

**STATES OF ALDERNEY
ORDINANCE OF THE STATES**

Made24 February 1966
Coming into force25 February 1966

The Alderney Liquor Licensing Ordinance 1966

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ORDINANCE OF THE STATES
entitled
The Alderney Liquor Licensing Ordinance 1966

THE STATES in pursuance of their Resolutions of the thirteenth day of May nineteen hundred and sixty-four of the sixteenth day of June nineteen hundred and sixty-four and of the eighteenth day of November nineteen hundred and sixty-five, hereby order :-

PART I

Interpretation

Interpretation

1(1) In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:-

“Chief Officer” means the Chief Officer of the salaried police force of the Island of Guernsey;

“the Committee” means the States Publicity and Entertainments Committee;

“the Court” means the Court of Alderney;

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

“licensed premises” means any premises in respect of which a liquor licence is in force;

“licensee” means a person in whose favour a liquor licence has been granted;

“meal” means cooked or prepared food of a value of not less than eight shillings and sixpence exclusive of any service or other extra charge;

“police officer” means a member of the salaried police force of the Island of Guernsey;

“the States” means the States of Alderney;

“summer period” means the period commencing on the first day of April in any year and ending on the thirtieth day of September in that year;

“stoppered” means closed with a plug or stopper;

“week” means any period of seven consecutive days;

“winter period” means the period commencing on the first day of October in any year and ending on the thirty-first day of March in the year next following that year.

- (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 to a weight equal to that of twelve-thirteenths of a volume of distilled water equal to the volume of the spirits, the volume of the liquid being computed as at fifty-one degrees Fahrenheit.
- (3) For the purposes of this Ordinance, intoxicating liquors served or consumed or taken with a meal shall be deemed to include an aperitif supplied, consumed or taken immediately prior to a meal and a liqueur supplied, consumed or taken immediately after a meal.
- (4) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Ordinance as it applies to the interpretation of a Guernsey enactment.

PART II

Grant and renewal of liquor licences, etc.

Prohibition of sale without a Liquor Licence

2. Subject to the succeeding provisions of this Ordinance, a person shall not sell, expose for sale, or attempt to sell intoxicating liquor, otherwise than as the servant or agent of a licensee:
 - (a) unless he holds a licence granted in accordance with this Ordinance (hereafter in this Ordinance referred to as a “liquor licence”) for the sale of such liquor; and
 - (b) on any premises other than the premises for which such licence has been so granted a liquor licence.

Application for liquor licence

3. A person desirous of obtaining a liquor licence shall make an application in that behalf to the Court in accordance with this Ordinance and such application shall be in writing and shall contain the following particulars :-

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

Formalities prior to making an application for a liquor licence

4. A person before making an application under the last preceding section shall -

- (a) at least forty-two days prior to the day on which he proposes to make the application, deliver to the Clerk of the Court a notice, in writing, which shall specify the situation of the premises concerned and the day upon which it is proposed to make the application;
- (b) in the case where the liquor licence being applied for is a Restaurant Licence, deliver to the Clerk of the Court together with such notice a plan to scale of the premises concerned showing the relevant particulars of such premises;
- (c) supply the Clerk of the Court, together with such notice, with -
 - (i) information about his previous employment;
 - (ii) the names if required, of at least two referees to whom reference may be made, and
 - (iii) in the event of the applicant not having had his ordinary place of residence in this Island for at least three years immediately preceding the date of his application, such information about his places of residence prior to his making his ordinary place of residence in this Island as the Clerk of the Court may require in order that a certificate or certificates from the Chief Officer of Police of the districts concerned may be obtained.

Application for provisional liquor licence for projected premises and alterations

5. (1) An application for a liquor licence for premises projected but not completed or premises undergoing or to undergo structural alterations may be made under section three of this Ordinance and in that case -

- (a) the applicant shall, at least forty-two days prior to the day on which he proposes to make the application, deliver to the Clerk of the Court copies of the plans for the projected premises or such alterations, as the case may be, showing all necessary particulars thereunto;
 - (b) where the liquor licence which is being applied for is a Hotel Licence or a Restaurant Licence, the applicant shall, at the date of the hearing of the application, submit a report to the Court on the application in accordance with section twelve of this Ordinance.
- (2) Upon an application being made to it the Court may grant the applicant a liquor licence under section ten of this Ordinance, which licence shall, however, be provisional and shall be inoperative until it is confirmed by the Court on an application being made to the Court in that behalf in accordance with the succeeding provisions of this section.
- (3) On the grant of a liquor licence provisionally, the Court may require to be made such variations of the plans as it may deem necessary and may specify the time within which the projected premises or alterations shall be completed; a second application made and a copy of the aforesaid plans with variations, if any, shall be lodged with the Clerk of the Court and marked for identification and signed by him.
- (4) At least seven days prior to the making of a second application a notice of intention to make the same shall be sent to the Clerk of the Court, who shall forthwith refer the same to the Committee accordingly.
- (5) At the hearing of any such second application the Clerk of the Court -
 - (a) shall state whether there has been a material departure from the plans lodged with him;
 - (b) shall furnish the Court with such information as may be appropriate;

and at any such hearing a person shall not be permitted to oppose that application otherwise than on the ground that there has been a material departure from the plans lodged with the Court.

- (6) Any liquor licence granted provisionally shall be cancelled upon the confirmation thereof being refused.
- (7) The fee payable to the Clerk of the Court under section fifteen of this Ordinance shall be payable in respect of each such application.
- (8) Any fees payable in pursuance of section sixteen of this Ordinance shall not be payable until the confirmation of a liquor licence granted provisionally.

Application by a limited liability company

6. (1) A liquor licence may be granted under section ten of this Ordinance to a limited liability company on the application by the company (hereafter in this section referred to as "the applicant") in accordance with this Part of this Ordinance.
- (2) When giving notice of such application the applicant shall furnish the Clerk of the Court with 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 and the applicant shall supply the Clerk of the Court with such information relating to the designated official as that designated official would be required to supply to him in accordance with paragraph (c) of section four of this Ordinance if he were an applicant for a liquor licence in his own right.
- (3) At the hearing of any such application the said designated official shall be present before the Court and if approved and if the licence is granted his name shall be endorsed upon the licence and entered upon the records of the Court.
- (4) The provisions of section thirty-five of this Ordinance shall apply to a designated official of a company holding a liquor licence as if he were the holder of that liquor licence.
- (5) On the designated official ceasing to act in that capacity, the Chairman of the Court, on the application of the company, may grant to a person designated by the company permission to carry on the licence for such period as may, in the opinion of the Chairman, be necessary to enable application to be made to the Court for approval of another officer or manager

as the designated official save, however, that the permission of the Chairman of the Court shall not be valid for more than three months.

- (6) As respects a liquor licence granted to a limited liability company the designated official shall be responsible for the personal supervision of the exercise of the licence as if he were the holder thereof and proceedings may be taken and penalties enforced against him as though he were the holder of that liquor licence.

Application of provisions of Ordinance to a limited liability company

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

Clerk of the Court's duties in respect of applications for a liquor licence

8. As soon as may be after receipt of the notice delivered in accordance with paragraph (a) of section four of this Ordinance, the Clerk of the Court shall -

- (a) cause copies of the notice to be affixed on notice boards outside the Court House and on the notice boards of the Parish Church until the day on which the application to which the notice relates is intended to be made;
- (b) in the case where the application to which the notice relates is for an Hotel Licence or a Restaurant Licence, deliver a copy of the notice to the Committee.

Court not to dispose of application unless formalities complied with

9. The Court shall not dispose of an application for a liquor licence under this Part of this Ordinance unless sections four, five, six, seven, and eight of this Ordinance have been complied with as far as they are applicable to the particular case.

Grant of a liquor licence by the Court

10. (1) The Court may, on application being made to it in accordance with this Part or Part IV of this Ordinance, and after taking into consideration the reports upon the application presented to it by the Clerk of the Court and, where applicable, the Committee in accordance with section twelve of this Ordinance and any representations made by any person on the application, grant to the applicant a liquor licence for the sale of intoxicating liquor on the premises or such part thereof as may be specified in the licence.
- (2) A liquor licence granted by the Court in accordance with this section may be a licence of any of the following categories :-
 - (a) Hotel Licence;
 - (b) Public House Licence;
 - (c) Restaurant Licence.

Conditions attaching to the grant of Restaurant Licences

11. The Court shall not grant a Restaurant Licence in respect of any premises unless it is satisfied -
 - (a) that such premises are bona fide used, or intended to be used, principally for the purpose of habitually providing the 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 such premises to accommodate not less than twenty-four persons seated at tables in reasonable comfort.

Report to the Court by the Clerk of the Court and the Committee

12. At the time of the hearing of an application for the grant of a liquor licence in accordance with section ten of this Ordinance -
 - (a) the Clerk of the Court shall present to the Court a report on any reference, certificate of character and other information in his possession relating to -
 - (i) the applicant; or
 - (ii) in the case of an application by a limited liability company, the designated official;

- (b) in the case where the application is for an Hotel or Restaurant Licence, there shall be presented to the Court by or on behalf of the Committee a report of the Committee containing the views of the Committee on the application.
- (c) the Clerk of the Court shall present to the Court a report of the Medical Officer of Health as to the suitability of the premises in respect of which the liquor licence is being applied for, having regard to public health, and as to the adequacy or otherwise of the sanitary installations in or about those premises.

Issue of liquor licence certificate by the Clerk of the Court

13. Upon the Court granting a liquor licence under section ten of this Ordinance, the Clerk of the Court, on being satisfied that the licensee has paid the fees required to be paid in accordance with this Ordinance, shall issue to him a liquor licence certificate in such form as the Clerk of the Court may determine.

Period of validity of a liquor licence

14. Unless suspended or ordered to be forfeited under any of the provisions of this Ordinance, a liquor licence granted under section ten of this Ordinance shall be valid on such day as the Court shall direct and until the thirty-first day of January next following and thereafter, upon being renewed in accordance with section seventeen of this Ordinance shall be valid during the period beginning on the first day of February in any year and ending on the thirty-first day of January of the following year.

Fee payable prior to application for a liquor licence

15. Prior to the time of an application for the grant of a liquor licence under section ten of this Ordinance, the applicant shall pay to the Clerk of the Court the sum of ten shillings.

Fees payable on grant of a liquor licence

16. (1) Subject to the next succeeding subsection, there shall be paid, in advance, to the Clerk of the Court for every liquor licence granted or renewed under section ten or section seventeen of this Ordinance, an annual fee which shall be -

- (a) for an Hotel Licence, twenty pounds;
 - (b) for a Public House Licence, fifteen pounds;
 - (c) for a Restaurant Licence, twenty-five pounds.
- (2) Where a liquor licence is granted at any time after the expiration of two weeks beginning on the first day of February in any year, there shall be paid in respect of that liquor licence the same proportion of the annual fee payable under this section in respect of the period of twelve months beginning on that day as the unexpired portion of that period from the date of the grant of the liquor licence to the end of that period bears to that period.
 - (3) In the event of the holder of a liquor licence ceasing, for any reason other than by reason of that licence being directed to be forfeited by the Court, to exercise that licence during the twelve months beginning on the first day of February in any year, he may notify the Clerk of the Court in writing of the fact that on the date specified in the notice he ceased or will cease to exercise that licence and the Clerk of the Court shall thereupon cancel the liquor licence certificate issued to the licensee in pursuance of section thirteen of this Ordinance and the licensee, upon presenting the liquor licence certificate so cancelled to the Treasurer of the States, shall be entitled to a reimbursement of the same proportion of the fee paid in respect of that period as the unexpired portion of that period from the date of his ceasing to exercise the licence until the end of the period bears to that period.
 - (4) For the purposes of the last two preceding subsections, in calculating any period, any fraction of a week of two days or less shall be disregarded and any such fraction in excess of two days shall be regarded as a completed week.
 - (5) Notwithstanding subsection (3) of this section, no reimbursement shall be made if the amount of such reimbursement calculated as aforesaid would be less than one pound.

Renewal of a liquor licence

17. A liquor licence granted under section ten of this Ordinance shall, subject to the next succeeding section, be renewed, for any period of twelve months beginning on the first day of February in any year, upon the payment to the Clerk of the Court, on or

before the thirty-first day of January next preceding, of the appropriate annual fee specified in subsection (1) of the last preceding section.

Law Officers may apply for order not to renew a liquor licence or for its suspension, variation or forfeiture

18. The Court may, upon an application in that behalf by or at the instance 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;

and in such 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 to show cause why the Court should not direct the Clerk of the Court not to renew his liquor licence, any such summons shall state the grounds upon which the Law Officer intends to rely to support his application.

Application and grant of permission to exercise a liquor licence for additional hours or on unlicensed premises

19. (1) Notwithstanding any of the provisions of this Ordinance, the Court may, on an application being made to it by a licensee and after hearing a report of the Clerk of the Court thereon, grant permission to that licensee, subject to such conditions as it may deem necessary to exercise his liquor licence either:-
- (a) during such days and hours, other than the days and hours permitted by section twenty-two of this Ordinance for that category of liquor licence, as may be specified; or
 - (b) on any premises, other than those named in that liquor licence, as may be specified;
- or both during such hours and on such premises.
- (2) Where the Chairman of the Court is satisfied that, in the case of a licensee who wishes to obtain any permission under this section, there is no opportunity for that licensee to apply to the Court for such permission before the time when he wishes to exercise his liquor licence in accordance with such permission he may grant any such permission as could be granted by the Court under subsection (1) of this section;

- (3) Upon the grant of permission under this section the applicant therefor shall pay to the Clerk of the Court the sum of one pound;

Provided that where such permission is granted in any week for the sale of intoxicating liquor at a meeting of a Lodge of the Royal Ancient Order of Buffaloes and no such permission has previously been granted during that week, the sum payable under this subsection for the grant of such permission shall be two shillings and six pence.

- (4) When any permission is granted under this section in connection with an event and that event does not take place, when that permission shall be deemed not to have been granted unless the licensee satisfies the Chairman of the Court that there are special circumstances which make it just and reasonable that the grant of that permission should not be invalidated, then the Chairman of the Court may authorise the exercise of his liquor licence in accordance with such permission notwithstanding that that event will not take place.
- (5) Where it is desired to sell, supply and permit the consumption of intoxicating liquor at two or more social occasions which are to be held -
- (a) on the same day or during the same hours, other than on a day or during the hours permitted under section twenty-two of this Ordinance; or
 - (b) on the same premises during the same day or during the same hours as aforesaid, being premises other than those named in the liquor licence of which the licensee is the holder;

a separate application for permission shall be made under subsection (1) of this section for each such social occasion and the fees provided for in subsection (3) of this section shall be paid for each such permission granted under this section.

Person not to be refused a liquor licence because he is a holder of one or more liquor licences

20. A person shall not be refused the grant or renewal of a liquor licence solely on the ground that he is already the holder of one

or more liquor licences if the Court is satisfied that he can adequately supervise the exercise of each such licence.

Procedure when licensed premises are destroyed or damaged so as to interfere with exercise of a liquor licence

21. (1) Where a licensed premises are destroyed or so materially damaged as to make the exercise of the liquor licence, or compliance with any condition attached to the grant thereof, thereon impossible or impracticable, the Clerk of the Court shall make an application to the Court for an order in accordance with subsection (3) of this section.
- (2) Notice in writing of the day upon which an application to the Court under the last preceding subsection is to be made shall be served by the Clerk of the Court on the licensee concerned; such notice shall require him to attend at the hearing of the application.
- (3) Upon an application being made to it under subsection (1) of this section, the Court may make an order either -
 - (a) sanctioning the continued exercise of the liquor licence, either on the premises to which that licence relates or such other premises as the Court may permit, subject to such conditions as may be appropriate, or
 - (b) ordering the forfeiture of the liquor licence or its suspension 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 the last preceding subsection.

PART III

Permitted hours and conditions of the exercise of a liquor licence and of the sale of intoxicating liquor

Prohibition of sale of intoxicating liquor other than during permitted hours

22. Subject to section nineteen and the succeeding provisions of this Ordinance, a person shall not, in any licensed premises.

- (a) sell, supply or consume intoxicating liquor; or
- (b) attempt to sell or supply intoxicating liquor; or
- (c) permit, in the case where he is the licensee of the premises, by his servant or agent or otherwise, the sale or supply or consumption of intoxicating liquor;

at any time other than on the days and during the hours specified in the First Schedule to this Ordinance for the category of licence applicable to the premises or on such additional days and during such additional hours and subject to such conditions as may be attached to any permission granted under section nineteen of this Ordinance.

Conditions of exercise of Restaurant Licence

23. (1) A person holding a Restaurant Licence for any premises shall not -
- (a) sell or supply any intoxicating liquor or cause or permit any such liquor to be sold or supplied otherwise than to a person taking a meal there for consumption with his meal;
 - (b) permit any intoxicating liquor to be consumed on those premises except in the circumstances specified in paragraph (a) of this subsection.
- (2) A person shall not consume any intoxicating liquor in any premises in respect of which there exists a Restaurant Licence except in the circumstances specified in paragraph (a) of subsection (1) of this section.
- (3) A person holding a Restaurant Licence shall not expose or cause or permit to be exposed, any intoxicating liquor in or about the premises for which he holds his licence for the purpose of offering such liquor for sale.

Display of liquor licence certificates and notices

24. (1) Every licensee shall cause the liquor licence certificate issued to him in pursuance of section thirteen of this Ordinance to be displayed in a conspicuous place on the licensed premises to which that certificate relates.
- (2) There shall be displayed in a conspicuous place in any premises for which an Hotel Licence or a Public House

Licence is in force, at all times while the Licence is in force, a notice in the form set out in Part I of the Second Schedule to this Ordinance and printed in plain type so as to be legible at least six feet therefrom.

- (3) There shall be displayed in a conspicuous place in any premises for which a Restaurant Licence is in force, at all times while the licence is in force, a notice in the form set out in Part II of the Second Schedule to this Ordinance and printed in plain type so as to be legible at least six feet therefrom, and in the case where such premises consist of two or more rooms such notice shall be so displayed in each of those rooms.

Strength of certain spirits

25. The holder of a liquor licence, his servant or agent shall not sell or supply or expose for sale or supply or permit the sale or supply of brandy, whisky, rum or gin at a strength of less than sixty per centum of proof or, otherwise than in stoppered bottles at a strength in excess of eighty-five per centum of proof.

Powers of entry for purposes of section 25

26. The Chief Officer of Police, the States of Guernsey Gauger and any person appointed in that behalf by either of them may at all reasonable times enter upon any licensed premises for the purposes of examining and taking samples of any intoxicating liquor therein for the purpose of ensuring that the last preceding section has been complied with.

Sale of Miniatures

27. Notwithstanding any of the provisions of this Ordinance, a licensee may sell or supply or permit the sale or supply of intoxicating liquor in miniature containers commonly known as "miniatures" and in liqueur chocolates.

Carrying on of other businesses on licensed premises

28. Any person who is the holder of a Public House Licence for any premises shall not in those premises or in any premises in the occupation of that holder of which the licensed premises form part carry on or engage in any trade or business other than the provision of board and lodging or the sale of intoxicating and non-

intoxicating liquor, tobacco, cigars, cigarettes or matches, or food to be consumed on the premises.

Supply to young persons

29. (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 eighteen years, and no person under the age of eighteen years shall purchase or attempt to purchase on licensed premises any intoxicating liquor.
- (2) A licensee shall not knowingly allow nor shall any servant of his knowingly allow any intoxicating liquor to be consumed by any person under the age of eighteen years on licensed premises, and no person shall purchase or attempt to purchase any intoxicating liquor for consumption on any licensed premises by a person under the age of eighteen years.
- (3) The holder of a liquor licence shall not employ any person under the age of eighteen years to sell or supply intoxicating liquor otherwise than for consumption off the premises or for consumption on the premises with a meal.

Games of Chance

30. (1) A licensee shall not permit games of chance to be played for stakes upon the premises for which he holds the liquor licence except the card games of Whist, Bridge, Euchre, Cribbage, Bezique, Piquet and Ecarte and shall not promote or organise such games.
- (2) A licensee shall not permit any person under the age of eighteen years to play any game of chance on any premises for which he holds a liquor licence.

Payment for liquor

31. (1) A licensee shall not sell, supply or permit the sale or supply of intoxicating liquor to any person, other than a resident, on any premises for which the licensee holds a liquor licence, to be consumed on the premises unless it is paid for at the time when it is sold or supplied.

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

Provided that if the intoxicating liquor is sold or supplied for consumption with a meal supplied at the same time and is consumed with such meal, subsections (1) and (2) of this section shall not be deemed to be contravened if the price of the liquor is paid together with the price of such meal.

- (3) Nothing in this section shall be deemed to prohibit or restrict the sale or supply of intoxicating liquor to or in any canteen where the sale of intoxicating liquor is carried on under the authority of a Secretary of State or His Excellency the Lieutenant Governor or in any Mess of Officers or Non-Commissioned Officers of Her Majesty's Armed Forces.
- (4) A licensee shall not receive or permit the receipt of anything by way of pledge for the payment of a debt due to him for the sale or supply of intoxicating liquor save from a person resident or recently resident in the licensed premises.
- (5) Any person acting in contravention of any of the provisions of subsections (1) and (4) of this section shall be debarred from taking legal proceedings for the recovery of the amount of the debt due in respect of the intoxicating liquor sold or supplied and in the case of a contravention of subsection (4) of this section he shall, in addition, restore the object given by way of pledge.

Prohibition of use of licensed premises for immoral purposes

32. (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, whether the object of their so resorting is or is not for the purposes of soliciting, save that nothing in this section shall prohibit a licensee from allowing such a person to remain on the licensed premises for the purpose of obtaining reasonable refreshment for such time as is necessary for that purpose.

- (2) A licensee shall not use any premises in respect of which he holds a liquor licence or any other premises of which those

premises form part as a brothel or permit any such premises to be so used.

Closing of certain premises outside permitted hours

33. Licensed premises for which a Public House Licence has been granted shall be closed except on the days and during the hours specified in the first Schedule to this Ordinance in relation to that category of liquor licence and on the days and during the hours for which permission may have been granted under section nineteen of this Ordinance.

Change of name of licensee or licensed premises

34. A licensee who by reason of marriage or otherwise changes his name or changes the name of any premises for which he holds a liquor licence shall, as soon as reasonably practicable, notify the Clerk of the Court in writing of such change and shall, at the same time send to the Clerk of the Court the liquor licence certificate issued to him and the Clerk of the Court shall amend the same accordingly.

Absence of licensee

35. (1) A licensee shall not absent himself from the business of personally supervising his liquor licence for any reason whatsoever unless -
- (a) in the case where he so absents himself for a period not exceeding seven days, he has been granted written permission in that behalf by the Chairman of the Court;
 - (b) in the case where he so absents himself for a period exceeding seven days, he has been granted permission by the Court to so absent himself during that period.
- (2) Upon application being made to the Court for such permission, the Court may grant such permission for such period and subject to such conditions as it may think fit.
- (3) A licensee shall, at the time of applying for such permission, present for the approval of the Court or of the Chairman of the Court, as the case may be, a suitable person to supervise personally the exercise of his licence during his absence and

in default of presenting such person the application shall be refused.

- (4) A person approved under the last preceding subsection shall, during the absence of the holder of the liquor licence, be personally responsible for the supervision of the exercise of the liquor licence as if he were the holder of it and shall be liable for any contravention of this Ordinance as if he were the holder of the liquor licence.

Decease or incapacity of licensee

36. (1) On the decease of a licensee or on his being certified by a medical practitioner as incapable of personally exercising his licence, the Court may, on the application of a legal personal representative of the late licensee or his duly authorised representative grant him permission to carry on the business hitherto carried on under the licence for such period as may be necessary to enable application to be made to the Court for the grant of a liquor licence under section ten of this Ordinance.
- (2) A person shall not after the decease of a licensee or after a licensee becomes incapable of personally exercising his licence, carry on the business hitherto carried on under the licence without the permission mentioned in subsection (1) of this section.

Drunkenness and disorderly conduct on licensed premises

37. (1) A licensee shall not permit a person under the influence of drink or whose conduct is violent or riotous to remain on any premises for which he holds a liquor licence, or supply any intoxicating liquor to a person under the influence of drink and, to enable him to maintain order, he may order any person to leave those premises and, using only such force as may be necessary, eject from those premises any such person without giving a reason for so doing.
- (2) If a licensee is charged with permitting a person under the influence of drink to be on any premises as aforesaid in contravention of this section, and it is proved that that person was under the influence of drink on those premises, the burden of proving that the licensee or the persons employed

by him or both took all reasonable steps for preventing drunkenness on those premises shall be on the licensee.

- (3) A person shall not be under the influence of drink on licensed premises.
- (4) A licensee may refuse to admit to and may, using only such force as may be necessary, eject from his premises any person who is under the influence of drink, violent, quarrelsome or disorderly or whose presence on those premises is undesirable and any person whose presence on those premises would subject him to a penalty under the provisions of this Ordinance.
- (5) Any such person as is described in the last preceding subsection shall, upon being so requested by the licensee, or his agent or servant, or by a police officer, quit the licensed premises concerned and, if he refuses or fails so to do, a police officer, the licensee, his agents or servants may eject or assist in ejecting such person from those premises, using only such force as may be necessary.

Offences in relation to police officers

38. A licensee shall not -

- (a) knowingly harbour or permit the harbouring of a police officer or permit a police officer to remain on any premises for which he holds a liquor licence during any period when that police officer is on duty otherwise than for the purposes of that duty;
- (b) knowingly sell or supply any intoxicating liquor to a police officer during any period when that police officer is on duty otherwise than by the authority of that police officer's superior in rank.

Powers of entry of police officers

39. (1) Any police officer may, at all reasonable times, enter upon any licensed premises for the purposes of ensuring that the provisions of this Ordinance are being complied with.
- (2) A person shall not impede or obstruct the entry of the Chief Officer or any police officer acting in pursuance of subsection (1) of this section.

Premises out of bounds to members of H M Forces

40. A licensee shall not, after notification in writing that His Excellency the Lieutenant Governor has placed the premises for which he holds the liquor licence 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.

Alterations to licensed premises

41. (1) Any person who desires in any licensed premises -
- (a) to make any alterations which will make an increased area of floor space on the licensed premises available for the use of persons consuming intoxicating liquor; or
 - (b) to use any part of those premises, not specified in the liquor licence, for the sale, supply or consumption of intoxicating liquor; or
 - (c) to make any alterations which will result in the concealment from observation of any part of the premises used for the sale, supply or consumption of intoxicating liquor; or
 - (d) to make any alterations which will result in affecting the communications between those premises and -
 - (i) any other premises;
 - (ii) any street, roadway or other place to which the public have or are permitted to have access;shall make application in that behalf to the Court.
- (2) The Court before granting an application made under subsection (1) of this section may require plans of the proposed alterations to be lodged with the Clerk of the Court at such time and during such period as it thinks fit.
- (3) Upon an application being made to it under this section the Court may grant the application and may attach such conditions thereto as it thinks fit.
- (4) If a person whose application under this section has been granted fails to comply with any of the conditions attached to such grant or if the alterations when completed are not in accordance with the plans, the Court may, on a report being submitted to it in that behalf by the Clerk of the Court, order

the forfeiture or suspension of the liquor licence and, in the case of suspension, attach such conditions thereto as it thinks fit.

Powers of the Chairman of the Court to grant warrant for entry on premises other than licensed premises

42. (1) The Chairman of the Court, if satisfied by information in writing by the Chief Officer that there is reasonable ground to believe that in any premises, for any part of which there is not in force a liquor licence, intoxicating liquor is being sold or supplied, may grant in his discretion a warrant under his hand, by virtue whereof it shall be lawful for the Chief Officer, any police officer not below the rank of Sergeant named in the warrant or any other police officer under the command of the Chief Officer, at any time or times within one month from the date thereof, to enter, if need be by force, the premises specified in the warrant and examine the same and search for intoxicating liquor therein, and seize and remove any intoxicating liquor found therein and the containers thereof.
- (2) A person shall not impede or obstruct the entry of any police officer acting in pursuance of a warrant granted under this section.

Responsibility of licensee for other persons

43. A licensee shall be deemed to be responsible for contraventions, other than a contravention of section twenty-nine hereof, of any of the provisions of this Ordinance by his servants and 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.

Supply to residents, servants and other persons

44. Nothing in this Ordinance contained shall be taken to prohibit or restrict -
- (a) the sale or supply to, or consumption by, any person of intoxicating liquor in any licensed premises in which he is residing;
 - (b) the supply of intoxicating liquor -

- (i) to any member of the staff of the licensee entertained by him at his own expense, for consumption on the licensed premises; or
 - (ii) to any person entertained by the licensee at his own expense, for consumption only on some part of the licensed premises for the time being used by the licensee solely as 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 where the supply of intoxicating liquor is carried on under the authority of a Secretary of State or His Excellency the Lieutenant Governor, or to any Mess of Officers or Non-Commissioned Officers of Her Majesty's Armed Forces.

PART IV

Penalties

Contraventions of sections 2, 36(2)

- 45. (1) Any person who contravenes any of the provisions of section two, subsection (2) of section thirty-six of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty-five pounds or to a term of imprisonment not exceeding one month or to both such fine and such term of imprisonment.
- (2) On the conviction of any person for contravening* the provisions of section two of this Ordinance the Court may, in addition to any penalty imposed under subsection (1) of this section, order the confiscation for the account of the States of all or any intoxicating liquor found on the premises to which the conviction relates.

Contraventions of sections 22 and 23

- 46. (1) Any person who contravenes any of the provisions of section twenty-two or section twenty-three of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty-five pounds.

- (2) On the conviction of any person for contravening the provisions of section twenty-two or section twenty-three of this Ordinance the Court may, in addition to any penalty imposed under subsection (1) of this section, order the confiscation for the account of the States of all or any intoxicating liquor found on the premises to which the conviction relates.

Contraventions of sections 24 and 34

47. Any person who contravenes any of the provisions of section twenty-four or section thirty-four of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding ten pounds.

Contraventions of section 35(1)

48. Any person who contravenes any of the provisions of subsection (1) of section thirty-five of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty-five pounds and to the suspension or forfeiture of his liquor licence, at the discretion of the Court.

Contraventions of section 37(3)

49. Any person who contravenes any of the provisions of subsection (3) of section thirty-seven of this Ordinance shall be guilty of an offence and liable, on conviction -
- (a) in the case of the first offence to a fine not exceeding two pounds; and
 - (b) in the case of the second or any subsequent offence to a fine not exceeding ten pounds.

Contraventions of sections 25, 28, 29, 30, 31, 32, 33, 37(1), 37(5), 38, 39(2), 40 and 42(2)

50. Any person who contravenes any of the provisions of section twenty-five, section twenty-eight, section twenty-nine, section thirty, section thirty-one, section thirty-two, section thirty-three, subsection (1) or subsection (5) of section thirty-seven, section thirty-eight, subsection (2) of section thirty-nine, section forty or subsection (2) of section forty-two, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds.

Power of Court to suspend or order forfeiture of licence in certain cases

51. On a second or second or subsequent conviction of a holder of a liquor licence for contravening the provisions of section twenty-two, subsection (1) or subsection (3) of section twenty-two, section twenty-nine, section thirty-two or subsection (1) of section thirty-seven of this Ordinance, the Court may, in addition to the penalty imposed in pursuance of the provisions of this Ordinance, suspend or order the forfeiture of his liquor licence.

Certain persons deemed to be on unlicensed premises for purpose of illegally dealing in intoxicating liquor

52. When the Chief Officer, a police officer or a person under the command of the Chief Officer has entered any premises in pursuance of a warrant under section forty-two of this Ordinance and has seized and removed any intoxicating liquor, 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 and shall be liable, on conviction, to a fine not exceeding ten pounds.

Penalty for company failing to replace designated official

53. (1) A company which is the holder of a liquor licence shall not exercise that liquor licence otherwise than under the personal supervision of a designated official approved by the Court under subsection (3) of section six of this Ordinance or of whom permission has been granted under subsection (4) of that section.

(2) A company which contravenes the provisions of the preceding subsection shall be guilty of an offence, and shall be liable on conviction, to a fine not exceeding twenty-five pounds or to the suspension or forfeiture of its licence, at the discretion of the Court.

Renewal of liquor licence after suspension

54. Where the Court, in pursuance of any of the provisions of this Ordinance, orders the suspension of a liquor licence and the period of suspension does not terminate until after the unexpired portion of the period for which the licence was issued

current the licensee may, upon payment of the appropriate fee in pursuance of the provisions of this Ordinance, renew that liquor licence at the end of the period then current but such liquor licence, after renewal as aforesaid, shall be of no effect until the end of the period of suspension as aforesaid.

PART V

Repeals, savings, citation and commencement

Repeals

55. The Ordinances set out in the Third Schedule to this Ordinance are hereby repealed.

Savings

56. Any licence granted under the provisions of any Ordinance repealed by this Ordinance, for the sale or supply of intoxicating liquor and valid immediately before the coming into force of this Ordinance shall be deemed to have effect as though it were a liquor licence granted under the provisions of this Ordinance and any conditions attached thereto were conditions attached under the provisions of this Ordinance.

Citation

57. This Ordinance may be cited as the Alderney Liquor Licensing Ordinance 1966.

Commencement

58. This Ordinance shall come into force on the 25th day of February, nineteen hundred and sixty-six.

FIRST SCHEDULE

Section twenty

Permitted Hours

Class of Licence	Period	Permitted Hours
Hotel and Public House Licences	Summer period	From 10a.m. on any Monday, Tuesday, Wednesday, Thursday or Friday being Good Friday 1a.m. on the day following On any Saturday 10a.m. to 12p.m. On any Sunday - (a) from 12a.m. until 2a.m. and (b) from 8p.m. until 12m
	Winter period	On any weekday (not Christmas Day) from 10a.m. until 12p.m. On any Sunday or on any weekday being Christmas Day - (a) from 12a.m. until 2a.m. and (b) from 8p.m. until 12m
Restaurant Licences	Summer period and Winter period	On any day (not being Friday) - (a) from 11a.m. until 2a.m. and (b) from 7p.m. until 12m

SECOND SCHEDULE

Section twenty-four

Notices to be displayed in licensed premises

PART I

The Alderney Liquor Licensing Ordinance, 1966

No person under the age of eighteen years shall consume any intoxicating liquor in these premises and no person shall supply such liquor for consumption in these premises to any person apparently under that age under penalty of a fine not exceeding twenty-five pounds.

PART II

The Alderney Liquor Licensing Ordinance, 1966

1. No person shall consume any intoxicating liquor in these premises except -
 - (a) during the hours of 11 a.m. and 3 p.m. or during the hours of 7 p.m. and 12 p.m. on any day, not being Good Friday; and
 - (b) with a meal or as an ancillary to a meal;
2. No person under the age of eighteen years shall consume any intoxicating liquor in these premises and no person shall supply such liquor for consumption in these premises to any person apparently under that age under penalty of a fine not exceeding twenty-five pounds.

THIRD SCHEDULE

Section fifty-four

Ordinances repealed

The Alderney Liquor Licensing Ordinance, 1951
The Alderney Liquor Licensing (Amendment) Ordinance, 1952
The Alderney Liquor Licensing (Amendment) Ordinance, 1958
The Alderney Liquor Licensing (Amendment) Ordinance, 1960
The Alderney Liquor Licensing (Amendment) Ordinance, 1964
The Alderney Liquor Licensing (Amendment) (No 2) Ordinance, 1964