

Island of  Guernsey

**Ordinance of the States**

**XIII  
2003**

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Made ..... 25th June, 2003  
Coming into operation ..... 25th June, 2003

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**The Liquor Licensing (Amendment)  
Ordinance, 2003**

## **The Liquor Licensing (Amendment) Ordinance, 2003**

**THE STATES**, in pursuance of their Resolution of the 12<sup>th</sup> March, 2003<sup>a</sup>, hereby order:-

### **Amendment of Ordinance of 1993.**

1. The Ordinance of 1993 is amended as set out in the Schedule to this Ordinance.

### **Interpretation.**

2. (1) In this Ordinance, unless the context otherwise requires, “**the Ordinance of 1993**” means the Liquor Licensing Ordinance, 1993<sup>b</sup>.

(2) Unless the context otherwise requires, a reference in this Ordinance to an enactment is a reference thereto as amended, re-enacted (with or without modification), extended or applied.

(3) In this Ordinance any words importing the neuter gender include the masculine and the feminine, and any words importing the masculine gender include the feminine and the neuter.

(4) In the Schedule to this Ordinance, except where the context otherwise requires, a reference to a numbered section is a reference to the section of the Ordinance of 1993 which is so numbered.

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<sup>a</sup> Article V of Billet d'État No. III of 2003.

<sup>b</sup> Recueil d'Ordonnances Tome XXVI, p 197; No. XVI of 1998.

### **Transitional Provisions**

3. On the date that this Ordinance comes into force -
  - (a) any category 2 Residential Licence under the 1<sup>st</sup> Schedule granted under section 9 of the Ordinance of 1993, and in force immediately before that date shall be deemed to be a General Licence under category 1 of the 1st Schedule to the Ordinance of 1993 and shall have effect accordingly, subject to any conditions imposed in respect of the Residential Licence by the Royal Court;
  - (b) any application for a category 2 Residential Licence which has been made to the Royal Court and not yet determined, shall be treated as an application for a category 1 General Licence; and
  - (c) any application for a liquor licence of any category under the 1<sup>st</sup> Schedule which has been made to the Royal Court and not yet determined may, at the Royal Court's discretion, be referred to the Ordinary Court.

### **Citation.**

4. This Ordinance may be cited as the Liquor Licensing (Amendment) Ordinance, 2003.

### **Commencement**

5. This Ordinance shall come into force on the 25<sup>th</sup> June, 2003

SCHEDULE

**Amendment of Ordinance of 1993**

**Amendment of Arrangement of Sections.**

1. In the Arrangement of Sections to the Ordinance of 1993 -
  - (a) for “6. Duties of Royal Court.” substitute “6. Application to and Powers and Duties of Royal Court.”;
  - (b) delete the entries relating to sections 40, 79 and 98.

**Amendment of section 3.**

2. (1) Delete “and” where it appears immediately after section 3(a)(ii).
- (2) Immediately after section 3(a)(iii) insert -

“and

  - (iv) the Guernsey Gambling Control Commission (where the category (as set out in the 1st Schedule) of liquor licence applied for is that of a Casino Licence),”.
- (3) In section 3(b) before “cause” insert “unless a liquor licence of the same category as that applied for is in force in respect of the premises to

which the application relates,”

**Amendment of section 5.**

3. In section 5(3) for “3(a)(i) and (iii)” substitute “3(a)(i), (iii) and (iv)”.

**Amendment of section 6.**

4. For section 6 substitute -

**“Application to and Powers and Duties of Royal Court.**

6. (1) Any application to be made under any provision of this Ordinance to the Royal Court shall be made to the Royal Court sitting as an Ordinary Court.

(2) Where an application is made to the Ordinary Court in pursuance of subsection (1), it may, if it thinks fit, refer the application, or any matter arising from the application, to the Royal Court sitting as a Full Court.

(3) The Royal Court shall not dispose of any application under this Part of this Ordinance unless the provisions of this Ordinance, when applicable to the particular case, have been complied with.”

**Amendment of section 8.**

5. (1) In section 8(1)(b) for “(5)” substitute “where appropriate, subsections (5) and (6)”.

(2) In section 8(2) immediately after “submit” insert “either a written report to the Royal Court or a written or verbal report to the Committee,”.

(3) For the full stop at the end of section 8(4)(b) substitute a semi colon and immediately thereafter insert the following paragraph -

“(c) where the Constables and Douzaine of the Parish where the premises are or will be, have submitted the written or verbal report referred to in subsection (2), to the Committee and not the Royal Court, a copy, or particulars of, that report.”

(4) After section 8(5) insert the following subsection -

“(6) Where the category of liquor licence applied for is that of Casino Licence, the Guernsey Gambling Control Commission or any person authorised on their behalf, shall submit a written report containing its views on the application.”

**Repeal of section 9(3).**

6. Section 9(3) is repealed.

**Amendment of section 39.**

7. (1) In section 39, for the words preceding paragraph (a) substitute -

“39. A liquor licensee shall not sell, supply or expose for sale, or permit the sale, supply or exposure for sale of any spirit on any premises in respect of which he holds a liquor licence - ”

(2) Delete “or” where it appears immediately after section 39(b).

(3) For the full stop at the end of section 39(c) substitute a semi colon and immediately thereafter insert -

“or

(d) which is or has been adulterated.”

**Repeal of section 40.**

8. Section 40 is repealed.

**Repeal of section 43(2).**

9. Section 43(2) is repealed.

**Amendment of section 63.**

10. In section 63(d) for “so however that a person shall not sell, expose for sale or consume intoxicating liquor or attempt to sell or consume intoxicating liquor” substitute “or”.

**Repeal of section 79.**

11. Section 79 is repealed.

**Repeal of section 88(c).**

12. Section 88(c) is repealed.

**Amendment of section 95.**

13. (1) For section 95(2) substitute the following subsection -

“(2) Where an application for a Club Licence is made by an association of individuals and not by a body corporate, section 7 and Part III 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;
- (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 within the meaning of section 7; and
- (c) section 7(7)(c) shall not apply.”

(2) After section 95(3) insert -

“(4) A Club Licence shall not be granted to a company limited by guarantee unless the Law Officers certify that the objectives of the company are exclusively for charitable, social, cultural, recreational or other purposes, in each case not involving any purpose of private gain or commercial undertaking.”

**Amendment of section 96.**

**14.** After section 96(4) insert -

“(5) Where a Law Officer’s certificate is required pursuant to section 95(4), the designated person shall, as soon as reasonably practicable after a Club Licence has been granted, deposit a copy of that certificate with Her Majesty’s Greffier.”

**Repeal of section 98.**

15. Section 98 is repealed.

**Amendment of section 112.**

16. In section 112(1) -

(a) immediately after the definition of “**General Order of Extension**” insert -

“**the Guernsey Gambling Control Commission**” has the meaning given by section 26(1) of the Guernsey Gambling Control Commission Law, 2001;”.

(b) for the definition of “**the Royal Court**” substitute -

“**the Royal Court**” means the Royal Court sitting as an Ordinary Court or, where the matter has, pursuant to the provisions of section 6(2), been referred to the Royal Court sitting as a Full Court, means the Royal Court sitting as a Full Court;”

**Amendment of 1<sup>st</sup> Schedule.**

17. For the 1<sup>st</sup> Schedule to the Ordinance of 1993 substitute -

“1<sup>st</sup> Schedule

Section 9

**Categories of Liquor Licences**

1. General Licences.
2. General Off-Licences.
3. Port Licence.

4. Club Licences.
5. Casino Licence.”

**Amendment of 2<sup>nd</sup> Schedule.**

**18.** For the 2<sup>nd</sup> Schedule to the Ordinance of 1993 substitute -

“2<sup>nd</sup> Schedule

Section 20

**Permitted hours and conditions of the exercise of liquor licences**

Para-graph	Categories	Permitted hours	Conditions of Exercise
1.	General Licence	<p><u>Weekdays (other than Sunday, Christmas Day or Good Friday)</u></p> <p>(i) 10.00 am - 12.45 am            (ii) 10.00 am - 1.45 am if intoxicating liquor served under a nightclub permit granted in accordance with Part X.</p> <p><u>Sundays (other than Christmas Day)</u></p> <p>12 noon to 12.45 am.</p> <p><u>Christmas Day and Good Friday</u></p> <p>(i) 11.00 am - 2.30 pm            (ii) 7.00 pm - 10.30 pm.</p>	
2.	General Off-Licence	<p><u>Any Day</u></p> <p>7.00 am - 12.00 pm.            (midnight)</p>	<p>A liquor licensee shall not sell or supply or permit the sale and supply of intoxicating liquor otherwise than -</p> <p>(a) in stoppered or sealed</p>

			<p>containers; and</p> <p>(b) for consumption by any person off the licensed premises or off any premises in the occupation of the licensee of which the licensed premises form part; Provided that these conditions shall not apply where consumption by any person takes place in connection with any special promotion, project launch or wine tasting approved by the Committee and in accordance with any requirements specified in such approval.</p>
3.	Port Licence	<p><u>Weekdays (other than Sunday, Christmas Day and Good Friday)</u></p> <p>(i) From the hour of opening the States Airport Terminal Building or the main Passenger Terminal Building at St. Peter Port Harbour, to the public, until 10.00 am.</p> <p>(ii) 10.00 am - 12.45 am or until the closure of the States Airport Terminal Building or the main Passenger Terminal Building at St. Peter Port Harbour, to the public, whichever is the earlier.</p> <p><u>Sundays, Christmas Day and Good Friday</u></p> <p>(i) From the hour of opening the States Airport Terminal Building or the main Passenger Terminal Building at St. Peter Port Harbour, to the public, until 12 noon.</p>	<p>In relation to paragraph (i), a liquor licensee shall not sell or supply or permit the sale and supply of intoxicating liquor otherwise than -</p> <p>(a) in stoppered or sealed containers; and</p> <p>(b) for consumption by any person off the licensed premises.</p> <p>In relation to paragraph (i), a liquor licensee shall not sell or supply or permit the sale and supply of intoxicating liquor otherwise than -</p> <p>(a) in stoppered or sealed</p>

		(ii) 12 noon - 12.45 am or until the closure of the States Airport Terminal Building or the main Passenger Terminal Building at St. Peter Port Harbour to the public, whichever is the earlier.	containers; and (b) for consumption by any person off the licensed premises.
4.	Club Licence	<p><u>Weekdays (other than Sunday, Christmas Day and Good Friday)</u></p> <p>10.00 am - 12.45 am.</p> <p><u>Sundays (other than Christmas Day)</u></p> <p>12 noon - 12.45 am.</p> <p><u>Christmas Day and Good Friday</u></p> <p>(i) 11.00 am - 2.30 pm (ii) 7.00 pm - 10.30 pm.</p>	
5.	Casino Licence	<p><u>Weekdays and Sundays (other than Christmas Day and Good Friday)</u></p> <p>From the hour of 11.00 am or whenever the Casino opens to the public, whichever is the later, until 3.30 am or the hour the Casino closes to the public, whichever is the earlier.</p> <p><u>Christmas Day and Good Friday</u></p> <p>No permitted hours.</p>	

**Amendment of 4<sup>th</sup> Schedule.**

19. In the 4<sup>th</sup> Schedule to the Ordinance of 1993 delete -

<u>“Approved Charter Applications</u>	£10	Nil”.
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