

ORDINANCE OF THE STATES OF ALDERNEY

ENTITLED

The Alderney Liquor Licensing Ordinance, 1994 *

[CONSOLIDATED TEXT]

NOTE

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* Alderney Ordinance No. IV of 1994; as amended by the Fees (Alderney) Law, 2011 (No. XX of 2012); the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997 (Alderney Ordinance No. II of 1997); the Alderney Liquor Licensing (Amendment) Ordinance, 1999 (Alderney Ordinance No. III of 1999); the Alderney Liquor Licensing (Amendment) Ordinance, 2014 (Alderney Ordinance No. XIII of 2014). This Ordinance is modified by the Alderney Liquor Licensing (Amendment No. 2) Ordinance, 1999 (Alderney Ordinance No. XIII of 1999) and the Alderney Liquor Licensing (Amendment) Ordinance, 2000 (Alderney Ordinance No. XI of 2000). See also the Education (Guernsey) Law, 1970 (Ordres en Conseil Vol. XXII, p. 318); the Government of Alderney Law, 2004 (No. III of 2005, Ordres en Conseil Vol. XLV, p. 26); the Fees (Alderney) Law, 2011 (No. XX of 2012).

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(Made on 6th April, 1994.)

The Alderney Liquor Licensing Ordinance, 1994

THE STATES, in pursuance of their Resolution of the 6th day of April, 1994,
hereby order: –

PART I INTERPRETATION

Interpretation.

1. (1) In this Ordinance, unless the context otherwise requires –

"Chairman of the Court" means the Chairman of the Court of Alderney, or in his absence any Jurat of that Court authorised by the Court for the purposes of this Ordinance,

"Chief Officer" means the Chief Officer of the salaried police force of the Island of Guernsey,

"Club" means a members club,

"the Committee" means the States [General Services] Committee or any other Committee that the States may, from time to time, by Resolution appoint for the purposes of this Ordinance,

"the Court" means the Court of Alderney,

"intoxicating liquor" includes spirits, wines, beer, porter, cider and perry and any other liquor with an alcoholic content intended for human consumption but excludes any liquor where the alcoholic strength is less than

1.2 per centum of alcohol by volume at 20 degrees centigrade,

"licensed premises" means any premises in respect of which a liquor licence granted under section 10 is in force,

"licensee" means a person in whose favour a liquor licence has been granted,

"liquor licence" means one of the following categories of licence granted under section 10 –

- (i) a Residential Hotel Licence - namely a licence granted in respect of premises to which the conditions in section 11(2) apply,
- (ii) a Full Hotel Licence - namely a licence granted in respect of premises to which the conditions in section 11(3) apply,
- (iii) a Restaurant Licence - namely a licence granted in respect of premises to which the conditions in section 11(1) apply,
- (iv) a Club Licence - namely a Licence granted under Part IV of this Ordinance,
- (v) a Public House Licence - namely a licence granted in respect of any other licensed premises not in classes (i) to (iv):

Provided that licences in classes [(1)] and (iii) or (iii) and (v) can be held in

respect of the same premises,

"meal" means cooked or prepared food of a value of not less than £3.00 per person exclusive of any service or other extra charge,

"Medical Officer of Health" means the Medical Officer of Health appointed by the States of Guernsey and includes any deputy or acting Medical Officer of Health or (for the purposes of this Ordinance) with the approval of the Medical Officer of Health any Environmental Health Officer appointed by the States of Guernsey,

"Police officer" has the same meaning as that expression has in the Government of Alderney Law, 1987^a,

"the States" means the States of Alderney,

"week" means any period of 7 consecutive days,

(2) For the purposes of this Ordinance, spirits shall be deemed to be at proof if the volume of the ethyl alcohol contained therein made up to the volume of the spirits with distilled water has a weight equal to that of twelve-thirteenths of a volume of distilled water equal to the volume of the spirits, the volume of each liquid being computed as at 10.5 degrees centigrade.

(3) For the purposes of this Ordinance, intoxicating liquor supplied and consumed or taken with a meal shall be deemed to include an alcoholic drink supplied, consumed or taken immediately before or after a meal; and, for the purposes of section 21(1)(a), a person who on premises licensed by a Restaurant Licence consumes an alcoholic drink immediately before or after a meal shall be deemed to be

^a Ordres en Conseil No. IV of 1987.

seated at a table and consuming a meal.

(4) Except where the context otherwise requires any reference in this Ordinance to any other enactment shall be construed as a reference to that enactment as repealed, replaced, amended, extended or applied by or under any other enactment.

(5) The Interpretation (Guernsey) Law, 1948^b shall apply to the interpretation of this Ordinance as it applies to the interpretation of a Guernsey enactment.

NOTES

In section 1, the words in square brackets in the definition of the expression "the Committee" in subsection (1) were substituted by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part II, paragraph 28, with effect from 2nd April, 1997.

The functions of the Tourist Committee under this Ordinance were transferred to the General Services Committee by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part II, paragraph 28, with effect from 2nd April, 1997, subject to the savings and transitional provisions in section 3 of the 1997 Ordinance.

The Government of Alderney Law, 1987 has since been repealed by the Government of Alderney Law, 2004, section 63(1), Schedule 3, with effect from 1st May, 2005, subject to the savings and transitional provisions in section 63(2) and section 64 of the 2004 Law.

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

The figure in square brackets in the Proviso to the definition of the expression "liquor licence" shown, incorrectly, in the printed version of this section as "(1)" should read "(i)".

PART II

^b Ordres en Conseil Vol. XIII, p. 355.

GRANT AND RENEWAL ETC. OF LIQUOR LICENCES

Prohibition of sale without a liquor licence.

2. (1) A person shall not sell, expose for sale or attempt to sell intoxicating liquor –

- (a) except on licensed premises and in accordance with the liquor licence then in force in respect of those premises, and
- (b) unless he is the licensee of those premises or the servant or agent of the licensee.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding level 4 on the uniform scale.

Application for liquor licence.

3. (1) Subject to the provisions of Part IV a person wishing to apply for the grant of a liquor licence (a "**grant**") shall apply to the Court in accordance with the requirements of this Part of this Ordinance in writing and shall include –

- (a) the full name, address and date of birth of that person,
- (b) the address and a full description of the premises in respect of which the application is being made, and
- (c) the category of liquor licence which is being applied for.

(2) Two persons, but not more than two persons, may make

application for the grant of a liquor licence in accordance with this section and this Part of this Ordinance.

Formalities prior to making an application.

4. (1) A person making an application for a grant shall, at least 42 days prior to the day on which he proposes to make the application –

(a) deliver to the Clerk of the Court and the Committee a written notice specifying the address and description of the premises and the day on which the application is proposed to be made,

(b) supply to the Chief Officer, together with a copy of such notice –

(i) information relating to his previous employment in the 7 years immediately preceding the date of the application,

(ii) the names of at least 2 referees to whom reference may be made by the Chief Officer, and

(iii) information as to his ordinary places of residence in the 3 years immediately preceding the date of the application.

(2) A person making an application for a renewal shall comply with subsection (1)(a).

(3) A person who in connection with any application under this

section or under section 5 or section 6 makes a statement or furnishes information which he knows to be false or misleading (including by omission) or does not believe to be true shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding one month or to a fine not exceeding level 4 on the uniform scale or to both.

NOTE

In accordance with the provisions of the Government of Alderney Law, 2004, section 20(1), with effect from 1st May, 2005, the person appointed to the office of Greffier is to act as the Clerk of the Court and in accordance with the provisions of section 25(1)(e), with effect from that same date, the functions of the Greffier include the functions assigned by law to the Clerk of the Court.

Application for provisional liquor licence.

5. (1) An application for a liquor licence for premises projected but not completed may be made under section 3 and the requirements of section 4 shall apply as if it were an application for a grant with the additional requirement that a plan of the projected premises shall be lodged with the application.

(2) Upon an application being made to it the Court may grant to the applicant a liquor licence under section 10, which licence shall be provisional only and inoperative until confirmed by the Court under this section (a "**provisional grant**").

(3) At least 14 days prior to the making of an application to the Court for the confirmation of a provisional grant notice of such application shall be sent to the Chief Officer.

(4) At the hearing of an application under subsection (4) the Chief Officer of Police (or any Police Officer) –

- (a) shall state whether there has been a material departure from the details in the original notice, and
- (b) shall furnish the Court with such other information as may be appropriate,

and at the hearing the Court shall confirm the application (a "**confirmation**") unless there has been a material departure from the plans lodged.

(5) Any provisional grant –

- (a) shall be cancelled upon refusal of confirmation, and
- (b) shall lapse if no application for confirmation is made within 12 months of the date of the provisional grant.

(6) The fees payable to the Clerk of the Court for a provisional grant and for a confirmation shall in each case be £50.

NOTE

In accordance with the provisions of the Government of Alderney Law, 2004, section 20(1), with effect from 1st May, 2005, the person appointed to the office of Greffier is to act as the Clerk of the Court and in accordance with the provisions of section 25(1)(e), with effect from that same date, the functions of the Greffier include the functions assigned by law to the Clerk of the Court.

Application by a limited company.

6. (1) A liquor licence under section 10 may be granted to a limited company ("**the applicant**").

(2) When making such an application the applicant shall furnish to

the Clerk of the Court the name and address of the officer of the company or of the manager of the business for the carrying on of which the licence is being applied for, designated by the company to be responsible for the conduct of the liquor licence (the "**designated official**") and the applicant shall supply to the Chief Officer of Police such information relating to the designated official as would be required under section 4(1)(b) as if he were an applicant in his own right.

(3) The designated official shall be present at any Court hearing in respect of the application and if the grant is made his name shall be endorsed upon the licence and placed on the Court records.

(4) The provisions of this Ordinance shall apply to a designated official as if he were a licensee and proceedings may be taken against him in relation to any offence that a licensee may commit under this Ordinance.

(5) On the designated official ceasing to act the Court, on the application of the company, may grant to another person designated by the company permission to carry on the licence for such period not exceeding 3 months as may be necessary to enable application to be made to appoint another designated official.

(6) In exceptional circumstances the powers of the Court under subsection (5) may be exercised by the Chairman of the Court.

NOTE

In accordance with the provisions of the Government of Alderney Law, 2004, section 20(1), with effect from 1st May, 2005, the person appointed to the office of Greffier is to act as the Clerk of the Court and in accordance with the provisions of section 25(1)(e), with effect from that same date, the functions of the Greffier include the functions assigned by law to the Clerk of the Court.

Ordinance to be applied to a limited company.

7. Nothing in section 6 shall derogate from the application of this Ordinance to a limited company which is the holder of a liquor licence.

Duties of Clerk of Court.

8. Immediately after receipt of the notice provided for in section 4(1)(a) the Clerk of the Court shall cause copies of the notice to be fixed on the notice board outside the Court House until the day of the application.

NOTE

In accordance with the provisions of the Government of Alderney Law, 2004, section 20(1), with effect from 1st May, 2005, the person appointed to the office of Greffier is to act as the Clerk of the Court and in accordance with the provisions of section 25(1)(e), with effect from that same date, the functions of the Greffier include the functions assigned by law to the Clerk of the Court.

Duty of Court to comply with formalities.

9. The Court shall not purport to dispose of an application for a liquor licence under this Part of this Ordinance unless sections 4, 5, or 6, as the case may be, and 8 have been complied with.

Grant of liquor licence.

10. (1) The Court shall, before determining an application for the grant of a liquor licence, including a liquor licence under Part IV –

- (a) take into consideration any reports made by or on behalf of the Chief Officer of Police,
- (b) hear any opposition made orally by or on behalf of any person, and
- (c) take into consideration any report made by or on behalf

of the Medical Officer of Health as to the suitability of the premises in respect of which the application is being made, including their standard of sanitation.

(2) The Court shall not grant an application under this section unless it is satisfied, if necessary upon hearing the applicant, that he is a fit and proper person to exercise the duties of a licensee.

(3) A liquor licence shall be in one of the following categories –

- (a) Residential Hotel Licence,
- (b) Full Hotel Licence,
- (c) Restaurant Licence,
- (d) Public House Licence:

Provided that the same premises, or part thereof, may be licensed by both a Residential Hotel Licence and a Restaurant Licence or by both a Restaurant Licence and a Public House Licence if the Court considers this is desirable,

- (e) Club Licence.

Conditions in respect of Restaurant licences and Hotel Licences.

11. (1) The Court shall not grant a Restaurant Licence unless it is satisfied that the following conditions will apply –

- (a) that the premises are bona fide used, or intended to be used, principally for the purpose of providing the

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customary main meal at midday or in the evening, or both, for consumption in those premises by persons seated at a table,

- (b) that there is sufficient space in the premises to accommodate at least 24 persons seated at tables in reasonable comfort.

(2) The Court shall not grant a Residential Hotel Licence unless it is satisfied that the following conditions will apply –

- (a) that an accommodation permit granted by the Committee in accordance with the Tourist (Alderney) Law, 1956, as amended, is currently in force in respect of the premises and that such permit relates to the provision of sleeping accommodation in not less than five separate rooms, and
- (b) that the premises contain adequate sitting accommodation in a room not used for sleeping accommodation or for the services of substantial refreshment or for the supply or consumption of intoxicating liquor.

(3) The Court shall not grant a Full Hotel Licence unless it is satisfied that the following conditions will apply –

- (a) that the conditions contained in subsection (2) relating to the grant of a Residential Hotel Licence are satisfied, and

- (b) that the premises contain a bar and a restaurant both of which are open to non-residents and which, but for the provisions of this subsection, would be suitable for the grant of a Public House Licence and a Restaurant Licence, respectively.

(4) Upon premises for which a Residential Hotel Licence is in force, intoxicating liquor may only be purchased by a resident and may only be consumed by a resident or, during permitted hours only, a bona fide guest of a resident.

Issue of liquor licence certificate by the Clerk of the Court.

12. Upon the Court granting a liquor licence under section 10 the Clerk of the Court when satisfied –

- (i) that the required fees have been paid, and
- (ii) that the applicant holds an employment permit in accordance with section 3 of the Employment Permits (Alderney) Law, 1975^c or is exempt from the requirement to hold such a permit or has the necessary permission under the Immigration Act 1971, as extended to the Bailiwick of Guernsey, to undertake paid employment in Alderney (the burden of proof thereon in all such cases lying on the applicant),

shall issue to the applicant a liquor licence certificate in such form as the Clerk of the Court may determine.

^c Ordres en Conseil Vol. XXV, p. 31.

NOTE

In accordance with the provisions of the Government of Alderney Law, 2004, section 20(1), with effect from 1st May, 2005, the person appointed to the office of Greffier is to act as the Clerk of the Court and in accordance with the provisions of section 25(1)(e), with effect from that same date, the functions of the Greffier include the functions assigned by law to the Clerk of the Court.

Period of validity of a liquor licence.

13. A liquor licence granted under section 10 shall be valid (unless suspended or forfeited in accordance with any of the provisions of this Ordinance) from such day as the Court may direct until the 31st January next following and thereafter, on renewal under section 15 of this Ordinance shall be valid from the 1st February in that year until the 31st January of the year next following.

Fees.

14. There shall be paid to the States upon the grant or renewal of a liquor licence, [such fee as the States may prescribe by Ordinance in accordance with the Fees (Alderney) Law, 2011.]

NOTES

In section 14, the words in square brackets were substituted by the Fees (Alderney) Law, 2011, section 2, Schedule, Part I, paragraph 6, with effect from 1st January, 2019.

In accordance with the provisions of the Fees (Alderney) Law, 2011, section 3, Schedule, Part II, paragraph 9, with effect from 1st January, 2019, the fees referred to in this section may be prescribed in accordance with that Law.

Renewals.

15. (1) A liquor licence granted under section 10 shall be renewed, subject to the succeeding subsection of this section and to section 16, for any period

of 12 months beginning on the 1st February in any year upon payment to the States of the fee required to be paid in section 14.

(2) An application for renewal may be made after the 1st October in the year preceding the year of expiry of the licence.

(3) A licensee wishing to apply for the renewal of a liquor licence ("**a renewal**") shall apply to the Court in accordance with the requirements of this section.

(4) Any such application shall be in writing and shall include –

- (a) the full name and address of the licensee,
- (b) the address and a full description of the premises in respect of which the application is being made, and
- (c) the category of liquor license to be renewed.

(5) A licensee making an application for renewal shall, at least 42 days prior to the date on which he proposes to make the application, deliver to the Clerk of the Court and the Committee, written notice specifying the date on which the application is proposed to be made together with the particulars referred to in subsection (4).

(6) Immediately after receipt of the notice provided for in subsection (5), the Clerk of the Court shall cause copies of the notice to be fixed on the notice board outside the Court House until the day of the application.

(7) The Chief Officer of Police, the Medical Officer of Health or any member of the public may object to the renewal of a liquor licence.

(8) The Court shall[, subject to the provisions of subsection (8A),] consider any objection made under this section and shall have power to renew the licence, renew it with conditions attached or refuse to renew it.

[(8A) The Court shall not consider any objection under this section to the renewal of a liquor licence, other than an objection made by the Chief Officer of Police or the Medical Officer of Health, unless, at least 21 days prior to the date on which the application for the renewal is proposed to be made, the objector delivers to the Clerk of the Court a written notice specifying the nature and terms of his objection together with –

- (a) an explanation of his objection sufficient to enable a reasonable person to understand the essence of it, and
- (b) a statement of the material facts upon which the objector relies, but not the evidence by which those facts are to be proved.

(8B) Immediately upon receipt of the notice provided for in subsection (8A), the Clerk of the Court shall –

- (a) cause a copy of the notice to be fixed on the notice board outside the Court House until the day of the application, and
- (b) deliver a copy of the notice to the applicant.]

(9) Upon considering an objection, the Court shall hear the evidence in support thereof and any evidence by or on behalf of the liquor licensee.

(10) The powers set out in this section are in addition to and not in derogation from the powers contained in section 16.

NOTES

In section 15,

the words in square brackets in subsection (8) were inserted by the Alderney Liquor Licensing (Amendment) Ordinance, 1999, section 1(a), with effect from 3rd March, 1999;

subsection (8A) and subsection (8B) were inserted by the Alderney Liquor Licensing (Amendment) Ordinance, 1999, section 1(b), with effect from 3rd March, 1999.

In accordance with the provisions of the Government of Alderney Law, 2004, section 20(1), with effect from 1st May, 2005, the person appointed to the office of Greffier is to act as the Clerk of the Court and in accordance with the provisions of section 25(1)(e), with effect from that same date, the functions of the Greffier include the functions assigned by law to the Clerk of the Court.

Powers of Law Officers and the Committee.

16. (1) The Court may, if satisfied, upon application by or on behalf of a Law Officer of the Crown –

- (a) suspend, vary or order the forfeiture of a liquor licence,
- (b) direct the Clerk of the Court not to renew a liquor licence held by the licensee named in the application.

(2) In such a case the Law Officer shall summon the licensee named in the application to appear before the Court to show cause why his liquor licence should not be suspended, varied or forfeited, or why the Court should not direct the Clerk of the Court not to renew his liquor licence and any such summons shall state the grounds upon which the Law Officer makes the application.

(3) An application under this section may be made on behalf of a Law Officer by a Police Officer not below the rank of sergeant.

NOTE

In accordance with the provisions of the Government of Alderney Law, 2004, section 20(1), with effect from 1st May, 2005, the person appointed to the office of Greffier is to act as the Clerk of the Court and in accordance with the provisions of section 25(1)(e), with effect from that same date, the functions of the Greffier include the functions assigned by law to the Clerk of the Court.

Permissions for additional hours, etc.

17. (1) Notwithstanding any of the provisions of this Ordinance a licensee may apply to the Chairman of the Court for permission to exercise his liquor licence either –

- (a) during such days and hours other than those permitted by section 20 of this Ordinance for that category of liquor licence, or
- (b) on any premises other than those named in that liquor licence; or both during such hours and on such premises.

(2) The licensee shall cause to be delivered to the Clerk of the Court and the Chief Officer of Police a copy of any application under this section at least 9 days before the permission is intended to be exercised.

(3) The Clerk of the Court shall forthwith cause notice of any application made under this section to be displayed in a conspicuous manner on the notice board outside the Court House for 7 clear days.

(4) After the expiry of the period referred to in subsection (2) the Chairman of the Court sitting in open court may, if he is satisfied there are no objections, grant the application.

(5) The Chairman of the Court shall refer an application to the Court if –

- (a) he feels it expedient or necessary so to do, or
- (b) any objection has been received,

and the Court shall then determine the application.

NOTE

In accordance with the provisions of the Government of Alderney Law, 2004, section 20(1), with effect from 1st May, 2005, the person appointed to the office of Greffier is to act as the Clerk of the Court and in accordance with the provisions of section 25(1)(e), with effect from that same date, the functions of the Greffier include the functions assigned by law to the Clerk of the Court.

Applicants holding more than one liquor licence.

18. A person shall not be refused the grant or renewal of a liquor licence solely on the ground that he already holds one or more liquor licences if he satisfies the Court that he can adequately supervise the exercise of each such licence.

Procedure where licensed premises are destroyed or damaged.

19. (1) Where any licensed premises are destroyed or so damaged as to make the exercise of the liquor licence or compliance with any condition attached thereto impracticable, the Chief Officer of Police shall make an application to the Court under subsection (3).

(2) Written notice of the day on which the application is to be made shall be served by or on behalf of the Chief Officer of Police on the licensee concerned requiring him to attend the hearing.

(3) Upon an application being made under subsection (1) the Court may make an order either –

- (a) sanctioning the continued exercise of the liquor licence on the licensed premises or such other premises as the Court may permit, subject to such conditions as may be appropriate, or
- (b) forfeiting the liquor licence or suspending it for such period as may be appropriate,

and any such order may generally make such other provision as the Court may deem appropriate.

(4) The Court may at any time vary or revoke any order made under subsection (3) but shall hear the licensee and consider any report by or on behalf of the Chief Officer of Police before so doing.

PART III

PERMITTED HOURS AND CONDITIONS OF LIQUOR LICENCES, ETC.

Prohibition of sales other than during permitted hours.

20. (1) Subject to section 49, no person shall, except during the permitted hours specified in the First Schedule applicable to the licence held –

- (a) sell, supply or attempt to supply to any person on licensed premises any intoxicating liquor, whether to be

consumed on or off the premises,

- (b) consume in or take from such premises any intoxicating liquor.

(2) A person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding level 4 on the uniform scale.

(3) This section does not apply where a permission is in force by virtue of section 17.

Offences in connection with Restaurant Licences and Hotel Licences.

21. (1) Subject to section 1(3) no person shall himself, or by his servant or agent sell, supply or attempt to sell or supply to any person any intoxicating liquor –

- (a) on premises licensed by a Restaurant Licence except to and for a person seated at a table and consuming a meal,
- (b) on premises licensed by a Residential Hotel Licence except to and for a resident or, in the case of a supply or attempt thereat, at the expense of a resident to and for his bona fide guest.

(2) A person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding level 4 on the uniform scale.

Display of certificates, etc.

22. (1) A licensee shall display the liquor licence certificate issued to him under section 12 in a conspicuous place in the relevant licensed premises.

(2) A licensee shall cause to be displayed in a conspicuous manner at all times in a prominent place in every bar of the licensed premises a list showing plainly the prices per measure of intoxicating liquor offered for sale and sold on the premises.

(3) Every licensee shall display a notice in the form set out in Part I of the Second Schedule, printed in plain type and legible at least 6 feet therefrom, on the licensed premises.

(4) The holder of a Residential Hotel Licence shall display a notice in the form set out in Part II of the Second Schedule, printed in plain type and legible at least 6 feet therefrom, on the licensed premises.

(5) The holder of a Restaurant Licence shall display a notice on the form set out in Part III of the Second Schedule, printed in plain type and legible at least 6 feet therefrom, on the licensed premises.

(6) Any licensee who fails to comply with the requirements of this section shall be guilty of an offence and liable on conviction to a fine not exceeding level 2 on the uniform scale.

Strength of certain spirits.

23. (1) A liquor licensee or his servant or agent shall not knowingly sell or supply or expose for sale or supply or permit the sale or supply of any spirit –

(a) at a strength of less than –

(i) 65 per centum of proof, or

- (ii) 37 per centum of alcohol by volume at 20 degrees centigrade, or
- (b) at a strength in excess of –
 - (i) 105 per centum of proof, or
 - (ii) 60 per centum of alcohol by volume at 20 degrees centigrade.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding level 3 on the uniform scale.

(3) A person appointed by the Chief Officer of Police or the States may at all reasonable times enter upon any licensed premises for the purpose of examining and taking samples of any intoxicating liquor for the purpose of ensuring that the provisions of subsection (1) are being complied with.

(4) Any person who, without reasonable excuse, obstructs or impedes a person exercising functions over subsection (3) shall be guilty of an offence and liable on conviction to a fine not exceeding level 3 on the uniform scale.

Saving for liqueur chocolates.

24. Nothing in this Ordinance contained, shall be taken to prohibit or restrict the sale, supply or consumption of intoxicating liquor in confectionary.

Carrying on other businesses.

25. (1) The holder of a liquor licence shall not in the licensed premises or in any premises in his occupation of which the licensed premises form part, engage

in any trade or business other than the provision of board and lodging or the sale of intoxicating and non-intoxicating liquor, confectionary, tobacco, cigarettes and cigars, lighters and matches, and other items associated with such business, tickets under the Gambling (Channel Islands Lottery) (Bailiwick of Guernsey) Ordinance, 1975^d, or food to be consumed on or off the premises.

(2) Any licensee who contravenes this section shall be guilty of an offence and liable on conviction to a fine not exceeding level 3 on the uniform scale.

Supply etc. to young persons.

26. (1) A licensee shall not knowingly sell or supply or allow any person to sell or supply nor shall any servant of his knowingly sell or supply any intoxicating liquor to any person under the age of 18 years (a "**young person**"), and no young person shall purchase or attempt to purchase on licensed premises any intoxicating liquor.

(2) A licensee shall not knowingly allow nor shall any servant or agent of his knowingly allow any intoxicating liquor to be consumed by any young person on licensed premises, and no young person shall consume or attempt to consume on licensed premises any intoxicating liquor.

(3) No person shall purchase or attempt to purchase or supply or attempt to supply any intoxicating liquor for consumption on any licensed premises by a young person.

(4) A licensee shall not knowingly employ any young person other than a member of his family, to sell or supply intoxicating liquor.

^d Recueil d'Ordonnances Tome XX, pp. 51 and 67; Tome XXI, p. 75; No. II of 1990.

(5) A person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding level 4 on the uniform scale.

(6) In this section the word "**knowingly**" applies to the age of the young person and the reasonable and bona fide belief that the person in question was aged over 18 years shall be a defence (the burden being on the person claiming it).

NOTE

In accordance with the provisions of the Education (Guernsey) Law, 1970, section 46, with effect from 28th October, 1970, for the purposes of this Ordinance relating to the prohibition or regulation of the employment of children or young persons, any person who is not for the purposes of the 1970 Law over compulsory school age shall be deemed to be a child within the meaning of this Ordinance.

Games of chance.

27. (1) No person shall participate in[, organise] or permit the playing of any game of chance on licensed premises for money or money's worth [unless such games of chance are lawful under the Gambling (Alderney) Law, 1999,] and card games played on licensed premises shall not be promoted or organised by the licensee [unless the promotion or organisation of such games is lawful under the Gambling (Alderney) Law, 1999].

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding level 3 on the uniform scale.

NOTE

In section 27, the words in the first, second and third pairs of square brackets in subsection (1) were inserted by the Alderney Liquor Licensing (Amendment) Ordinance, 2014, section 2, respectively paragraph (a),

paragraph (b) and paragraph (c), with effect from 18th June, 2014.

Payment for liquor.

28. (1) A licensee or servant or agent of his shall not sell, supply or permit the sale or supply of any intoxicating liquor on any premises for which the licensee holds a liquor licence, to be consumed on the premises, other than to a resident unless payment is made at the time of sale or consumption.

(2) A person other than a resident or a bona fide guest of such a resident shall not consume any intoxicating liquor in licensed premises unless it be paid for before or at the time when it is sold or supplied.

(3) Subsections (1) and (2) do not apply to intoxicating liquor sold or supplied for consumption with a meal supplied at the same time and consumed with such meal if the price of the liquor is paid together with the price of the meal.

(4) Nothing in this section shall be deemed to prohibit or restrict the sale or supply of intoxicating liquor to or in any canteen carried on under the authority of a Secretary of State or His Excellency the Lieutenant Governor or in any mess of Her Majesty's Armed Forces.

(5) A licensee shall not receive or permit the receipt of anything by way of pledge for the payment of a debt due for him for the sale or supply of intoxicating liquor save from a person resident in the licensed premises.

(6) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding level 4 on the uniform scale and (in the case of an offence in relation to subsection (5)) shall restore the object given by way of pledge and be wholly debarred from taking legal proceedings to recover the debt due.

Prohibition of use of licensed premises for immoral purposes.

29. (1) A licensee shall not knowingly permit any premises for which he holds a liquor licence to be the habitual resort or place of meeting of reputed prostitutes except for the purpose of obtaining reasonable refreshment during such time as is necessary for that purpose only.

(2) A licensee shall not use any premises for which he holds a liquor licence to form part of a brothel or permit any such premises to be so used.

(3) A licensee who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 4 on the uniform scale or to both.

Closing outside permitted hours.

30. ...

NOTE

Section 30 was repealed by the Alderney Liquor Licensing (Amendment) Ordinance, 2014, section 3, with effect from 18th June, 2014.

Changes of name.

31. (1) A licensee who changes his name shall notify the Clerk of the Court as soon as reasonably practicable thereof in writing and at the same time produce his liquor licence certificate for amendment.

(2) A licensee who wishes to change the name of the premises for which he holds a liquor licence shall apply for permission to do so to the Court and shall notify the Clerk of the Court in writing at least 30 days prior to the change being implemented.

(3) Any person who fails to comply with the requirements of this section, whether by failing to notify a change of name of licensee or premises, or by changing a name of licensed premises without permission shall be guilty of an offence and liable on conviction to a fine not exceeding level 3 on the uniform scale.

NOTE

In accordance with the provisions of the Government of Alderney Law, 2004, section 20(1), with effect from 1st May, 2005, the person appointed to the office of Greffier is to act as the Clerk of the Court and in accordance with the provisions of section 25(1)(e), with effect from that same date, the functions of the Greffier include the functions assigned by law to the Clerk of the Court.

Absence of licensee.

32. (1) A licensee shall not absent himself from personally supervising his liquor licence for any reason whatsoever –

- (a) for any period greater than 2 days and not more than 7 days, unless he has been granted written permission by the Chairman of the Court,
- (b) for any period in excess of 7 days, unless he has been granted written permission by the Court.

(2) Upon application to the Court for permission under subsection (1)(b) the Court may grant such permission for such period (not exceeding 3 months) and subject to such conditions as it thinks fit.

(3) A Licensee when applying for permission under subsection (1)(b) shall give, wherever possible, 48 hours notice to the Chief Officer and shall present a suitable person to be responsible personally for the exercise of his licence

for the approval of the Chairman or the Court as the case may be and in default of presenting such person the application shall be refused.

(4) A person approved under subsection (3) shall be deemed to be the licensee for the purposes of this Ordinance and proceedings may be taken against him in relation to any offences that a licensee may commit under this Ordinance.

(5) Any person who fails to comply with the requirements of this section shall be guilty of an offence and liable on conviction to a fine not exceeding level 4 on the uniform scale.

(6) For the avoidance of doubt, the provisions of this section do not apply when one of two joint licensees is absent but the other licensee continues personally to supervise the liquor licence.

Death or incapacity of licensee.

33. (1) Upon the death or incapacity of a licensee being certified by a medical practitioner the Court may, on application of a legal personal representative or any duly authorised representative grant him permission to carry on the business hitherto covered by the liquor licence for such a period, not exceeding 6 months, as the Court deems necessary prior to an application being made under section 10.

(2) Notice of any application under this section shall be given to the Chief Officer at least 48 hours prior to the making of the application to the Court.

(3) Any person who purports to carry on the business hitherto covered by the liquor licence without obtaining permission under this section shall unless subsection (4) applies be guilty of an offence and liable on conviction to a fine not exceeding level 4 on the uniform scale.

(4) In exceptional circumstances the Chairman of the Court may

grant a permission for a period not exceeding one month in accordance with subsection (1).

Disorderly behaviour, drunkenness and control of persons on licensed premises.

34. (1) A licensee or his servant or agent shall not permit a drunken, violent or disorderly person to remain on any premises for which he holds a liquor licence or supply such a person with intoxicating liquor.

(2) A licensee or his servant or agent may order any drunken, violent or disorderly person to leave the licensed premises and may use reasonable force to eject such a person without giving a reason.

(3) A person shall not be drunk, violent or disorderly on licensed premises.

(4) A licensee or his servant may refuse to admit and may use reasonable force to eject any person whose presence on the premises is undesirable or whose presence on those premises would subject him to a penalty under this Ordinance, without giving a reason.

(5) A person shall leave licensed premises forthwith when ordered to do so under subsection (2) and shall not use any force to resist lawful ejection under subsections (2) or (4).

(6) A police officer may, if called upon by the licensee or his servant or agent, lawfully perform any of the functions referred to in subsections (2) or (4) as if he were the licensee or his servant or agent for the purposes of this section.

(7) A person who contravenes any of the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding level 4 on the uniform scale.

Noise.

35. (1) A licensee or his servant or agent shall not cause or permit any excessive noise to emanate from the licensed premises for which the licensee holds the liquor licence.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence punishable on conviction with a fine not exceeding level 4 on the uniform scale.

Offences in relation to Police Officers.

36. (1) Subject to the exception in subsection (2) a licensee or his servant or agent shall not –

- (a) harbour or permit the harbouring of any Police Officer on any premises for which the licensee holds a liquor licence when that officer is on duty otherwise than for the purposes of that duty,
- (b) sell or supply or attempt to sell or supply any intoxicating liquor to a Police Officer on duty otherwise than by the authority of that officer's superior.

(2) This section shall not prevent a Police Officer from residing on licensed premises with the permission of the Chief Officer.

Powers of entry.

37. (1) A Police Officer may, at all reasonable times, enter upon any licensed premises to ensure that the provisions of this Ordinance are being complied with.

(2) Any person who obstructs or impedes a Police Officer acting under this section shall be guilty of an offence and liable on conviction to a fine not exceeding level 4 in the uniform scale.

(3) In any proceedings under this section the burden of proving that a Police Officer was not exercising his powers at a reasonable time shall lie upon the person claiming it.

Premises out of bounds.

38. (1) A licensee shall not, after notification in writing that His Excellency the Lieutenant Governor has placed the premises for which the liquor licence is held out of bounds, permit any person wearing uniform of one of Her Majesty's Armed Forces to enter those premises or sell or supply or permit the sale, supply or consumption of intoxicating liquor to or by any such person.

(2) A licensee who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding level 4 on the uniform scale.

Powers of the Chairman to grant entry.

39. (1) The Chairman of the Court, if satisfied by information in writing by or on behalf of the Chief Officer that there are reasonable grounds to believe that on any premises for any part of which there is not a liquor licence in force, intoxicating liquor is being sold, exposed for sale or supplied commercially, may grant a warrant authorising any Police Officer at any time or times within the month from the date thereof to enter, if need be by force, the premises specified in the warrant to search and seize and take away any intoxicating liquor thereon and containers thereof and the proceeds of any sale thereof.

(2) Any person who obstructs or impedes a Police Officer acting in pursuance of a warrant granted under this section shall be guilty of an offence and

liable on conviction to imprisonment for a term not exceeding one month or to a fine not exceeding level 4 on the uniform scale or to both and, in addition, the Court may order any items seized under subsection (1) to be disposed of as it sees fit.

Legal responsibility of licensee.

40. (1) A licensee shall be responsible for all contraventions, other than under section 26, of this Ordinance by his servants or agents on any premises for which he is the holder of a liquor licence and the licensee shall be liable to be convicted of any such contravention as if he were the principal offender.

(2) Any evidence admissible against any servant or agent of a licensee in respect of a contravention of the provisions of this Ordinance shall be admissible against the licensee as if he were the servant or agent and any conviction of such a person shall be admissible against the licensee in any proceedings under this section.

(3) Where two persons hold a liquor licence by virtue of section 3(2) their responsibilities under this Ordinance, subject to section 32(6), shall be joint and several.

Supply to other persons.

41. Nothing in this Ordinance shall prohibit or restrict –

- (a) the sale or supply to, or consumption by, any person of intoxicating liquor on any licensed premises in which he is residing,
- (b) the supply of intoxicating liquor –
 - (i) to any member of staff of the licensee entertained by him at his own expense, for

consumption on the licensed premises only, or

- (ii) to any person entertained by the licensee at his own expense for consumption only on some part of the licensed premises used by the licensee solely for accommodation for himself and his family,

or the consumption in such circumstances of intoxicating liquor so supplied,

- (c) the sale or supply of intoxicating liquor wholesale to a licensee for the purposes of his trade,
- (d) the sale or supply of intoxicating liquor to or in any canteen carried on under the authority of a Secretary of State or His Excellency the Lieutenant Governor, or to any mess of Her Majesty's Armed Forces.

Restriction on public consumption of intoxicating liquor.

42. (1) No person shall, unless permitted by the Committee, consume intoxicating liquor on any public highway.

(2) In this section "**public highway**" means any road, street, lane or place which is a public highway.

(3) A police officer may seize anything which he reasonably believes to be intoxicating liquor (whether being consumed or not) found in the possession or under the control of any person apprehended for an offence under this section and (without prejudice to any penalty imposed under subsection (6)) such items shall be disposed of, on conviction of that person for an offence under this

section, as the Court sees fit.

(4) An application for a permit under subsection (1) shall be in writing and delivered to the Committee at least 48 hours in advance.

(5) The Committee shall not issue a permit without considering any representations made by or on behalf of the Chief Officer, who shall be notified of an application by the Committee upon receipt thereof.

(6) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding level 3 on the uniform scale.

PART IV

CLUBS

Club licences.

43. (1) The Court shall not grant a Club Licence in respect of any premises unless satisfied that the application relates to a bona fide club and that the Club rules are suitable for approval.

(2) A person shall not supply, attempt to supply or consume intoxicating liquor on any club premises unless a Club Licence is in force in respect of those premises and unless such liquor is supplied to club members for consumption on the premises of the club members or their bona fide guests in accordance with the Club rules.

(3) A Club Licence may be granted under section 10 as if the Club were a limited company on the application of an officer of the Club ("the applicant") who shall not less than 42 days prior to the day on which he proposes to make the application –

- (a) deliver to the Clerk of the Court and to the Chief Officer a written notice specifying the address and description of the premises concerned and the day on which the application is to be made,
- (b) deliver to the Clerk of the Court and to the Chief Officer a copy of the club rules for the approval of the Court, signed by the applicant.

(4) The applicant shall on giving notice of an application under this section give the Chief Officer written notice of the name and address of the person designated by the Club Committee to be responsible for the licence (the "**designated person**") and the provisions of section 4(1)(c) shall apply thereto (with the reference to "the Committee" deleted).

(5) A person who –

- (a) in connection with any applicant under this section makes a statement or furnishes information which he knows to be false or does not believe to be true shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding one month or to a fine not exceeding level 4 on the uniform scale or to both,
- (b) contravenes subsection (2) shall be guilty of an offence and liable on conviction to a fine not exceeding level 4 on the uniform scale.

NOTE

In accordance with the provisions of the Government of Alderney Law, 2004, section 20(1), with effect from 1st May, 2005, the person appointed to the office of Greffier is to act as the Clerk of the Court and in accordance with the provisions of section 25(1)(e), with effect from that same date, the functions of the Greffier include the functions assigned by law to the Clerk of the Court.

Offences.

44. As respects a Club Licence granted in pursuance of section 10 the designated person shall be responsible for the personal supervision of the exercise of the licence and of the licensed premises as if for all the purposes of this Ordinance he were the licensee thereof and proceedings may be taken against him in relation to any offence that a licensee may commit under this Ordinance.

Supplementary provisions.

45. (1) On the designated person ceasing to act in that capacity the Court, on the application of an officer of the Club, may grant to a person designated by the Club Committee permission to carry on the licence for such period not exceeding three months as may be necessary to enable application to be made to appoint another permanent designated person.

(2) In exceptional circumstances the powers of the Court under this section may be exercised by the Chairman of the Court.

(3) Subject to the provisions of section 13 a Club Licence granted in pursuance of section 10 shall cease to be valid at the end of any continuous period of 30 days in which –

- (a) there are less than 50 qualified members, or
- (b) the interest in the premises held by the club is otherwise

than –

- (i) a freehold tenure, or
- (ii) a lease of at least one year.

Permitted hours for clubs.

46. (1) A person shall not supply, attempt to supply or consume intoxicating liquor on any premises of a club in respect of which there is in force a Club Licence otherwise than during the permitted hours specified in the First Schedule.

(2) A person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding level 4 on the uniform scale.

(3) The provisions of section 17 shall apply to clubs.

PART V
MISCELLANEOUS

Off-Licences.

47. (1) Notwithstanding any other provision of this Ordinance but subject to subsection (2) it shall be lawful for the holder of a Full Hotel Licence or a Public House Licence to sell and supply on the premises so licensed intoxicating liquor for consumption off the premises.

(2) The holder of a Full Hotel Licence or a Public House Licence shall not sell or supply intoxicating liquor or cause or allow such liquor to be sold or supplied –

- (a) otherwise than during the permitted hours specified in the First Schedule applicable to the licence held,
- (b) otherwise than in stoppered or sealed containers, or
- (c) for consumption by any person on the licensed premises.

Alterations and extensions to licensed premises.

48. (1) No person shall make or assist in the making of any alterations or extensions to licensed premises unless permission has been granted under this section.

(2) A person who desires to make alterations or extensions to any licensed premises (other than to the private accommodation of the licensee and his family) shall at least 42 days prior to the day on which he proposes to make the application deliver to the Clerk of the Court, the Chief Officer and the Building and Development Control Committee, a plan of the proposed alterations and extensions.

(3) Upon an application being made under this section the Court shall consider any report made by the Chief Officer and may grant the application subject to such conditions as it thinks fit.

(4) No application shall be granted unless the applicant proves to the Court that any requisite permission under the Building Development Control (Alderney) Laws, 1975 to 1987^e has been obtained and is in force.

(5) A person who contravenes subsection (1) or who fails to

^e Ordres en Conseil Vol. XXV, p. 8; Vol. XXXVI, p. 560; Nos II and III of 1987.

comply with the requirements of subsection (2) shall be guilty of an offence and liable on conviction to a fine not exceeding level 4 on the uniform scale and, in addition, a daily penalty for each day on which the offence has continued not exceeding level 2 on the uniform scale.

NOTES

In accordance with the provisions of the Government of Alderney Law, 2004, section 20(1), with effect from 1st May, 2005, the person appointed to the office of Greffier is to act as the Clerk of the Court and in accordance with the provisions of section 25(1)(e), with effect from that same date, the functions of the Greffier include the functions assigned by law to the Clerk of the Court.

The Building and Development Control (Alderney) Law, 1975 has since been repealed by the Building and Development Control (Alderney) Law, 2002, section 77(1), Schedule, paragraph 1, with effect from 1st August, 2003, subject to the savings in section 77(2) of the 2002 Law.

Drinking-up time.

49. Where any intoxicating liquor is sold or supplied in any licensed premises during the permitted hours, section 20 and section 46(1) do not prohibit or restrict –

- (a) during the first 30 minutes after the end of any period forming part of those hours the consumption of the liquor on the premises, nor, unless the liquor was supplied or taken away in an open vessel, the taking of the liquor from the premises,
- (b) in the case of premises where a Restaurant Licence is in force, during the first 30 minutes after the end of such a period, the consumption of the liquor on the premises by persons taking meals seated at a table, if the liquor was supplied for consumption as an ancillary to their

meals.

Proof of sale or consumption of intoxicating liquor.

50. (1) Evidence that a transaction in the nature of a sale of intoxicating liquor took place shall, in any proceedings relating to an offence under this Ordinance, be evidence of the sale of the liquor without proof that money passed.

(2) Evidence that consumption of intoxicating liquor was about to take place shall in any such proceedings be evidence of the consumption of intoxicating liquor without proof of actual consumption.

(3) Evidence that any person, other than a licensee or his servant or agent, consumed or intended to consume intoxicating liquor in the premises shall be evidence that the liquor was sold by or on behalf of the licensee.

Ancillary provision relating to section 39.

51. Where a warrant under section 39 has been executed and intoxicating liquor has been seized or removed thereunder, any person found at the time on the premises shall, until the contrary is proved, be deemed to have been on the premises for the purpose of illegally dealing in intoxicating liquor and shall be guilty of an offence punishable under section 2.

Accessories and abettors.

52. Every person who knowingly and wilfully aids, abets, causes, procures or commands the commission of an offence punishable under this Ordinance shall be liable to be dealt with and punished as a principal offender.

PART VI
REPEALS, SAVINGS, CITATION AND COMMENCEMENT

Repeals.

53. The Alderney Liquor Licensing Ordinances, 1966 to 1990 are repealed.

Savings.

54. (1) Subject to subsection (2) any licence granted under the provisions of any Ordinance repealed by this Ordinance, for the sale or supply of intoxicating liquor and valid on the date this Ordinance comes into force shall be deemed to have effect as though it were a liquor licence granted under this Ordinance and any conditions attached thereto were conditions attached under this Ordinance.

(2) On the date this Ordinance comes into force any Hotel Licence will have the same effect as a Full Hotel Licence within the meaning of this Ordinance and will fall to be renewed on the 31st January next following as a Full Hotel Licence.

Citation.

55. This Ordinance may be cited as the Alderney Liquor Licensing Ordinance, 1994.

Commencement.

56. This Ordinance shall come into force on the 7th April, 1994.

[FIRST SCHEDULE
PERMITTED HOURS

Class of Licence	Permitted Hours	
	Winter 1 Oct - 31 Mar	Summer 1 Apr - 30 Sep
Residential Hotel. Full Hotel. Public House. Club. Restaurant.	On any day— 10.00 a.m. to midnight	On any day— 10.00 a.m. to 12.30 a.m. (the following day)

NOTES

The First Schedule was substituted by the Alderney Liquor Licensing (Amendment) Ordinance, 1999, section 1(c), Schedule, with effect from 3rd March, 1999.

In their application to specific days, the permitted hours for the sale or supply of intoxicating liquor by licensed premises have been modified in accordance with the provisions of the Alderney Liquor Licensing (Amendment No. 2) Ordinance, 1999, section 1(1) and the Alderney Liquor Licensing (Amendment) Ordinance, 2000, section 1(1).

SECOND SCHEDULE
NOTICES TO BE DISPLAYED ON LICENSED PREMISES

PART I

Warning

No person under 18 years shall consume or attempt to consume or purchase or attempt to purchase any intoxicating liquor on these premises.

No person shall purchase or attempt to purchase, or supply or attempt to supply intoxicating liquor for consumption on the premises by a person under 18.

Penalty£500.

PART II
RESIDENTIAL HOTEL LICENCES

Warning

Only residents can purchase liquor on residential hotel premises.

Penalty£500.

[PART III
RESTAURANT LICENCES

Warning

No person shall consume any intoxicating liquor on these premises unless seated at a table consuming a meal and except –

- (a) during the hours of 10.00 a.m. to midnight (during the period 1st October to 31st March), or
- (b) during the hours of 10.00 a.m. to 12.30 a.m. the next day (during the period 1st April to 30th September).

Penalty£500.]

NOTE

In the Second Schedule, Part III was substituted by the Alderney Liquor Licensing (Amendment) Ordinance, 1999, section 1(d), with effect from 3rd March, 1999.
