

ÎLE DE SERCQ.

**Ordonnance portant règlement
pour la Vente de Liqueurs
Spiritueuses, Vins, Biere et
Cidre.**

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1940.

Ordonnance portant Règlement pour la
Vente de Liqueurs Spiritueuses, Vins,
Bière et Cidre.

rep'd by
No. 57.

Le 1940, par devant

La Cour a ordonné et ordonne que les règlements
qui ensuivent, rédigés en Anglais, ayant rapport à
la vente de liqueurs spiritueuses, vins, bière et cidre,
auront force de loi en cette île.

ARTICLE 1.
DEFINITIONS.

The expression "annual sums" means the annual
licence duties to be paid to the Treasurer to be
carried to the revenue of the Island and which shall
be those as shall from time to time be determined
by the Chief Pleas with the approval of the Seigneur.
The expression "intoxicating liquor" includes
spirits, wines, beer, porter, cider, perry and any
fermented distilled or spirituous liquor which cannot
according to any law for the time being in force, be
legally sold without a licence.

ARTICLE 2.

(1) A person shall not sell or expose for sale in-
toxicating liquor unless he holds a licence from the
Seneschal's Court for the sale of that intoxicating
liquor.

(2) If any person acts in contravention of this
Article he shall be liable in respect of

- (a) a first offence, to a fine which shall not exceed two pounds, and
 - (b) a second offence, to a fine which shall not exceed twenty pounds,
 - (c) any subsequent offence, to a fine which shall not exceed fifty pounds.
- (3) On the second conviction of a person who is a person other than a British subject, he shall be liable in addition to the above penalty to find bail in such sum as the Court may require and in default of so doing, to leave the Island.
- (4) On the conviction of any person for an offence under this Article the Court may, if they think it expedient to do so, declare that all intoxicating liquor found on the premises of such person be forfeited for the account of the revenues of the Island, subject to an appeal to the Royal Court.

ARTICLE 3.

Licences for the sale of intoxicating liquor are divided into three classes, viz.:—

- (1) Hotel licences.
- (2) Licences for the sale of intoxicating liquor for consumption off the premises.
- (3) Licences for the sale of intoxicating liquor for consumption on the premises.

ARTICLE 4.

On week days all licensed premises shall be opened at 8 a.m., and closed each night at 10 p.m., subject, however, to the provisions hereinafter contained with respect to persons residing on the premises.

On Sundays no intoxicating liquor shall be sold, subject however to the provisions hereinafter contained with respect to persons residing on the premises.

ARTICLE 5.

Any person who shall, except during the hours permitted by the preceding Article

- (a) sell or supply either by himself or by any servant or agent, to any person in any licensed premises, any intoxicating liquor to be consumed either on or off the premises,
- (b) consume in or take from any such premises any intoxicating liquor,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five pounds, and in the event of a second offence, to a fine not exceeding twenty pounds and to the suspension or forfeiture of the licence at the discretion of the Court.

ARTICLE 6.

Nothing in Articles 3 and 4 of this Ordinance shall be deemed to prohibit or restrict

- (a) the sale or supply to, or consumption by, any person, of intoxicating liquor in any licensed premises where he is residing, or
- (b) the ordering of intoxicating liquor to be consumed off the premises, or the despatch by the vendor of liquor so ordered,
- (c) the supply of intoxicating liquor for consumption on licensed premises, to the members of the family and staff of the holder of the licence and to any of his private friends bona fide entertained by him at his own expense, or the consumption of intoxicating liquor by persons so supplied.

ARTICLE 7.

- (1) All licences are annual and expire on the

thirty-first day of December of each year, but shall be renewed for the following year on payment to the Treasurer of the Island of the annual sum due. Provided always that the renewal of any licence may be disallowed by the Sencschal's Court if such renewal be opposed by the Constables.

In the case of opposition the Constables shall summon the holder of the licence before the Court to show cause why such renewal should not be disallowed.

(2) Any holder of a licence who shall, at the expiration of any half year, continue to carry on his trade without having paid to the Treasurer of the Island the half yearly sum fixed by the Chief Pleas with the approval of the Seigneur, shall be deemed to be selling intoxicating liquor without a licence.

ARTICLE 8.

The following annual sums shall be paid in advance to the Treasurer in equal half-yearly payments on or before the thirty-first day of December and the thirtieth day of June in respect of:—

Hotel Licences	£
Licences for the sale of intoxicating liquor for consumption off the premises	£
Licences for the sale of intoxicating liquor for consumption on the premises	£

ARTICLE 9.

FORMALITIES IN RESPECT OF THE APPLICATION FOR AND THE ISSUE OF LICENCES.

1. Every application for a licence shall be in writing and shall contain a description of the premises in respect of which a licence is sought and shall

specify the class of licence applied for. Such application shall be made to the Seneschal's Court.

2. Any person intending to apply for a licence shall send, not less than fifteen days prior to the date of application, a written notice of his intention to the Seigneur, the Seneschal, and to the Constables, notifying them of the situation of the premises and of the day and hour on which the application is to be made to the Court. A copy of such notice shall be affixed three consecutive Sundays in the notice box of the Church. A copy of the said notice shall also be affixed for fourteen days immediately preceding the application on the front of the house where the licence is proposed to be exercised.

The notice to be affixed to the front of the house shall be at least two feet square in dimension and shall be in legible print, both in English and French.

In the event of an applicant for a licence not having resided in the Island for the three consecutive years immediately preceding the date of the application, he shall furnish the Seigneur and the Constables with a certificate of character from the Chief Officer of Police of the place or places in which he, the applicant, shall have lived during the said three years.

In the event of the applicant being of foreign nationality, the certificate, or the certificates as the case may be, shall bear the visa of the accredited agents in Guernsey of the country to which the applicant belongs.

3. The application for a licence shall not be entertained by the Court in the event of any of the provisions of this Article not having been complied with.

4. No licence shall be granted to women who at present are not holders of licences. Provided always that in the event of the death of the holder of a licence the licence may be granted to his widow.

5. The Greffier shall keep a special register of all licences.

ARTICLE 10.

CONSTABLES' DUTIES.

On receipt of a written application for a licence, the Constables shall visit the premises and make a report to the Court. On the day of application for a licence to the Court, the Constables shall, in person, present a written report from themselves containing the following particulars :—

- (1) A description of the premises and its surroundings.
- (2) The number of closets and urinals and whether in their opinion there is a sufficient number of closets and urinals to meet the necessary requirements.
- (3) In the case of a hotel, the number of rooms for the accommodation of visitors.
- (4) Their objection to the application, if any.
- (5) It shall be the duty of the Constables to see that the provisions of this Ordinance are complied with.

ARTICLE 11.

1. The Greffier shall, on proof that the sums payable to the Treasurer in respect of a licence have been paid, deliver to every person to whom a licence has been granted, an extract of the Order of the Court granting such licence, together with a copy of this Ordinance and of all other Ordinances amending it.

No person shall sell intoxicating liquor until the licence has been issued to him by the Greffier, and in the event of his so doing he shall be deemed to be selling without a licence.

2. In the event of an application for a licence being made after the expiration of three months of the half year, one half only of the sums payable to the Treasurer in respect of the licence for the current half year shall be paid by the applicant.

3. In the event of the licence being refused the sums payable to the Treasurer under Article 7 shall be reimbursed to the applicant.

4. In the event of a holder of a licence of the first class giving up his business before the expiration of the first three months of any half year—unless he be deprived of his licence by Order of the Court—he shall be entitled to a reimbursement of one quarter of the amount of his annual licence.

5.—The holder of a licence of the second or third class shall, when his licence is granted, deposit with the Treasurer the sum of Twenty Pounds by way of security.

ARTICLE 12.

REGULATIONS AS TO SALE OF LIQUOR AND CONDUCT OF LICENSED PREMISES.

1. The holder of a licence shall not sell or expose for sale any intoxicating liquor at any place except that authorised by his licence ; provided always that in exceptional cases the Court may, after hearing the report of the Constables, grant the holder of a licence for the sale of intoxicating liquor to be consumed on the premises, a special licence for the sale of intoxicating liquor in a place other than that authorised by his licence or during non-permitted hours, such hours to be determined by the Court.

ARTICLE 13.

1. The holder of a licence of the second and third classes shall cause to be painted on the house in respect of which his licence is granted, in a conspicuous place, his name with the addition after the name, of the word "licensed" and of words to express the business for which his licence has been granted and in particular whether the licence is a full licence or for the sale only of beer and cider or to be consumed on or off the premises.

2.—If any person fails to comply with or acts in contravention of this Article, he shall be liable in respect of each offence to a fine not exceeding, in the case of a first offence, five pounds, and in the case of any subsequent offence, ten pounds.

ARTICLE 14.

1.—The holder of a licence, shall not, without a written permit of the Constables, absent himself from his business for any reason whatever for a period exceeding seven days; the permit, however, of the Constables shall not extend beyond the period of two months.

2.—The holder of a licence of any of the above classes desiring to absent himself from his business beyond the said period of two months shall, after due notification in writing to the Constables, apply to the Court for a permit to that effect.

The Court may grant such permission for such period as they may think reasonable.

3. The holder of the licence shall, in both of the above cases, at the time when he makes the application, present for the approval of the Constables, or the Court, as the case may be, a suitable person to carry on the business during his absence. In default of presenting such person the application shall not be considered.

4. The person approved of shall, during the absence of the holder of the licence, be responsible for the conduct of the business as if he were the holder of the licence.

5. The holder of a licence of any of the above classes who shall absent himself from his business for a period exceeding seven days without the permission of the Constables or the Court, as the case may be, shall be liable on conviction, to a fine which shall not exceed ten pounds and the suspension or forfeiture of his licence at the discretion of the Court.

ARTICLE 15.

1. On the decease of the holder of a licence or on his being certified by a qualified medical practitioner as incapable of carrying on his business, the Constables, on the application of the legal personal representatives of the holder of the licence, may grant them permission to carry on the licence for such period as may be necessary to enable them to make application to the Court for the issue of a new licence.

2. Any person who shall, after the decease of the holder of a licence or of his being certified as incapable of carrying on his business, continue to carry on such business without the permission mentioned in Section 1 of this Article, shall on conviction be liable to the penalties imposed by Article 2 of this Ordinance.

ARTICLE 16.

1. The holder of a licence shall not permit drunkenness or any violent or riotous conduct to take place on his premises, or sell any intoxicating liquor to a drunken person, and to enable him to maintain order, he may eject any person from his premises without giving a reason for so doing.

2. On the application of the Constables, the Court may order any holder of a licence to prohibit the admission of women to his premises or to sell or supply them with intoxicating liquor.

3. If the holder of a licence acts in contravention of this Article, he shall be liable in respect of each offence to a fine not exceeding, in the case of the first offence, ten pounds, and in the case of any subsequent offence, twenty pounds.

4. If the holder of a licence is charged with permitting drunkenness on his premises in contravention of this Article, and it is proved that any person was drunk on his premises, it shall lie on the holder

of the licence to prove that he and the persons employed by him took all reasonable steps for preventing drunkenness on the premises.

5. Any person found drunk on licensed premises, shall, on conviction, be liable to a fine not exceeding ten shillings for the first offence or two Pounds for any subsequent offence.

6. The holder of a licence may refuse to admit to and may turn out of the premises in respect of which his licence is granted, any person who is drunken, violent, quarrelsome or disorderly, or whose presence on the licensed premises is undesirable and any person whose presence on his premises would subject him to a penalty under this Ordinance.

7. Any such person who, upon being requested in pursuance of this Article by the holder of the licence, or his agent or servant or a Constable, to quit the premises, refuses or fails so to do, shall be liable in respect of each offence to a fine not exceeding five pounds; and a Constable required to expel or to assist in expelling such person from the premises and the holder of the licence, his agent or servants, may use such force as may be necessary for that purpose.

ARTICLE 17.

1. The holder of a licence shall not sell or allow any person to sell to be consumed on the premises, any description of spirits to any person apparently under the age of sixteen years.

2. If the holder of a licence acts in contravention of Section 1 of this Article he shall be liable in respect of each offence to a fine not exceeding in the case of the first offence one pound, and in the case of any subsequent offence, two pounds.

3. The holder of a licence shall not knowingly sell or deliver or allow any person to sell or deliver, save at the residence or working place of the pur-

chaser, any description of intoxicating liquor to any person under the age of fourteen years for consumption by any person on or off the premises, except such intoxicating liquor as is sold or delivered in corked or sealed vessels in quantities not less than one reputed pint for consumption off the premises only.

4. A person shall not knowingly send any person under the age of fourteen years to any place where intoxicating liquor is sold, or delivered, or distributed, for the purpose of obtaining any description of intoxicating liquor, excepting as aforesaid, for consumption by any person on or off the premises.

5. Nothing in this Article shall prevent the employment by the holder of a licence of a member of his family or his servant or apprentice or a messenger to deliver intoxicating liquor.

6. The holder of a licence of the first, second and fifth classes shall not employ minors under the age of eighteen years or unmarried women under the age of twenty-five years to sell or retail intoxicating liquor.

7. If any person acts in contravention of Sections 3, 4, and 6 of this Article, he shall be liable in respect of each offence to a fine not exceeding in the case of the first offence, two pounds, and in the case of any subsequent offence, five pounds.

8. For the purposes of this Article—the expression “corked” means closed with a plug or stopper of any material; and the expression “sealed” means secured with any substance without the destruction of which the cork, plug or stopper cannot be withdrawn.

ARTICLE 18.

1. Subject to the provisions of this Ordinance, all premises of the second and third classes shall be closed except during the hours specified in Article 4 of this Ordinance.

2. Nothing in this Ordinance shall prohibit or restrict the sale or supply of intoxicating liquor during all hours to persons residing in licensed premises and to the licensees, lessees or managers of such premises, the members of their family and staff.

3. If any person during the time at which premises for the sale of intoxicating liquor are directed to be closed by or in pursuance of this Ordinance, sells or exposes for sale in those premises any intoxicating liquor, or opens or keeps open those premises for the sale of intoxicating liquor, or allows any intoxicating liquor although purchased before the hours of closing, to be consumed on those premises, that person shall be liable in respect of each offence to a fine not exceeding, in the case of a first offence, five pounds, and in the case of any subsequent offence, twenty pounds.

4. If during the period during which any premises are required under the provisions of this Ordinance to be closed, any person is found on those premises, he shall, unless he satisfies the Court that he was a resident, servant or lodged on the premises, or that otherwise his presence on the premises was not in contravention of the provisions of this Ordinance with respect to closing hours, be liable in respect of each offence to a fine not exceeding two pounds.

ARTICLE 19.

1. The holder of a licence shall not mix or cause to be mixed with any intoxicating liquor any ingredient for the purpose of increasing the apparent strength of such intoxicating liquor or which may render it injurious to health.

2. Any person acting in contravention of this Article shall be liable to a fine not exceeding five pounds.

3. The Seneschal and Constables and any person duly appointed by them shall have free access at all

times to any licensed premises to examine and take samples of all intoxicating liquor therein.

ARTICLE 20.

STRENGTH OF INTOXICATING LIQUOR.

1. The holder of a licence shall not sell or expose for sale, brandy, whisky, rum or gin at a strength below sixty degrees and except in stoppered bottles at a strength above eighty-five degrees.

2. Any person who shall act in contravention of this Article shall be liable on conviction to a fine not exceeding twenty pounds for the first offence and the confiscation of the liquor, and for any subsequent offence, thirty pounds, in addition to the confiscation of the liquor, the suspension or forfeiture of his licence, and the forfeiture of the sum deposited with the Treasurer in pursuance of Section 5 of Article 11, at the discretion of the Court.

ARTICLE 21.

1. The holder of a licence of the third class shall not sell intoxicating liquor, with the exception of sparkling wines, otherwise than in stoppered bottles reputed in the trade to contain at least half a pint.

2. The holder of a licence of the third class shall not sell beer or cider in quantities less than one gallon otherwise than in stoppered bottles.

3. Any person who shall act in contravention of this Article shall be liable, in the case of a first offence, to a fine not exceeding five pounds, and in the case of every subsequent offence, to a fine not exceeding ten pounds, and to the suspension or forfeiture of his licence at the discretion of the Court.

ARTICLE 22.

1. The holder of a licence of the second class shall not sell or supply by retail to anyone, any intoxicating liquor to be consumed on the premises.

2. Any person who shall act in contravention of this Article shall be liable, in the case of a first offence to a fine not exceeding five pounds and for every subsequent offence to a fine not exceeding ten pounds and to the suspension or forfeiture of his licence.

ARTICLE 23.

In proving the sale or consumption of intoxicating liquor for the purpose of any proceeding relative to any offence under this Ordinance, it shall not be necessary to show that any money actually passed or any intoxicating liquor was actually consumed, if the Court is satisfied that a transaction in the nature of a sale actually took place, or that any consumption of intoxicating liquor was about to take place.

ARTICLE 24.

1. The Seneschal if satisfied by information in writing by the Constables that there is reasonable ground to believe that any intoxicating liquor is sold by retail or exposed or kept for sale by retail or that adulteration of liquor is being effected at any place, whether a building or not, in which that liquor is not authorised to be sold by retail, may grant in his discretion, a warrant under his hand, by virtue whereof it shall be lawful for the Constable named in the warrant at any time or times within one month from the date thereof, to enter and if need be, by force, the place named in the warrant, and every part thereof, and examine the same and search for intoxicating liquor therein, and seize and remove any intoxicating liquor found therein which there is reasonable ground to suppose is in the place for the purpose of unlawful sale at that or any other place, and the vessels containing the liquor.

2. Any person who shall impede or obstruct the entry of the Constables, acting in pursuance of a warrant under this Article, shall be liable to a fine

not exceeding, in the case of a first offence, ten pounds, and in the case of every subsequent offence, twenty pounds.

3. When the Constables have entered any premises in pursuance of a warrant under this Article and have seized and removed any liquor as aforesaid, 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 be liable in respect of each offence to a fine not exceeding two pounds.

GENERAL REGULATIONS.

ARTICLE 25.

Every contravention of an Article of this Ordinance, or of a section thereof, committed within two years of a conviction for a contravention of the same Article or section shall be deemed to be a second or subsequent offence.

ARTICLE 26.

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

FINES.

ARTICLE 27.

The fines shall be applicable half to the revenue of the Island and half to the informant.

This Ordinance shall come into force on the
and remain in force until the Chief
Pleas