

2nd April, 1979

Ordinance of the Chief Pleas

entitled

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

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

THE CHIEF PLEAS OF SARK, in exercise of the powers conferred upon them by subsection (1) of section eight of the Reform (Sark) Law, 1951(a), and in pursuance of their Resolution of the eighteenth day of April, nineteen hundred and seventy-nine, and of all other powers enabling them in that behalf, hereby order:-

PART I

Grant and renewal of liquor licences, etc.

Prohibition of
sale without a
liquor licence.

1. 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 the provisions of this Ordinance (hereinafter referred to as a "liquor licence") for the sale of such liquor; or
- (b) on any premises other than the premises in respect of which he has been so granted a liquor licence.

Information
at time of
applying for
a liquor
licence.

2. A person desirous of obtaining a liquor licence shall make application in that behalf to the Court in accordance with the provisions of this Part of this Ordinance and such application shall be in writing and shall contain the following particulars, that is to say, -

- (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.

3. A person before making an application under the provisions of the last preceding section shall -

(a) at least twenty-one days prior to the day on which he proposes to make the application send -

- (i) to the Seigneur;
- (ii) to the Greffier; and
- (iii) to the Constable;

a notice, in writing, which shall specify the situation of the premises concerned and the day and the hour on and at which it is proposed to make the application;

(b) cause a notice at least two feet square in dimension containing the particulars aforesaid in both the English and French languages to be affixed for a period of at least fourteen days immediately prior to the day on which he proposes to make the application to, on or as near as possible to, the premises concerned in such manner as to enable it to be easily read by a person on a public thoroughfare adjacent to the premises;

(c) supply the Greffier, at least twenty-one days prior to the day on which he proposes to make the application, 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 a period of at least three years immediately preceding the date of his application, such information about his place or places of residence prior to his making his ordinary place of residence in this Island as the Greffier may require in order that a certificate or certificates from the chief officer of police of the district or districts concerned may be obtained.

Application
for provisional
liquor licence
for projected
premises and
alterations.

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

- (a) the applicant shall, at least twenty-one days prior to the day on which he proposes to make the application, lodge at the Greffe and send to the Seigneur and the Constable copies of the plans of the projected premises or such alterations, as the case may be, showing all necessary and relevant particulars relating thereto;
- (b) at the date of the hearing of the application the Constable shall make a report to the Court on the application in accordance with the provisions of section ten of this Ordinance.

(2) Upon an application being made to it as aforesaid the Court may grant to the applicant therefor a liquor licence under the provisions of section nine of this Ordinance which licence shall, however, be provisional only and shall be inoperative until it is confirmed by the Court upon 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 as aforesaid the Court may require to be made such variations of the plans as it may deem necessary or expedient and may specify the time within which the projected premises or alterations shall be completed and the second application made and a copy of the aforesaid plans, with variations, if any, which shall be marked for identification and signed by the Greffier, shall be lodged at the Greffe.

(4) At least seven days prior to the making of a second application as aforesaid a notice of intention to make the same shall be sent to the Seigneur, the Greffier and the Constable.

(5) At the hearing of any such second application as aforesaid there shall be presented by or on behalf of the Constable a report on the application which shall be in writing and which -

- (a) shall state whether there has been a material departure from the plans lodged at the Greffe as aforesaid; and

(b) shall contain such other information as may be appropriate in the circumstances;

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

(6) Any liquor licence granted provisionally as aforesaid shall be cancelled upon the confirmation thereof being refused.

(7) Any fees payable in pursuance of section fifteen of this Ordinance shall not be payable until the confirmation of a liquor licence granted provisionally.

Application
by a limited
liability
company.

5.(1) A liquor licence may be granted under the provisions of section nine of this Ordinance to a limited liability company on the application by the company (hereinafter in this section referred to as "the applicant") in accordance with the provisions of this Part of this Ordinance.

(2) When giving notice of such application the applicant shall furnish the Greffier 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 Greffier with such information relating to the designated official as that designated official would be required to supply to the Greffier in accordance with the provisions of paragraph (c) of section three 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 at the Greffe.

(4) The provisions of section thirty-five of this Ordinance shall apply to a designated official of a company to which a liquor licence has been granted as if he were the holder of that liquor licence.

(5) On the designated official ceasing to act in that capacity, the Seneschal, 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 Seneschal's opinion, be necessary to enable

application to be made to the Court for approval of another officer or manager as aforesaid as the designated official save, however, that the permission of the Seneschal shall not be valid for a period in excess of two 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.

Duties of the Greffier and the Constable in respect of applications for a liquor licence.

Court not to dispose of application unless formalities complied with.

Grant of a liquor licence by the Court.

6. Nothing in the provisions of 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.

7. As soon as may be after receipt of the notice sent to them under paragraph (a) of section three of this Ordinance -

- (a) the Greffier shall cause a copy of the notice to be affixed on the notice board of the Church for the period of at least three consecutive Sundays immediately prior to the day on which the application to which the notice relates is proposed to be made;
- (b) the Constable shall visit the premises or site of the projected premises in respect of which the notice relates for the purpose of making a report to the Court pursuant to the provisions of section ten of this Ordinance.

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

9.(1) The Court may, on application being made to it in accordance with the provisions of this Part of this Ordinance, and after taking into consideration the reports upon the application presented to it by the Greffier and the Constable in accordance with section ten of this Ordinance and any representations made by any person on the application, grant to the applicant therefor 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 the provisions of this section may be a licence of any of the categories set out in the First Schedule to this Ordinance:

Provided that a General Off-Licence may only be granted by the Court in respect of premises for which there is for the time being in force an Hotel Licence or a Public House Licence and only to an applicant who is for the time being the holder of any such aforesaid liquor licence.

Report to the Court by the Greffier and the Constable.

10.(1) At the time of the hearing of an application for the grant of a liquor licence in accordance with the provisions of section nine of this Ordinance -

- (a) the Greffier shall present to the Court a report on any reference, certificate of character or 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) there shall be presented, by or on behalf of the Constable, to the Court a report which, subject to the provisions of the next succeeding subsection, shall be in writing and shall contain, in so far as they are applicable to the circumstances of the application, the following particulars -
 - (i) a description of the premises or projected premises concerned and a general description of their immediate neighbourhood;
 - (ii) the number of water closets and urinals in the premises or, in the case of projected premises, to be installed which are or will be available to the public and the number of water closets to be reserved exclusively for female persons, and the Constable shall indicate whether, in his opinion, those numbers are respectively adequate;
- (c) 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;

(d) the objections, if any, of the Constable to the application.

(2) In the case where a report made to the Court in accordance with the provisions of the last preceding subsection contains any objections by the Constable to the application, the Constable shall attend, in person, at the Court at the time of the making of the application.

(3) Notwithstanding that the Constable does not attend in person in accordance with the provisions of the last preceding subsection at the Court at the time of the making of an application for a liquor licence, the Court may proceed with the hearing of and may dispose of that application.

Issue of liquor licence certificate by the Greffier.

11. Upon the Court granting a liquor licence under the provisions of section nine of this Ordinance or as soon as may be thereafter, the Greffier, on being satisfied that the licensee has paid the fees required to be paid in accordance with the provisions of this Ordinance, shall issue to him a liquor licence certificate in such form as the Greffier may from time to time determine, together with a copy of this Ordinance and of all other Ordinances amending it; and a liquor licence shall not in any event be deemed operative until the liquor licence has been issued to the licensee by the Greffier in accordance with the provisions of this section.

Keeping of register by the Greffier.

12. The Greffier shall keep a register, in a book kept solely for that purpose, of all liquor licences granted by the Court under the provisions of section nine of this Ordinance.

Register to be amended by the Greffier.

13. The Greffier shall -

- (a) upon the Court ordering the suspension or forfeiture of a liquor licence or directing the Treasurer not to renew a liquor licence; or
- (b) upon being informed by a licensee in accordance with the provisions of subsection (4) of section fifteen of this Ordinance that he has ceased or will cease to exercise that licence; or
- (c) upon being informed, in accordance with the provisions of section thirty-four of this Ordinance, that a licensee has changed his name or the name of any premises in respect of which he holds a liquor licence; or

(d) upon, in the case of a limited liability company, the designated official ceasing to act in that capacity and another such official being approved by the Court; or

(e) upon a liquor licence ceasing for any other reason whatsoever to be valid;

from time to time amend the register kept in accordance with the provisions of the last preceding section.

Period of validity of a liquor licence.

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

(2) Notwithstanding the provisions of the last preceding subsection, where, in respect of a liquor licence granted in pursuance of the provisions of section nine of this Ordinance before the thirtieth day of June in any year, the first half-yearly payment only, in respect of the annual fee, is paid in pursuance of the provisions of section fifteen of this Ordinance, then the liquor licence shall cease to be valid on that date in that year unless, on or before that date, the second of such payments is paid.

Fees payable on grant of a liquor licence.

15.(1) Subject to the provisions of subsection (3) of this section, there shall be paid, in advance, to the Treasurer in respect of every liquor licence granted or renewed under the provisions of section nine or section sixteen of this Ordinance, as the case may be, an annual fee which shall, in respect of the categories of liquor licences, from time to time, be fixed by the Chief Pleas with

the approval of the Seigneur in pursuance of the provisions of section twenty-four of the Reform (Sark) Law, 1951.

(2) The annual fee in respect of a liquor licence, required to be paid under the provisions of the last preceding subsection, may be paid in two half-yearly payments in advance, the first of such payments for any year to be paid on or before the thirty-first day of December next preceding and the second of such payments on or before the thirtieth day of June of that year.

(3) Where a liquor licence is granted at any time after the expiration of the period of three months commencing on the first day of the half year then current, there shall be paid in respect of that liquor licence one half of the annual fee payable under the provisions of this section in respect of that half year.

(4) 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 before the expiration of the first three months of any half year for which the fee provided for in this section in respect of that licence has been paid, he may notify the Greffier in writing of the fact that on the date specified in the notice he ceased or will cease to exercise that licence and the Greffier shall thereupon cancel the liquor licence certificate issued to the licensee in pursuance of the provisions of section eleven of this Ordinance and the licensee, upon presenting the liquor licence certificate so cancelled to the Treasurer shall be entitled to a reimbursement of one quarter of the amount of the annual fee paid in respect of that half year.

(5) Where a liquor licence is refused by the Court any fee payable in advance to the Treasurer under the provisions of this section shall be reimbursed to the applicant.

Renewal of
a liquor
licence.

16. A liquor licence granted under the provisions of section nine of this Ordinance shall, subject to the provisions of the next succeeding section, be renewed for any year upon the payment, on or before the thirty-first day of December next preceding, to the Treasurer of either the annual fee specified in subsection (1) of section fifteen of this Ordinance in one payment or by the payment of that annual fee in two payments as prescribed in subsection (2) of that section save that in the latter event the liquor licence shall cease to be valid on the thirtieth day of June next following unless on or before that date the second of such payments is made.

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

17. The Court may upon an application in that behalf by the Constable -

- (a) suspend, vary or order the forfeiture of a liquor licence;
- (b) direct the Treasurer not to renew a liquor licence held by the licensee named in the application;

and in such a case the Constable 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 Treasurer not to renew his liquor licence, as the case may be; any such summons as aforesaid shall state the grounds upon which the Constable intends to rely to support his application.

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

18.(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 Constable thereon, grant permission to that licensee, subject to such conditions as it may deem necessary or expedient, to exercise his liquor licence either -

- (a) during such days and hours, other than the

days and hours permitted under the provisions of section twenty-one of this Ordinance in respect of 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) There shall be paid, in advance, to the Treasurer in respect of the grant of every permission under the provisions of the last preceding subsection, the fee in respect thereof which shall, from time to time be fixed by the Chief Pleas with the approval of the Seigneur in pursuance of the provisions of section twenty-four of the Reform (Sark) Law, 1951.

(3) Where permission is not granted by the Court on an application under the provisions of subsection (1) of this section any fee payable in advance to the Treasurer under the provisions of the last preceding subsection shall be reimbursed to the applicant.

(4) When any permission is granted under the provisions of subsection (1) of this section in connection with an event and that event does not take place then that permission shall be deemed not to have been granted unless the licensee satisfies the Seneschal that there are special circumstances which make it just and reasonable that the grant of that permission should not be invalidated, then the Seneschal, on being so satisfied, 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 the provisions of section twenty-one 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 the provisions of subsection (1) of this section in respect of each such social occasion and the fees provided for in subsection (2) of this section shall be paid in respect of each such application.

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

19. 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 granted to him.

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

20.(1) Where any 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 Constable shall make a written report thereon to the Greffier.

(2) As soon as may be after the receipt of a report made to him under the provisions of the last preceding subsection, the Greffier shall make an application to the Court for an order in accordance with the provisions of subsection (4) of this section.

(3) Notice in writing of the day and time on and at which an application to the Court under the provisions of the last preceding subsection is to be made shall be served by the Greffier on the licensee concerned; such notice shall require him to attend at the hearing of the application.

(4) Upon an application being made to it under the provisions of subsection (2) 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 it may deem appropriate in the circumstances; or
- (b) ordering the forfeiture of the liquor licence or its suspension for such period as it may deem appropriate in the circumstances;

and any such order may generally make such other provision as the Court may deem appropriate in the circumstances.

(5) The Court may at any time vary or revoke any order made under the provisions of the last preceding subsection.

PART II

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.

21. Subject to the provisions of section eighteen 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 permitted hours and subject to the conditions specified in the Second

Schedule to this Ordinance in relation to the category of licence applicable to the licensed 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 the provisions of section eighteen of this Ordinance.

Conditions of exercise of General Off-licence.

22. The holder of a General Off-Licence, shall not sell or supply or permit the sale or supply of intoxicating liquor for consumption off the licensed premises otherwise than in stoppered or sealed containers.

Strength of certain spirits.

23. 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, gin or vodka at a strength of less than sixty per centum of proof, otherwise than in stoppered bottles, or at a strength in excess of eighty-five per centum of proof.

Measures of certain spirits and wines.

24(1) The holder of an Hotel Licence or Public House Licence shall not sell or supply or permit the sale or supply of -

- (a) brandy, whisky, rum, gin or vodka otherwise than in quantities of one fluid ounce or a multiple thereof;
- (b) port, sherry, vermouth or any other fortified wine otherwise than in quantities of not less than one and sixty-seven hundredths of a fluid ounce;

for consumption on the premises in respect of which he holds the liquor licence.

(2) A person desirous of obtaining any of the intoxicating liquors specified in the last preceding subsection at a bar counter on premises in respect of which there is in force a liquor licence of any of the categories specified in the said subsection may request to see the

liquor being measured from the optic, glass or other measuring device which is being used for the sale or supply of the liquor and upon such a request being made the holder of the liquor licence shall not sell or supply or permit the sale or supply of, nor shall any servant or agent of his sell or supply, the intoxicating liquor to that person for consumption on the said premises otherwise than in a manner or at a place which enables that person to see the liquor being measured as aforesaid.

(3) Nothing in the provisions of the last two preceding subsections shall apply to the sale or supply of any of the intoxicating liquors specified therein when sold or supplied pre-packed in a stoppered or sealed container or as a constituent of a mixture of two or more intoxicating liquors.

Display of
liquor
licence
certificate.

25.(1) Every licensee shall cause the liquor licence certificate issued to him in pursuance of the provisions of section eleven of this Ordinance to be displayed in a conspicuous place on the licensed premises to which that certificate relates.

(2) Every licensee shall cause to be painted on the outside of the premises 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.

Display
of sale
price list.

26.(1) The holder of an Hotel Licence or Public House Licence shall cause to be conspicuously displayed in every bar and in every other part of the licensed premises in which intoxicating liquor is sold or supplied or exposed for sale or supply a list showing plainly the prices per measure at which are sold -

(a) brandy, whisky, rum, gin and vodka;

(b) port, sherry, vermouth and other fortified wines; and

(c) beer, porter, cider and perry;

for consumption on the premises in respect of which he holds such liquor licence.

(2) In this section the expression "measure" means in respect of -

(a) brandy, whisky, rum, gin and vodka, one fluid ounce;

(b) port, sherry, vermouth and other fortified wines, a quantity of not less than one and sixty-seven hundredths of a fluid ounce; and

(c) beer, porter, cider and perry, if draught, per half pint or ten fluid ounces and per pint or twenty fluid ounces, if from a stoppered bottle or sealed container, per bottle or container, as the case may be.

Powers of entry for purposes of section 23.

27.(1) The Constable and any person appointed in that behalf by him 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 provisions of section twenty-three of this Ordinance have been complied with.

(2) A person shall not impede or obstruct the Constable or any person appointed in that behalf by him in the exercise of their powers under the provisions of the last preceding subsection.

Sale of miniatures.

28. 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.

29. Any person who is the holder of a Public House Licence in respect of 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.

Provisions relating to young persons.

30.(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 sixteen years, and no person under the age of sixteen years shall purchase or attempt to purchase on licensed premises any intoxicating liquor.

(2) 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 spirits 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 spirits.

(3) 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 sixteen 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 sixteen years.

(4) A licensee shall not knowingly allow nor shall any servant of his knowingly allow any spirits 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 spirits for consumption on any licensed premises by a person under the age of eighteen years.

(5) A licensee 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

Payment for
liquor.

consumption on the premises with a meal.

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 in respect of 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, the provisions of subsection (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, the Lords Commissioners of the Admiralty 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 in respect of 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 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.

(6) In proving the sale or consumption of intoxicating liquor for the purpose of any proceedings for 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.

Prohibition of use of licensed premises for immoral purposes.

32.(1) A licensee shall not knowingly permit any premises in respect of 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 in respect of which a Public House Licence has been granted shall be closed except on the days and during the permitted hours specified in the Second Schedule to this Ordinance in relation to that category of liquor licence.

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 in respect of which he holds a liquor licence shall, as soon as reasonably practicable, notify the Seigneur, the Greffier,

the Constable and the Treasurer, in writing, of such change and shall at the same time send to the Greffier the liquor licence certificate issued to him in pursuance of the provisions of section eleven of this Ordinance and the Greffier shall amend the same accordingly.

Absence of licensee.

35.(1) A licensee shall not, without the written permission of the Seneschal in that behalf, absent himself from the business of personally supervising the exercise of his liquor licence for any reason whatever for a period exceeding seven days; the permission, however, of the Seneschal shall not be valid for a period in excess of two months.

(2) Any licensee desiring so to absent himself for a period in excess of the said period of two months shall, after giving seven days' prior notice, in writing, to the Seigneur, the Greffier and the Constable, apply to the Court for permission to that effect.

(3) On application being made to it under the provisions of the last preceding subsection, the Court may grant such permission, for such period and subject to such conditions as it may think necessary or expedient, after hearing any representations which the Constable may wish to make.

(4) A licensee shall, at the time of making an application under subsections (1) or (2) of this section, present for the approval of the Seneschal or 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.

(5) A person approved under the provisions of 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 contraventions 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 authorised to practise in this Island as incapable of personally exercising his licence,

the Seneschal may, on the application of the legal personal representative of the late licensee or duly authorised representative of the licensee, as the case may be, 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 the provisions of section nine 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 in respect of 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 the provisions 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

as aforesaid 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 the Constable, or by the Vingtenier, or by a police officer, quit the licensed premises concerned and, if he refuses or fails so to do, the Constable, the Vingtenier, a police officer, the licensee, his agents or servants may, without prejudice to any proceedings under the provisions of paragraph (b) of subsection (1) of section forty-six of this Ordinance consequent upon such refusal or failure, 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 in respect of 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 the Constable.

Powers of entry of the Constable, the Vingtenier and police officers.

39.(1) The Constable, the Vingtenier and 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 Constable, the Vingtenier or any police officer acting in pursuance of the provisions of the last preceding subsection.

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 in respect of which he holds the liquor licence out of bounds, permit any person wearing the 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, as regards any premises in respect of which there is in force a liquor licence -

- (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 in pursuance of the last preceding subsection may request the Constable to make a report thereon and may require plans of the proposed alterations to be deposited at the Greffe at such time and during such period as it may deem necessary or expedient.

(3) Upon an application being made to it under this section the Court may grant the application and may attach such conditions thereto as they may think necessary or expedient.

(4) If a person whose application under the provisions of 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, if any, the Court may, on a report being submitted to it in that behalf by the Constable, order the forfeiture or suspension of the liquor licence and, in the case of suspension, attach such conditions thereto as they may think necessary or expedient.

Powers of the Seneschal to grant warrant for entry on premises other than licensed premises.

42.(1) The Seneschal, if satisfied by information in writing by the Constable that there is reasonable ground to believe that in any premises, in respect of 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 Constable, the Vingtenier or any police officer not below the rank of Sergeant named in the warrant or any other police officer under the command of such aforesaid police 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 the Constable, the Vingtenier or any police officer acting in pursuance of a warrant granted under this section.

Responsi-
bility of
licensee for
other
persons.

43. A licensee shall be deemed to be responsible in respect of contraventions, other than a contravention of section thirty hereof, of any of the provisions of this Ordinance by his servants and agents on any premises in respect of which he is the holder of a liquor licence and the licensee shall be liable to be convicted in respect 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 supply of intoxicating liquor to a trader for the purposes of his trade; or

(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 the Lords Commissioners of the Admiralty, or His Excellency the Lieutenant Governor, or to any Mess of Officers or Non-Commissioned Officers of Her Majesty's Armed Forces.

Saving for
liqueur
chocolates.

45.(1) Nothing in this Ordinance contained, other than subsection (2) of this section, shall be taken to prohibit or restrict the sale, supply or consumption of intoxicating liquor in confectionery which -

- (a) does not contain liquor in a proportion greater than one fiftieth of a gallon of liquor (computed as proof spirit) per pound of the confectionery; and
- (b) either consists of separate pieces each weighing not more than one and a half ounces or is designed to be broken into such pieces for the purposes of consumption.

(2) A person shall not sell or supply or allow any person to sell or supply nor shall any servant of his knowingly sell or supply intoxicating liquor in confectionery to a person under the age of sixteen years.

(3) A person shall not sell or supply or allow any person to sell or supply nor shall any servant of his knowingly sell or supply spirits in confectionery to a person under the age of eighteen years.

PART III

Miscellaneous Provisions

Offences and penalties.

- 46.(1) Any person -
- (a) who contravenes any of the provisions of section one or subsection (2) of section thirty-six of this Ordinance shall be guilty of an offence and liable, on conviction, -
 - (i) in the case of the first offence to a fine not exceeding ~~twenty-five~~ pounds;
 - (ii) in the case of the second offence to a fine not exceeding ~~fifty~~ pounds; and
 - (iii) in the case of any subsequent offence to a fine not exceeding ~~one~~ hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment;
 - (b) who contravenes any of the provisions of this Ordinance, other than any of the provisions referred to in paragraph (a) of this subsection, shall be guilty of an offence and liable, on conviction, -
 - (i) in the case of the first offence to a fine not exceeding ~~twenty-five~~ pounds; and
 - (ii) in the case of the second or any subsequent offence to a fine not exceeding ~~fifty~~ pounds.
- (2) On the conviction of any person for contravening any of the provisions of section one, ~~or~~ section twenty-one/ of this Ordinance the Court may, in addition to any penalty imposed in pursuance of the provisions of the last preceding subsection, order the confiscation for the account of the revenue of this Island of all or any intoxicating liquor found on the premises to which the conviction relates.

(3) On the conviction of any person who is the holder of a liquor licence for contravening any of the provisions of this Ordinance relating to the exercise of the liquor licence granted to him the Court may, in addition to any penalty imposed or confiscation ordered in pursuance of the provisions of subsection (1) or subsection (2) of this section, as the case may be, order the suspension or forfeiture of his liquor licence, at the discretion of the Court.

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

47. When the Constable, the Vingtenier or any police officer has entered any premises in pursuance of a warrant under the provisions of 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 the penalty specified under the provisions of paragraph (b) of subsection (1) of section forty-six of this Ordinance.

Penalty for company failing to replace designated official.

48.(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 the provisions of subsection (3) of section five of this Ordinance or to whom permission has been granted under the provisions of subsection (5) of that section.

(2) A company which contravenes the provisions of the last preceding subsection shall be guilty of an offence and liable, on conviction, to the penalty specified under the provisions of paragraph (b) of subsection (1) of section forty-six of this Ordinance and to the suspension or forfeiture of its liquor licence at the discretion of the Court.

Renewal of
liquor
licence after
suspension.

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

Offences by
bodies
corporate.

50. Where an offence under this Ordinance which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of, any director, manager, secretary or other officer of the body corporate, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Savings

51. Any licence granted under the provisions of the Ordinance repealed by section fifty-three of 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.

Interpretation

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

"the Court" means the Court of the Seneschal;

"discretionary hours", in relation to any day of the week and to any category of licence applicable to any licensed premises, means the hours or any part thereof during which such licensed premises may at the discretion of the licensee thereof remain open;

- "half year" means the period of six months ending on the thirtieth day of June or the thirty-first day of December in any year, as the case may be;
- "intoxicating liquor" includes spirits, wines, beer, porter, cider and perry;
- "this Island" means the Island of Sark and any of its Dependencies;
- "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;
- "a meal" means cooked or prepared food of a value of not less than one pound exclusive of any service or other extra charge;
- "obligatory hours", in relation to any day of the week and to any category of licence applicable to any licensed premises, means the hours or any part thereof during which such licensed premises are required to remain open;
- "permitted hours", in relation to any day of the week and to any category of licence applicable to any licensed premises, means the discretionary hours and the obligatory hours applicable thereto specified in the Second Schedule to this Ordinance;
- "police officer" means a member of the salaried police force of the Island of Guernsey;
- "stoppered" means closed with a plug or stopper;
- "summer period" means the period commencing on the first day of May in any year and ending on the thirtieth day of September in that year;
- "winter period" means the period commencing on the first day of October in any year and ending on the thirtieth day of April 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 has a weight equal to that of twelve-thirteenths of a volume of distilled water equal to the volume of the spirits, the volume of each liquid being computed as at fifty-one degrees Fahrenheit.

(3) For the purposes of this Ordinance, intoxicating liquors supplied 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 liquor supplied, consumed or taken immediately after a meal.

(4) Any reference in this Ordinance to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Ordinance.

(5) The Interpretation (Guernsey) Law, 1948 (b), shall apply to the interpretation of this Ordinance as it applies to the interpretation of a Guernsey enactment.

Repeal.

53. The Ordinance entitled "Ordonnance portant Règlement pour la Vente de liqueurs Spiritueuses, Vins, Bière et Cidre" made on the tenth day of July, nineteen hundred and forty is hereby repealed.

Citation.

54. The Ordinance may be cited as the Liquor Licensing (General Provisions)(Sark) Ordinance, 1979.

Commencement.

55. This Ordinance shall come into force on the first day of June , nineteen hundred and seventy-nine.

FIRST SCHEDULE Section nine

Categories of Liquor Licences

- 1 1. Hotel Licences.
2. Public House Licences.
3. General Off-Licences for the sale of intoxicating liquor for consumption off the licensed premises.

Permitted Hours

PART I

Weekdays other than Sundays

<u>Category of Licence</u>	<u>Period</u>	<u>Obligatory Hours</u>	<u>Discretionary Hours</u>
1. Hotel Licences	Summer	8 a.m. to 10 p.m.	10 p.m. to 11 p.m.
	Winter	none	8 a.m. to 10 p.m.
2. Public House Licences	Summer	8 a.m. to 10 p.m.	10 p.m. to 11 p.m.
	Winter	11 a.m. to 2 p.m. 6 p.m. to 10 p.m.	8 a.m. to 11 a.m. 2 p.m. to 6 p.m.
3. General Off-Licences	(i) Where the liquor licence is granted in respect of premises for which there is in force an Hotel Licence	Summer	the permitted hours applicable to Hotel licences
		Winter	the permitted hours applicable to Hotel licences
	(ii) Where the liquor licence is granted in respect of premises for which there is in force a Public House Licence	Summer	the permitted hours applicable to Public House Licences
		Winter	the permitted hours applicable to Public House Licences

PART II

Sundays

<u>Category of Licences</u>	<u>Period</u>	<u>Obligatory Hours</u>	<u>Discretionary Hours</u>
1. Hotel Licences	Summer	midday to 2.30 p.m. 7.30 p.m. to 10 p.m.	10 p.m. to 11 p.m.
	Winter	none	midday to 2.30 p.m. 7.30 p.m. to 10 p.m.
<p>Provided that during any of the aforesaid permitted hours of the summer period and the winter period the intoxicating liquor is served with a meal.</p>			
2. Public House Licences	Summer	No permitted hours	
	Winter	No permitted hours	
3. General Off-Licences	Summer	No permitted hours	
	Winter	No permitted hours	