

STATES OF ALDERNEY

ORDINANCE OF THE STATES

Made9th November, 1951
Coming into force10th November, 1951

ALDERNEY LIQUOR LICENSING ORDINANCE, 1951

THE STATES in pursuance of their Resolution of the sixth day of September, 1951, hereby order:-

1. In this Ordinance, unless the context otherwise requires it, the following expressions shall have the meanings hereby respectively assigned to them:-

"Constable" means any member of the Guernsey Island Police Force on duty in Alderney, together with a Special Constable when on duty;

"Court" means the Court of Alderney;

"excursion" means a day visit to the Island by air or sea which has been advertised as a public excursion, and the expression "excursionist" shall be construed accordingly;

"intoxicating liquor" includes spirits, wines, beer, porter, cider and perry;

"licensed premises" means premises in respect of which a licence to sell intoxicating liquor exists;

"a meal" means cooked or prepared food of a value of not less than two shillings and threepence exclusive of any service or other extra charge;

"summer period" and "winter period" shall mean respectively the periods in each year from the first day of April to the thirtieth day of September and from the first day of October to the thirty-first day of March.

2. A person shall not sell or expose for sale intoxicating liquor unless he holds a licence from the Court for the sale of that intoxicating liquor.

3. Licences for the sale of intoxicating liquor are divided into the following classes –
 - (1) Hotel Licences, and
 - (2) Public House Licences.

- 4(1) Premises in respect of which there exists a licence for the sale of intoxicating liquor –
 - (a) may be open for such sale or supply during the hours and subject to the conditions set out in the Schedule to this Ordinance;
 - (b) may, subject to the provisions of the next succeeding paragraph, not be open for such sale or supply on Christmas Day, Good Friday or upon any Sunday except that in the case of a party of excursionists arriving in this Island on any day intoxicating liquor may be served to such a party between the hours of one o'clock and 5 o'clock in the afternoon.

- (2) Premises in respect of which there exists a licence of the first class may be open for such sale or supply on Sunday between the hours of midday and three o'clock in the afternoon and between the hours of seven o'clock and nine-thirty o'clock in the evening provided that the liquor is served with a meal.
Provided that a bona fide traveller arriving at a licensed hotel may also be served with liquor at meals between the hours of 2.30 o'clock and 5 o'clock in the afternoon.

5. A person shall not, except during the hours and in the circumstances permitted by the preceding section –
 - (a) sell or supply either by himself or by any servant or agent of any person in any licensed premises any intoxicating liquor to be consumed either on or off the premises, or permit the consumption thereof on such premises or deliver by himself or any servant or agent the intoxicating liquor at any place;
 - (b) consume in or take from any licensed premises any intoxicating liquor.

6. Nothing in sections four and five of this Ordinance shall be deemed to prohibit or restrict –
 - (a) the supply to or consumption by any person of intoxicating liquor in any licensed premises of the first class where he is residing; or
 - (b) the ordering of intoxicating liquor to be consumed off the premises or delivery by the vendor of liquor so ordered at the residence of the purchaser provided that such delivery if effected before the earliest hour authorised by section four for the sale or supply of intoxicating liquor shall be in quantities of not less than one reputed quart to any one person and

contained in stoppered bottles or other vessels of a capacity of not less than one reputed quart.

- (c) the supply of intoxicating liquor –
 - (i) to any member of the staff of the holder of the licence bona fide entertained by him at his own expense for consumption on the premises, or
 - (ii) to any relative or private friend of the holder of the licence bona fide entertained by him at his own expense for consumption only on some part of the premises not used for the sale, supply or storage of intoxicating liquor;or the consumption in such circumstances of intoxicating liquor so supplied.
- (d) the supply of intoxicating liquor to a trader for the purposes of his trade or to a club for the purposes of the club.
- (e) the supply of intoxicating liquor to or in any canteen where the supply of intoxicating liquor is carried on under the authority of the Secretary of State or the Admiralty or the Lieutenant Governor or to any Officers' Mess or Non-Commissioned Officers' Mess of His Majesty's Sea, Land or Air Forces.

Regulations concerning licences

- 7. The Court may grant the holder of a licence a special licence for the sale of intoxicating liquor in licensed premises outside hours, or elsewhere within or outside hours on any day. The Court fee in such case shall be Ten Shillings.
- 8.
 - 1) Every application for a licence shall be in writing and shall contain a description of the premises in respect of which a licence is sought. The application shall be delivered to the Clerk of the Court.
 - 2) The Court may restrict the licence to such portion of the premises in respect of which application is made as may seem expedient and shall require a Constable to report and refer the application for the opinion of the Medical Officer of Health.
 - 3) If an applicant for a licence has not been resident in the Island for the three years immediately preceding such application, he shall furnish to the Court a certificate of good character from the Chief Officer of Police of each place in which he shall have lived during the said three years. This rule shall also apply in the case of the designated official of an applicant company.
 - 4) A limited liability company may apply for the grant of a licence under this Ordinance, provided that –

- (a) in the application, the company shall give the name of the person designated by the company to be responsible for the conduct of the licensed premises, and such person shall appear before the Court when the application is heard;
- (b) if the company neglect to replace a designated official who has ceased to act in that capacity, the licence shall be suspended until the appointment be duly made and accepted by the Court;
- (c) the provisions of this Ordinance shall apply to the designated official of a company as though he were the holder of a licence, but the company shall also be liable jointly with the designated officials in respect of the penalties therein described.

Where the context so permits the expressions "person", "holder", "him" and "his" shall in this Ordinance apply to a limited liability company as well as to an individual.

9. The following fees are payable in respect of licences:-

- (a) Court fees on every application for a new licence or for renewal of an existing one ten shillings;
- (b) an annual fee payable during the month of February in the case of existing licences and upon the grant of a new licence –
Hotels Fifteen pounds, fifteen shillings
Public Houses Ten pounds, ten shillings;
- (c) all licences expire on the 31st of January in each year but may be renewed for the following year on payment to the Clerk of the Court the fee set out above.

10. The holder of a licence shall not without the previous permission of the Court make any alterations to the internal or external structure of his licensed premises.

Conduct of licensed premises.

11.(1) The holder of a licence who desires to absent himself from his business shall apply to the Court for permission and shall at the same time present for the approval of the Court a suitable person to carry on the business during his absence. Such person shall, during the absence of the licensee, be responsible for the conduct of the business as though he were the holder of the licence.

(2) If the holder of a licence absents himself from his business contrary to the provisions of this section, the Court may, in addition to, or instead of, any penalty which it may inflict under this Ordinance, order the suspension or cancellation of the licence.

12. On the death of the holder of a licence or on his becoming, in the opinion of the Court, incapable of carrying on his business, the Court, upon the application of a personal representative of the holder of the licence, may grant to a person approved by the Court permission to carry on the conduct of the licence for a reasonable period.
13. (1) The holder of a licence shall not permit drunkenness or violent or riotous conduct on his premises, or supply intoxicating liquor to any drunken person and, to enable him to maintain order, he may eject or refuse to admit to his premises any person without giving reason for so doing.
(2) If any person, on being requested to leave a licensed premises in pursuance of subsection (1) of this section, refuses to do so, the holder of the licence, his servant or employee or any Constable may use such force as may be reasonably necessary for the expulsion of such person.
14. (1) A person under the age of eighteen years shall not consume intoxicating liquor in any licensed premises.
(2) A person shall not supply intoxicating liquor for consumption on any licensed premises to any person apparently under the age of eighteen years.
15. (1) The holder of a licence shall not knowingly sell or deliver or allow any person to sell or deliver for consumption on the premises intoxicating liquor to any person under the age of eighteen years.
(2) The holder of a licence shall not knowingly sell or deliver or allow any person to sell or deliver intoxicating liquor to any person under the age of fourteen years for consumption by any person whether on or off the premises.
16. The holder of a licence shall not employ any person under the age of eighteen years to sell intoxicating liquor.
17. The holder of a licence shall not allow any games of chance to be played for stakes on his licensed premises.
18. (1) The holder of a licence shall not, either by himself or by any servant or agent, sell or supply on his licensed premises intoxicating liquor to be consumed on the premises unless it is paid for at the time when it is sold or supplied.
(2) No person shall consume intoxicating liquor in licensed premises unless it is paid for before, or at the time when it is sold or supplied:

PROVIDED that if liquor is sold or supplied for consumption with a meal, payment may be made for such liquor together with payment for the meal.

(3)The Holder of a licence shall not receive anything by way of a pledge for the payment of a debt due to him in respect of the supply of intoxicating liquor.

(4)Legal proceedings for the recovery of any debt contracted in contravention of subsections (2) and (3) of this section shall be barred and the Court convicting any person contravening subsection (3) may also order that the pledge be restored to the person who had given it.

19. The holder of a public house licence shall not keep a shop or carry on any business on his licensed premises except the sale of intoxicating liquor, tobacco, cigars and cigarettes, pipes, matches and other drinks and food.
20. (1)Subject to the provisions of this Ordinance, all licensed premises of the second class shall be closed except during the hours specified in section five of this Ordinance.
(2)No person shall during the time at which licensed premises are closed under subsection (1) of this section, sell or expose for sale in those premises intoxicating liquor, or allow such liquor although purchased before the time of closing to be consumed on those premises.
(3)No person shall during the times when licensed premises are required to be closed, enter or remain on those premises. If he does so, he shall be deemed to have committed an offence under this Ordinance unless he proves that he is a resident, servant or lodge on the premises or that otherwise his presence on the premises was not contrary to the provisions of this Ordinance.

Provisions concerning intoxicating liquor

21. (1)The holder of a licence, or his employee or agent shall not mix or cause to be mixed with any intoxicating liquor any ingredient for the purpose of increasing the apparent strength of such liquor, or which may render it injurious to health.
(2)Persons authorised to collect, or supervise the collection of, imput shall have free access at all times to any licensed premises for the purpose of examining and taking samples of intoxicating liquor therein.
22. The holder of a licence shall not sell or expose for sale spirits at a strength below sixty degrees, and except in stoppered bottles, at a strength above eighty-five degrees.

Miscellaneous

23. The holder of a licence shall not, after the receipt of an official notice in writing that His Excellency the Lieutenant-Governor, or the Officer Commanding His Majesty's Armed Forces has placed the licensed premises of the holder out of bounds, allow persons

wearing His Majesty's uniform admission to his premises or sell or supply them with intoxicating liquor.

24. A Constable on duty may at all times enter licensed premises. It shall be an offence for any person to refuse or fail to admit, or to cause any other person to refuse or fail to admit, a Constable to licensed premises in the execution of his duty.
25. (1)The Chairman of the court, if satisfied by information on Oath by a Constable other than a Special Constable, that there is reasonable ground for believing that intoxicating liquor is sold by retail or exposed or kept for sale by retail, or that adulteration of liquor is being effected at any place, whether a building or not, in which intoxicating liquor is not authorised to be sold by retail, may grant in his discretion a warrant under his hand, by virtue whereof it shall be lawful for such Constable or Constables named in the warrant at any time or times within one month from the date thereof, to enter, if need be by force, the place named in the warrant and every part of that place, and examine the same, and search for intoxicating liquor therein, and seize and remove any intoxicating liquor found therein which there is reasonable ground to believe is in the place for the purpose of unlawful sale at that or at any other place, and the vessels containing the liquor.
(2)It shall be an offence under this Ordinance for any person to impede or obstruct the entry of a Constable or Constables acting in pursuance of this section.
(3)When a Constable has entered any premises in pursuance of a warrant under this section and has seized and removed any liquor as aforesaid, any person found on the premises shall, until the contrary is proved, be deemed to have been on the premises for the purpose of illegally dealing in, or adulterating, intoxicating liquor as the case may be.

Penalties

26. Every person who contravenes any of the provisions of this Ordinance shall be liable in respect of a first offence to a fine which shall not exceed Five Pounds and of a second or subsequent offence to a fine not exceeding Ten Pounds. When a third or subsequent offence is committed by the holder of a licence, the Court may, in addition to any fine which it may impose, order the suspension or cancellation of the licence. Where a person has been convicted of an offence under Sections two, twenty, twenty-one, or twenty-two of this Ordinance, the Court may also order the confiscation of the liquor in respect of which the offence has been committed.
27. In proving the sale or consumption of intoxicating liquor for the purpose of any proceedings relative to an offence under this Ordinance it shall not be necessary to show that any money passed or any intoxicating liquor was consumed, if the Court is

satisfied that a transaction in the nature of a sale took place, or that any consumption of intoxicating liquor was about to take place.

28. The holder of a licence shall be deemed to be responsible in respect of contraventions of this Ordinance by members of his family, his employees or agents.

Savings

29. (1) All licences granted, payments made and all other things done or purporting to be granted, paid or done in pursuance of the provisions of this Ordinance Provisoire portant Reglement pour la Vente des Liqueurs Spiritueuses, Vins, Biere et Cidre from the day after Michaelmas Chief Pleas, 1947 shall, notwithstanding the lapse of that Ordinance, be deemed to be and always to have been valid and of full effect.
(2) Notwithstanding the provisions of the preceding subsection a prosecution, whether instituted before or after the coming into operation of this Ordinance, shall not lie against any person in respect of any act alleged to have been done (or purporting to be done) in contravention of the provisions of the said Ordonnance Provisoire.
30. This Ordinance shall come into force on the Tenth day of November, 1951.

SCHEDULE

Weekdays other than Christmas Day and Good Friday

Hotel and Public House Licences

- | | | | | | |
|-----|---------------|---|-------|----|----------|
| (a) | Winter period | - | 11 am | to | 2.30 pm |
| | | | 5 pm | to | 10.30 pm |
| (b) | Summer period | - | 11 am | to | 2.30 pm |
| | | | 5 pm | to | 11.30 pm |