

**The Liquor Licensing Ordinance, 1948**  
**(24th March, 1948)**

**THE COURT**, on the recommendation of the States  
Tourist Committee and having heard H.M. Comptroller  
thereon, hereby orders:—

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FIRST SCHEDULE — Repealed enactments.

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Repeals        1. The Ordinances set out in the First Schedule hereto are hereby repealed.

Definitions    2. In this Ordinance, where the context so admits, the following expressions shall have the meanings hereby respectively assigned to them —

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

“ the Committee ” means the States Island Police Committee.

“ Half-year ” shall mean the period of six months ending on the 30th day of June or the 31st day of December in any year as the case may be.

“ intoxicating liquor ” includes spirits, wines, beer, porter, cider and perry.

“ licensed premises ” means the premises in respect of which a licence for the sale of intoxicating liquor exists.

“ a meal ” means cooked or prepared food of a value of not less than one shilling and sixpence,\* exclusive of any service or other extra charge.

“ Police Force ” includes the Island Police Force, together with any Special Constabulary when on duty.

\* “ Two shillings and threepence ” substituted by Ordinance of 25th April, 1951.

† “summer period” and “winter period” shall mean respectively the periods in each year from the 1st day of May to the 30th day of September and from the 1st day of October to the 30th day of April.

† “Tourist Committee” means the Committee set up under the provisions of the Tourist Law, 1948.

3. (1) A person shall not sell or expose for sale intoxicating liquor unless he holds a licence from the Royal Court for the sale of that intoxicating liquor. Prohibition of sale without licence

(2) If any person acts in contravention of this section he shall be liable in respect of

- (a) a first offence, to a fine which shall not exceed fifty pounds, and
- (b) a second offence, to a fine which shall not exceed one hundred pounds, and
- (c) any subsequent offence, to imprisonment for a term not exceeding twelve months or to a fine not exceeding five hundred pounds, or to both such imprisonment and fine.

(3) On the conviction of any person for an offence under this section, the Court may, if they think it expedient to do so, declare that all or any intoxicating liquor found on the premises of such person be forfeited for the account of the States.

4. Licences for the sale of intoxicating liquor are divided into the following:— Classes of licence

1. Club licences.
2. Hotel licences.
3. Inn licences.
4. Public House licences.
5. Licences for the sale of intoxicating liquor for consumption off the premises, hereinafter called “General Off-licences.”
6. Licences for the retail of beer and cider for consumption off the premises, hereinafter called “Beer Off-licences.”

† New definitions substituted by Ordinance of 6th May, 1949.

7. Licences for the sale of beer and cider for consumption on the premises, hereinafter called "Beer licences."
8. Café licences.
9. Restaurant licences.
10. Guest House licences.

Hours

5. The only hours during which intoxicating liquor may be supplied under licence shall be as follows, that is to say:—

#### CLUBS.

##### *Week Days.*

On week days in clubs during ten hours between eleven o'clock in the morning and midnight, the hours to be regulated by and included in the rules of the club, subject to the approval and sanction of the Royal Court.

##### *Sundays, Christmas Day and Good Friday.*

On Sundays, Christmas Day and Good Friday during five hours between noon and ten o'clock in the evening, the hours to be regulated by and included in the rules of the club subject to the approval and sanction of the Royal Court.

#### PREMISES OTHER THAN CLUBS.

Establishments in respect of which there exists a licence for the sale of intoxicating liquors may be open for such sale and for supply during the hours and subject to the conditions set out in the Second Schedule to this Ordinance.\*

Penalties for  
irregular  
sale

6. (1) Any person who shall, except during the hours and in the circumstances permitted by the preceding section

(a) sell or supply either by himself or by any servant or agent to any person in any licensed

\* Proviso re Herm added by Ordinance of 23rd July, 1948.  
See also Ordinances of 20th June, 1951, and 17th April, 1952.  
as to opening hours during the summer period.

premises any intoxicating liquor to be consumed either on or off the premises, or permit the consumption thereof on such premises, or deliver either by himself or any servant or agent intoxicating liquor at any place; or

(b) consume in or take from any licensed premises any intoxicating liquor

shall be guilty of an offence and shall be liable on conviction in the case of a first offence to a fine not exceeding twenty pounds, in the case of a second offence to a fine not exceeding one hundred pounds, and in the case of any subsequent offence to a fine not exceeding two hundred pounds. Further, on the conviction of any person under this section the Court may declare that all or any intoxicating liquor found on such premises be forfeited for the account of the States.

(2) Subject to the provisions of section 7 (c) of this Ordinance any holder of a Café licence who shall either by himself or any servant or agent supply intoxicating liquor otherwise than to persons seated at a table and any holder of a Restaurant licence who shall either by himself or by any servant or agent supply intoxicating liquor otherwise than with a meal and to persons seated at a table and any holder of a Guest House licence who shall either by himself or by any servant or agent supply intoxicating liquor otherwise than with a meal to any person other than a resident or guest of a resident or who shall fail to keep or to produce to any member of the Police Force on demand a separate book wherein is entered the name and address of every guest of a resident so served with intoxicating liquor and the name and address of the resident concerned shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten pounds and in the event of a second conviction to a fine not exceeding fifty pounds, and in the case of any subsequent offence to a fine not exceeding one hundred pounds. Further, on the conviction of any person under this section the Court may declare that all

or any intoxicating liquor found on the premises of such person be forfeited for the account of the States.

Supply to  
residents  
and others

7. Nothing in sections 5 and 6 of this Ordinance shall be deemed to prohibit or restrict

- (a) the supply to, or consumption by, any person of intoxicating liquor in any licensed premises where he is residing; or
- (b) the ordering of intoxicating liquor to be consumed off the premises or the delivery by the vendor of liquor so ordered, at the residence of a purchaser, provided that such delivery if effected before the earliest hour authorised by section 5 for the sale or supply of intoxicating liquor shall be in quantities of not less than one reputed quart to any one person and contained in stoppered bottles or other vessels of a capacity of not less than one reputed quart.
- (c) the supply of intoxicating liquor:—
  - (i) to any member of the staff of the holder of the licence bona fide entertained by him at his own expense, for consumption on the premises; or
  - (ii) to any relative or private friend of the holder of the licence bona fide entertained by him at his own expense, for consumption only on some part of the premises not used for the sale, supply or storage of intoxicating liquor,  
or the consumption in such circumstances of intoxicating liquor so supplied.
- (d) the supply of intoxicating liquor to a trader for the purpose of his trade or to a club for the purposes of the club; or
- (e) the 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 Admiralty, or the

Lieutenant Governor, or to any authorised Mess of Officers or Non-Commissioned Officers of His Majesty's Naval, Military, or Air Forces.

8. (1) Subject to the provisions of the proviso to paragraph (d) of this sub-section in respect of the grant of provisional licences, the Royal Court may, after considering reports upon the application from the Douzaine of the Parish concerned and from the Committee, in its discretion grant or renew a licence provided that

(a) No Hotel or Inn licence may be granted or renewed unless the Royal Court is satisfied that

(i) the establishment concerned has been classified as an hotel or inn, as the case may be, by the Tourist Committee under the provisions of the Tourist Law, 1948; or

(ii) until the date on which the Tourist Law, 1948, comes into force, the granting or renewal of such licence has been recommended by the States Tourist Committee then in being.

(b) In the case of a Café licence, the Royal Court is satisfied that the premises are adapted for the service of intoxicating liquor only by the licensee or his servants to persons seated at a table.

(c) In the case of a Restaurant licence, the Royal Court is satisfied that the premises are adapted to the proper exercise of the licence by the licence holder.

(d) In the case of a Guest House licence, the Royal Court is satisfied

(i) that the establishment in question contains not less than eight bedrooms for the accommodation of residents other than the licensee, his family and his servants,

and the proportion of bathrooms and water-closets to bedrooms is not less than one bathroom and one water-closet to five bedrooms; and

- (ii) that the grant or renewal of such a licence is recommended by the Tourist Committee, or, until the date on which the Tourist Law, 1948, comes into force, by the States Tourist Committee then in being.

PROVIDED THAT in any case where the requirements set out in sub-paragraph (i) of this paragraph are not complied with, the Royal Court may nevertheless in its discretion grant a provisional licence on such terms and conditions and for such period as it may direct, and if and whenever the applicant shall fail to fulfil any of such terms or conditions the provisional licence so granted shall cease to be valid.

(2) The Royal Court may on the application of any licence-holder but subject to the provisions hereinbefore contained, vary the class of his licence.

(3) Where on the application of a Law Officer of the Crown, the licence holder being cited, the Royal Court is satisfied that an establishment holding a Guest House licence is used unduly for the sale of intoxicating liquor to guests of the residents, the Royal Court may order the forfeiture, suspension or variation of the licence.

(4) In all cases where in this Ordinance the Royal Court is empowered to order the forfeiture or suspension of a licence, the Royal Court may as respects a Hotel licence order its alteration to another class of licence.

Renewal  
and Removal  
of licences

9. (1) All licences expire on the thirty-first day of December of each year, but shall, save in the case of a Guest House licence, which may be renewed only on application to the Royal Court, be renewed for the following year on payment to the States of the annual sums as specified in the section next following and on production of a signed certificate in the form set out in the Third

Schedule hereto, unless the Royal Court shall disallow such renewal on application made by a Law Officer of the Crown, such application being made not later than the 1st day of November in the year preceding that for which such renewal is applied for, and not less than fourteen days' notice thereof being served on the holder of the licence and on the States Supervisor; a Law Officer may in any case apply for the disallowance of an application for renewal, and shall do so if so requested by the Constables of the Parish concerned, the Committee or the Tourist Committee:

**PROVIDED** that the Royal Court may at any time suspend vary or order the forfeiture of a licence on the application of the Committee who shall in such case summon the holder of the licence before the Royal Court to show cause why his licence should not be varied, suspended or forfeited as the case may be.

Any summons under this section shall set out the grounds on which the Committee intend to rely.

(2) Any holder of a licence who shall, at the expiration of any half-year, continue to carry on his trade without having paid to the Treasurer of the States, the half-yearly sum mentioned in the section next following shall be deemed to be selling intoxicating liquor without a licence.

(3) Any person who shall wilfully make any false statement in the Certificate accompanying his application for renewal of a licence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds in the case of a first offence and in the case of any subsequent offence to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding three months or to both such fine and imprisonment.

10. The following annual sums shall be paid in advance Fees to the States in equal half-yearly payments on or before

the 31st day of December and the 30th day of June in each year in respect of the following licences: —\*

Formalities  
in respect of  
application  
for and  
issue of  
licences

11. (1) Every application for a licence shall be in writing and shall contain a description of the premises in respect of which a licence is sought and shall specify the class of licence applied for. Such application shall be made to the Royal Court.

(2) Club licences may be granted to a Club on the application of the President, Manager or Secretary of the Club subject to a report being presented to the Royal Court by the Committee and the Constables and Douzaine of the parish in which the Club is situated. The rules of the Club shall be submitted to the Law Officers of the Crown for their approval not less than fifteen days prior to the application being made to the Royal Court. All additions and alterations which may from time to time be made to the rules of a club shall also be submitted to the Law Officers of the Crown for their approval.

PROVIDED that no change in the hours during which intoxicating liquor may be sold as fixed by the rules shall be permitted without the sanction of the Royal Court.

A copy of the rules of every club and all alterations thereto shall be deposited at the office of the Greffe.

(3) Any person intending to apply for a licence other than a Club licence, shall send, not less than fifteen days prior to the date of application, a written notice of his intention to the Committee and to the Constables and Douzaine of the parish where the proposed licensed premises are situated notifying them of the situation of the premises and of the day and hour on which the application is to be made to the Royal Court. A copy of such notice shall be inserted on two occasions in the "Gazette Officielle"; a copy of the said notice shall also be affixed for fourteen days immediately preceding the date of the application on or as near as possible to the establishment where the licence is proposed to be exercised consistent

\* See Ordinance of 28th June, 1950. for Fees.

with its being easily read by persons passing on a public thoroughfare. The notice to be affixed to the establishment shall be at least two feet square in dimensions and shall be in legible print, written in English.

In the event of an applicant for a Hotel, Inn or Public House licence not having resided in the Island for the three consecutive years immediately preceding the date of the application, he shall furnish the Committee with a Certificate of character from the Chief Officer of Police of each place in which he, the applicant, shall have lived during the said three years.

In the event of the applicant being of foreign nationality, the certificate or the certificates as the case may be shall bear the visa of the accredited agents (if any) in Guernsey of the country to which the applicant belongs.

**PROVIDED** that where a licence of the same class as that applied for is already in force in respect of the same premises at the time of the application, the affixing of a copy of the notice on the establishment shall not be required.

**PROVIDED** also that where an application is made for a licence in respect of a building projected but not yet erected or which is in course of erection or undergoing or about to undergo alteration the notice required to be affixed to the establishment under this sub-section may in such case be affixed to any temporary or permanent erection on the site as the Committee may direct, and in the case of such application, plans of the proposed building showing all necessary and relevant particulars shall be lodged at the Greffe not later than the date of the first public announcement of the application and also shall be submitted to the Committee, to the Constables and Douzaine, and to the Royal Court. The Committee and the Constables and Douzaine shall report to the Royal Court on the application in accordance with the provisions of this Ordinance in so far as they are applicable in such case. If a licence is granted a copy

of the plans shall be marked for identification and filed at the Greffe and such licence shall remain in abeyance until a second application is made to the Royal Court after completion of the building. The Royal Court, on the granting of a licence on the first application, may prescribe the maximum time allowed for completing the building and making the second application and may impose such other conditions as well as variations of the plans as it may deem proper. No public notice shall be required in respect of the second application and no opposition thereto shall be heard except opposition, if any, alleging breach of the conditions imposed by the Royal Court, or a material departure from the approved plans. The applicant shall however send the prescribed notice of the second application to the Committee and the Constables and Douzaine, who shall severally inspect the premises and report thereon to the Royal Court. The licence granted under the first application shall be cancelled by the grant or refusal of an effective licence under the second application. The fees payable under section 13 of this Ordinance shall be paid in respect of each application but the sum payable in respect of the licence under section 10 of this Ordinance shall be payable only in respect of the effective licence.

(4) The application for a licence shall not be entertained by the Royal Court in the event of any of the provisions of this section not having been complied with.

(5) A person shall not be debarred from the grant or renewal of a licence solely on the ground that he is already the holder of one or more licences, provided that he satisfies the Royal Court that he can adequately supervise personally the exercise of each licence granted to him.

(6) Where by an happening beyond the control of the licensee, any licensed premises are destroyed or are so damaged that their occupation in accordance with the licence is affected, the Chief Officer shall report thereon to

the Law Officers of the Crown who shall apply to the Royal Court for an order appropriate to the circumstances. The Chief Officer shall notify the licensee to attend at the hearing of the application and the Royal Court may on such application make an order for the withdrawal or suspension of the licence or may sanction its continuance provisionally under such restrictions and conditions as the Royal Court may think fit to impose and generally may make such order as it may deem appropriate in the circumstances, and may at any time thereafter review and vary any order so made.

(7) (a) It shall be lawful for a limited liability company to apply for and to be the holder of a licence under this Ordinance. The company may be represented in the application and the formalities accessory thereto by the Manager of the business or by the Manager, the Secretary or a Director of the company.

(b) When giving the notice of application the company shall at the same time furnish the Committee with the name and description of the Manager of the business or other official of the company designated by the company to be responsible for the conduct of the licence and the provisions of sub-section (3) of this section relating to the production of certificates of character shall apply to such designated official whenever and in the same way as they would apply if he were the applicant in his own right. At the time of the application such designated official shall be presented before the Royal Court and if approved, his name shall be endorsed upon the licence if the same is granted, and shall also be entered upon the records at the Greffe. The provisions of this paragraph shall apply in like manner to every person selected by the company to succeed a designated official as such.

(c) In the case of any infringement of this

Ordinance proceedings may be taken and penalties enforced against both the designated official and the company severally.

(d) If a company shall neglect to replace a designated official who has ceased to act in that capacity, the company, the Manager and every Director of the company shall be severally liable to a fine not exceeding ten pounds.

(e) The provisions of section 17 of this Ordinance shall apply to the designated official of a company as though he were the holder of the licence, but the company shall be liable severally with the designated official in respect of the penalties therein prescribed.

(8) His Majesty's Greffier shall keep a special register of all licences.

Constables'  
duties

12. On receipt of a written notice of intention to apply for a licence, the Constables shall visit the premises and make a report to their Douzaine. On the day of the hearing of an application for a licence to the Royal Court, the Constables shall present a written report from the Douzaine and themselves containing the following particulars:

1. A description of the premises and its surroundings.
2. In the case of an Inn Licence, a Public House licence or a Beer licence, the number of closets and urinals and whether in their opinion the number of them is sufficient.
3. The number of similarly licensed houses in the parish.
4. Their objections to the application, if any.

The Chief Officer shall also at the same time present in person a report from the Committee containing the views of the Committee respecting the application.

Stamp fees

13. An applicant for a licence shall pay by stamps to the Treasurer of the States prior to the application in respect of a licence other than a Beer Off-licence or a Beer licence, a fee of thirty shillings, and in respect of a Beer Off-licence a fee of twenty shillings, of which fees

respectively the accounts of the Royal Court and of His Majesty's Greffier shall each be credited with one quarter.

The applicant shall also pay to the Constables who shall have examined the premises a fee of seven shillings and sixpence in respect of a licence other than a Beer Off-licence or a Beer licence and a fee of five shillings in respect of a Beer Off-licence.

14. (1) His Majesty's Greffier shall, on proof that all <sup>Issue of</sup> sums payable to the States in respect of a licence have <sup>licences</sup> been paid, deliver to every person to whom a licence has been granted an extract of the Order of the Royal Court granting such licence, together with a copy of this Ordinance and of all other Ordinances amending it. A person shall not sell intoxicating liquor until the licence has been issued to him by His Majesty's Greffier and in the event of his so doing he shall be deemed to be selling without a licence.

(2) In the event of an application for a licence other than a Beer Off-licence or Beer licence being made during the currency of a half-year and more than two weeks after the commencement thereof, the proportion of the annual sum payable to the States for such licence in respect of the half year then current shall be in proportion to the unexpired portion of such half year.

**PROVIDED** that in computing the unexpired portion of such half year the reckoning shall be by weeks and no account shall be taken of any outstanding fraction of a week unless it exceeds two days in which case it shall count as a full week.

(3) In the event of the licence being refused, the sum paid to the States under section 10 of this Ordinance shall be reimbursed to the applicant.

(4) In the event of a holder of a Hotel licence, Inn licence, Public House licence, Café licence or General Off-licence giving up his business during the currency of a half year in respect of which the sum payable under section 10 of this Ordinance has been paid, unless he be deprived of his licence by order of the Royal Court he

shall be entitled to a reimbursement of such proportion of the amount so paid as shall be appropriate to the unexpired portion of the term of his licence.

PROVIDED that where the amount of such reimbursement would be less than one pound, no reimbursement shall be made.

PROVIDED also that in computing the unexpired portion of the half year reckoning shall be by weeks and no account shall be taken of any outstanding fraction of a week.

Regulations  
as to sale  
or supply  
of liquor.  
Special  
licences

15. (1) The holder of a licence shall not sell, expose or supply intoxicating liquor at any place except that authorised by his licence, and if he shall act in contravention hereof he shall be liable in respect of

- (a) a first offence, to a fine not exceeding twenty pounds;
- (b) a second offence, to a fine not exceeding One hundred pounds;
- (c) any subsequent offence, to a fine not exceeding Two hundred pounds for each such offence.\*

(2) Every special licence granted by a Law Officer of the Crown shall be immediately notified to the Chief Officer by such Law Officer.

(3) The provisions and penalties provided for in this Ordinance shall, in so far as they may be applicable, apply to the holders of special licences.

(4)†

Display of  
licensee's  
name

16. (1) The holder of a licence other than a Club licence, Hotel licence or Guest House licence shall cause to be painted on the establishment 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 and in particular whether the licence is a

\* See Ordinance of 6th May, 1949, for provisos to this sub-section.

† New sub-section (4) substituted by Ordinance of 28th June, 1950.

full licence or for the sale or supply only of beer and cider and whether to be consumed on or off the premises.

(2) If any person fails to comply with or acts in contravention of this section, he shall be liable in respect of each offence to a fine not exceeding, in the case of a first offence, five pounds, and in the case of any subsequent offence, ten pounds.

17. (1) The holder of a Hotel licence, Inn licence, Public House licence\* or Beer licence shall not, without a written permit of the Committee, absent himself from the business of personally supervising the exercise of such licence for any reason whatever for a period exceeding seven days; the permit, however, of that Committee shall not extend beyond the period of two months.

Absence of licensee

(2) The holder of a licence of any of the above classes desiring so to absent himself beyond the said period of two months shall, after due notification in writing to the Committee, apply to the Royal Court sitting as the Ordinary Court for a permit to that effect.

That Court may grant such permission for such period as they may think reasonable, after hearing any representations which the Committee may put forward.

(3) The holder of the licence shall, in both of the above cases, at the time when he makes application, present for the approval of the Committee or of that Court, as the case may be, a suitable person personally to supervise the exercise of his licence during his absence. In default of presenting such person, the application shall not be entertained.

(4) The person approved of shall, during the absence of the holder of the licence, be responsible for the personal supervision of the exercise of the licence as if he were the holder of the licence.

(5) The holder of a licence of any of the above classes who shall absent himself from the personal supervision of the exercise of the licence for a period exceeding seven days without the permission of the Committee

\* " Guest House licence, Café licence, Restaurant licence " added by Ordinance of 25th April, 1951.

or of that Court as the case may be, shall be liable on conviction to a fine which shall not exceed ten pounds and to the suspension or forfeiture of his licence at the discretion of that Court.

Decease of  
licensee

18. (1) On the decease of the holder of a licence or on his being certified by a medical practitioner authorised to practise in this Island as incapable of personally exercising his licence, the Committee on the application of the legal personal or other representative of the holder of the licence, may grant him permission to carry on the licence for such period as may be necessary to enable application to be made to the Royal Court for the issue of a new licence.

(2) Any person who shall, after the decease of the holder of a licence or of his being certified as incapable of properly exercising his licence, continue to carry on such business without the permission mentioned in subsection (1) of this section, shall on conviction be liable to the penalties imposed by section 3 of this Ordinance.

Conduct on  
licensed  
premises

19. (1) The holder of a licence shall not permit drunkenness or any violent or riotous conduct on his premises, nor supply any intoxicating liquor to a drunken person, and to enable him to maintain order, he may eject any person from his premises without giving a reason for so doing.

(2) If the holder of a licence acts in contravention of this section, he shall be liable in respect of each offence to a fine not exceeding, in the case of the first offence, twenty pounds, and in the case of any subsequent offence, fifty pounds.

(3) If the holder of a licence is charged with permitting drunkenness on his premises in contravention of this section, and it is proved that any person was drunk on his premises, it shall lie on the holder of the licence to prove that he and the persons employed by him took all reasonable steps for preventing drunkenness on the premises.

(4) Any person found drunk on licensed premises shall, on conviction, be liable to a fine not exceeding one pound for the first offence, or five pounds for any subsequent offence.

(5) The holder of a licence may refuse to admit to and may turn out of his licensed premises any person who is drunken, violent, quarrelsome or disorderly or whose presence on the licensed premises is undesirable and any person whose presence on his premises would subject him to a penalty under this Ordinance.

(6) Any such person as is described in the last preceding sub-section who, upon being requested in pursuance of this section by the holder of the licence, or his agent or servant, or by any member of the Police Force, to quit the premises, refuses or fails so to do, shall be guilty of an offence and shall be liable on conviction in respect of each such offence to a fine not exceeding ten pounds, and all members of the Police Force required to expel or to assist in expelling such person from the premises and the holder of the licence, his agents or servants, may use such force as may be necessary for that purpose.

20. (1) The holder of a licence shall not—

(a) knowingly harbour or suffer to remain on his premises any member of the Police Force during any part of the time appointed for such member being on duty, unless for the purpose of executing his duty; or

(b) supply any liquor or refreshment to any member of the Police Force on duty unless by authority of that member's superior in rank.

Offences in  
relation  
to the  
Police Force

(2) If the holder of the licence acts in contravention of this section he shall be guilty of an offence and shall be liable in respect of each such offence to a fine not exceeding in the case of the first offence, twenty pounds, and in the case of any subsequent offence, fifty pounds.

21. (1)\*

Supply to  
Young  
Persons

\* New sub-section substituted by Ordinance of 15th February, 1950.

(2) If the holder of a licence acts in contravention of sub-section (1) of this section he shall be liable in respect of each offence to a fine not exceeding in the case of the first offence, twenty pounds, and in the case of any subsequent offence, fifty pounds.

(3) The holder of a licence shall not knowingly supply or allow any person to supply, save at the residence or working place of the purchaser, any description of intoxicating liquor to any person under the age of fourteen years for consumption by any person on or off the premises, except such intoxicating liquor as is supplied in corked or sealed vessels in quantities of not less than one reputed pint for consumption off the premises only.

(4) A person shall not knowingly send any person under the age of fourteen years to any place where intoxicating liquor is sold, or delivered, or distributed, for the purpose of obtaining any description of intoxicating liquor, excepting as aforesaid, for consumption by any person on or off the premises.

(5) The holder of a licence shall not allow minors under the age of eighteen years to play on his licensed premises at any game of chance.

(6) The holder of a Hotel licence, Inn licence, Public House licence or Beer licence shall not employ any minor under the age of eighteen years or any unmarried women under the age of twenty-five years to sell or retail intoxicating liquor.

(7) If any person acts in contravention of sub-sections (3), (4), (5), or (6) of this section, he shall be liable in respect of each offence to a fine not exceeding in the case of the first offence, twenty pounds, and in the case of any subsequent offence, fifty pounds.

(8) For the purposes of this section the expression "corked" means closed with a plug or stopper of any material; and the expression "sealed" means secured with any substance without the destruction of which the cork, plug or stopper cannot be withdrawn.

(9) Nothing in this section shall derogate from the provisions of Article 41 of the law relating to the protection of children and young persons, registered on the Records of the Island on the 10th day of February, 1917.

22. (1) The holder of a Club licence, Hotel licence, Inn licence or Guest-House licence shall not allow games of chance to be played for stakes upon his licensed premises, but the card games of Whist, Bridge, Euchre, Cribbage, Bezique, Piquet and Ecarté may be played for stakes thereon provided that, in the case of the playing of such games on licensed Hotel, Inn or Guest-House premises, such games are not promoted or organized by the Licence Holder.

(2) The holder of any other class of licence shall not allow games of any kind to be played for stakes upon his licensed premises.

(3) If the holder of a licence acts in contravention of this section, he shall be liable in respect of each offence to a fine not exceeding, in the case of the first offence, twenty pounds, and in the case of any subsequent offence, fifty pounds.

23. (1) The holder of a licence shall not knowingly permit his premises to be the habitual resort or place of meeting of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution, but nothing in this section shall prevent his allowing any such person to remain on his premises for the purpose of obtaining reasonable refreshment for such time as is necessary for the purpose.

(2) The holder of a licence shall not permit any premises under his control to be a brothel.

(3) If the holder of a licence acts in contravention of this section, he shall be liable for each offence to a fine not exceeding, in the case of the first offence, twenty pounds, and in the case of any subsequent offence, fifty pounds.

24. (1) The holder of a licence shall not, either by himself or by any servant or agent, sell, or supply on his

licensed premises to any person other than a resident on those premises, any intoxicating liquor to be consumed on the premises unless it is paid for at the time when it is sold or supplied.

(2) No person other than a resident thereon shall consume any intoxicating liquor in licensed premises unless it be paid for before or at the time when it is sold or supplied.

PROVIDED always that if the liquor be sold or supplied for consumption with a meal supplied at the same time and be consumed with such meal, the provisions of sub-sections (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 liquor is carried on under the authority of a Secretary of State or the Admiralty or the Lieutenant Governor or in any authorised Mess of Officers or Non-Commissioned Officers of His Majesty's Naval, Military or Air Forces.

(4) The holder of a licence shall not receive anything by way of pledge for the payment of a debt due him in respect of the supply of intoxicating liquor save from a person resident or recently resident in the licensed premises.

(5) Any person acting in contravention of this section shall be liable for each offence to a fine not exceeding ten pounds. He shall also in the case of a contravention of sub-sections (1) and (4) be debarred from taking legal proceedings for the recovery of the debt due in respect of the liquor sold and in the case of a contravention of sub-section (4) he shall in addition restore the object given in pledge.

No other  
business  
to be  
carried on  
by licensee

25. (1) The holder of an Inn licence or a Public House licence shall not keep a shop or carry on any business on his licensed premises other than that of the provision of board and lodging or the sale of drinks, tobacco, cigars.

cigarettes. pipes. matches or food to be consumed on the premises.

(2) Any person acting in contravention of this section shall be liable to a fine not exceeding, in the case of the first offence, ten pounds, and in the case of every subsequent offence, twenty-five pounds.

26. (1) An alteration in any premises in respect of which a licence is in force, which gives increased facilities for drinking, or conceals from observation any part of the premises used for drinking or which affects the communication between the part of the premises where intoxicating liquor is sold and any other part of the premises or any street or other public way, shall not be made without the consent of the Royal Court.

(2) The Royal Court may before giving their consent, require plans of the proposed alterations to be deposited at the Greffe at and for such time as they may determine.

(3) If any such alteration be made without such consent as aforesaid, the Royal Court may declare the licence to be forfeited or suspended upon such conditions as the Royal Court may deem fit.

27. (1) Subject to the provisions of this Ordinance, all premises in respect of which Public House or Beer licences have been granted shall be closed except during the hours specified in section 5 of this Ordinance.

PROVIDED always that the holder of a licence of either of the above classes may keep his premises open on weekdays during the hours from 8 a.m. to 11 a.m. for the sale of non-alcoholic drinks and articles of food; such refreshments shall be served in that portion of the premises as is usually set apart for the service of meals and shall in no case be served in the public drinking bar which shall be closed during those hours.

The holder of a licence shall give not less than fourteen days previous notice in writing to the Chief Officer of the date on which he intends to begin to avail himself of the provisions of this sub-section.

(2) Nothing in this Ordinance shall prohibit or restrict the sale or supply of intoxicating liquor during all hours to persons residing in premises licensed otherwise than by General Off-licences or Beer Off-licences and to the licensees, lessees or managers of such premises, the members of their family and staff.

(3) If any person during the time at which premises for the sale or supply of intoxicating liquor are directed to be closed by or in pursuance of this Ordinance, sells or exposes for sale in those premises any intoxicating liquor, or opens or keeps open those premises for the sale of intoxicating liquor, or allows any intoxicating liquor although purchased before the hours of closing, to be consumed on those premises, that person shall be liable in respect of each offence to a fine not exceeding, in the case of a first offence, twenty pounds, and in the case of any subsequent offence, fifty pounds.

Adulteration

28. (1) The holder of a licence shall not mix or cause to be mixed with any intoxicating liquor any ingredient for the purpose of increasing the apparent strength of such intoxicating liquor or which may render it injurious to health.

(2) Any person acting in contravention of this section shall be liable to the penalties contained in the supplementary law to the law relating to the application of penalties (Application des Peines) registered on the Records of this Island on the 13th day of April, 1878.

(3) The Chief Officer, the States Gauger and any assistant States Gauger shall have free access at all times to any licensed premises except Clubs to examine and take samples of all intoxicating liquor therein.

Strength of  
intoxicating  
liquor

29. (1) The holder of a licence other than a Club licence shall not sell or expose for sale, brandy, whisky, rum or gin at a strength below sixty degrees and except in stoppered bottles at a strength above eighty-five degrees.

(2) Any person who shall act in contravention of this section shall be liable on conviction to a fine not exceeding twenty pounds for the first offence, and for any

subsequent offence to a fine not exceeding one hundred pounds, and in either case to the confiscation of the liquor at the discretion of the Court.

30. (1) The holder of a General Off-licence shall not sell intoxicating liquor, with the exception of sparkling wines, otherwise than in stoppered bottles reputed in the trade to contain at least half a pint.

Sale in  
stoppered  
bottles

(2) The holder of a Beer Off-licence shall not sell beer or cider in quantities less than one gallon otherwise than in stoppered bottles.

(3) Any person who shall act in contravention of this section shall be liable, in the case of a first offence, to a fine not exceeding ten pounds, and in the case of every subsequent offence, to a fine not exceeding twenty-five pounds.

31. (1) The holder of a General Off-licence or Beer Off-licence shall not sell or supply by retail to anyone, any intoxicating liquor to be consumed on the premises.

Restriction  
on sale by  
certain  
licensees

(2) The holder of a Beer licence shall not sell or supply any wines or spirits.

(3) Any person who shall act in contravention of this section shall be liable, in the case of a first offence, to a fine not exceeding ten pounds, and for every subsequent offence to a fine not exceeding twenty-five pounds, and in the case of contravention of sub-section (2) of this section to the confiscation of all wines and spirits found on the premises.

32. (1) The holder of a licence shall not, after receipt of an official notice in writing that the Lieutenant-Governor has placed the licensed premises of such holder out of bounds, allow persons wearing His Majesty's uniform admission to his licensed premises, or sell or supply any drink to them.

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

(2) Any person who shall act in contravention of this section shall be liable for each offence to a fine not exceeding twenty-five pounds.

33. (1) In the case of contravention of sections 28 and 29 of this Ordinance, the Royal Court may instruct the Committee to place in such part of the licensed premises

Convictions  
under  
sections 28  
and 29

of the person convicted as may be suitable, a poster in writing recording the conviction and the amount of the penalty inflicted.

(2) The poster shall remain posted during one month.

(3) If the poster is withdrawn, effaced in whole or in part, or its position altered during the month and the holder of the licence takes no steps to renew it or to replace it, he shall be liable to a fine which shall not exceed ten pounds.

Powers of  
Police Force

34. (1) The Chief Officer and members of the Police Force may at all times enter any licensed premises, excepting clubs.

(2) If any person, by himself, or by any person in his employ or acting by his direction or with his consent, refuses or fails to admit the Chief Officer or any member of the Police Force in the execution of his duty demanding to enter in pursuance of this section, that person shall be liable in respect of each offence to a fine not exceeding in the case of a first offence, twenty pounds, and in the case of any subsequent offence, fifty pounds.

Powers of  
Bailiff

35. (1) The Bailiff, if satisfied by information in writing by the Chief Officer that there is reasonable ground to believe that at any place, whether a building or not in which liquor is not authorised to be supplied or stored, any intoxicating liquor is being supplied or stored or that at any place adulteration of liquor is being effected may grant in his discretion a warrant under his hand, by virtue whereof it shall be lawful for the Chief Officer or for any member of the Police Force named in the warrant at any time or times within one month from the date thereof, to enter, if need be by force, the place named in the warrant, and every part thereof, and examine the same and search for intoxicating liquor therein, and seize and remove any intoxicating liquor found therein which there is reasonable ground to suppose is in the place for the purpose of unlawful sale at that or any other place, and the vessels containing the liquor.

(2) Any person who shall impede or obstruct the entry of the Chief Officer or any member of the Police Force, acting in pursuance of a warrant under this section, shall be liable to a fine not exceeding, in the case of a first offence, twenty pounds, and in the case of every subsequent offence fifty pounds.

(3) When the Chief Officer or a member of the Police Force has entered any premises in pursuance of a warrant under this section and has seized and removed any liquor as aforesaid 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, shall be guilty of an offence under this Ordinance and shall be liable in respect of each offence to a fine not exceeding two pounds.

36. (1) Where the Chief Officer has reason to believe that a Club for which a licence for the sale of intoxicating liquor has been granted is being conducted in an improper or disorderly manner, 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 at any time during one month or for such other less time as may be specified in the warrant, to enter and visit, and if need be by force, the said Club for the purpose of ascertaining the manner in which it is being conducted.

Disorderly  
conduct of  
premises

(2) The committee may at any time, if they have reason to believe that a club is being conducted improperly or in a disorderly manner, summon the Manager or Secretary of such club to appear before the Royal Court to show cause why the licence of such club should not be either suspended or forfeited and the Royal Court may order the suspension or forfeiture of the licence. The summons shall contain the grounds on which the Committee intend to rely.

37. Every contravention of a section of this Ordinance, or of a sub-section thereof, committed within two years

General  
regulations

of a conviction for a contravention of the same section or sub-section shall be deemed to be a second or subsequent offence.

Responsi-  
bility of  
licensee  
for other  
persons

38. The holder of a licence shall be deemed to be responsible in respect of contraventions of this Ordinance by members of his family, his employees or agents.

Application

39. This Ordinance shall apply to the Islands of Guernsey, Herm and Jethou.

Saving of  
existing  
licences and  
applications

40. Notwithstanding the repeal of the enactments set out in the First Schedule to this Ordinance

- (1) Any Hotel licence granted under or by virtue of those enactments or of any of them shall, after the date on which this Ordinance comes into force but *\*not after the 31st December, 1948, and* not after the premises concerned shall have been classified by the Tourist Committee under the Tourist Law, 1948, otherwise than as an Hotel, and unless a new licence shall have been granted in respect of the premises concerned, continue to be valid as if such licence were an Hotel licence granted under the provisions of this Ordinance;
- (2) Any Public House licence or licence of the Sixth class granted under or by virtue of those enactments or of any of them shall, unless and until a new licence has been granted in respect of them, be valid as if such licence had been granted as a Public House licence or Beer licence as the case may be under the provisions of this Ordinance;
- (3) Any Club licence or any licence of the Fourth or Fifth class granted under or by virtue of those enactments or of any of them shall, unless a new licence be granted in respect of the premises concerned, be valid as if such licence

\* Words in italics deleted by Ordinance of 13th November, 1948.

had been granted as a Club licence, General Off-licence or Beer Off-licence as the case may be under the provisions of this Ordinance;

- (4) Any application for a licence under the provisions of those enactments or of any of them which shall have been made to the Royal Court before the time of the coming into force of this Ordinance, but which shall not have been either granted or refused at such time, shall for the purposes of this Ordinance be deemed, after the date of the coming into force of this Ordinance, to be an application made under this Ordinance for such class of licence as the applicant shall on the hearing of the application elect.

41.—This Ordinance shall come into force on the 1st day of May, 1948. Duration of Ordinance

### *FIRST SCHEDULE.*

Ordonnance provisoire portant règlement pour la vente de Liqueurs Spiritueuses, Vins, Bière et Cidre, passed on the 19th day of March, 1932.

Ordonnance provisoire supplémentaire à l'Ordonnance provisoire portant règlement pour la Vente de Liqueurs Spiritueuses, Vins, Bière et Cidre, passed on the 28th day of October, 1933.

Ordonnance provisoire modifiant l'Ordonnance provisoire portant règlement pour la Vente de Liqueurs Spiritueuses, Vins, Bière et Cidre du 19 mars 1932, passed on the 8th day of December, 1934.

Ordonnance provisoire modifiant l'Ordonnance provisoire portant règlement pour la Vente de Liqueurs Spiritueuses, Vins, Bière et Cidre du 19 mars 1932, passed on the 15th day of December, 1934.

Ordonnance provisoire modifiant l'Article 10 de l'Ordonnance provisoire portant règlement pour la Vente de Liqueurs Spiritueuses, Vins, Bière et Cidre du 19 mars 1932, passed on the 5th day of October, 1936.

Ordonnance provisoire modifiant l'Article 4 de l'Ordonnance provisoire portant règlement pour la Vente de Liqueurs Spiritueuses, Vins, Bière et Cidre du 19 mars 1932, avec la Modification du 1er avril 1933, passed on the 1st day of May, 1937.

Ordonnance provisoire de 1938 modifiant l'Ordonnance provisoire portant règlement pour la Vente de Liqueurs Spiritueuses, Vins, Bière et Cidre du 19 mars 1932, passed on the 3rd day of December, 1938.

Ordonnance provisoire modifiant l'Ordonnance provisoire portant règlement pour la Vente de Liqueurs Spiritueuses, Vins, Bière et Cidre du 19 mars 1932, passed on the 1st day of April, 1939.

“ The Intoxicating Liquors (Emergency Provisions) No. 2 Ordinance, 1939,” passed on the 16th day of November, 1939.

Ordonnance provisoire modifiant l'Ordonnance provisoire portant règlement pour la Vente de Liqueurs Spiritueuses, Vins, Bière et Cidre du 19 mars 1932 (Christmas Eve and New Year Eve), passed on the 23rd day of December, 1939.

“ The Intoxicating Liquors (Emergency Provisions) Ordinance, 1940,” passed on the 13th day of April, 1940.

Ordonnance provisoire de 1940 modifiant l'Ordonnance provisoire portant règlement pour la Vente de Liqueurs Spiritueuses, Vins, Bière et Cidre du 19 mars 1932, passed on the 20th day of April, 1940.

“ The Intoxicating Liquors (Emergency Provisions) Ordinance, 1942,” passed on the 19th day of September, 1942.

“ The Intoxicating Liquors (Emergency Provisions) No. 2 Ordinance, 1942,” passed on the 17th day of October, 1942.

“ Provisional Ordinance relating to the Strength of Liquor,” passed on the 12th day of October, 1946.

*SECOND SCHEDULE.*

*\*PERMITTED HOURS.*

*PART I.*

*Weekdays, other than Christmas Day and  
Good Friday.*

†1. *Hotel licences*

- (a) winter period—10.30 a.m.—2 p.m.  
(2.30 if liquor served with a meal)  
5 p.m.—10 p.m.
- (b) summer period—10.30 a.m.—2 p.m.  
(2.30 if liquor served with a meal)  
5 p.m.—11 p.m.

Save that a licence may be granted by the Royal Court, either generally or for such period as the Court may direct, for the further supply of intoxicating liquor,

- (i) during the winter period, until 10.30 p.m. to a person consuming a meal ordered before 10 p.m. but so that such liquor shall be consumed by such person before 11 p.m.; and
- (ii) during the summer period, until 11.30 p.m. to a person consuming a meal ordered before 11 p.m. but so that such liquor shall be consumed before midnight.

2. *Inn licences*

- (a) winter period—10.30 a.m.—2 p.m.  
(2.30 if liquor served with a meal)  
5 p.m.—10 p.m. Monday—Friday  
4 p.m.—10 p.m. Saturday.

\* See also Ordinances of 20th June, 1951, and 17th April, 1952, as to opening hours during the summer period.

† Amended by Ordinance of 10th October, 1951.

- (b) summer period—10.30 a.m.—2 p.m.  
(2.30 if liquor served with a meal)  
5 p.m.—11 p.m. Monday—Friday  
4 p.m.—11 p.m. Saturday.

3. *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.—2 p.m.  
5 p.m.—11 p.m. Monday—Friday  
4 p.m.—11 p.m. Saturday.

4. *General Off-licences*

- 9 a.m.—12.30 p.m.
- 2.30 p.m.—8 p.m.

5. *Beer Off-licences*

- 9 a.m.—12.30 p.m.
- 2.30 p.m.—8 p.m.

6. *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.—2 p.m.  
5 p.m.—10 p.m.\* Monday—Friday.  
4 p.m.—11 p.m. Saturday.

7. *Café licences*

- (a) winter period—10.30 a.m.—2 p.m.  
(2.30 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.—2 p.m.  
(2.30 if liquor served with a meal)  
5 p.m.—11 p.m. Monday—Friday  
4 p.m.—11 p.m. Saturday.

\* "11 p.m." substituted by Ordinance of 1st May, 1948.

8. *Restaurant licences*

- (a) winter period—mid-day—2.30 p.m.  
5 p.m.—10 p.m. Monday—Friday  
4 p.m.—10 p.m. Saturday.
- (b) summer period—mid-day—2.30 p.m.  
5 p.m.—10 p.m.\* Monday—Friday.  
4 p.m.—11 p.m. Saturday.

†9. *Guest-House licences*

- (a) winter period—10.30 a.m.—2.30 p.m.  
5 p.m.—10 p.m.
- (b) summer period—10.30 a.m.—2.30 p.m.  
5 p.m.—11 p.m.

*PART II.*

*Sundays.*

*Hotel, Inn, Restaurant and Guest House licences.*

mid-day—2.30 p.m.  
7 p.m.—9.30 p.m.

PROVIDED that the liquor is served with a meal, and provided further that in the case of a party of excursionists arriving in this Island or the Islands of Herm or Jethou, intoxicating liquor may be served to such a party with a meal during such hours as the Royal Court or one of the Law Officers of the Crown shall specify.

*Licences other than Hotel, Inn, Restaurant and Guest House Licences.*

*No intoxicating liquor may be supplied.*

\* “11 p.m.” substituted by Ordinance of 1st May, 1948.

† Amended by Ordinance of 10th October, 1951.

*PART III.*

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

*1. Hotel licences*

11 a.m.—12.30 p.m.

(2.30 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. Inn, Café and Guest House licences*

11 a.m.—12.30 p.m.

(2.30 if liquor served with a meal).

7 p.m.—9.30 p.m.

*3. Public House and Beer licences*

11 a.m.—12.30 p.m.

7 p.m.—9.30 p.m.

*4. Restaurant licences*

mid-day—2.30 p.m.

7 p.m.—10 p.m.

*5. General Off-licences and Beer Off-licences*

No intoxicating liquor may be supplied.

*THIRD SCHEDULE.*

*Certificate to accompany application for renewal of  
licence.*

I, AB, holder of a.....  
licence in respect of the premises known as.....  
..... hereby apply  
for the renewal of the said licence until the 31st day of  
December, 19..... and declare that the said premises and  
the business there carried on conform in all respects with  
the requirements of the Liquor Licensing Ordinance, 1948,  
in respect of such licence.