

ORDINANCE OF THE STATES

IV
1960

**The Liquor Licensing
Ordinance, 1960**



1960.

Island of  Guernsey

Ordinance of the States **IV**
1960

Made 9th March, 1960.
Coming into Operation .. 4th April, 1960.

The Liquor Licensing Ordinance, 1960

ARRANGEMENT OF SECTIONS

Section

PART I

Grant and renewal of liquor licences, etc.

1. Prohibition of sale without a liquor licence.
2. Information at time of applying for a liquor licence.
3. Formalities prior to making an application for a liquor licence.
4. Application for provisional liquor licence for projected premises and alterations.
5. Application by a limited liability company.

Section

6. Application of provisions of Ordinance to a limited liability company.
7. Constables' duties in respect of applications for a liquor licence.
8. Court not to dispose of application unless formalities complied with.
9. Grant of a liquor licence by the Royal Court.
10. Conditions attaching to the grant of certain categories of liquor licences.
11. Report to the Court by the Constables and Douzaine.
12. Report to the Court by the Police Committee and Tourist Committee.
13. Issue of liquor licence certificate by H.M. Greffier.
14. Keeping of register by H.M. Greffier.
15. Register to be amended by H.M. Greffier.
16. Period of validity of a liquor licence.
17. Fees payable prior to application for a liquor licence.
18. Fees payable on grant of a liquor licence.
19. Renewal of a liquor licence.
20. Law Officers may apply for order not to renew a liquor licence or for its suspension, variation or forfeiture.
21. Application and grant of permission to exercise a liquor licence for additional hours and on unlicensed premises.
22. Person not to be refused a liquor licence because he is holder of one or more liquor licences.
23. Procedure when licensed premises are destroyed or damaged so as to interfere with exercise of a liquor licence.

Section

PART II

Permitted hours

24. Prohibition of sale of intoxicating liquor other than during permitted hours.
25. Royal Court may grant a liquor licence for sale with a meal after end of permitted hours.

PART III

Conditions of the exercise of a liquor licence and of the sale of intoxicating liquor

26. Conditions of exercise of certain categories of liquor licence.
27. Conditions of exercise of General Off-licence.
28. Conditions of exercise of Beer Off-licence.
29. Prohibition of sale of wines and spirits by Beer Licence holders.
30. Meals and non-alcoholic liquor to be supplied by holder of Café Licence.
31. Strength of certain spirits.
32. Display of liquor licence certificate.
33. Powers of entry for purposes of section 31.
34. Sale of miniatures.
35. Carrying on of other businesses on licensed premises.
36. Supply to young persons.
37. Games of chance.
38. Payment for liquor.
39. Prohibition of use of licensed premises for immoral purposes.

Section

40. Closing of certain premises outside permitted hours.
41. Change of name of licensee or licensed premises.
42. Absence of licensee.
43. Decease or incapacity of licensee.
44. Drunkenness and disorderly conduct on licensed premises.
45. Offences in relation to police officers.
46. Powers of entry of police officers.
47. Premises out of bounds to members of H.M. Forces.
48. Alterations to licensed premises.
49. Undue use of guest houses for sale of intoxicating liquor.
50. Powers of the Bailiff to grant warrant for entry on premises other than licensed premises.
51. Responsibility of licensee for other persons.
52. Supply to residents, servants and other persons.

PART IV

Clubs

53. Club licences.
54. Power of Bailiff to grant warrant for entry on club premises.
55. Permitted hours in respect of clubs.

PART V

Penalties

56. Contraventions of sections 1 and 43 (2).
57. Contraventions of section 24.

Section

58. Contraventions of section 26.
59. Contraventions of section 41.
60. Contraventions of section 42.
61. Contraventions of sections 38 and 44 (5).
62. Contraventions of sections 36, 37, 39, 44 (1), 45, 46 (2) and 50 (2).
63. Contraventions of section 44 (3).
64. Contraventions of sections 27, 28, 29, 35 and 40.
65. Contraventions of section 30.
66. Contraventions of section 31.
67. Contraventions of section 32.
68. Contraventions of section 47.
69. Certain persons deemed to be on unlicensed premises for purpose of illegally dealing in intoxicating liquor.
70. Penalty for company failing to replace designated official.
71. Renewal of liquor licence after suspension.

PART VI

Miscellaneous, savings, repeals, interpretation, extent and commencement

72. Service of notices.
73. Savings.
74. Interpretation.
75. Repeals.
76. Extent.
77. Citation.
78. Commencement.

FIRST SCHEDULE—Categories of Liquor Licences.

SECOND SCHEDULE—

PART I—Fees for Liquor Licences.

PART II—Fee for any permission granted under the provisions of section twenty-one of this Ordinance.

THIRD SCHEDULE—Permitted Hours—

PART I—Weekdays other than Christmas Day and Good Friday.

PART II—Sundays.

PART III—Christmas Day (falling otherwise than on a Sunday) and Good Friday.

FOURTH SCHEDULE—Ordinances Repealed.

The Liquor Licensing Ordinance, 1960

THE STATES, in pursuance of their Resolution of the thirty-first day of July, nineteen hundred and fifty-seven, and on the representations of the Island Police Committee, hereby order:—

PART I

Grant and renewal of liquor licences, etc.

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,—

Prohibition of sale without a liquor licence.

(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.

2. Subject to the provisions of Part IV of this Ordinance, a person desirous of obtaining a liquor licence shall make application in that behalf to the Royal 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,—

Information at time of applying for a liquor licence.

(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 Committee,

(ii) to the Constables of the Parish in which the premises, in respect of which the liquor licence is being applied for, are situate, and

(iii) in the case where the liquor licence which is being applied for is an Hotel, Inn or Guest House Licence, to the Tourist Committee,

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 containing the particulars aforesaid to be published in the manner prescribed by law, on two weekly occasions prior to the day on which it is proposed to make the application;

(c) cause a notice containing the particulars aforesaid 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;

(d) supply the Chief Officer, 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 Chief Officer may require in order that the Chief Officer may obtain a certificate or certificates from the chief officer of police of the district or districts concerned.

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—

Application for provisional liquor licence for projected premises and alterations.

- (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—
 - (i) to the Committee and to the Constables of the Parish in which the projected premises when completed will be situate or the premises undergoing or to undergo structural alterations are situate, as the case may be; and
 - (ii) in the case where the liquor licence which is being applied for is an Hotel, Inn or Guest House Licence, to the Tourist Committee;

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 Committee and the Constables and Douzaine of the Parish concerned shall make a report to the Royal Court on the application in accordance with the provisions of sections eleven and twelve of this Ordinance and in the case where the liquor licence which is being applied for is an Hotel, Inn or Guest House Licence the Tourist Committee shall make a report to the Royal Court on the application in accordance with the provisions of section twelve of this Ordinance.

(2) Upon an application being made to it as aforesaid the Royal 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 Royal Court upon an application being made to the Royal 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 Royal 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 Her Majesty's 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 Committee.

(5) At the hearing of any such second application as aforesaid there shall be presented by or on behalf of the Committee 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 grounds 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 the provisions of section seventeen of this Ordinance shall be payable in respect of each such application as aforesaid save that any fees payable in pursuance of the provisions of paragraph (b) of subsection (1) of the said section seventeen shall only be payable in respect of an application under the provisions of subsection (2) of this section.

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

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

Application
by a limited
liability
company.

“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 Committee 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 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) At the hearing of any such application the said designated official shall be present before the Royal 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 forty-two of this Ordinance shall apply to a designated official of a company if that company is the holder of any one of the categories of liquor licences referred to in that section as if he were the holder of that liquor licence.

(5) On the designated official ceasing to act in that capacity, the Committee, 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 Committee's opinion, be necessary to enable application to be made to the Royal Court for approval of another officer or manager as aforesaid as the designated official save, however, that the permission of the Committee 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.

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.

Application of provisions of Ordinance to a limited liability company.

7. As soon as may be after receipt of the notice sent to them under the provisions of paragraph (a) of section three or paragraph (a) of subsection (2) of section fifty-three of this Ordinance, the Constables of the Parish in which the premises or projected premises concerned are, or when completed will be, situate shall visit the said premises or site of the said projected premises, as the case may be, and make a report thereon to the Douzaine of the said Parish.

Constables' duties in respect of applications for a liquor licence.

8. The Royal 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, seven and subsections (2) and (3) of section fifty-three of this Ordinance have been complied with as far as they are applicable to the particular case.

Court not to dispose of application unless formalities complied with.

9. (1) The Royal Court may, on application being made to it in accordance with the provisions of this Part or Part IV of this Ordinance, and after taking into consideration the reports upon the application presented to it by the Constables and Douzaine concerned, the Committee and, where applicable, the Tourist Committee in accordance with the provisions

Grant of a liquor licence by the Royal Court.

of section eleven and section twelve of this Ordinance, 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 Royal 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.

Conditions attaching to the grant of certain categories of liquor licences.

10. The Royal Court shall not grant a liquor licence unless—

- (a) in the case of a Public Hall Licence, it is satisfied that the premises, in respect of which the licence is applied for, are licensed by the Royal Court as a “salle publique” under the provisions of the Law entitled “Loi ayant rapport aux licences pour les Salles Publiques” registered on the fourth day of July, nineteen hundred and fourteen (hereinafter referred to as the “Public Halls Law”) and any such licence so granted shall cease to be valid upon the premises in respect of which it has been granted ceasing for any reason to be licensed as a “salle publique” under the provisions of the Public Halls Law;
- (b) in the case of a Café Licence, it is satisfied that the premises, in respect of which the licence is applied for, are adapted for the service and consumption of intoxicating liquor to and by persons seated at a table;
- (c) in the case of a Guest House Licence, the Royal Court is satisfied—
 - (i) that the premises, in respect of which the licence is applied for, contain not less than eight bedrooms for the accom-

modation of residents other than the licensee, his family and servants,

- (ii) that the proportion of bathrooms for the use of residents other than the licensee, his family and servants, whether containing a fixed bath or shower bath, and separate water closets to such bedrooms is not less than one such bathroom and one such water closet to five such bedrooms,
- (iii) that on any such premises containing twelve such bedrooms or less there shall be at least one bathroom containing a fixed bath, and
- (iv) that on any such premises containing more than twelve such bedrooms the proportion of bathrooms containing a fixed bath to all such bedrooms shall be at least one to twelve.

11. (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, there shall be presented, by or on behalf of the Constables and Douzaine of the Parish in which the premises are, or the projected premises when completed will be, situate, to the Royal 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—

- (a) a description of the premises or projected premises concerned and a general description of their immediate neighbourhood;
- (b) in the case where the liquor licence which is being applied for is other than a General Off-licence or Beer Off-licence, the number

Report to
the Court
by the
Constables
and
Douzaine.

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 Constables and Douzaine shall indicate whether, in their opinion, those numbers are respectively adequate;

(c) the objections, if any, of the Constables and Douzaine to the application.

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

(3) Notwithstanding that one of the Constables or one of the members of the Douzaine do not attend in person in accordance with the provisions of the last preceding subsection at the Royal Court at the time of the making of an application for a liquor licence, the Royal Court may proceed with the hearing of and may dispose of that application.

Report to
the Court
by the
Police Com-
mittee and
Tourist
Committee.

12. 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) there shall be presented to the Royal Court by or on behalf of the Committee a report containing their views relating to the application;

(b) there shall be presented to the Royal Court by or on behalf of the Committee any reference or certificate of character in the possession of the Chief Officer relating to

- (i) the applicant; or
 - (ii) in the case of an application by a limited liability company, the designated official; or
 - (iii) in the case where the application is being made on behalf of a club, the designated person;
- (c) the Royal Court shall be informed by or on behalf of the Committee of the number, if any, of liquor licences of the same category as that being applied for held in respect of other premises—
- (i) in the same Parish; and
 - (ii) within the circumference of a circle whose centre is the site of the premises concerned and whose radius is one mile whether those premises are in the same Parish or not; and
- (d) in the case where the application is an application for an Hotel, Inn or Guest House Licence, there shall be presented to the Royal Court by or on behalf of the Tourist Committee a report of the Tourist Committee respecting the application.

13. Upon the Royal Court granting a liquor licence under the provisions of section nine or section twenty-five of this Ordinance or as soon as may be thereafter, Her Majesty's 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 Her Majesty's Greffier may from time to time determine.

Issue of
liquor
licence
certificate
by H.M.
Greffier.

14. Her Majesty's Greffier shall keep a register, in a book kept solely for that purpose, of all liquor

Keeping of
register
by H.M.
Greffier.

licences granted by the Royal Court under the provisions of section nine and section twenty-five of this Ordinance.

Register to
be amended
by H.M.
Greffier.

15. Her Majesty's Greffier shall—

- (a) upon the Royal Court ordering the suspension or forfeiture of a liquor licence or directing the Treasurer of the States not to renew a liquor licence; or
- (b) upon being informed by a licensee in accordance with the provisions of subsection (4) of section eighteen 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 forty-one 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 or, in the case of a club, the designated person, as the case may be, ceasing to act in that capacity and another such official or person, as the case may be, 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.

16. (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 Royal 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 nineteen 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 eighteen 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.

17. (1) Prior to the time of an application for the grant of a liquor licence under the provisions of section nine of this Ordinance, the applicant therefor shall—

Fees payable prior to application for a liquor licence.

- (a) pay to the Treasurer of the States the sum of—
 - (i) in respect of an application for a liquor licence other than a Beer Off-licence or a Beer Licence, thirty shillings, and
 - (ii) in respect of an application for a Beer Off-licence or a Beer Licence, twenty shillings;
- (b) pay to the Constables of the Parish concerned who have examined the premises in respect of which the application is being made, the sum of—
 - (i) in respect of an application for a licence other than a Beer Off-licence or a Beer Licence, seven shillings and six pence, and

(ii) in respect of an application for a Beer Off-licence or a Beer Licence, five shillings.

(2) One quarter of any sum received by the Treasurer of the States in pursuance of the provisions of paragraph (a) of the last preceding subsection shall be credited to the account of the Royal Court, another quarter to the account of Her Majesty's Greffier and the balance shall be credited to General Revenue.

Fees payable on grant of a liquor licence.

18. (1) Subject to the provisions of subsection (3) of this section, there shall be paid, in advance, to the Treasurer of the States in respect of every liquor licence granted or renewed under the provisions of section nine or section nineteen of this Ordinance, as the case may be, an annual fee which shall be, in respect of the categories of liquor licences set out in the left hand column of the First Part of the Second Schedule to this Ordinance, the amount specified in the right hand column of that Part of that Schedule in relation to those categories respectively.

(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 other than a Beer Off-licence or a Beer Licence is granted at any time after the expiration of a period of two weeks commencing on the first day of the half year then current, there shall be paid in respect of that liquor licence the same proportion of the annual fee payable under the provisions of this section in respect of that half year as the unexpired portion of the half year from the

date of the grant of the liquor licence to the end of the half year bears to the complete half year, both periods calculated in weeks; any fraction of a week of two days or less forming part of any such unexpired portion shall be disregarded and any such fraction in excess of two days shall be regarded as a complete week.

(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 Royal Court, to exercise that licence during the currency of a half year for which the fee provided for in this section in respect of that licence has been paid, he may notify Her Majesty's Greffier in writing of the fact that on the date specified in the notice he ceased or will cease to exercise that licence and Her Majesty's Greffier shall thereupon cancel the liquor licence certificate issued to the licensee in pursuance of the provisions of section thirteen of this Ordinance and the licensee, upon presenting the liquor licence certificate so cancelled to the Treasurer of the States, shall be entitled to a reimbursement of the same proportion of the fee paid in respect of the complete half year as the unexpired portion of the half year from the date of his ceasing to exercise the licence until the end of that half year bears to the complete half year, both periods calculated in weeks; any fraction of a week forming part of any such unexpired portion shall be disregarded.

(5) Notwithstanding the provisions of the last preceding subsection, no reimbursement shall be paid if the amount of such reimbursement calculated as aforesaid would be less than one pound.

19. 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

Renewal of
a liquor
licence.

for any year upon the payment, on or before the thirty-first day of December next preceding, to the Treasurer of the States of either the annual fee specified in subsection (1) of section eighteen 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.

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

20. (1) The Royal Court may, upon an application in that behalf by a Law Officer of the Crown—

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

and in such a case the Law Officer shall summon the licensee named in the application to appear before the Royal Court to show cause why his liquor licence should not be suspended, varied or forfeited or to show cause why the Royal Court should not direct the Treasurer of the States not to renew his liquor licence, as the case may be; any such summons as aforesaid shall state the grounds upon which the Law Officer intends to rely to support his application.

(2) A Law Officer of the Crown may in any case, at his discretion, and shall, at the request of the Committee or the Constables of the Parish in which the premises concerned are situate or, in the case of an Hotel, Inn or Guest House Licence, at the request of the Tourist Committee, make an application in pursuance of the provisions of the last preceding subsection.

21. (1) Notwithstanding any of the provisions of this Ordinance the Ordinary Court may, on an application being made to it by a licensee and after hearing a report of the Chief Officer thereon, grant permission to that licensee, subject to such conditions as it may deem necessary or expedient, to exercise his liquor licence either—

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

- (a) during such days and hours, other than the days and hours permitted under the provisions of section twenty-four 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) Where a Law Officer of the Crown is satisfied in all the circumstances that, in the case of a licensee who is desirous of obtaining any permission under the provisions of this section, there is no opportunity for that licensee to apply to the Ordinary Court for such permission before the time when he wishes to exercise his liquor licence in accordance with such permission he may grant any such permission as could be granted by the Ordinary Court under the provisions of the last preceding subsection.

(3) A Law Officer of the Crown who grants any permission under the provisions of the last preceding subsection shall, as soon as may be thereafter, inform the Chief Officer of the fact.

(4) The fees set out in Part II of the Second Schedule to this Ordinance shall be paid in respect of the grant of any permission under the provisions of this section.

(5) When any permission is granted under the provisions 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 a Law Officer of the Crown that there are special circumstances which make it just and reasonable that the grant of that permission should not be invalidated, then the Law Officer, 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.

(6) 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-four 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 (4) of this section shall be paid in respect of each such permission granted under the provisions of this section.

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

22. 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 Royal Court is satisfied that he can adequately supervise the exercise of each such licence granted to him.

23. (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 Chief Officer shall make a written report thereon to the Law Officers of the Crown.

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

(2) As soon as may be after the receipt of a report made to them under the provisions of the last preceding subsection, a Law Officer shall make an application to the Royal 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 Royal Court under the provisions of the last preceding subsection is to be made shall be served by a Law Officer 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 Royal 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 Royal 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 Royal Court may deem appropriate in the circumstances.

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

PART II

Permitted hours

Prohibition of sale of intoxicating liquor other than during permitted hours.

24. Subject to the provisions of section twenty-one 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 hours and subject to the conditions specified in the Third Schedule to this Ordinance in relation to the category of licence applicable to the 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 twenty-one of this Ordinance.

Royal Court may grant a liquor licence for sale with a meal after end of permitted hours.

25. (1) The Royal Court may, on application being made to it in that behalf, grant to the holder of an Hotel Licence, Inn Licence, a Café Licence or a Restaurant Licence a liquor licence permitting, on any weekday other than Christmas Day or Good Friday, the sale, supply and consumption of intoxicating liquor on such part of the premises named in that Hotel Licence, Inn Licence, a Café Licence or Restaurant Licence, as the case may be, as the Royal Court may specify during hours additional to the hours referred to in the last preceding section, that is to say—

- (a) during the winter period, until 10.30 p.m. to a person consuming a meal ordered before

10 p.m. so, however, that such liquor shall not be consumed by such person after 11 p.m.; and

(b) during the summer period, until 11.30 p.m. to a person consuming a meal ordered before 11 p.m. so, however, that such liquor shall not be consumed by such person after midnight.

(2) A person, before making an application under the provisions of the last preceding subsection, shall, at least fourteen days prior to the day on which he proposes to make the application, send to the Committee a notice in writing which shall specify on which part of the premises named in his Hotel Licence, Inn Licence, a Café Licence or Restaurant Licence, as the case may be, he proposes to exercise the licence and the day and the hour on and at which it is proposed to make the application.

(3) The Royal Court shall not grant a liquor licence under the provisions of subsection (1) of this section unless the Committee have had a reasonable opportunity of being heard thereon.

(4) Any licence granted by the Royal Court for the further supply of intoxicating liquor under the provisions of paragraph one of Part I of the Second Schedule to the Liquor Licensing Ordinance, 1948, shall, notwithstanding the provisions of section seventy-three of this Ordinance, expire at the expiration of the period of two months commencing on the day on which this Ordinance comes into force.

PART III

Conditions of the exercise of a liquor licence and of the sale of intoxicating liquor

26. A licensee shall not sell or supply any intoxicating liquor or cause or permit any such liquor to

Conditions of exercise of certain categories of liquor licence.

be sold, supplied or consumed on any premises in respect of which he holds a liquor licence except—

- (a) in the case where the liquor licence held is a Public Hall Licence, subject to the provisions of Part II of this Ordinance, during any period when any thing, other than a cinematograph show, within the terms of the licence held in respect of those premises under the provisions of the Public Halls Law is being presented, performed or carried out and during an additional period of thirty minutes immediately preceding the commencement of such presentation, performance or carrying out thereof;
- (b) in the case where the liquor licence held is a Café Licence, to and by persons seated at a table;
- (c) in the case where the liquor licence held is a Restaurant Licence, to and by persons seated at a table and with a meal;
- (d) in the case where the liquor licence held is a Guest House Licence, to and by a resident in the premises concerned or a guest of such a resident and, in the case of the latter, the licensee shall—
 - (i) enter or cause to be entered in a book kept for that purpose the name and address of every such guest and the name and address of the resident whose guest he is, and
 - (ii) produce or cause to be produced that book to a police officer on demand, or to and by any other person with a meal.

Conditions
of exercise
of General
Off-licence.

27. The holder of a General Off-licence shall not sell or supply or permit the sale or supply of intoxicating liquor—

- (a) otherwise than in stoppered or sealed containers; or
- (b) to any person for consumption on the premises or any premises in the occupation of that holder of which the licensed premises form part in respect of which he holds that General Off-licence.

28. The holder of a Beer Off-licence shall not sell or supply or permit the sale or supply of—

Conditions of exercise of Beer Off-licence.

- (a) beer or cider in quantities of less than one gallon otherwise than in stoppered or sealed containers; or
- (b) any intoxicating liquor to any person for consumption on the premises or on any premises in the occupation of that holder of which the licensed premises form part in respect of which he holds that Beer Off-licence.

29. The holder of a Beer Licence shall not sell or supply or permit the sale or supply of any wines or spirits on the premises in respect of which he holds that Beer Licence.

Prohibition of sale of wines and spirits by Beer Licence holders.

30. A person who is the holder of a Café Licence shall, upon the request of any person, sell and supply to that person food or non-alcoholic beverages or both for consumption on the premises in respect of which he holds that Café Licence.

Meals and non-alcoholic liquor to be supplied by holder of Café Licence.

31. The holder of a liquor licence, other than a Club Licence, his servant or agent shall not sell or supply or expose for sale or supply or permit the sale or supply of brandy, whiskey, rum or gin at a strength of less than sixty per centum of proof or at a strength in excess of eighty-five per centum of proof.

Strength of certain spirits.

Display of
liquor
licence
certificate.

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

Powers of
entry for
purposes of
section 31.

33. The Chief Officer, the States Gauger and any person appointed in that behalf by either of them may at all reasonable times enter upon any licensed premises, other than the premises of any club, for the purposes of examining and taking samples of any intoxicating liquor therein for the purpose of ensuring that the provisions of section thirty-one of this Ordinance have been complied with.

Sale of
miniatures.

34. 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.

35. Any person who is the holder of an Inn Licence or 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.

Supply to
young
persons.

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

(2) 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 eighteen 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 eighteen years.

(3) The holder of a liquor licence 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 consumption on the premises with a meal.

37. (1) The holder of a Club Licence, Hotel Licence, Public Hall Licence, Inn Licence or Guest House Licence shall not permit games of chance to be played for stakes upon the premises in respect of which he holds the liquor licence except the card games of Whist, Bridge, Euchre, Cribbage, Bezique, Piquet and Ecarté and where those card games are played on premises in respect of which there is in force an Hotel Licence, Public Hall Licence, Inn Licence or Guest House Licence the holder of the liquor licence shall not promote or organise such games.

(2) The holder of any other category of liquor licence shall not permit games of chance of any kind to be played for stakes on the premises in respect of which he holds the liquor licence.

(3) A licensee shall not permit any person under the age of eighteen years to play any game of chance on any premises in respect of which he holds a liquor licence.

38. (1) A licensee shall not sell, supply or permit the sale or supply of intoxicating liquor to any person, Payment for liquor.

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 subsections (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.

39. (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.

Prohibition of use of licensed premises for immoral purposes.

(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.

40. Licensed premises in respect of which a Public House Licence or a Beer Licence has been granted shall be closed except on the days and during the hours specified in the Third Schedule to this Ordinance in relation to those categories of liquor licences respectively.

Closing of certain premises outside permitted hours.

41. 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 Her Majesty's Greffier, the Chief Officer and the States Board of Administration, in writing, of such change and shall at the same time send to Her Majesty's Greffier the liquor licence certificate issued to him in pursuance of the provisions of section thirteen of this Ordinance and Her Majesty's Greffier shall amend the same accordingly.

Change of name of licensee or licensed premises.

42. (1) The holder of an Hotel Licence, Public Hall Licence, Inn Licence, Public House Licence, Guest House Licence, Café Licence, Restaurant

Absence of licensee.

Licence or Beer Licence shall not, without the written permission of the Committee 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 Committee shall not be valid for a period in excess of two months.

(2) The holder of a liquor licence of any of the above categories 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 Committee, apply to the Ordinary Court for permission to that effect.

(3) On application being made to it under the provisions of the last preceding subsection, the Ordinary 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 Committee 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 Committee or of the Ordinary 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.

43. (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 Committee 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 Royal 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.

44. (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.

Drunkenness and disorderly conduct on licensed premises.

(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 a police officer, quit the licensed premises concerned and, if he refuses or fails so to do, a police officer, the licensee, his agents or servants may eject or assist in ejecting such person from those premises, using only such force as may be necessary.

Offences in
relation to
police
officers.

45. (1) 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 that police officer's superior in rank.

(2) For the purposes of this section the expression "police officer" shall include a member of the special constabulary when in uniform.

Powers of
entry of
police
officers.

46. (1) Any police officer may, at all reasonable times, enter upon any licensed premises, other than the premises of any club, 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 Chief Officer or any police officer acting in pursuance of the provisions of the last preceding subsection.

47. 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.

Premises
out of
bounds to
members
of H.M.
Forces.

48. (1) Any person who desires, as regards any premises in respect of which there is in force a liquor licence,—

Alterations
to licensed
premises

- (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 Royal Court.

(2) The Royal Court before granting an application made in pursuance of the last preceding subsection may request the Constables of the Parish in which the premises are situate or the Committee 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 they may deem necessary or expedient.

(3) Upon an application being made to it under this section the Royal 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 Royal Court may, on a report being submitted to it in that behalf by the Chief Officer, 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.

Undue use
of guest
houses for
sale of
intoxicating
liquor.

49. (1) Where on the application of a Law Officer of the Crown, the Royal Court is satisfied that any premises, in respect of which there is in force a Guest House Licence, are used unduly for the sale or supply of intoxicating liquor to guests of the residents, the Royal Court may order the forfeiture or suspension of the liquor licence.

(2) A Law Officer of the Crown shall, at least seven days prior to the day upon which he proposes to make an application under the provisions of the last preceding subsection, send a notice in writing to

the licensee concerned of his intention to make such application and the day and the hour on and at which it is proposed to make the application.

50. (1) The Bailiff, if satisfied by information in writing by the Chief Officer 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 Chief Officer, any police officer not below the rank of Sergeant named in the warrant or any other police officer under the command of the Chief 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.

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

(2) A person shall not impede or obstruct the entry of any police officer acting in pursuance of a warrant granted under this section.

51. A licensee shall be deemed to be responsible in respect of contraventions, other than a contravention of section thirty-six 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.

Responsibility of licensee for other persons.

52. 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;

Supply to residents, servants and other persons.

- (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 to a club for the purposes of the club; 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.

PART IV

Clubs

Club
licences.

53. (1) A person shall not supply or consume intoxicating liquor on the premises of any club unless there is in force in respect of those premises a Club Licence granted for the supply of such liquor by the Royal Court in accordance with the provisions of section nine of this Ordinance and unless such liquor is supplied or consumed in accordance with the rules of the club.

(2) A Club Licence may be granted under the provisions of section nine of this Ordinance to a club as if that club were a limited liability company on the application of the president or secretary of the club (hereinafter referred to as "the applicant") who shall, not less than twenty-one days before the date of such application—

- (a) give written notice of the proposed application to the Committee and to the Constables and Douzaine of the Parish in which the club premises are situate, notifying them of the situation of the said premises and of the day and hour on and at which the said application is to be made to the Royal Court; and
- (b) submit to a Law Officer of the Crown for his approval a copy of the rules of the club.

(3) When giving notice of an application under the provisions of the last preceding subsection the applicant shall furnish the Committee with the name, address and office of the person, being the president, secretary or assistant secretary of the club, designated by the club committee to be responsible for the conduct of the licence and the provisions of paragraph (d) of section three of this Ordinance shall apply to such designated person whenever and in the same way as they would apply if he were an applicant for a liquor licence other than a Club Licence.

(4) At the time of the application under the provisions of subsection (2) of this section the designated person shall be present before the Royal Court and if approved and if the licence is granted his name shall be endorsed upon the liquor licence and entered upon the records at the Greffe.

(5) Subject to the provisions of the next succeeding subsection, during such time as a Club Licence

granted in pursuance of section nine of this Ordinance continues to be valid, any addition or alteration which may from time to time be made to the rules of the club shall forthwith be submitted by the designated person to a Law Officer of the Crown for his approval; and any such purported addition or alteration shall have no effect until such approval has been signified to the designated person.

(6) No change in the rules of a club respecting the hours of sale of intoxicating liquor shall be effected without the sanction of the Royal Court.

(7) The designated person shall as soon as may be after a Club Licence has been granted in pursuance of section nine of this Ordinance deposit with Her Majesty's Greffier a copy of the rules of the club initialled by a Law Officer of the Crown.

(8) During such time as a Club Licence granted in pursuance of section nine of this Ordinance continues to be valid a copy of any addition to or alteration of the rules of the club, initialled by a Law Officer of the Crown, shall, within fifteen days of any such addition or alteration becoming effective, be deposited by the designated person with Her Majesty's Greffier.

(9) The provisions of section forty-two of this Ordinance shall apply to the designated person as though he were the holder of a licence of a class referred to in that section.

(10) On the designated person ceasing to act in that capacity, the Committee, on the application of the president or secretary of the club, may grant to a person designated by the club committee permission to carry on the 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

a new designated person save, however, that the permission of the Committee shall not be valid for a period in excess of two months.

(11) Where a designated person fails to comply with any of the provisions of subsections (5), (7) and (8) of this section he shall be liable in respect of each offence to a fine not exceeding twenty pounds.

(12) As respects a Club Licence granted in pursuance of section nine of this Ordinance, the designated person 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 Club Licence.

(13) In this section the expression "club committee" means the president, secretary, treasurer and the members of the committee of a club and includes a quorum of that committee.

54. (1) Where the Chief Officer has reason to believe that a Club Licence granted in respect of any premises is being exercised improperly or in such manner as to cause or permit disorderly conduct on those premises, the Bailiff, on receiving from the Chief Officer a written report thereon, may, in his discretion, grant a warrant under his hand to the Chief Officer whereby it shall be lawful for the Chief Officer, any police officer not below the rank of sergeant named in the warrant, or any other person under the command of the Chief Officer, at any time during one month or for such less time as may be specified in the warrant, to enter and visit, and if need be by force, the said premises for the purpose of ascertaining the manner in which the said Club Licence is being exercised.

Power of
Bailiff to
grant
warrant for
entry on
club
premises.

(2) A Law Officer of the Crown may in any case, at his discretion, and shall, at the request of the Committee, if he has reason to believe that a Club Licence granted in respect of any premises is being exercised improperly or in such manner as to cause or permit disorderly conduct on those premises, summon the designated person to appear before the Royal Court to show cause why the Club Licence should not be either suspended or forfeited and the Royal Court may order the suspension or forfeiture of the licence and, in the case of suspension, such summons shall contain the grounds on which the Law Officer intends to rely.

Permitted hours in respect of clubs.

55. A person shall not supply or consume intoxicating liquor on any premises of any club in respect of which there is in force a Club Licence otherwise than—

- (a) on any weekday, during any period of ten hours or periods amounting in all to ten hours, between ten o'clock in the forenoon and midnight;
- (b) on any Sunday, Christmas Day and Good Friday during any period of five hours or periods amounting in all to five hours between noon and ten o'clock in the evening;

such period or periods to be regulated by and included in the rules of the club subject to the approval of the Royal Court.

PART V

Penalties

Contraventions of sections 1 and 43 (2).

56. (1) Any person who contravenes any of the provisions of section one or subsection (2) of section forty-three of this Ordinance shall be guilty of an offence and liable, on conviction,—

- (a) in the case of the first offence to a fine not exceeding one hundred pounds;
- (b) in the case of the second offence to a fine not exceeding two hundred pounds; and
- (c) in the case of any subsequent offence to a fine not exceeding five hundred pounds or to a term of imprisonment not exceeding twelve months or to both such fine and such term of imprisonment.

(2) On the conviction of any person for contravening the provisions of section 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 States of all or any intoxicating liquor found on the premises to which the conviction relates.

57. (1) Any person who contravenes any of the provisions of section twenty-four of this Ordinance shall be guilty of an offence and liable, on conviction,—

Contra-
ventions of sec-
tion 24.

- (a) in the case of the first offence to a fine not exceeding forty pounds;
- (b) in the case of the second offence to a fine not exceeding two hundred pounds; and
- (c) in the case of any subsequent offence to a fine not exceeding four hundred pounds.

(2) On the conviction of any person for contravening the provisions of section twenty-four 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 States of all or any intoxicating liquor found on the premises to which the conviction relates.

58. Any person who contravenes any of the provisions of section twenty-six of this Ordinance shall be guilty of an offence and liable, on conviction,—

Contra-
ventions of sec-
tion 26.

- (a) in the case of the first offence to a fine not exceeding twenty pounds;
- (b) in the case of the second offence to a fine not exceeding one hundred pounds; and
- (c) in the case of any subsequent offence to a fine not exceeding two hundred pounds.

Contra-
ventions of sec-
tion 41.

59. Any person who contravenes any of the provisions of section forty-one of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding ten pounds.

Contra-
ventions of sec-
tion 42.

60. Any person who contravenes any of the provisions of section forty-two of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty pounds and to the suspension or forfeiture of his liquor licence, at the discretion of the Court.

Contra-
ventions of sec-
tions 38 and
44 (5).

61. Any person who contravenes any of the provisions of section thirty-eight or subsection (5) of section forty-four of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty pounds.

Contra-
ventions of sec-
tions 36, 37,
39, 44 (1),
45, 46 (2)
and 50 (2).

62. Any person who contravenes any of the provisions of section thirty-six, section thirty-seven, section thirty-nine, subsection (1) of section forty-four, section forty-five, subsection (2) of section forty-six or subsection (2) of section fifty of this Ordinance shall be guilty of an offence and liable, on conviction,—

- (a) in the case of the first offence to a fine not exceeding forty pounds; and
- (b) in the case of the second or any subsequent offence to a fine not exceeding one hundred pounds.

63. Any person who contravenes any of the provisions of subsection (3) of section forty-four of this Ordinance shall be guilty of an offence and liable, on conviction,—

Contra-
ventions of sec-
tion 44 (3).

- (a) in the case of the first offence to a fine not exceeding two pounds; and
- (b) in the case of the second or any subsequent offence to a fine not exceeding ten pounds.

64. (1) Any person who contravenes any of the provisions of section twenty-seven, section twenty-eight, section twenty-nine, section thirty-five or section forty of this Ordinance shall be guilty of an offence and liable, on conviction,—

Contra-
ventions of sec-
tions 27, 28,
29, 35 and
40.

- (a) in the case of the first offence to a fine not exceeding twenty pounds; and
- (b) 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 the provisions of section twenty-nine 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 States of all or any intoxicating liquor, other than that which he is entitled to sell, found on the premises to which the conviction relates.

65. Any person who fails to comply with the provisions of section thirty of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding ten pounds.

Contra-
ventions of sec-
tion 30.

66. Any person who contravenes the provisions of section thirty-one of this Ordinance shall be guilty of an offence and liable, on conviction,—

Contra-
ventions of sec-
tion 31.

- (a) in the case of the first offence to a fine not exceeding forty pounds; and
- (b) in the case of the second or any subsequent offence to a fine not exceeding two hundred pounds.

Contraven-
tions of sec-
tion 32.

67. Any person who contravenes the provisions of section thirty-two of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding ten pounds.

Contraven-
tions of sec-
tion 47.

68. Any person who contravenes the provisions of section forty-seven of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

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

69. When the Chief Officer, a police officer or a person under the command of the Chief Officer has entered any premises in pursuance of a warrant under the provisions of section fifty 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 a fine not exceeding ten pounds.

Penalty for
company
failing to
replace
designated
official.

70. (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 Royal 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 a fine not exceeding twenty pounds and to the suspension or forfeiture of its licence at the discretion of the Court.

71. Where the Royal 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.

Renewal of
liquor
licence
after
suspension.

PART VI

Miscellaneous, savings, repeals, interpretation, extent and commencement

72. Any notice which may be served for the purposes of this Ordinance shall be validly served—

Service of
notices.

- (a) on any person, if delivered to him, left, or sent by post addressed to him, at his usual or last known place of abode;
- (b) on any firm, if delivered to any partner of the firm, or left at, or sent by post to, the principal or last known place of business of the firm;
- (c) on any body corporate, if left at, or sent by post to, its registered office if situated in this Island or, if its registered office is not so situated, its principal or last known principal place of business in this Island.

Savings.

73. Any licence granted under the provisions of any Ordinance repealed by 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.

74. (1) In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

“Chief Officer” means the Chief Officer of the Island Police Force;

“the Committee” means the Island Police Committee;

“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;

“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 two shillings and six pence exclusive of any service or other extra charge;

“the Ordinary Court” means the Royal Court sitting as an Ordinary Court;

“police officer” means a member of the salaried police force of the Island of Guernsey;

“ the Royal Court ” means the Royal Court sitting as a Full Court;

“ summer period ” shall mean the period in any year prescribed to be the period of summer time;

“ stoppered ” means closed with a plug or stopper;

“ week ” means any period of seven consecutive days.

(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 liqueur supplied, consumed or taken immediately after a meal.

(4) Any reference in this Ordinance to any other enactment shall be deemed to include a reference to that enactment as amended, repealed, re-enacted, extended or applied by or under any other enactment including this Ordinance.

75. The enactments set out in the left hand column of the Fourth Schedule to this Ordinance are hereby repealed to the extent set out in the right hand column of that Schedule. Repeals.

76. This Ordinance shall have effect in the Islands of Guernsey, Herm and Jethou. Extent.

Citation. 77. This Ordinance may be cited as the Liquor Licensing Ordinance, 1960.

Commencement. 78. This Ordinance shall come into force on the fourth day of April, nineteen hundred and sixty.

FIRST SCHEDULE Section nine

Categories of Liquor Licences

1. Hotel Licences.
2. Public Hall Licences.
3. Inn Licences.
4. Public House Licences.
5. General Off-licences for the sale of intoxicating liquor for consumption off the licensed premises.
6. Beer Off-licences for the retail of beer, cider and perry for consumption off the licensed premises.
7. Beer Licences for the sale of beer, cider and perry for consumption on the licensed premises.
8. Café Licences.
9. Restaurant Licences.
10. Guest House Licences.
11. Club Licences.

SECOND SCHEDULE

PART I Section eighteen

Fees for Liquor Licences

<i>Category</i>	<i>Per annum</i>
Hotel Licence	£37 10s. od.
Public Hall Licence	£30 os. od.

<i>Category</i>	<i>Per annum</i>
Inn Licence	£30 os. od.
Public House Licence	£22 10s. od.
General Off-licence	£18 os. od.
Beer Off-licence	£3 os. od.
Beer Licence	£2 5s. od.
Café Licence	£22 10s. od.
Restaurant Licence	£7 10s. od.
Guest House Licence	£7 10s. od.
Club Licence	£15 os. od.

PART II Section twenty-one

Fee for any permission granted under the provisions of section twenty-one of this Ordinance

1. The fees payable on an application for permission under the provisions of section twenty-one of this Ordinance shall be—

(a) if such permission is granted—

- (i) for the sale or supply in licensed premises of intoxicating liquor during hours in addition to those specified in Part II of this Ordinance, one pound for each hour or part of an hour,
- (ii) for such sale or supply in premises in respect of which there is no liquor licence in force, for each hour or part of an hour during which such sale or supply is permitted, ten shillings, provided that not more than three pounds be charged in respect of any one day; or

(b) if such permission is not granted, the sum of ten shillings.

2. The applicant for any permission as aforesaid shall pay in advance to the Treasurer of the States such sum as would be payable under this paragraph if his application had been granted in full, and at the conclusion of the hearing the said Treasurer shall refund to him the difference, if any, between that sum and the sum actually payable under the last preceding paragraph.

3. The said Treasurer shall credit to the Royal Court and to the Greffe in equal shares the sum of ten shillings in respect of every application for permission under the provisions of section twenty-one of this Ordinance.

THIRD SCHEDULE

Section twenty-four

Permitted Hours

PART I

Weekdays other than Christmas Day and Good Friday

1. Hotel and Inn Licences

(a) winter period—10.30 a.m.—2 p.m. (2.30 p.m. if liquor served with a meal)

5 p.m.—10 p.m. Monday—Friday

4 p.m.—10 p.m. Saturday.

(b) summer period—10.30 a.m.—11 p.m.

2. Public Hall and Public House Licences

(a) winter period—10.30 a.m.—2 p.m.

5 p.m.—10 p.m. Monday—Friday

4 p.m.—10 p.m. Saturday.

(b) summer period—10.30 a.m.—11 p.m.

3. General Off-licences

9 a.m.—12.30 p.m.

2.30 p.m.—8 p.m.

4. Beer Off-licences

9 a.m.—12.30 p.m.

2.30 p.m.—8 p.m.

5. Beer Licences

(a) winter period—10.30 a.m.—2 p.m.

5 p.m.—10 p.m. Monday—Friday

4 p.m.—10 p.m. Saturday.

(b) summer period—10.30 a.m.—11 p.m.

6. Café Licences

(a) winter period—10.30 a.m.—2 p.m. (2.30 p.m. if
liquor served with a meal)

5 p.m.—10 p.m. Monday—Friday

4 p.m.—10 p.m. Saturday.

(b) summer period—10.30 a.m.—11 p.m.

7. Restaurant Licences

(a) winter period—midday—2.30 p.m.

5 p.m.—10 p.m. Monday—Friday

4 p.m.—10 p.m. Saturday.

(b) summer period—midday—11 p.m.

8. Guest House Licences

(a) winter period—10.30 a.m.—2.30 p.m.

5 p.m.—10 p.m. Monday—Friday

4 p.m.—10 p.m. Saturday.

(b) summer period—10.30 a.m.—11 p.m.

PART II

Sundays

1. Hotel, Inn, Restaurant and Guest House Licences
 midday-2.30 p.m.
 7 p.m.-9.30 p.m.
 Provided that the liquor is served with a meal.
2. Licences other than Hotel, Inn, Restaurant and Guest House Licences
 No intoxicating liquor may be supplied.

PART III

Christmas Day (falling otherwise than on a Sunday) and Good Friday

1. Hotel, Inn, Café and Guest House Licences
 11 a.m.-12.30 p.m. (2.30 p.m. if liquor served with a meal)
 7 p.m.-9.30 p.m.
 Save that on Christmas Day intoxicating liquor may be served until 10 p.m. to a person consuming a meal ordered before 9.30 p.m. but so that such liquor shall be consumed before 10.30 p.m.
2. Public Hall, Public House and Beer Licences
 11 a.m.-12.30 p.m.
 7 p.m.-9.30 p.m.
3. Restaurant Licences
 midday-2.30 p.m.
 7 p.m.-9.30 p.m.
4. General Off-licences and Beer Off-licences
 No intoxicating liquor may be supplied.

FOURTH SCHEDULE

Section seventy-five

Ordinances Repealed

<i>Ordinance</i>	<i>Extent of repeal</i>
The Liquor Licensing (Herm) Ordinance, 1947.	The whole Ordinance.
The Liquor Licensing Ordinance, 1948,	So much as remains unrepealed.
The Liquor Licensing (Amendment) Ordinance, 1948.	The whole Ordinance.
The Liquor Licensing (Amendment) Ordinance No. 2 of 1948.	So much as remains unrepealed.
The Liquor Licensing (Amendment) Ordinance No. 3 of 1948.	The whole Ordinance.
The Liquor Licensing Amendment Ordinance, 1949.	The whole Ordinance.
The Liquor Licensing Amendment Ordinance, 1950.	The whole Ordinance.
The Liquor Licensing (Rates of Fees) Ordinance, 1950.	The whole Ordinance.
The Liquor Licensing (Amendment) Ordinance, 1951.	The whole Ordinance.
The Liquor Licensing (Amendment) No. 2 Ordinance, 1951.	The whole Ordinance.
The Liquor Licensing (Amendment) No. 3 Ordinance, 1951.	The whole Ordinance.
The Liquor Licensing (Amendment) Ordinance, 1952.	The whole Ordinance.
The Liquor Licensing (Clubs) (Amendment) Ordinance, 1953.	The whole Ordinance.
The Liquor Licensing (Amendment) Ordinance, 1953.	The whole Ordinance.
The Liquor Licensing (Amendment) (No. 2) Ordinance, 1953.	The whole Ordinance.

<i>Ordinance</i>	<i>Extent of repeal</i>
The Liquor Licensing (Amendment) Ordinance, 1954.	So much as remains unrepealed.
The Liquor Licensing (Amendment) Ordinance, 1957.	The whole Ordinance.
The Liquor Licensing (Amendment) (No. 2) Ordinance, 1957.	The whole Ordinance.
The Liquor Licensing (Amendment) Ordinance, 1958.	The whole Ordinance.

R. H. VIDELO,

Her Majesty's Greffier.