Committee (if any);
- (c) except in the case of a new club, a certified copy of an audited balance sheet and revenue account for the preceding financial year of the club;



- (d) a statement signed by him that there are, or in the case of a new club there will be, kept the books and documents required to be kept in accordance with section 58.
- (3) The secretary shall, if so required, give evidence to the satisfaction of the magistrate, in verification of the matters mentioned in subsection (2).

#### **Notice to police**

**45.(1)** The secretary of a club shall, on application to the magistrate for an order to enter a club upon a register, give to the police officer in charge of the district in which are situated the premises in respect of which the application is made twenty-one days' notice of his intention to apply and shall furnish to him a copy of the return referred to in subsection (2) of section 44.

(2) Such officer or any officer of or above the rank of inspector authorised by him shall—

- (a) verify the particulars contained in such return;
- (b) make enquiries to enable him to inform the magistrate to whom application is made upon the matters to be considered by the magistrate under section 46;
- (c) attend the hearing of the application (if any);
- (d) be entitled to object to the making of an order for registration of the club either generally or on any of the grounds of complaint set out in subsection (1) of section 56.

#### **Application to be heard by licensing authority unless magistrate orders registration without hearing**

**46.(1)** Where the magistrate to whom application is made is satisfied upon considering such return and any report forwarded by the police officer in charge of the district in which are situated the premises in respect of which the application is made that an order to enter the club upon the appropriate register

should be made, he shall direct that upon payment of the prescribed fee the club shall be entered in the appropriate register of clubs.

(2) Where the magistrate is not so satisfied, he shall refer such application to the licensing authority for hearing at the Licensing Sessions.

(3) The licensing authority shall hear any evidence produced on behalf of the club and such police officer and shall determine whether or not such order shall be made and, if satisfied that such club is a *bona fide* members' club or proprietary club, as the case may be, and that such order should be made, shall direct as aforesaid.

#### **Licensing authority may refuse registration in certain circumstances**

**47.(1)** The licensing authority may in its discretion refuse to direct that any club shall be entered in a register if, in its opinion—

- (a) the return prescribed as aforesaid is incomplete; or
- (b) the evidence given on behalf of the club as to the objects of the club or its system of management or as to the character of the club premises is unsatisfactory; or
- (c) there is satisfactory proof of any of the grounds of complaint set out in subsection (1) of section 56; or
- (d) any other good cause is shown.

(2) The licensing authority considering an application in respect of a members' club, if it is not satisfied that such club is a *bona fide* members' club, may direct the registration of such club as a proprietary club upon the same application and upon payment of the prescribed fee.

#### **Removal of registered club to other premises**

**48.(1)** The secretary of a registered club may make application to the magistrate to authorise the removal of the club to premises other than those specified in the register.

- (2) The magistrate shall give notice of such application to the police officer in charge of the district in which are situated the premises in respect of which the application is made and within twenty-one days of receipt of such notice such officer shall be entitled to give to the magistrate and the applicant notice that he intends to object to such removal.
- (3) Where, within such period of twenty-one days, no such notice of objection is given and the magistrate is satisfied such removal should be authorised, he shall authorise such removal and direct the register to be altered accordingly.
- (4) Where such notice of objection is given or the magistrate is not so satisfied, the licensing authority shall consider such application at the Licensing Sessions and shall hear the evidence produced on behalf of the club and by the police and shall determine whether or not to authorise such removal and direct as aforesaid.
- (5) Upon receipt of the order of the magistrate or the licensing authority, as the case may be, and upon payment of such fee as may be prescribed, the appropriate register shall be altered accordingly.

#### **Alteration of rules**

**49.** Any alteration in the rules of a registered club or in any of the particulars required by, or under, this Act to be recorded in the appropriate register shall be notified to the appropriate magistrate and the police officer in charge of the district by the secretary of such club within fourteen days of such rules having been altered or of such alteration in such particulars having been taken.

#### **Prohibition on supply of intoxicating liquor in unregistered club**

**50.** Notwithstanding any other provision of law, no intoxicating liquor shall be supplied or sold to any person or kept for supply or sale on the premises of an unregistered club, whether or not such club has not less than fifteen members.

**Supply of intoxicating liquor in registered club**

**51.** Notwithstanding any other provision of law, no intoxicating liquor shall be supplied or sold to any person on the premises of a registered club without a licence in force authorising such supply or sale or contrary to the terms of any licence granted in respect of such premises.

**Issue of club licences**

**52.(1)** The secretary of a registered club may make application to the magistrate for a members' club licence or a proprietary club licence, as the case may be, to be issued in respect of such club.

(2) Such application shall be in the prescribed form and shall state whether such club is a members' club or a proprietary club and such other particulars as may be prescribed.

(3) Upon receipt of such application the magistrate if satisfied that such club is registered shall, notwithstanding any other provision of this Act, issue a licence in the prescribed form to such club upon such conditions and restrictions as the magistrate may in his discretion impose.

**Conditions of supply under club licences**

**53.** A club licence shall authorise the club and its officers and servants to sell or supply intoxicating liquor—

- (a) only on the club premises specified in such licence;
- (b) for consumption on such premises to members of such club whose names are recorded in a register of members referred to in section 58;
- (c) for consumption only on such premises to visitors or guests of such members, whose names are recorded in the register of visitors and guests referred to in section 58.

**Renewal of club licences**

**54.(1)** Applications for renewal of club licences for the ensuing year shall be made in the prescribed form to the magistrate not later than the thirtieth day of November in any year.

(2) Subsection (3) of section 52 shall apply to the grant of a licence under section 39 in respect of the renewal of a club licence.

**Club registered as a members' club may be deemed a proprietary club in certain circumstances**

**55.(1)** On complaint in writing by any person that a club which is registered as a members' club is in fact a proprietary club, the magistrate may summon the secretary of such club to appear before him to answer such complaint.

(2) Where the magistrate, upon the hearing of such complaint and after having heard the evidence produced on behalf of the complainant and the secretary and after such further enquiry (if any) as the magistrate may consider necessary, is of the opinion that such club is not a *bona fide* members' club, then such club shall be deemed to be a proprietary club and the magistrate shall direct the registers to be amended accordingly.

(3) Where such club holds a members' club licence, then such licence shall, subject as provided in subsection (2) of section 57, be void and of no further effect from the date of such order by the magistrate.

**Cancellation of club registration**

**56.(1)** Upon complaint in writing by any person that—

- (a) a registered club has ceased to exist; or
- (b) a registered club has less than fifteen members; or
- (c) a registered club is not conducted in good faith as a club; or

- (d) a registered club is kept or habitually used for any unlawful purpose;  
or
- (e) there is a frequent drunkenness on the premises of a registered club; or
- (f) illegal sales of intoxicating liquor have taken place on the premises of a registered club; or
- (g) persons who are not members of a registered club are habitually admitted to such club for the purposes of obtaining intoxicating liquor;  
or
- (h) persons are habitually admitted as members of a registered club contrary to the provisions in that behalf contained in the rules of the club; or
- (i) the supply of intoxicating liquor in a registered club is not under the control of the members of such club or a committee appointed by such members,

the magistrate may summon before him the secretary of such club and such other person or persons as he may direct, or any of them, to answer such complaint.

(2) Where the magistrate, upon the hearing of such complaint and after having heard the evidence produced on behalf of the complainant and any persons so summoned and after such further enquiry (if any) as the magistrate may consider necessary, is of the opinion that the matter complained of has been satisfactorily established, then he may direct the registration of such club to be cancelled.

(3) Where such club holds a club licence, then such licence shall, subject as provided in subsection (2) of section 57, be void and of no further effect from the date of such order by the magistrate.

(4) For the purposes of determining whether a registered club is conducted in good faith as a club, the magistrate shall have regard to the nature of the premises occupied by such club.

(5) Where the magistrate makes an order striking a club off the register, he may, if he thinks fit, by that order, further direct that the premises occupied by

the club shall not for a specified period be used for the purposes of any club which is required to be registered under this Act, and such period may extend, in case of a first order in respect of such premises, to twelve months or, in case of a second subsequent order, to five years:

Provided that any such direction may, for good cause shown, be subsequently cancelled or varied by the magistrate.

(6) Where upon the hearing the magistrate is of the opinion that the complaint was of a frivolous or vexatious nature, he shall dismiss such complaint and shall order the complainant to pay to the club such amount by way of costs as the magistrate may determine.

(7) Payment of such costs may be enforced in the same manner as payment of any sum which a magistrate may award to be paid under the *Magistrates Jurisdiction and Procedure Act*, Cap. 116 and the magistrate shall have the same powers to enforce such payment as under that Act.

#### **Appeal from decision of magistrate**

**57.(1)** Any party aggrieved by the decision of a magistrate made under section 55 or 56 may appeal therefrom to the High Court in all respects as if such order were the decision of a licensing authority in connection with an application made under this Act.

(2) In case of any such appeal, any licence held by the club shall continue to be valid and subsection (3) of section 55 or of section 56 shall not operate until any appeal from such decision has been finally disposed of.

#### **Books and documents to be kept on club premises**

**58.** Every registered club shall keep on the club premises or at such other place as may be authorised in writing by the Commissioner of Police—

- (a) a register of ordinary or full members showing their addresses, and a record of the latest payment of their subscriptions;

- (b) a separate register of temporary and honorary members and all members other than ordinary or full members showing the date of election and period of membership;
- (c) a copy of the rules of the club with any subsequent alterations authenticated by the signature of the secretary;
- (d) a register of all visitors and guests of members in which shall be recorded the name and address of all such visitors and guests as they are admitted to the club premises;
- (e) a Minute Book recording the business transacted at all meetings of the committee and at general meetings of the members;
- (f) all accounts for intoxicating liquor supplied to the club during the preceding six months.

#### **Power of police to enter club premises**

**59.** Any police officer of or above the rank of Superintendent or any officer for the time being performing the duties of a Superintendent may, at any time during such hours as a registered club's premises are open to members, enter upon the premises and call for and inspect all books and documents required to be kept under this Act and take copies of any entry in such books or documents.

#### **Notice of discontinuance of a club or change of secretary**

**60.(1)** In the event of the winding up, dissolution or discontinuance of a registered club, the secretary thereof shall notify the appropriate magistrate of the date of such winding up, dissolution or discontinuance within fourteen days of such date.

(2) In the event of the person appointed to be the secretary of a registered club ceasing to hold office by reason of death, resignation, dismissal, expiry of term of office or by any other reason, the chairman of the committee of a members' club or the proprietor in the case of a proprietary club shall notify such fact in



writing to the appropriate magistrate and also the name of any successor appointed, within fourteen days of the occurrence of either of such events.

### **Employees' clubs**

**61.** The Minister may, if satisfied that a club which is registered as a proprietary club is established and carried on by any person for the benefit of the employees of that person and not for profit or gain, direct the magistrate to whom an application in respect of such club has been made under section 52, that the magistrate shall, if he sees fit to issue a certificate under that section, issue a certificate in the prescribed form certifying the grant of a members' club licence instead of a proprietary club licence.

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[1967/168]

### **Except for certain provisions Part IV not applicable to clubs**

**62.(1)** Except as provided in this section, Part IV shall not apply to clubs.

(2) The following provisions of Part IV shall, with any necessary modifications and subject to this Part, apply to applications made and licences issued in respect of clubs, namely: sections 20 to 22, 24, 28, 29, paragraph (b) of subsection (1) of section 31, 32, 33 and 39 to 41.

(3) In applying such provisions—

- (a) any reference to an application for the issue of a licence shall be deemed to include a reference to an application for registration of a club;
- (b) for the purposes of subsection (1) of section 39, any duty or instalment of duty shall be payable by the secretary of a registered club.

PART VI  
POWERS AND DUTIES OF LICENSEES

**Persons authorised to act under licence**

**63.** The authority given to any licensee by any licence in respect of any premises shall extend, in respect of such premises, to the servant or wife or member of the family of such licensee resident with him and, in the case of a registered club, to the officers and servants of such club.

**Suitability of premises to be licensed premises**

**64.(1)** Subject to subsection (2), no application for the issue of a licence or for the transfer of a licence to other premises shall be granted unless the licensing authority or the magistrate, as the case may be, is satisfied that the premises concerned are suitable as licensed premises under this Act.

(2) Such application may be granted subject to the condition that, within a period of time limited in that behalf in such grant, such premises will be altered in such manner as may be specified in such grant, including, if the licensing authority or the magistrate, as the case may be, sees fit, provision for the alteration of such licensed premises so as to have no means of communication with, or to be separated from, other premises or other parts of the licensed premises.

(3) No such application in respect of an hotel or restaurant licence shall be granted without the production to the magistrate of a certificate from the police officer in charge of the district in which are situated the premises in respect of which the application is made that the premises sought to be licensed are *bona fide* an hotel or restaurant, as the case may be, and suitable to be licensed as such.

**Signboards to be set up by licensee**

**65.** Every licensee, other than a registered club, shall, before selling or supplying any intoxicating liquor or permitting the same to be sold or supplied

under the licence held by such licensee, set up and affix a signboard on some conspicuous part of the front of the licensed premises, such board to have the number of the licence, the name of the licensee and the words “ Licensed Seller of Liquors ” printed thereon in white letters not less than two inches high on a black background.

### **Notices on premises**

**66.(1)** Any notice required by or under this Act to be affixed to any premises shall be printed in large type or clearly typewritten and shall be affixed in a conspicuous place or places on such premises.

(2) In the case of premises which have entrances on more than one side of the building, such notices shall be affixed on each side having such an entrance.

### **Employment of young persons**

**67.(1)** No person under the age of eighteen years shall be employed in connection with the sale or supply of intoxicating liquor on any premises in respect of which a retail, members’ club or proprietary club licence is granted.

(2) No person under the age of eighteen years shall be wholly or mainly employed in serving intoxicating liquor on any premises in respect of which a restaurant or hotel licence is granted.

### **Certain persons may be refused admittance or ejected**

**68.(1)** Any licensee or his servant or agent may refuse to admit to, or may turn out of, the licensed premises any person who is drunk, violent, quarrelsome or disorderly or any person whose presence on the licensed premises would be in contravention of any of the provisions of this Act.

(2) Any constable shall, on the demand of such licensed person or his servant or agent, expel or assist in expelling such person from such premises and may use such force as may be required for that purpose.

**What intoxicating liquors may be received by licensee**

**69.** No licensee or the servant or agent of a licensee shall receive any intoxicating liquor save by lawfully importing the same or from some other person licensed under this Act, or having other legal authority, to sell such liquor.

PART VII  
OFFENCES

**Offences**

**70.(1)** Any person who—

- (a) not being a licensee, except as otherwise authorised under this Act, either personally or by a servant or other person on his behalf, deals in, retails, sells, barter, exposes or offers for sale or barter or has in his possession or on any premises for purposes of sale or barter any intoxicating liquor;
- (b) being in the occupation of any house, premises, building, room or other place, or acting by the direction of such occupier, or being a servant or other person in the employment of such occupier, refuses or fails to admit into or upon such house, premises, building, room or other place or wilfully impedes, resists or obstructs in his search or inspection the Accountant-General, any Inland Revenue Officer or Customs Officer, magistrate or police officer or constable when in the execution of his duty;
- (c) being a licensee or other person authorised to sell or supply intoxicating liquor under the authority of a licence—
  - (i) sells or supplies or exposes for sale any intoxicating liquor contrary to this Act or any regulations or to the terms or conditions of such licence;

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- (ii) knowingly harbours or knowingly suffers to remain on the licensed premises any police constable during any part of the time appointed for such constable being on duty, unless for the purpose of keeping or restoring order or in the execution of his duty, or supplies any liquor or refreshments, whether by way of gift or sale, to any police constable on duty or bribes or attempts to bribe any police constable;
  - (iii) fails to admit to the licensed premises on demand the Accountant-General, any Inland Revenue Officer or Customs Officer, magistrate or police officer or constable when in the execution of his duty, or obstructs, hinders, misleads or assaults any such person when in the execution of his duty;
  - (iv) permits the licensed premises to be, or to be used as, a brothel;
  - (v) knowingly permits his premises to be the habitual resort or place of meeting of reputed prostitutes, whether the object of their resorting or meeting is or is not prostitution;
  - (vi) sells or supplies any intoxicating liquor to be consumed on the licensed premises to any person who is under sixteen years of age;
  - (vii) suffers any unlawful games to be carried on on the licensed premises, or opens or keeps or uses or suffers the licensed premises to be opened, kept or used in contravention of the *Gaming Act*, Cap. 135;
  - (viii) suffers any gaming to be carried on on the licensed premises, being premises licensed otherwise than under a club licence;
  - (ix) permits drunkenness or any violent, quarrelsome, disorderly or riotous conduct to take place on the licensed premises, or sells any intoxicating liquor to any drunken person;
  - (x) mixes or permits any intoxicating liquor to be mixed with any ingredient or material so as to render such liquor injurious to

health with intent that the same may be sold in that state, or sells or supplies or exposes for sale any intoxicating liquor so mixed;

- (d) being a licensee or the servant or agent of a licensee receives any intoxicating liquor contrary to section 69,

shall be guilty of an offence and shall, in addition to any punishment to which he may be liable under any other law, be liable on summary conviction to a fine of \$500 or to imprisonment for 3 months in respect of the offence mentioned in subparagraph (c) (ix) of subsection (1) and to a fine of \$2 500 or to imprisonment for 3 months in respect of all the other offences mentioned in paragraph (c) of that subsection.

[1980-26]

(2) Where any person is convicted of an offence under subparagraph (iv) of paragraph (c) of subsection (1), the magistrate shall, in addition to any other penalty, order that the licence issued in respect of the licensed premises shall be forfeited.

(3) Where any person is convicted of any other offence under paragraph (b) of subsection (1), the magistrate may, in addition to any other penalty, order that the licence issued in respect of the licensed premises shall be forfeited and shall so order in the case of a second or subsequent offence under such paragraph in respect of a licence held by the same licensee.

(4) Whenever a licence is forfeited in consequence of a conviction for an offence under this section, the licensee may by order of the court by which he is tried be disqualified for any period from holding any licence.

### **Obstructing officers**

**71.** Any person who delays, obstructs or otherwise interferes with any member of the Police Force in the execution of any duty imposed, or power conferred, by this Act shall be guilty of an offence and shall on summary conviction be liable to a fine of \$2 500.

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[1980-26]

**Selling rum near distillery**

**72.(1)** Any person who sells rum in any place within 50 yards from the nearest distillery, otherwise than under the authority of a licence granted pursuant to subsection (2) of section 31, shall be guilty of an offence and shall be liable on summary conviction to a fine of \$2 500, and, if a licensee, shall forfeit his licence.

(2) Where any licensee is convicted of an offence under subsection (1) or of being a party to such offence, the magistrate shall, in addition to any other penalty, order his licence to be forfeited.

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[1980-26]

**Failing to affix proper signboard**

**73.** Any licensee who fails to comply with any of the provisions of section 65 shall on summary conviction be liable to a fine of \$25 for each day during which he has failed to comply with such provisions.

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[1980-26]

**Employing young people**

**74.** A licensee who contravenes the provisions of section 67 shall on summary conviction be liable to a fine of \$25 for each day during which he has contravened such provisions.

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[1980-26]

**Refusal to produce licence**

**75.** Any licensee who fails to produce his licence to the Accountant-General, any Inland Revenue Officer, Customs Officer, magistrate or member of the Police Force when such last-mentioned person is on licensed premises in the execution of his duty and has called for such licence, or any person who in any

way obstructs, hinders or prevents such Accountant-General, Inland Revenue Officer, Customs Officer, magistrate or member of the Police Force, as the case may be, from inspecting such licence shall be guilty of an offence and shall be liable on summary conviction to a fine of \$1 000.

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[1980-26]

### **Refusal to quit licensed premises**

**76.** Any person who, upon being requested pursuant to section 68 by a licensee or his agent or servant or any police constable to quit the licensed premises, refuses or fails to do so shall on summary conviction be liable to a fine of \$500.

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[1980-26]

### **Wholesaler permitting consumption on premises**

**77.** Any person who, being a licensee or other person authorised to sell or supply intoxicating liquor under the authority of a general wholesale licence or a wholesale licence, permits or suffers any other person to whom he has sold or supplied intoxicating liquor to drink such liquor or any part thereof on the licensed premises shall be guilty of an offence and shall on summary conviction be liable to a fine of \$2 500.

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[1980-26]

### **Failure to close when ordered during riot, etc.**

**78.** Any person who, being a licensee or other person authorised to supply intoxicating liquor under the authority of a licence and having been ordered by a magistrate or a Justice of the Peace to close the licensed premises in consequence of a riot or tumult or expected riot or tumult, keeps open his licensed premises during any time at which the magistrate or Justice of the Peace has



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ordered them to be closed, shall be guilty of an offence and shall on summary conviction be liable to a fine of \$2 500 or to imprisonment for 3 months.

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[1980-26]

### **Supplying intoxicating liquor in unregistered club**

**79.** Any person who supplies intoxicating liquor or keeps such liquor for supply or sale contrary to section 50 shall be guilty of an offence and shall on summary conviction be liable to a fine of \$2 500 or to imprisonment for 3 months.

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[1980-26]

### **Club records not kept or maintained up-to-date**

**80.** Where in any registered club there is not kept on the club premises any of the records referred to in section 58 or the entries in any such record are not maintained up-to-date, then the secretary of such club shall be liable on summary conviction to a fine of \$25 for every day or part of a day during which any such record is not so kept or any such entries not so maintained up-to-date, as the case may be.

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[1980-26]

### **Secretary, etc., not notifying winding up, etc.**

**81.(1)** Any secretary of a club who fails to comply with subsection (1) of section 60 shall on summary conviction be liable to a fine of \$100.

(2) Any chairman of the committee of a members' club or proprietor of a proprietary club who fails to comply with subsection (2) of section 60 shall on summary conviction be liable to a fine of \$100.

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[1980-26]

**Forfeiture of licence**

**82.** Where any person is convicted of any offence under section 73, 74, 75, 77 or 78, the magistrate may, in addition to any other penalty, order that the licence issued in respect of the licensed premises shall be forfeited and shall so order in the case of a second or subsequent offence under the same section in respect of a licence held by the same licensee.

**PART VIII****ENFORCEMENT AND PROCEEDINGS****Power of officers to enter premises**

**83.(1)** Subject to the provisions of subsection (4), the Accountant-General, the Chief Labour Officer, any Labour Officer authorised by the Chief Labour Officer, the Comptroller of Customs, any Customs Officer authorised by the Comptroller of Customs, any magistrate or any member of the Police Force may at any time enter any licensed premises and inspect the same for the purpose of ensuring that the provisions of this Act are being complied with.

(2) Any such person may, if he has reasonable cause to suspect that any person is hawking or selling any intoxicating liquor in any street, road, thoroughfare or public place or exposing any intoxicating liquor for sale in any manner prohibited by this Act, arrest such person or cause him to be arrested and seize any such liquor or cause such liquor to be seized.

(3) Any person so arrested shall forthwith be taken before a magistrate to be dealt with according to law and any intoxicating liquor so seized shall, upon any conviction in respect thereof, be forfeited to the Crown.

(4) Notwithstanding subsection (1), no member of the Police Force shall enter the premises of any registered club pursuant to the powers conferred by this section unless he is, or is accompanied by, an officer of, or above, the rank of

Superintendent or an officer for the time being performing the duties of a Superintendent.

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[1961-13]

### **Search warrant**

**84.(1)** Where upon information given on oath it appears to any magistrate that there is reasonable cause for suspecting that

- (a) any intoxicating liquor is kept for the purpose of sale by a person not authorised by a licence in that behalf or by any licensed person in any premises not specified in his licence or is kept in any manner not authorised by his licence; or
- (b) that any intoxicating liquor is sold or supplied or kept for sale or supply upon the premises of an unregistered club; or
- (c) that any registered club is so managed or carried on as to constitute a ground for striking it off the register; or
- (d) there is a violation of any provision of this Act,

then in any such case such magistrate may, by warrant under his hand directed to any member of the Police Force, authorise such member of the Police Force to enter and search any premises referred to in such information and such warrant may, if the magistrate thinks fit, specially authorise the entry and search of such premises at any hour of the day or night and, if he thinks fit, he may by such warrant specially authorise such member of the Police Force, with or without assistance, to break open or otherwise use force in order to effect any entry to such premises.

(2) No such warrant authorising entry of the premises of a registered club shall be directed to any member of the Police Force below the rank of Superintendent, but this subsection shall not prevent the officer to whom such warrant is directed from having any other member of the Police Force to assist him upon the entry and search of such premises.

(3) Where, upon search under a warrant issued pursuant to paragraph (a) or (b) of subsection (1), any such intoxicating liquor is found, it shall be lawful for the member of the Police Force executing the warrant to take possession of such liquor and any vessel used for holding or measuring such liquor, and he may apprehend and bring before a magistrate not only the person in occupation of the premises where the same are found but also every person found in such premises who appears to have been employed or assisting in the selling or supplying of intoxicating liquor.

(4) Unless it be made to appear to such magistrate that such intoxicating liquor was not deposited for the purpose of being kept, sold or supplied in such premises, the person in occupation of such premises and every person so appearing to have been employed or assisting in the selling or supplying thereof in such premises shall be guilty of an offence and shall upon summary conviction be liable to a fine of five hundred dollars.

(5) Where upon search under a warrant issued pursuant to paragraph (c) or paragraph (d) of subsection (1), the member of the Police Force executing the warrant is of opinion that illegal supply or sale of liquor has taken place, then it shall be lawful for him to take possession of any intoxicating liquor which he is of opinion has been illegally supplied or sold or supplied for such purpose or any vessel used for holding or measuring the same.

(6) All intoxicating liquor taken possession of pursuant to this section, together with all vessels used for holding or measuring the same or in any way in and about the selling thereof, shall upon any conviction in respect thereof be forfeited to the Crown.

(7) Every warrant under this section shall remain in force for one month from the date thereof, and it shall be no defence to any charge that the liquor found on the premises was deposited or brought thereon after the issue of the warrant.

### **Proceedings to be summary**

**85.(1)** All proceedings for any offence under this Act and for the recovery of any penalty or forfeiture under this Act shall be brought before a court of

summary jurisdiction, and in the case of proceedings for an offence, before such a court having jurisdiction in the place where the offence was committed.

(2) Save as otherwise provided, all proceedings may be prosecuted on the information of the Accountant-General, Labour Officer, any Inland Revenue Officer or Customs Officer, magistrate or police officer or constable.

[1961-13]

### **Limitation for prosecution**

**86.** No proceedings for any offence under this Act may be commenced later than one year after the commission of such offence.

### **Summonses, etc., to be issued free of costs**

**87.(1)** The magistrate shall issue all summonses, copies of proceedings or other necessary legal documents required by any of the persons charged with official duties under this Act in carrying out the provisions thereof free of all cost or charge to any such person.

(2) Costs shall not be imposed on the persons charged with official duties under this Act in prosecuting informations or complaints, unless such informations or complaints are dismissed by any court on the ground of being frivolous or vexatious or contrary to this Act.

### **Mode of describing certain offences**

**88.** In proceedings for any offence or the recovery of any penalty under this Act for selling or supplying on sale intoxicating liquors without a licence or in a manner unauthorised by a licence, it shall be sufficient to allege that the defendant sold either beer, spirits or wine without having in force a licence authorising him so to do; and it shall not be necessary further or otherwise to describe the offence.

**Evidence of sale or consumption**

**89.(1)** In proving the sale or consumption of intoxicating liquor in any proceedings for an offence or the recovery of any penalty or forfeiture under this Act, it shall not be necessary to show that any money actually passed or that liquor was actually consumed if the magistrate hearing the case is satisfied that a transaction in the nature of a sale actually took place.

(2) In proving consumption of intoxicating liquor, it shall be sufficient to show that consumption was about to take place.

(3) Proof that some person, other than the occupiers or a member of the family or a servant of the occupier, consumed or was about to consume intoxicating liquor on licensed premises or carried away, or was about to carry away, intoxicating liquor from such premises shall be evidence that such liquor was sold to such person.

(4) Where an intoxicating liquor, for the sale of which a licence is required, is sold in any premises by any person who is unknown or is not licensed for that purpose, the occupier of the premises, if privy or consenting to the sale, shall, in any proceedings for any offence or for the recovery of any penalty or forfeiture under this Act, be deemed to be the seller of the same.

**Onus of proof in respect of licence**

**90.** In any proceedings under this Act for any offence of keeping, selling or otherwise dealing with intoxicating liquor without, or contrary to the authority of, a licence or otherwise contrary to this Act, the onus of proving that he was licensed so to keep, sell or deal with such liquor shall lie on the defendant.

**Presumption as to offence under section 70 (1) (a)**

**91.** In order to warrant the conviction of any person for an offence contrary to paragraph (a) of subsection (1) of section 70, it shall be sufficient, in the absence of evidence to the contrary, to prove that some person, other than the occupier of or servant in such place or premises, was at the time charged found

in such place or premises drinking or having had intoxicating liquor supplied to him therein, and that such place or premises is or are by repute kept for the purpose of selling intoxicating liquor contrary to this Act or that such place or premises at the time charged contained drinking utensils and fittings usually found in licensed premises.

**Sale of condemned liquor, etc.**

**92.** All intoxicating liquor and vessels forfeited under this Act shall be sold or otherwise disposed of by or under the directions of the Comptroller of Customs and no action shall lie in respect of such sale or disposal.

**Licensee may be ordered to close premises during riot, etc.**

**93.** Any magistrate or Justice of the Peace in any place where any riot or tumult occurs, or is reasonably expected by such magistrate or Justice of the Peace to occur, may order every licensee in or near to such place to close his licensed premises during such time as such magistrate or Justice of the Peace may order, and any person acting in obedience to such order may use such force as may be necessary for the purpose of closing the licensed premises.

PART IX  
MISCELLANEOUS

**Exemptions**

- 94.** Nothing in this Act shall apply to—
- (a) the sale of intoxicating liquor by virtue of any legal process or any law authorising such sale;
  - (b) the sale of pure alcohol or medicated spirits made up in medicine and sold by a registered medical practitioner or a chemist and druggist;
  - (c) the sale of any intoxicating liquor which forms part of the estate of a deceased person provided that such sale has been authorised by a

- magistrate having jurisdiction in the place where such sale is to take place;
- (d) the sale of intoxicating liquor on board any ship outside the limits of any port of this Island for consumption on board such ship;
  - (e) the sale of intoxicating liquor to passengers on board any ship within the limits of any port in Barbados for a period not exceeding 72 hours for consumption on board such ship or for any extended period which the Comptroller of Customs may authorise;
  - (f) the sale or supply of intoxicating liquor at a mess or canteen of the Barbados Defence Force, Barbados Fire Service or the Police Force approved of as such mess or canteen by the Minister;  
*[1959-33; 1967/168; 1984-31]*
  - (g) the sale at a distillery or brewery by a distiller or brewer of the spirits distilled or malt liquor brewed by him at such distillery or brewery if such sale is to the holder of a general wholesale licence or a wholesale licence;
  - (h) the sale and export by a distiller or brewer of the spirits distilled or malt liquor brewed by him.  
*[1959-33]*

### **Forfeiture of licence for breach of condition**

**95.(1)** Upon complaint in writing to a magistrate that a licensee or other person authorised to sell or supply intoxicating liquor under the authority of a licence has committed a breach of or failed to comply with any condition or restriction imposed in such licence under this Act, the magistrate shall enquire into such complaint and, if satisfied that the licensee has committed a breach of or failed to comply with any such condition or restriction, shall order that such licence shall be forfeited.



(2) Any party aggrieved by the decision of a magistrate under this section shall have a right of appeal in accordance with the *Magistrates Jurisdiction and Procedure Act*, Cap. 116.

[1959-33]

(3) In case of any such appeal, such licence shall continue to be valid until such appeal has been finally disposed of.

### **Regulations**

**96.(1)** The Minister may make regulations for carrying out the purposes of this Act.

(2) Such regulations may provide for

- (a) conditions or restrictions of any nature whatsoever to be inserted in all licences or in all licences of a specified class or classes or in all licences of a specified class or classes issued for a specified area;
- (b) the situation, construction and lay-out of licensed premises including provision for the separation of licensed premises from other premises or other parts of the same premises;
- (c) standards of accommodation or amenities to be provided on licensed premises or any class of licensed premises;
- (d) the admission of visitors as guests or temporary members of members' clubs or proprietary clubs;
- (e) fees to be paid in respect of applications, hearings, orders, registration of clubs and generally in respect of matters and proceedings under this Act;
- (f) prescribing forms for use in proceedings and matters made under this Act;
- (g) prescribing for returns to be furnished for the purposes of this Act;

(h) the holding of Licensing Sessions other than those referred to under section 14, which are to be designated “Special Licensing Sessions.”  
*[1980-26]*

(3) Any regulations shall be laid before both Houses within 14 days next after they are made if the Houses are sitting, or, if the Houses are not then sitting, within 14 days after the commencement of the next ensuing sitting.

(4) If within a period of 40 days beginning with the day on which any such regulations are so laid before it, either House resolves that the regulations be annulled, they shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of new regulations.

(5) The Minister may, by order, amend the Schedule.  
*[1980-26]*

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*[1967/168]*

**SCHEDULE***(Sections 7, 8 and 39)*

	\$
1. A general wholesale licence	10 000.0 0
2. A wholesale licence	5 000.00
3. A retail licence	1 000.00
4. A hotel licence in respect of a hotel containing	
(a) up to 25 bedrooms	1 500.00
(b) 26 to 50 bedrooms	3 750.00
(c) 51 to 100 bedrooms	7 500.00
(d) over 100 bedrooms	15 000.0 0
5. A restaurant licence	1 000.00
6. An occasional licence	100.00
7. A members' club licence	500.00
8. A proprietary club licence	5 000.00
9. A pharmacist licence	750.00

*[2008/87]*