

Island of  Guernsey

Ordinance of the States **I**

**1989**

Made ... .. 26th January, 1989.  
Coming Into Operation ... 1st February, 1989.

**The Liquor Licensing (Amendment)  
Ordinance, 1989**

THE STATES, in pursuance of their Resolution of the 29th day of September, 1988, hereby order:—

1. In the Liquor Licensing Ordinance, 1984(a), as amended(b)—

Amendments to Ordinance of 1984.

(a) for section 7 substitute the following:—

“Application by body corporate.

7. (1) A liquor licence may be granted in accordance with the provisions of section twelve of this Ordinance to a body corporate on the application by the body corporate (hereinafter referred to as “the applicant”) in accordance with the provisions of this Part of this Ordinance.

(a) No. XXXIV of 1984.

(b) No. XVII of 1985; No. XLV of 1985.

(2) When giving notice of such application the applicant shall furnish the Committee with the name and address of the officer of the body corporate or of the manager of the business (hereinafter referred to as "the designated official") for the carrying on of which the liquor licence is being applied for, designated by the body corporate to be responsible for the conduct of the liquor licence and the applicant shall supply the Committee with such information relating to the designated official as that designated official would be required to supply to the Committee in accordance with the provisions of paragraph (d) of section three of this Ordinance if he were an applicant for a liquor licence in his own right.

(3) Without prejudice to the powers of the Committee under subsection (7) of this section on the designated official ceasing to act in that capacity application shall be made to the Royal Court for approval of another officer or manager as aforesaid as the designated official.

(4) A body corporate desirous of making application under subsection (3) of this section shall furnish the Committee with particulars concerning the new designated official in accordance with the provisions of subsection (2) of this section and shall also cause a notice containing a statement of the fact that the body corporate proposes to make application for the approval of the new designated official together with particulars of the location of the licensed premises and the category of liquor licence held thereat the date and the hour on and at which the said body corporate proposes to make the said application to be published in the manner for the time being prescribed by law on at least two weekly occasions prior to the date on which the said body corporate proposes to make the said application.

(5) At the hearing of any such application as aforesaid the said designated official shall be present before the Royal Court and if approved his name shall be endorsed upon the liquor licence and entered upon the records at the Greffe.

(6) The provisions of section forty-two of this Ordinance shall apply to a designated official of a body corporate if that body corporate is the holder of a liquor licence as if he were the holder of that liquor licence.

(7) On the designated official ceasing to act in that capacity, the Committee, on the application of the body corporate, may grant to a person designated by the body corporate temporary permission to carry on the liquor licence for such period as may, in the Committee's opinion, be necessary to enable application to be made to the Royal Court for approval of another officer or manager in accordance with the provisions of subsection (3) of this section save, however, that the permission of the Committee shall not be valid for a period in excess of two months.

(8) Where a liquor licence is granted to a body corporate the designated official shall be responsible for the personal supervision of the exercise of the liquor 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.

(9) Nothing in the preceding provisions of this section shall derogate from the application of the other provisions of this Ordinance to a body corporate which is the holder of a liquor licence.”.

- (b) in section 25(2) for the words “ at such time and during such period as the Royal Court may think necessary or expedient ” substitute “ at least fourteen clear days prior to the date upon which the Royal Court disposes of the application ”;
- (c) for subsections (1) and (2) of section 27 substitute the following:—

“Alterations  
to licensed  
premises.

27. (1) A liquor licensee shall not as respects any licensed premises for which he holds a liquor licence—

- (a) make any alterations which will increase the area of floor space on the said licensed premises available for the use of persons consuming intoxicating liquor; or
- (b) make any alterations which will result in the concealment from observation of any

part of the said licensed premises used for the sale, supply or consumption of intoxicating liquor; or

(c) make any alterations which will affect the communications between the said licensed premises and—

(i) any other premises,

(ii) any public place,

without first making application in that behalf to the Royal Court.

(2) The Royal Court shall not dispose of an application made in pursuance of the provisions of the last preceding subsection, unless it has had presented to it reports on the said application by or on behalf of the Committee, the Constables of the Parish in which the said licensed premises are situate and where there is for the time being in force in respect of the premises to which the application relates a boarding permit from the Tourist Board and unless plans of the proposed alterations to which the said application relates have been deposited

at the Greffe at least fourteen clear days prior to the date upon which the Royal Court disposes of the application.”.

(d) in section 28(2) before the words “the Constables” insert the words “the Chief Officer and”;

(e) for section 34(1) substitute:—

“Control of  
persons  
under  
18 in bars.

(1) Subject to the provisions of Part IX of this Ordinance, a liquor licensee, his servant or agent shall not—

(a) permit a person under the age of sixteen years to be present in any bar in licensed premises in respect of which that liquor licensee is for the time being the holder of a liquor licence; or

(b) permit a person under the age of eighteen years to be present in any bar which is in licensed premises in respect of which there is in force a Public House Licence or which is a designated Public Bar,

other than during any period when that bar is closed for the sale and supply of intoxicating liquor.”.

- (f) in sections 34(2), 64 and 82 for the word “sixteen” wherever it appears substitute the word “eighteen”;
- (g) in section 54 for the words “other than” substitute the word “including”;
- (h) in section 63(a) delete the words “sale or supply to, or”;
- (i) at the end of section 63 add a further paragraph “(e)—
- “(e) notwithstanding the provisions of section 32 the sale or supply by a liquor licensee in premises in respect of which he holds a Hotel or Residential Class 1 Licence to a person who is residing in those premises.”.
- (j) in section 124(2) before the words “the Constables” insert the words “the Chief Officer and”;
- (k) repeal section 125(1);
- (l) add to section 142 a further subsection to be numbered “(3)—
- “(3) Prior to the time of an application under the provisions of subsection (1) or subsection (3) of section 124 by a liquor licensee who is the holder of a Club Licence, the said liquor licensee shall pay to the States Treasurer a fee of five pounds for each hour or part of an hour during which he is applying to exercise the said liquor licence during additional hours or on additional premises as the case may be.”;

- (m) in section 147(1) for the words “or could after reasonable enquiry” substitute the words “nor could after reasonable enquiry”;
- (n) in section 158(1) in the definition of “intoxicating liquor” for the words “where the alcoholic content is less than two degrees of proof spirit” substitute the words “where the alcoholic strength is less than 1.2 per centum of alcohol by volume at twenty degrees centigrade”;
- (o) in the Fourth Schedule after the reference to section 1 therein add the following:—
- | COLUMN 1   | COLUMN 2 | COLUMN 3 |
|------------|----------|----------|
| Section 27 | £500     | £500”;   |
- (p) in column 3 of the Fourth Schedule for the words “six months” wherever they appear substitute the words “three months”.

2. This Ordinance may be cited as the Liquor Citation. Licensing (Amendment) Ordinance, 1989.

3. This Ordinance and the Liquor Licensing Ordinances, 1984 to 1985, may be cited together as the Liquor Licensing Ordinances, 1985 to 1989. Collective title.

4. This Ordinance shall come into force on the 1st day of February, 1989. Commencement.

K. H. TOUGH,  
Her Majesty's Greffier.