

ORDINANCE OF THE CHIEF PLEAS OF SARK
Ordinance No. VII of 2017

The Liquor Licensing (Sark) (Amendment)

Ordinance, 2017

THE CHIEF PLEAS OF SARK, in exercise of the powers conferred on them by sections 12(2), 37 and 40 of the Reform (Sark) Law, 2008^a, and in pursuance of their Resolution of the 13th day of July 2016, hereby order:-

Amendments to General Provisions Ordinance.

1. The Liquor Licensing (General Provisions) (Sark) Ordinance, 1979 ("the principal Ordinance")^b, is amended as follows.

2. In section 3 of the principal Ordinance, repeal paragraph (a)(i).

3. In section 4 of the principal Ordinance –

(a) in subsection (1)(a), delete "the Seigneur and", and

(b) in subsection (4), delete "the Seigneur,".

^a Order in Council No. V of 2008; there are amendments not relevant to this Ordinance.

^b As amended by the Liquor Licensing (General Provisions) (Amendment) (Sark) Ordinance, 1980; the Liquor Licensing (General Provisions) (Amendment) (Sark) Ordinance, 1981; the Liquor Licensing (General Provisions) (Amendment) (Sark) Ordinance, 1984; the Liquor Licensing (General Provisions) (Amendment) (Sark) Ordinance, 1989; the Liquor Licensing (Amendment) (Sark) Ordinance, 1994; the Liquor Licensing (Amendment) (Sark) Ordinance, 1996; the Liquor Licensing (Amendment) (Sark) Ordinance, 2006; the Liquor Licensing (Sark) (Amendment) Ordinance, 2016.

4. In section 9 of the principal Ordinance –

(a) in subsection (2), immediately before "the First Schedule", insert "the column headed 'Category of licence' in", and

(b) repeal subsection (3).

5. In section 14(2) of the principal Ordinance, for "half-yearly", substitute "periodic".

6. In section 15 of the principal Ordinance –

(a) in subsection (1), for "an annual fee which shall, in respect of the categories of liquor licences, from time to time, be fixed by the Chief Pleas with the approval of the Seigneur in pursuance of the provisions of section twenty-four of the Reform (Sark) Law, 1951", substitute "the annual fee for each category of liquor licence set out in the Second Schedule to this Ordinance for the purposes of section 12(2) of the Reform (Sark) Law, 2008",

(b) for subsection (2), substitute the following subsection –

"(2) The annual fee for a liquor licence may be paid in two periodic half-payments, in which case –

(a) the first periodic payment for any year

in which the annual fee applies shall be paid on or before the thirtieth day of November next preceding that year, in respect of the period beginning on the first of January and ending on the thirtieth of June of that year ("**first half year**"), and

(b) the second periodic payment for any year in which the annual fee applies shall be paid on or before the thirtieth day of June of that year, in respect of the period beginning on the first of July and ending on the thirty-first of December of that year ("**second half year**").",

(c) in subsection (3), for "half year", substitute "first half year or second half year", and

(d) repeal subsection (5).

7. In section 16 of the principal Ordinance, for "thirty-first day of December", substitute "thirtieth day of November".

8. In section 18 of the principal Ordinance, for subsection (2), substitute the following subsection –

"(2) There shall be paid in advance to the Treasurer in respect of the grant of each permission under subsection (1), the fee in respect thereof specified in the Second Schedule to this Ordinance for the purposes of section

12(2) of the Reform (Sark) Law, 2008."

9. In section 21 of the principal Ordinance, for "Second", substitute "First".

10. For section 22 of the principal Ordinance, substitute the following section –

"Conditions of exercise of General Off-Licence.

22. (1) The holder of a General Off-Licence shall not sell or supply, or permit the sale or supply, of intoxicating liquor to any person otherwise than –

(a) in stoppered or sealed containers, and

(b) for consumption off the licensed premises or off any premises occupied by the licensee and of which the licensed premises forms a part.

(2) The restrictions in subsection (1) do not apply to the sale or supply of intoxicating liquor to any person in connection with any special promotion, project launch or wine tasting approved by the Court, subject to any conditions of the approval."

11. Repeal section 22A of the principal Ordinance.

12. In sections 24(1) and 26(1) of the principal Ordinance, for "Public House" in each place where the expression occurs, substitute "a Standard".

13. In section 29 of the principal Ordinance, for "Public House", substitute "Standard".

14. In section 33 of the principal Ordinance –

(a) for "Public House", substitute "Standard", and

(b) for "Second", substitute "First".

15. In section 34 of the principal Ordinance, delete "the Seigneur,".

16. In section 46 of the principal Ordinance –

(a) for subsection (1), substitute the following subsection –

"(1) Any person who contravenes a provision of this Ordinance shall be guilty of an offence and liable, on summary conviction or conviction on indictment –

(a) in the case of the first offence, to a fine not exceeding level 3 on the Sark uniform scale,

(b) in the case of the second offence, to a fine not exceeding level 4 on the Sark uniform scale,
and

- (c) in the case of any subsequent offence, to a fine not exceeding level 5 on the Sark uniform scale.", and
 - (b) in subsection (2), for ", section twenty-one or section twenty-two A", substitute "or section twenty-one".
- 17. Repeal section 47 of the principal Ordinance.
- 18. In section 52(1) of the principal Ordinance –
 - (a) repeal the definitions of "**discretionary hours**", "**half year**", "**obligatory hours**", "**summer**" and "**winter**", and
 - (b) for the definition of "**permitted hours**", substitute the following definition –

"**permitted hours**", in relation to any day of the week and to any category of licence applicable to any licensed premises, means the permitted hours applicable thereto specified in the First Schedule to this Ordinance,".
- 19. For the First Schedule to the principal Ordinance, substitute the schedule set out in Schedule 1 to this Ordinance.
- 20. For the Second Schedule to the principal Ordinance, substitute the schedule set out in Schedule 2 to this Ordinance.

21. In the Third Schedule to the principal Ordinance –

- (a) in paragraph 1 of the notice, for "Level 1 on the Sark uniform scale", substitute "Level 3 on the Sark uniform scale for the first offence; Level 4 on that scale for the second offence; and Level 5 on that scale for any subsequent offence", and
- (b) in paragraph 2 of the notice, for "Level 2 on the Sark uniform scale", substitute "Level 3 on the Sark uniform scale for the first offence; Level 4 on that scale for the second offence; and Level 5 on that scale for any subsequent offence".

Interpretation.

22. (1) In this Ordinance –

"**a deemed licence**" means a licence deemed by section 24(1), (2),(3) or (4) to be a licence duly issued under the principal Ordinance,

"**enactment**" means any Law, Ordinance or subordinate legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation, and

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect, but does not include an Ordinance.

(2) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of this Ordinance as it applies to the interpretation of a Guernsey enactment.

(3) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Repeals.

23. The following are repealed –

- (a) section 2 of the Liquor Licensing (Amendment) (Sark) Ordinance, 2006,
- (b) section 2 of the Liquor Licensing (Amendment) (Sark) Ordinance, 1994,
- (c) the Liquor Licensing (Fees) (Amendment) (Sark) Ordinance, 1984, and
- (d) the Liquor Licensing (Fees) (No. 2) (Sark) Ordinance, 1979.

Transitional and savings.

24. (1) A restaurant licence or public house licence issued under the principal Ordinance and valid and operative immediately before the commencement of this Ordinance is, on the commencement of this Ordinance, deemed to be a

^c Ordres en Conseil Vol. XIII, p. 355.

Standard Licence duly issued under the principal Ordinance as amended by this Ordinance.

(2) A hotel licence or guest house licence issued under the principal Ordinance and valid and operative immediately before the commencement of this Ordinance is, on the commencement of this Ordinance, deemed to be a Hotel Licence or Guest House Licence, respectively, duly issued under the principal Ordinance as amended by this Ordinance.

(3) A General Off-Licence issued under the principal Ordinance and valid and operative immediately before the commencement of this Ordinance is, on the commencement of this Ordinance, deemed to be a General Off-Licence duly issued under the principal Ordinance as amended by this Ordinance.

(4) A Club Licence issued under the principal Ordinance and valid and operative immediately before the commencement of this Ordinance is, on the commencement of this Ordinance, deemed to be a Club Licence duly issued under the principal Ordinance as amended by this Ordinance.

(5) A licence certificate issued under the principal Ordinance for a deemed licence is, on the commencement of this Ordinance, deemed to be a licence certificate duly issued for the relevant category of liquor licence under the principal Ordinance as amended by this Ordinance.

(6) Despite any provisions of this Ordinance to the contrary ("**contrary provisions**"), the annual fee payable for 2017 (whether paid as one lump-sum or two part-payments) in respect of any deemed licence is the annual fee that would have been payable under the principal Ordinance if those contrary provisions had not been enacted.

Citation.

25. This Ordinance may be cited as the Liquor Licensing (Sark) (Amendment) Ordinance, 2017.

Commencement.

26. This Ordinance comes into force on the 27th April, 2017.

SCHEDULE 1

Section 19

"FIRST SCHEDULE

CATEGORIES OF LIQUOR LICENCES

AND

PERMITTED HOURS

Sections 9 and 21

No.	Category of licence	Permitted hours (any day)	Standard conditions
1	Standard	10.00 am to 11.45 pm	-
2	Hotel	10.00 am to 11:45 pm	During the permitted hours the intoxicating liquor may only be served with a meal.
3	Guest House	10.00 am to 11:45 pm	During the permitted hours the intoxicating liquor may only be served with a meal.
4	Club	10.00 am to 11.45 pm	-
5	General Off-Licence	10.00 am to 11.45 pm	-".

SCHEDULE 2

Section 20

"SECOND SCHEDULE

FEE PAYABLE IN RESPECT OF
LIQUOR LICENCES

Sections 15(1) and 18(2) of this Ordinance;
section 12(2) of the Reform (Sark) Law, 2008.

The fees payable in respect of liquor licences are as set out below:

No.	Category of liquor licence	Annual fee <i>(section 15(1))</i>	Advance fee for additional hours <i>(section 18(2), in respect of section 18(1)(a))</i>	Advance fee for exercise on unlicensed premises <i>(section 18(2), in respect of section 18(1)(b))</i>
1	Standard	£200	£30 for each hour or part thereof remaining during which the exercise of the liquor licence is permitted.	£3 for each hour or part thereof remaining during which the exercise of the liquor licence is permitted on premises in respect
2	Hotel	£3 per bedroom		
3	Guest House	£30		
4	Club	£200		

No.	Category of liquor licence	Annual fee <i>(section 15(1))</i>	Advance fee for additional hours <i>(section 18(2), in respect of section 18(1)(a))</i>	Advance fee for exercise on unlicensed premises <i>(section 18(2), in respect of section 18(1)(b))</i>
5	General Off-Licence	£200		of which there is no liquor licence, but not exceeding £30 in aggregate for any one day in respect of an unlicensed premises."