

The Liquor Licensing (Amendment) (Sark) Ordinance, 2006

THE CHIEF PLEAS OF SARK, in exercise of the powers conferred on them by section 8 and 24 of the Reform (Sark) Law, 1951^a, and with the approval of the Seigneur, and in pursuance of their Resolutions of the 16th day of January 2002, the 8th day of July 2004 and the 30th day of March 2005, hereby order:-

Amendments to General Provisions Ordinance.

1. The Liquor Licensing (General Provisions) (Sark) Ordinance, 1979, as amended^b is hereby further amended as follows-

(a) in the Arrangement of Sections, insert in the appropriate places the following entries:

“6A. Application for Club licence by association.”

“8A. Representations by public.”

“21A. Requirement for catering permit in respect of licensed premises.”

“22C. Conditions of exercise of Club Licence.”

“45A. Appeals”

“THIRD SCHEDULE – Notices concerning offences by and in connection with young persons.”;

^a Ordres en Conseil, Vol. XV, p. 215; there are amendments not relevant to this Ordinance.

^b Ordinance No. 57, amended by Ordinances No. 62; 76B, 86, 103 and 107.

(b) in section 3, delete paragraph (c)(iii) and insert the following additional paragraph -

“(d) in the event of the applicant not having had his ordinary place of residence in this Island for a period of at least three years immediately preceding the date of his application, to supply to the Constable such information about his place or places of residence prior to his making his ordinary place of residence in this Island as the Constable may require in order that a certificate or certificates from the chief officer of police of the district or districts concerned may be obtained.”;

(c) immediately after section 6, insert the following section -

“Application for Club Licence by association.”

6A. Where an application for a Club Licence is made by an association of individuals and not by a body corporate, the provisions of this Ordinance shall apply as if the association were a body corporate, subject to the following exceptions and modifications -

(a) the application shall be made by the person who is the President or Secretary of the association; and

(b) a designated person shall be appointed to be responsible for the conduct of the Club Licence as if he were for all purposes a designated official under section 5.

(d) immediately after section 8, insert the following section -

“Representations by public

8A. Any person wishing to make representations in respect of any application for a liquor licence proposed to be made by any other person under this Part of this Ordinance may do so -

- (a) in person at the Court on the day when the application is made; or
- (b) in writing, addressed and delivered to the Constable at least two clear working days prior to the day on which the application is proposed to be made.”;
- (e) in section 9(1), immediately after the words “any representations made by any person on the application,”, insert “and subject to subsection (1A),”;
- (f) immediately after section 9(1), insert the following subsection -

“(1A) The Court shall not grant a liquor licence under this section unless it is satisfied that a valid catering permit granted pursuant to the provisions of the Catering (Sark) Law, 1988^c is in force in respect of the licensed premises.”;
- (g) in section 9(3), for the words “intoxicating liquor” substitute “meals” and, immediately after that subsection, insert the following subsection -

^c Ordres en Conseil, Vol. XXXI, p. 68.

“(4) 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.”;

(h) in section 10(1), paragraphs (c) and (d) shall be deleted and the following subparagraphs shall be substituted immediately after subparagraph (ii) -

“(iii) the number, if any, of liquor licences of the same category as that being applied for held in respect of other premises in this Island;

(iv) any written representations received by the Constable from any person pursuant to section 8A;

(v) the objections, if any, of the

Constable to the application.”;

- (i) in section 15, subsection (5) shall be renumbered “(6)” and the following subsection inserted immediately after subsection (4) -

“(5) Where the liquor licence granted under section 9 is a Public House Licence or a Club Licence, there shall also be payable, in advance to the Treasurer, in addition to the annual fee payable under subsection (1), such sum by way of initial payment as may be fixed by Chief Pleas.”;

- (j) in section 18(1), immediately after the words “on an application being made to it by a licensee”, insert “, or by the President or Secretary of a club in respect of an application relating to a Club Licence,”;
- (k) immediately after section 21, insert the following section -

“Requirement for catering permit in respect of licensed premises

21A. A liquor licence shall not be valid unless a catering permit granted pursuant to the provisions of the Catering (Sark) Law, 1988 is in force in respect of the licensed premises.”

- (l) immediately after section 22B, insert the following section -

“Conditions of exercise of Club Licence

22C. (1) A person shall not sell, supply or consume any intoxicating liquor, or cause or permit any such liquor to be sold, supplied or consumed, in 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 by club members or their bona fide guests in accordance with the Club rules.

(2) The designated person appointed pursuant to section 6A(b) shall, as soon as reasonably practicable after a Club Licence has been granted, or within 15 days of any alteration or addition thereto, deposit a copy of the club rules with the Greffier.”;

- (m) in section 24(1), for “one fluid ounce” substitute “twenty five millilitres” and for “one and sixty seven hundredths of a fluid ounce” substitute “fifty millilitres or a multiple thereof”;
- (n) in section 25A, for the word “First” substitute “Third”;
- (o) in section 26(2), for “one fluid ounce” substitute “twenty five millilitres” and for “one hundred and

sixty-seven hundredths of a fluid ounce” substitute “fifty millilitres”;

- (p) in section 30(1) and (3), for the word “sixteen” in each place where it appears, substitute “eighteen”;
- (q) in section 39(1), immediately after the words “licensed premises”, insert “, including club premises,”;
- (r) in section 42(1), immediately after the word “premises” where it first appears, insert “, including the premises of a club”;
- (s) in section 44(c), immediately after the words “for the purposes of his trade” insert “or to a club for the purposes of the club”;
- (t) in section 45(2), for “sixteen” substitute “eighteen”;
- (u) immediately before section 46, insert the following section -

“Appeals.

45A. (1) A person aggrieved by a decision of the Court -

- (a) to refuse an application by him for a liquor licence, including a

provisional liquor
licence,

- (b) to refuse to approve a person designated by a limited liability company under section 5, or by an association under section 6A, to be responsible for the conduct of a liquor licence,
- (c) to suspend, forfeit or refuse to renew a liquor licence,
- (d) to refuse an application for permission to exercise a liquor licence for additional hours, or on additional premises, or both for such additional hours and on such additional premises, under section 18,
- (e) to attach conditions to the exercise of a liquor licence, or

- (f) to refuse an application under section 35 (absence of licensee) or section 36 (decease or incapacity of licensee),

may appeal against the decision on a point of law to the Royal Court sitting as an Ordinary Court (“the Royal Court”).

(2) An appeal under this section shall be instituted within a period of 10 days immediately following the date of the decision of the Court by notice served on the Constable, and on any person who appeared in the Court to make representations in respect of the relevant application, stating the grounds and material facts on which the appellant relies.

(3) Notification of the appeal together with a copy of the notice of appeal served pursuant to subsection (2) shall be sent to the Law Officers of the Crown within the said period of 10 days, or as soon as practicable thereafter, and shall be sent to such other person or persons as the Royal Court may direct.

(4) At the hearing of an appeal under this section the Law Officers may make any representations which they deem appropriate.

(5) On an appeal under this section the Royal Court may -

(a) allow the appeal and remit the matter to the Court with such directions as the Royal Court thinks fit, or

(b) confirm the decision of the Court.

(6) No decision of the Court shall be invalidated solely by reason of a procedural irregularity unless the irregularity was such as to prevent the applicant from presenting his application fairly before the Court.”

(v) in section 46(1)(a)(iii), for “two hundred pounds” substitute “level 3 on the Sark uniform scale”;

(w) in section 52(1), insert in the appropriate place the following definition-

“**club**” means a members’ club with a constitution and rules;”;

(x) in section 52(1), for the definition of “**summer period**” substitute the following definition-

“**summer**” means the period defined as the period of summer time for the purposes of the Summer Time Act 1972;”;

and for the definition of “**winter period**” substitute the following definition-

“**winter**” means the period during which the time for general purposes is taken to be Greenwich mean time.”;

(y) in the First Schedule, add the following category in the appropriate place-

“6. Club Licence.”;

(z) for the Second Schedule, substitute the Schedule contained in the First Schedule to this Ordinance; and

(aa) immediately after the Second Schedule, insert the Schedule contained in the Second Schedule to this Ordinance.

Amendments to Fees Ordinance

2. The Liquor Licensing (Fees) (No. 2) Ordinance, 1979, as amended^d is hereby further amended as follows-

^d Ordinance No. 59, amended by Ordinance No. 79B and an Ordinance of the Chief Pleas of 4.10.00.

- (a) in item 2 in section 1, for “£100” substitute “£200”;
- (b) in item 3, for “£50” substitute “£200”;
- (c) immediately after item 5 in section 1, insert a new item as follows-

“6. Club licence. £200.”;

- (d) immediately after section 1, insert the following section-

“Initial payment for certain licences.

1A. The fees payable on the grant of a Public House Licence and of a Club Licence pursuant to section 15(5) of the Liquor Licensing (General Provisions) (Sark) Ordinance, 1979, as amended, shall be as follows-

- | | | |
|----|----------------------|--------|
| 2. | Public House Licence | £500. |
| 6. | Club Licence | £500.” |

Citation.

3. This Ordinance may be cited as the Liquor Licensing (Sark) (Amendment) Ordinance, 2006.

Commencement.

4. This Ordinance shall come into force on 3rd April, 2006.

FIRST SCHEDULE

Section 1(z)

“SECOND SCHEDULE

Section twenty-one

Permitted Hours

PART I

Weekdays other than Sundays

Category of licence	Period	Obligatory Hours	Discretionary hours
1. Hotel	Summer and winter	None	Midday to 11.45 pm
		Provided that during any of the aforesaid permitted hours the intoxicating liquor may only be served with a meal	
2. Public House	Summer	10 am to 10 pm	10 pm to 11 pm
	Winter	10 am to 2 pm 6 pm to 10 pm	2 pm to 6 pm
	Good Friday	None	10 am to 11 pm
	Christmas day	None	10 am to 10 pm
3. Off-Licences	Summer and winter	None	10 am to 10 pm
4. Restaurant and guest house	Summer and winter	None	Midday to 11.45 pm.
		Provided that during any of the aforesaid permitted hours the intoxicating liquor may only be served with a meal.	
5. Club	Summer and winter	None	10 am to 11.45 pm

PART II

Sundays

Category	Period	Obligatory Hours	Discretionary Hours
Hotel	Summer and winter	None	midday to 11.45 pm.
			Provided that during any of the aforesaid permitted hours the intoxicating liquor may only be served with a meal.
Public House	Summer and winter	No permitted hours	
Off-Licence	Summer and winter	No permitted hours	
Restaurant and guest house	Summer and winter	none	midday to 11.45 pm.
		Provided that during any of the aforesaid permitted hours the intoxicating liquor may only be served with a meal.	
Club	Summer and winter	No permitted hours"	

SECOND SCHEDULE

Section 1(aa)

“THIRD SCHEDULE

Section twenty five A

The Liquor Licensing (General Provisions) (Sark)
Ordinance, 1979, as amended

NOTICE

Offences by and in connection with persons under eighteen years of age.

1. It is an offence for a person under the age of eighteen years to purchase or attempt to purchase intoxicating liquor on licensed premises.

Maximum penalty for contravention Level 1 on the Sark uniform scale.

2. It is an offence for a person to purchase or attempt to purchase intoxicating liquor for consumption by a person under the age of eighteen years on licensed premises.

Maximum penalty for contravention Level 2 on the Sark uniform scale.

NB This Notice is for information only and in cases of doubt reference should be made to section thirty of the Liquor Licensing (General Provisions) (Sark) Ordinance, 1979, as amended.”