

**NATIONAL CAPITAL DISTRICT**

**NO. 3 OF 1984**

**NATIONAL CAPITAL DISTRICT LIQUOR LICENSING LAW**

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LIQUOR LICENSING INSPECTOR  
MNW

INDEPENDENT STATE OF PAPUA NEW GUINEA

NO.3 OF 1984

NATIONAL CAPITAL DISTRICT LIQUOR LICENSING LAW

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## NOTICE OF THE MAKING OF LAW

THE following law has been made by the National Capital District Interim Commission pursuant to the National Capital District Government (Preparatory Arrangements) Regulation 1983 and shall come into operation upon the date indicated below:

Name	Date of Commencement
National Capital District Liquor Licensing Law 1984	14th November, 1984

A copy of the above law may be obtained (at a cost of K10.00) from the Manager, National Capital District Interim Commission, Second Floor, City Hall, Waigani (P.O. Box 7270, Boroko).

J. M. NILKARE, M.P.,  
Minister for Provincial Affairs.

Being a Law relating to the sale, and distribution of alcoholic liquor in the National Capital District.

Made by the National Capital District Interim Commission to come into operation in accordance with a notice published in the National Gazette by the Minister.

## PART 1 - PRELIMINARY

## 1 Interpretation

(1) In this Law, unless the contrary intention appear:

"act" means the National Capital District Government (Preparatory Arrangements) Act 1982;

"annual Sitting", in relation to the Commission, means an Annual Sitting of the Commission provided for under Section 14(1);

"authority" means an authority granted under Section 37, 41(6) or 85;

"bar" means a counter over which liquor is served to a person for immediate consumption, but does not include a service counter;

"bar-room" means a room in which liquor is served over a bar;

"bona fide traveller", in relation to any licenced premises, means a person who:

- (a) resides at least 25 km from the licensed premises and where the licensed premises are situated within a town, outside the boundaries of the town, the distance being calculated by the shortest, reasonable practicable route; and



- (b) has, within the period of 12 hours before the time of his arrival at the licensed premises travelled from a place at least 25 km from them, the distance being calculated by the shortest, reasonable practicable route; and
- (c) has not, since the time of his arrival, been supplied with more than a reasonable quantity of liquor,

"booth licence" means a licence granted in accordance with Part III. Division 5;

"bottle-shop licence" means a shop licence granted in accordance with Part III. Division 8 ;

"carabet permit" means a permit granted in accordance with Section 77;

"canteen" means a canteen established in accordance with Section 71;

"canteen licence" means a licence granted in accordance with Part III. Division 11;

"certificate" means a certificate granted under Section 38(2), or 40(3);

"club licence" means a licence granted in accordance with Part III. Division 7;

"the Commission" means the National Capital District Liquor Licensing Commission established by Section 4;

"dealer's licence" means a licence granted in accordance with Part III. Division 3;

"determinations" means any determinations made by the Interim Commission under this Law;

"dinner permit" means a permit granted in accordance with Section 75;

"health inspector" means a Health Inspector appointed under the Public Health Act, Chapter 226;

"inspector" means a Licensing Inspector appointed under Section 20;

Wine - an alcoholic drink made from fermented grape juice.  
- A fermented alcoholic drink made from other fruits or plants.

Spirits - Strong distilled alcoholic drink. Such a rum. An alcoholic solution of volatile substance.

Ale - beer other than lager, stout or porter - beer brewed by top fermentation.

Beer - an alcoholic drink made from yeast-fermented malt flavoured with hops.

Malt - barley or other grain that has been steeped, germinated, and dried, used

Volatile - (of a substance) easily evaporated at

normal temperature

Ethanol - systematic

chemical name for

Ethyl Alcohol.

Ethyl Alcohol is

another name for

Alcohol.  $C_2H_5OH$

ALCOHOL - a colour-

less volatile flamm-

able liquid which

is the intoxicating

constituent of wine,

beer, spirits, etc.

LAGER - an efferves-

cent beer, light in

colour and body.

Porter - dark brown bitter beer brewed from malt partly chamed or browned by drying at high temperature.

Stout - a kind of strong, dark beer brewed with roasted malt or barley.

~~Tommy's~~ ~~Lean Juice~~ Cider - an alcoholic drink made from fermented apple juice.

Perry - an alcoholic drink made from fermented juice of pears.

"the Inspector", in relation to licensed premises especially for or premises or proposed premises in respect of brewing or which a licence is or is intended to be, applied distilled and for, means an Inspector appointed under Section 20; vinegar-making

"interim Commission" means the National Capital District Interim Commission established under the National Capital District Government (Preparatory Arrangements) Act 1982;

"interim licence" means an interim licence granted under Section 40;

"licence" means a licence granted under this Law;

"licensed premises" means premises in respect of which a licence is in force;

"limited hotel licence" means a limited hotel licence granted in accordance with Part III. Division 2;

"liquor" means wine, spirits, ale, beer, porter, stout, cider, perry or any liquid containing alcohol ordinarily used, or fit for use, as a beverage;

"liquor store-room" means a room or other place on licensed premises in which liquor is stored or kept, whether regularly, occasionally or for special purposes only;

"lodger", in relation to any licensed premises, means:

(a) a regular resident in the licensed premises; or

(b) a person resident in the licensed premises at the time in question;

"Manager" means Manager of the Interim Commission;

"manager" means a person appointed under Section 145;

"meal", in relation to any licensed premises, means a bona fide meal served in the dining room or other part of the premises specified in the licence for the purpose of this definition;

"occasional licence" means a licence granted in accordance with Part III. Division 10;

"National Capital District" has the same meaning as in Section 4(1) of the Constitution and in the Organic Law on the boundaries of the National Capital District;

"owner", in relation to any licensed premises, means:

(a) the person for the time being entitled to receive:

- (i) on his own account; or
- (ii) in trust for some other person; or
- (iii) as mortgagee or other encumbrancer in possession,

the rent of the premises; or

(b) the attorney of any such person;

"packet licence" means a licence granted in accordance with Part III. Division 6;

"permit" means a supper permit, dinner permit, cabaret permit or special permit;

"prohibited hours", in relation to a licence, a licensee or premises the subject of a licence, means hours other than:

(a) trading hours; or

(b) where liquor may be served under this Law outside trading hours in certain circumstances or to certain persons, in relation to those circumstances or persons the hours during which liquor may be served;

"proof spirit" means spirit of a strength equal to that of pure ethyl alcohol compounded with distilled water so that the resultant mixture, at a temperature of 15.55C, has a specific gravity of 0.91976 as compared with distilled water at the same temperature;

"publican's licence" means a publican's licence granted in accordance with Part III. Division 2;

"restaurant licence" means a licence granted in accordance with Part III;

"sell" includes exchange or barter;

"service counter" means a counter or part of a counter approved by the Commission for the service of liquor to the licensee or his agent, manager, or servant for the supply to persons seated, otherwise than at the counter, in a dining room, lounge sitting room, beer garden or similar place or licensed premises, but only while the counter is being used exclusively for that purpose;

"sitting", in relation to the Commission, means an Annual Sitting or Special Sitting of the Commission;

"special permit" means a permit granted in accordance with Section 76;

"special sitting", in relation to the Commission, means a Special Sitting of the Commission provided for by Section 14;

"storekeeper's licence" means a licence granted in accordance with Part III. Division 4;

"supper permit" means a permit granted in accordance with Section 74;

"tavern-keeper" means the holder of a tavern licence;

"tavern licence" means a tavern licence granted in accordance with Part III. Division 2;

"trading hours", in relation to a licence or a holder of or premises in the subject to a licence, means the hours prescribed or permitted for the sale of liquor under that licence;

"vessel" includes all vessels used in navigation by water.

(2) For the purpose of this Law, the supply of liquor by or in a club to a member of the Club:

- (a) for monetary consideration; and
- (b) with the intention that the liquor should become the property of that member to the exclusion of other members,

shall be deemed to be sale of liquor.

## 2 Application

- (1) The provisions of this Law relating to the sale, keeping or consumption of liquor do not apply to:
  - (a) the sale, keeping or consumption of a beverage usually considered non-intoxicating or containing less than 2% of proof spirit; or
  - (b) the sale or keeping of spirituous or distilled perfume in good faith as perfumery; or
  - (c) the sale, keeping or consumption of liquor simply as a medicine or for medicinal purposes by, or under the direction of, a medical practitioner; or
  - (d) the administration, dispensing, selling or keeping of liquor for medicinal purposes only by a pharmacist or other person authorized by law for the purpose, or the consumption for those purposes of any such liquor; or
  - (e) the supply of liquor without recompense or remuneration where the supplier bona fide and reasonably believes that there is an urgent cause or necessity and the liquor is given solely and purely for medicinal purposes; or
  - (f) with the approval of the Commission, the sale by auction by a auctioner licensed under the Auctioneers Act Chapter 90, selling in good faith, in course of his business, of liquor on account of another person; or
  - (g) the sale, disposal or consumption of liquor on an aircraft in flight; or
  - (h) the sale of liquor taken in execution, forfeited, seized or sold under a law; or
  - (i) any sale, keeping or consumption of liquor that is lawful under any other Law.

*Tommy S.*  
*1930 - 1931*

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- (2) The burden of proof of a matter referred to Subsection (1) is on the person alleging it.
- (3) For the purposes of Subsection (1)(f), the auctioneer shall:
  - (a) give to the Commission not less than 48 hour written notice of his intention to sell the liquor, together with details of the liquor to be sold; and
  - (b) as soon as practicable after the sale, notify the Commission of:
    - (i) the details of the liquor sold; and
    - (ii) the persons to whom it was sold.

3 Exemption of certain canteens, etc.

- (1) Subject to Subsection (4), this Law does not require the holding of a licence or permit for:
  - (a) the keeping; or
  - (b) the supply, by sale or otherwise, to a person who is:
    - (i) a member of the Defence Force or of the naval, military or air forces of a part of the Queen's dominion; or
    - (ii) employed in a Defence Force installation; or
    - (iii) employed by or in the Department of Defence; or
  - (c) the supply, at the expense of such a person, to a guest of that person; or
  - (d) the permitting of the consumption, of liquor at a canteen or club established, conducted, maintained or operated under the Defence Force Act (Chapter 74) if the liquor is the property of the State or of such a person or any such persons.

(2) Subject to the Subsection (4), this Law does not require the holding of a licence or permit for:

(a) the keeping; or

(b) the supply, by sale or otherwise, to a person who:

(i) is a member of the Police Force; or

(ii) is employed in a police station or an institution conducted and controlled by the Police Force; or

(c) the supply, at the expense of such a person, to a guest of that person; or

(d) the permitting of the consumption.

of liquor at a canteen or club approved by the Commissioner of Police that is established, conducted, maintained or operated by the Police Force, or by a member or members of the Police Force, if the liquor is the property of the State or of the member or members.

(3) Subject to Subsection (4), this Law does not require the holding of a licence or permit for:

(a) the keeping; or

(b) the supply, by sale or otherwise, to a person (other than a detainee):

(i) who is a correctional officer or assistant correctional officer within the meaning of the Corrective Institutions Act (Chapter 63); or

(ii) who is employed in a corrective institution conducted and controlled by the Correctional Services Branch; or

(c) the supply, at the expense of such a person, to a guest of that person; or

(d) the permitting of the consumption,

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of liquor at a canteen or club approved by the Commissioner of Correctional Services that is established, conducted, maintained or operated by the Correctional Services Branch, or by a member or members of the Branch, if the liquor is property of the State or of the member or members.

- (4) Sections 100, 112 and 113 apply to and in respect of a canteen or club referred to in Subsection (1), (2) or (3) as though the person in charge of the canteen or Club were a licence.

#### PART 11 - ADMINISTRATION

##### Liquor Licensing Commission

- (1) A National Capital District Liquor Licensing Commission is hereby established.
- (2) Subject to the Act, The National Capital District Liquor Licensing Commission shall consist of all those persons who are for the time being Commissioners of the Interim Commission appointed pursuant to Section 3 of the National Capital District Government (Preparatory Arrangement) Act 1982.
- (3) For the purpose of the preceding subsection the Manager shall be deemed a member of the Commission.

##### Term of Office.

Subject to the Act, the tenure of office of a member of the Commission is concurrent with the tenure of office under the Act, of the Commissioner of the Interim Commission.

##### Chairman.

- (1) The person who is for the time being the Chairman of the Interim Commission shall be the Chairman of the Commission.
- (2) The person who is for the time being the Deputy Chairman of the Interim Commission shall be the Deputy Chairman of the Commission.



## 7 General functions of the Commission.

Subject to this law and any other law, the functions of the Commission are to control, manage and administer anything concerning liquor in the National Capital District and to ensure the welfare of the peoples therein.

## 8 Jurisdiction of Commission.

(1) Subject to this Law, the Commission has jurisdiction to hear and determine all cases or matters arising in or concerning:

- (a) the grant or refusal of licences, certificates, authorities or premises; and
- (b) the grant or refusal of the renewal, transfer or removal of a licence; and
- (c) the cancellation or suspension of a certificate or licence; or
- (d) as required or permitted by this Law, the fixing of hours for trading under, or the conditions of, a licence; and
- (e) the disqualification of licensed persons or licensed premises; and
- (f) application for rehearing under Section 16;.

## 9 Delegation.

(1) Except on matters relating to:

- (a) the general policy on liquor in the National Capital District;
- (b) the classes of licences;
- (c) the number of classes of licences to be issued in the National Capital District;
- (d) trading hours;

the Commission may, by instrument under its seal, delegate to a person or to a committee all or any

*THOMAS J. ...*

of its powers and functions under this Law (except this power of delegation) on such conditions and limitations as determined by the Commission.

Subject to this Law, the procedure to be followed by a person or a Committee upon whom a delegation is made under the last preceding subsection is as determined by the Commission.

ng of Commission.

Subject to this Law, sittings of the Commission shall be held at such times as are appointed by the Manager.

cedures at Commission Meetings.

Subject to this Law, the procedures to be followed at a meeting of the Commission are as determined by the Commission.

losure of Interest.

A member of the Commission who is or a member of whose immediate family, is directly or indirectly interested in an application under consideration by the Commission, otherwise than as a member and in common with the other members of an incorporated company consisting of not less than 25 persons shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of the interest at a meeting of the Commission.

) A disclosure under Subsection (1) shall be recorded in the minutes of the Commission and the member:

(a) shall not take part after the disclosure in any deliberation or decision of the Commission with respect to that application; and

... be disregarded for the purpose of ... Commission for

13 Decisions of Commission.

- (1) Subject to this Law, all matters arising at a sitting of the Commission shall be decided in accordance with the majority of the votes of the members of the Commission present and voting.

14 Annual and Special Sittings.

- (1) Annual Sittings shall be held once in every 12 months by the Commission.
- (2) Special Sittings may be held by the Commission at any time.
- (3) Subject to this Law, applications shall be made at the Annual Sitting for the renewal of all licences in force, and for the grant of new licences other than booth licences.
- (4) With the consent of the Commission, applications for new licences may also be made at any Special Sittings.

15 Adjournment of Hearing.

The Commission may, on such terms (if any) as to costs or otherwise as it determines, adjourn, from time to time, the hearing or further hearing of an application or other matter to a time and place to be appointed by it.

16 Rehearing.

- (1) A person aggrieved by a decision, order, direction or requirement of the Commission under this Law may apply for a rehearing, and if it is shown that:
  - (a) new evidence is available that could not have been previously submitted; or
  - (b) the decision was erroneous in law; or
  - (c) a rehearing would be in the public interest.the Commission shall rehear the cause or matter.

## 17 Appeals.

A person aggrieved by a decision, order, direction or requirement of the Commission under this Law may appeal to a Grade V District Court Magistrate, whose decision shall be final.

## 18 Records, etc.

(1) The Commission shall:

- (a) keep, or cause to be kept, registers of:
  - (i) all applications, licences, certificates, authorities and permits granted by it; and
  - (ii) all cancellations, suspensions and disqualifications under this Law; and
- (b) keep, or cause to be kept, such records as are approved or as it thinks necessary; and
- (c) issue, or cause to be issued, licences, renewals of licences, certificates, authorities and permits granted or authorized by it; and
- (d) publish, or caused to be published, in the National Gazette lists of:
  - (i) all applications for the grant, renewal, removal or transfer of licences (other than booth licences and occasional licences) to be heard at any Annual or Special Sitting; and
  - (ii) the results of applications for the grant, renewal, removal or transfer of licences; and
  - (iii) such other matters as are determined from time to time; and
- (e) give, or cause to be given, such notices, and performs, or cause to be performed, such other duties and functions, as are necessary or desirable to be given or performed for the purposes of this Law.

- (2) A licence, renewal or licence, certificate, authority or permit is of no effect until any fee payable has been paid to the Commission or to an officer nominated by it.

#### Chief Licensing Inspector

- (1) Subject to approval of the Interim Commission, the Commission shall, by notice in the National Gazette, appoint a Chief Licensing Inspector on such terms and conditions as shall be determined by the Commission.
- (2) Subject to any direction of the Commission the Chief Licensing Inspector has and may exercise all the powers of an inspector.

#### Licensing Inspectors

- (1) Subject to approval of the Interim Commission, the Commission shall, by notice in the National Gazette, appoint an officer to be a Licensing Inspector on such terms and conditions as shall be determined by the Commission.
- (2) An inspector has and may exercise the powers and authorities conferred on him by this Law.

#### 21 General duty of Chief Licensing Inspector and Licensing Inspectors.

The Chief Licensing Inspector and the Inspectors shall:

- (a) use all proper vigilance and take all lawful means to obtain compliance with this Law; and
- (b) report to the Commission as required by this law and as directed by the Commission.

#### 22 Duties of Chief Licensing Inspector

In addition to his other duties and responsibilities under this Law, the Chief Licensing Inspector shall:

- (a) inspect, or cause to be inspected on his behalf, all premises the subject of a publican's licence, limited hotel licence, tavern licence, bottle-shop licence, club licence, restaurant licence or dealer's licence, and all canteens, at least once in each year; and

- (b) when directed by the Commission, inspect any premises the subject of a licence, certificate, permit or application.

### 3 Duties of Inspectors

In addition to his other duties and responsibilities under this Law, an Inspector shall:

- (a) regularly, and as directed by the Chief Licensing Inspector, inspect all licensed premises within the National Capital District; and

- (b) in June and January in every year and at such other times as are directed by the Commission, furnish a report, in the approved form and giving the particulars required by the Commission, to the Commission and to the Chief Licensing Inspector:

- (i) on the manner in which the licensed premises inspected under this section are conducted and managed; and

- (ii) in particular in regard to the food supplied, and the furniture and accommodation provided, in premises the subject of a publican's licence, limited hotel licence, tavern licence or canteen licence; and

- (c) forward to the Commission and to the Chief Licensing Inspector particulars of all convictions under any law of a licensee or of an employer who has established a canteen.

### 24 Other Staff

- (1) Subject to approval of the Interim Commission, the Commission may appoint any other persons for the purposes of this Law.

### 25 Annual Reports.

- (1) The Manager shall, as soon as practicable after 31 December in each year, present to the Interim Commission a report, in respect of the 12 months immediately preceding that day, on the operation of the licensing system in the National Capital District generally, and in particular on:

- (a) the administration of this Law; and
- (b) any changes in administration that he thinks desirable; and
- (c) the activities of the Chief Licensing Inspector and the Inspectors; and
- (d) the activities of the Police Force in relation to this Law; and
- (e) any amendments to legislation that he thinks desirable to make the system of licensing more effective.

### PART III - LICENCES AND PERMITS

#### DIVISION 1 - GENERAL

#### 26 Classes of licences and permits

- (1) The following classes of licences may be granted under this Law:
  - (a) publican's licences; and
  - (b) tavern licences; and
  - (c) limited hotel licences; and
  - (d) dealer's licences; and
  - (e) storekeeper's licences; and
  - (f) booth licences; and
  - (g) bottle-shop licences; and
  - (h) packet licences; and
  - (i) club licences; and
  - (j) restaurant licences; and
  - (k) occasional licences; and
  - (l) canteen licences.
- (2) The following classes of permits may be granted under this Law:

- (a) supper permits; and
- (b) dinner permits; and
- (c) special permits.

27 Licensed, etc., premises

A licence, certificate, authority or permit granted under this Law relates only to the premises or the part of any premises specified in it.

28 Restricted areas

The Commission may by notice in the National Gazette, limit or restrict:

- (a) the number or class of licences that may be granted; or
- (b) the sale or supply of liquor under a licence or class of licence,

in an area specified in the notice.

29 Restriction on holding of licences.

The holder of a publican's licence, limited hotel licence, tavern licence or restaurant licence, or a manager appointed under or for the purposes of this Law for premises the subject of a publican's licence, limited hotel licence or tavern licence, shall not have a beneficial interest in any other licence within the National Capital District unless the interest is disclosed to and approved by the Commission.

30 Grant, etc., of licences, etc.

- (1) Subject to this Law, the Commission may grant or refuse an application for the grant, renewal, transfer or removal of a licence or the grant of a certificate, authority or permit.
- (2) The grant, renewal, transfer or removal of a licence, or the grant of a certificate, authority or permit, may, if the Commission thinks fit, be by endorsement on the application.
- (3) Subject to this Law, a licence (other than a booth licence), certificate or authority:



- (a) takes effect from the day of grant or such later date as is specified in the licence; and
- (b) if not cancelled, suspended or becomes void - continues in force until the last day of the month after the month for the Annual Sitting;
- (c) may be renewed from year to year on application to the Commission under this Law.

- (4) The grant of a licence, certificate or authority does not confer on the grantee, or a person claiming through or under the grantee, a right to a renewal.
- (5) Compensation is not payable by the Interim Commission to any person on account of the suspension, cancellation or non-renewal of a licence, certificate, authority or permit.
- (6) If a licence, certificate or authority is lost or cannot for any reason be produced, the Commission may, on application and on payment of the approved fee, authorize the issue of a duplicate licence, certificate or authority.
- (7) Where a licence is issued for a period of less than one year, such proportional amount only of the licence fee as is determined by the Commission is payable by the licensee.

### 31 Provisional grants. *Interim/Temporary*

- (1) Where, on an application for the grant, renewal, transfer or removal of a licence or the grant of a certificate, authority or permit:
  - (a) the prescribed notice (if any) has not been given; or
  - (b) the Commission is of opinion that the application should not be granted until certain conditions are complied with, but that subject to such compliance the application should be granted.

the Commission may grant the application subject:

- (c) in a case referred to in Paragraph (a) - to the requisite notice being given and no objections to the grant being received within such time as the Commission determines; or
- (d) in any case - to compliance with such conditions as the Commission thinks proper.

In granting an application provisionally under this section, the Commission may:

- (a) require the application to be again referred to it or to the Manager for confirmation; or
- (b) order that the grant be confirmed on a certificate by an Inspector that the conditions of the grant have been complied with.

The confirmation of a provisional grant or a certificate under Subsection (2) may be by endorsement on the application or on the licence, certificate, authority or permit, as the case may be.

lications for licences, etc.

Except where by this Law:

- (a) a notice is not required; or
- (b) other provisions as to notice is determined by the Commission,

at least eight weeks before the date on which an application under this Law is to be heard written notice of the proposed application shall be given to:

- (c) the Commission; or
- (d) the Inspector,

setting out the nature of the application and the premises to which it relates.

Subject to Section 31, but notwithstanding any other provision of this Law, the Commission may in any case grant leave for an application to be made without notice.

- (3) An application under this Law shall:
- (a) be in the approved form; and
  - (b) specify:
    - (i) the nature of the application; and
    - (ii) the premises to which it relates; and
    - (iii) such other details as are determined by the Interim Commission; and
    - (iv) in the case of an application for the grant or renewal of a licence, details of any other licence in which the applicant has a beneficial interest; and
  - (c) be verified by the statutory declaration of the applicant, his lawyer or his agent.
- (4) Where notice of an application is required under this Law, the application shall be filed with the Commission as soon as practicable after the giving of the notice.
- (5) As soon as practicable after the receipt of a notice under Subsection (1), the Commission shall:
- (a) cause a copy of the notice:
    - (i) to be affixed to a notice board at City Hall, Waigani, Waigani Drive, National Capital District; and
    - (ii) to be kept there until the hearing of the application; and
  - (b) publish the notice:
    - (i) in the National Gazette; and
    - (ii) if considered necessary in a newspaper circulating in the National Capital District,
- at least 14 days before the date on which the application is to be heard; and

(c) ensure that a copy of the notice is prominently displayed on or near the premises the subject of the application and in such a way as clearly to identify those premises; and

(d) take such other steps as it thinks desirable to bring the application to the notice of persons likely to be concerned.

In the case of the renewal of a licence, unless the licensee has previously given notice to the Commission of his intention not to have the licence renewed he shall be deemed to have given notice under Subsection (1), and the Commission shall proceed accordingly.

Plans of liquor storerooms.

An application for the grant of a licence (other than a booth licence or occasional licence) shall be accompanied by a plan of every bar-room, liquor storeroom, bottle-shop or other place used or intended to be used for the keeping or storage of liquor for sale or other disposition under the licence.

A plan referred to in Subsection (1) shall show:

(a) every bar and service counter in the premises; and

bar-room, liquor storeroom, bottle-shop or other place used or intended to be used for the keeping or storage of liquor for sale or other disposition under the licence.

(b) every door other than opening into a bar-room, liquor storeroom, bottle-shop or other place specified in Subsection (1); and

(c) every permanent cupboard or other receptacle in which it is intended to keep or store liquor,

and the applicant shall also give details of:

(d) the manner in which each such room, place, door, opening, cupboard or receptacle may be closed and fastened; and

(e) any other means of safe-keeping liquor.

34. Inquiries, etc., into applications.

(1) Subject to this section, the Inspector shall inquire as to:

(a) the character; and

(b) the fitness; and

(c) the capacity to carry on the business the subject of an application or a licence,

of:

(d) every manager appointed under this Law; and

(e) every applicant for the grant or renewal of licence; and

(f) in the case of an application for the transfer of a licence - the proposed transferee,

and shall report on the inquiry to the Commission at or before the hearing.

(2) \* Where a report under Subsection (1) is adverse to the manager, applicant or proposed transferee, the Inspector shall before the hearing, furnish a copy of the report to:

(a) the applicant and the manager; or

(b) the applicant; or

(c) the proposed transfer,

as the case may be.

(3) Notwithstanding Subsection (1), it is not necessary for the Inspector to furnish a report under that subsection in the case of an application for a booth licence or occasional licence unless:

(a) the report is adverse; or

(b) the Commission otherwise directs.

opposing!  
Contrary

(4) In addition to any other matter that it thinks relevant in considering an application under this Law, the Commission shall take into account:

- (a) any report made by the Inspector; and
- (b) the demand or need for the licence, certificate, authority or permit applied for; and
- (c) any objections made to the grant; and
- (d) the fitness of the applicant and his manager (if any) from the point of view of character and ability to control and manage the proposed licensed premises under the type of licence applied for; and
- (e) the facilities for effective supervision in the area; and
- (f) in the case of an application for a licence, especially in an area in which no licence has previously been granted, the wishes of the people in the area, and
- (g) the effect or likely effect of the grant of the licence on the business of any other licensee.

New Application  
Public Consultation

(5) The Commission shall not grant an application for a publican's licence, limited hotel licence, tavern licence, storekeeper's licence or club licence unless reasonable opportunity has been given for the views of the people in whose area the premises the subject of the applications are located.

#### Renewals.

(1) The Commission may refuse to renew a licence:

- (a) because of breaches under the licence of the provisions of this Law; or
- (b) for any other cause thought by it to be sufficient and satisfactory.

(2) At the request of a licensee, the Commission may, instead of renewing his licence, grant him a licence of a different class/New Application.

- (3) For the purpose of Sections 32, 33 and 39, a request under Subsection (2) shall be deemed to be an application for a new licence (*New Application*)
- (4) It is not necessary for the applicant for the renewal of licence to attend the sitting personally unless;
- (a) he has received notice from the Inspector that application is objected to; or
  - (b) the Commission so directs; or
  - (c) he has made a request under Subsection (2).

### 36 Transfers.

- (1) Subject to this Law, the Commission may transfer a publican's licence, limited hotel licence, tavern licence, dealer's licence, storekeeper's licence or restaurant licence from the holder to a person approved by the Commission, on the application jointly of the proposed transferee and:
- (a) if the licensee is in occupation of the licensed premises or joins in the application - the licensee; or
  - (b) if the licensee no longer occupies or is entitled to occupy the premises and refuses to join in the application - the owner or the person legally in occupation or entitled to occupation of the licensed premises; or
  - (c) the executor, administrator or other legal personal representative of a deceased licensee; or
  - (d) the Public Curator or the committee of a licensee who is a person of unsound mind as that expression is used in the Public Health Act (Chapter 226); or
  - (e) the official trustee or the trustee in insolvency of an insolvent licensee,
- as the case may be.
- (2) The Commission may transfer a bottle-shop licence only:

- (a) if the holder of the licence has had his other licence transferred under Subsection (1); and
  - (b) to the same person to whom the other licence was transferred.
- (3) The fee for a transfer under this section is as determined from time to time by the Commission.
- (4) The licence shall be transferred:
- (a) by endorsement on the licence; or
  - (b) if the licence cannot be produced - by endorsement on a duplicate licence issued under this Law,
- and the person named in the endorsement becomes for all purposes the licensee.
- (5) Unless a licence has been held by the licensee for at least nine months, it shall not be transferred except for some special reason.

### 37 Death, etc., of licensee

- (1) On the death, insolvency or unsoundness of mind of a licensee (other than the holder a club licence):
- (a) his executor, administrator or other legal personal representative; or
  - (b) his widow or her widower or his or her next of kin (in the case of a deceased licensee); or
  - (c) the Public Curator or his committee (in the case of a licensee who is a person of unsound mind); or
  - (d) the official trustee or the trustee in insolvency (in the case of an insolvent licensee),

may apply at any time to the Commission for authority to carry on the business of the licensee, by himself or by a manager approved by the Commission, until:

- (e) the cancellation of the license; or



- (f) date to be fixed by the Commission; or
  - (g) the transfer of the licence,
- whichever first occurs.

- (2) If the Commission grants an application under Subsection (1), the person authorized to carry on the business of the licensee shall, for the purposes of this Law, be deemed to be the licensee during the period for which the authority is in force.
- (3) The fee for an authority under this Section is as determined by the Interim Commission.

### 38 Removal of licence.

#### (1) Where:

- (a) the holder of a licence (other than a booth, packet, club or canteen licence) is not bound by contract to maintain the licence on the premises licensed; or
- (b) the owner of the licensed premises (other than premises the subject of a booth, packet, club or canteen licence) consents in writing to the application,

and the licensee has the right of occupation of new premises, the Commission may, on the application of the licensee:

- (c) permit the renewal of the licensed business to the new premises; and
- (d) amend the licence by substituting the new premises for those in the licence,

and the substituted premises become the licensed premises.

- (2) Where in respect of an application under Subsection (1), new buildings or alterations or additions to existing buildings are required to provide the accommodation necessary for the requirements of the public:

- (a) the licensee may apply for a certificate authorizing the substitution of the new premises when completed; and

- (b) the Commission may grant the certificate on such terms and conditions as it thinks proper and specifies in the certificate.
- (3) A licence shall not be amended under a certificate under Subsection (2) except on:
  - (a) application by the licensee within the time limited in the certificate; and
  - (b) a report from the Inspector that the specified conditions have been complied with.
- (4) A certificate under Subsection (2) may be cancelled by virtue of Section 86.
- (5) The fee for a certificate under Subsection (2) is as determined by the Interim Commission.

### 39 Objections.

- (1) Subject to Subsection (3), written notice of an objection to the grant, renewal, transfer or removal of a licence (other than a booth licence) specifying the grounds of the objection, shall be given to the Commission and to the applicant or his lawyer at least five clear days before the day on which the application is to be heard.
- (2) Where the Commission thinks that there may be grounds objections of which notice has not been given or may not have been given under Subsection (1), the Commission:
  - (a) shall give written notice to the Inspector and the applicant or his lawyer, specifying the grounds of objection; and
  - (b) shall not proceed to consider the objection until the applicant has been given a reasonable opportunity to answer it.
- (3) Notwithstanding Subsection (1), the Commission may hear an objection made at the hearing of an application even if notice of it has not been given, but the applicant is then entitled to an adjournment of the hearing for such period as the Commission thinks proper.

- (4) Without limiting the matters that the Commission may take into consideration or the grounds on which an objection may be made, an objection may be made on any of the following grounds:
- (a) that this Law has not been complied with in relation to the application; or
  - (b) that the applicant, or in the case of an application for the transfer of a licence the proposed transferee, is unfit to hold a licence of the type concerned; or
  - (c) that the conditions provided under this Law in respect of the licence, or any of them, have not been complied with:
    - (i) by the licensee personally; or
    - (ii) with regard to the premises in respect of the licence concerned; or
  - (d) that in the case of an application for the renewal of a licence, the management of the licensed premises has not been satisfactory in respect of the matter specified in the objection; or
  - (e) that the demand or need for a licence of the type concerned does not warrant its grant or renewal in, or its removal to, the area concerned; or
  - (f) that the licence should not be granted, renewed or removed having regard to:
    - (i) the facilities for effective supervision in the area; or
    - (ii) the wishes of the people in the area; or
  - (g) that the licence should not be granted, renewed or removed, having regard to:
    - (i) the proximity of the premises or proposed premises to a place of public worship, a hospital or a school; or
    - (ii) the purposes for which any land in the vicinity is used or is intended to be used; or

(h) that, in the case of an application for a tavern licence, the proximity of the premises or proposed premises to premises the subject of a publican's licence would adversely affect the business of the publican; or

(i) that the premises, or proposed premises do not or will not comply with this Law or any other law.

(5) Objections shall be heard and determined by the Commission.

40 Conditional certificates and interim licences for new premises.

(1) In this section, "licence to which this section applies" means:

(a) a publican's licence; or

(b) a tavern licence; or

(c) a limited hotel licence; or

(d) a club licence; or

(e) a bottle-shop licence.

(2) A person who desires to obtain a licence to which this section applies for premises:

(a) proposed to be erected; or

(b) not at the time completed or fit for occupation; or

(c) already erected, but requiring additions or alterations to provide the accommodation proposed.

may:

(d) give the prescribed notice; and

(e) lodge the prescribed plan; and

(f) make application for a certificate authorizing the issue of the licence on the completion or alteration of the premises,

within a period to be specified in the certificate.

- (3) Subject to the provisions of this Law in respect of an application for a licence to which this section applies, the Commission may grant an application under Subsection (2) on such terms and conditions as it thinks proper and specifies in the certificate.
- (4) A licence shall not be issued under Subsection (3) until the Commission certifies in writing that the conditions have been complied with.
- (5) ~~the Commission may, on application, extend the time for the completion of work specified in a certificate under Subsection (3) for a further period not exceeding four months.~~
- (6) On the completion of the work, the applicant shall notify the Inspector.
- (7) The Inspector shall report to the Commission on the progress and completion or non-completion of work specified in a certificate under Subsection (3) within the time limited by the certificate.
- (8) If the conditions specified in a certificate under Subsection (3) are not complied with within:
- (a) the time limited by the certificate; or
  - (b) any extended period allowed by the Commission,
- the certificate has no further effect.
- (9) Where:
- (a) a person has been granted a certificate under Subsection (3) in respect of a licence to which this section applies (other than a limited hotel licence); and
  - (b) the premises the subject of the certificate have been completed to a stage where, in the opinion of the Commission, sufficient facilities exist for the selling, supplying and disposing of liquor under reasonable conditions,

he may apply to the Commission for a grant of an interim licence in respect of the premises.

- (10) Subject to Subsection (11), an interim licence authorizes the licensee to sell, supply and dispose of liquor on the licensed premises and in accordance with such conditions and restrictions as are imposed by the Commission and specified in the licence.
- (11) An interim licence does not confer on the licensee any greater rights in connexion with the sale, supply and disposal of liquor than the licensee would have if he were the holder of the relevant class of licence to which this section applies in respect of the premises to which the interim licence relates.
- (12) An interim licence ceases to have any force or effect:
- (a) if a certificate under Subsection (3) ceases to have any further effect under Subsection (8) in respect of the premises to which the interim licence related; or
  - (b) if a publican's licence, tavern licence, club licence or bottle-shop licence is issued in respect of those premises; or
  - (c) if it is cancelled under Subsection (15).
- (13) Subject to any conditions and restrictions imposed by the Commission, Part III. Division 10 applies to and in relation to an interim licence as if that interim licence were a publican's licence or a tavern licence, club licence or bottle-shop licence, as the case may be.
- (14) The holder of an interim licence who:
- (a) refuses or fails to comply with a condition or restriction imposed under the licence; or
  - (b) sells, supplies or dispose of liquor from the premises the subject of the licence otherwise than in accordance with the licence,
- is guilty of an offence.

Penalty: A fine not exceeding K200.00.

- (15) Where the holder of an interim licence is convicted of an offence against Subsection (14) the Commission may cancel the licence.
- (16) The fee for a certificate under Subsection (3) or for an interim licence is as prescribed by the Interim Commission.

41. Rebuilding of licensed premises.

- (1) For the purposes of this section, "accommodation" includes, in appropriate cases:
- (a) the provision of sitting rooms, dining rooms and bedrooms; and
  - (b) the provision of facilities for the consumption of liquor at tables in lounges, gardens, under awnings or in the opening air; and
  - (c) the provision of addition furniture, fittings or equipment or the renovation or replacement of furniture, fittings or equipment; and
  - (d) the provision of bath facilities, laundry or similar facilities and hot water services; and
  - (e) the erection of garages for the accommodation of motor vehicles; and
  - (f) the installation of a water storage system in cases where a water supply service is not available; and
  - (g) the provision of additional closets, privies and other sanitary necessities; and

(h) the provision, repair or restoration of fences or verandah.

(2) If licensed premises:

- (a) become unfit for the purpose of the licence; or
- (b) no longer have the accommodation required by the public,

the owner, or the licensee with the consent of the owner, may apply to the Commission for permission to rebuild, alter or add to the premises or otherwise bring them into conformity with the requirements of the locality, and shall submit with the applications plans showing the nature and extent of the alterations proposed.

- (3) The Inspector may, by written notice, direct the owner or licensee to make an application under Subsection (2), and if the application is not made within 40 days after the service of the notice the Commission may, on application by the Inspector or a Health Inspector, suspend or refuse to renew the licence.
- (4) Subject to this Law and to any law with respect to the erection of or alterations or additions to buildings, the Commission may:
  - (a) grant an application under Subsection (2), subject to such conditions as to the time for completion and otherwise as it thinks fit; and
  - (b) on application extend the time for completion.
- (5) On proof that additional accommodation is required for the convenience of the public at, on or in any licensed premises, the Commission may at any sitting, after not less than 14 days' notice to the owner and occupier, order the owner of the licensed premises to provide the accommodation within a reasonable time specified in the order.
- (6) Pending the completion of the work the subject of an application under Subsection (2) of an order under Subsection (5), the Commission may grant authority for the business to be:



- (a) suspended wholly or in part; or
- (b) carried on:
  - (i) in neighbouring premises; or
  - (ii) without the accommodation required under the licence,

and in that case the licence may be renewed or otherwise dealt with under this Law notwithstanding the temporary non-compliance with its conditions.

- (7) Any authority under Section (6) may be cancelled by virtue of Section 86.
- (8) When use is made of neighbouring premises under an authority under Subsection (6), those premises shall be deemed to be included under the licence during that use.

42 Provision of licensed premises in areas insufficiently supplied.

- (1) In addition to any other powers conferred by this Law, where the Commission is satisfied that the provision (if any) of licensed premises in an area is insufficient to meet the reasonable requirements of the public, then, subject to Subsection (2) the Commission of its own motion or on application made in the prescribed manner by the Chief Licensing Inspector or by any other person, may, by notice in:

- (a) the National Gazette, and
- (b) a newspaper circulating in the area

and in such other manner as it thinks proper, call for applications for a licence of the class that it thinks to be required.

- (2) If any objections are received, the Commission shall consider the objections and may:
  - (a) uphold an objection and refrain from calling for applications; or
  - (b) dismiss the objections and:
    - (i) where:

- (A) a licence in the area is willing and able to supply the requirements of the public; and
- (B) there appears to be no good reason why, in the public interest, he should not do so,

require or permit him to apply for an additional licence or for a licence of another type in exchange for the licence that he holds; or

- (ii) in any other case call for application in accordance with Subsection (1).

#### 43 Reasons for decisions of the Commission

If requested by an interested person, the Commission shall give a written statement of its reasons for any decision, order, direction or requirement made or given by it under this Law.

DIVISION 2 - PUBLICAN'S LICENCES, LIMITED HOTEL LICENCES AND TAVERN LICENCES

SUBDIVISION A - EFFECT OF LICENCES, TRADING HOURS, ETC.

#### 44 Publican's licences

(1) Subject to this Law, a publican's licence authorizes the licensee to sell, supply and dispose of liquor on the licensed premises;

- (a) during trading hours; and
- (b) between the hours of 12 noon and 2.30pm, and 6pm and 10pm of any day, as part of a meal; and
- (c) at any time to lodgers, or the guests of lodgers, or to bona fide travellers,

for consumption on the premises.

(2) The annual fee for a publican's licence is as determined by the Interim Commission.

## 45 Tavern licences

- (1) Subject to this Law, a tavern licence authorizes the licensee to sell, supply and dispose of liquor on the licensed premises during such hours as are determined by the Interim Commission.
- (2) The annual fee for a tavern licence is as determined from time to time by the Interim Commission.

## 46 Limited hotel licences.

- (1) Subject to this Law, a limited hotel licence authorizes the licensee to sell, supply and dispose of liquor on the licensed premises at any time to lodgers for consumption on those premises by the lodgers or guests of the lodgers.
- (2) The annual fee for a limited hotel licence is as determined from time to time by the Commission.

## 47 Extended and varied trading hours.

- (1) In relation to a publican's licence or a tavern licence, the Commission may approve:
  - (a) an extension of trading hours until not later than 12 midnight on not more than one day in any week; and
  - (b) a variation of trading hours on not more than two other days in every week,

in a case where it is of opinion that a special need exists.

- (2) A variation of trading hours approved under Subsection (1)(b) shall not authorize trading:
  - (a) before or after the hours specified for the purposes of this Section.
- (3) Any extend trading hours or variation of trading hours approved under Subsection (1) shall be specified in the licence.
- (4) In approving extended trading hours or a variation of trading hours under Subsection (1), the Commission may direct that during the extended or varied trading hours, service:

- (a) be limited to such part of the licensed premises as it thinks proper; or
- (b) be by way of steward service only; or
- (c) be subject to such further or other conditions as it thinks proper

SUBDIVISION B - GRANT, RENEWAL, CONDITIONS, ETC.

48 Limitations on grant or renewal of publican's licences and limited hotel licences.

- (1) For the purpose of this section, "accommodation" includes, in appropriate cases:
  - (a) the provision of sitting rooms, dining rooms and bedrooms; and
  - † (b) the provision of facilities for the consumption of liquor at tables in lounges, gardens, under awnings or in the open air; and
  - (c) the provision of additional furnitures, fittings or equipment or the renovation or replacement of furniture, fittings or equipments; and
  - (d) the provision of bath facilities, laundry or similar facilities and hot water services; and
  - (e) the erection of garages for the accommodation of motor vehicles; and
  - (f) the installation of a water storage system in cases where a water supply service is not available; and
  - (g) the provision of additional closets, privies and other sanitary necessities; and
  - (h) the provision, repair or restoration of fences or verandahs.
- (2) A publican's licence or a limited hotel licence shall not be granted or renewed in respect of any premises unless the premises contain:
  - (a) such accommodation as is prescribed for the area in which the premises are situated; and

- (b) such additional accommodation as the Commission requires in relation to any particular premises.
- (3) Notwithstanding Subsection (2), a publican's licence or a limited hotel licence shall not be granted or renewed in respect of any premises unless:
- (a) an Inspector has examined the premises the subject of the proposed licence; and
  - (b) the Inspector:
    - (i) has reported to the Commission that the premises are suitable for the use to which they are to be put; or
    - (ii) has specified the action necessary or desirable to make them suitable.
- (4) A publican's licence or a limited hotel licence is subject to a condition that the licensee provide, to the satisfaction of the Commission, a safe or other means of safe-keeping for the valuables of lodgers. Security
- (5) The Commission may include in a publican's licence a condition that, during such hours as are specified in the licence, the licensee provide such service to members of the public as is specified.
- (6) Where practicable, the Commission shall include in a publican's licence a condition that no liquor other than ale, beer, porter, stout, cider and perry shall be sold, supplied or disposed of in that part of the premises commonly known as the public bar or in such other part of the premises as is specified in the licence.
- (7) This section does not affect the operation of any other law.
- 49 Limitations on grant or renewal of tavern licenses.
- (1) A tavern licence shall not be granted or renewed in respect of any premises unless:

- (a) the premises are suitably constructed, to the satisfaction of the Commission, and the rooms are suitably furnished; and
  - (b) the premises are provided:
    - (i) in accordance with the law, with closets and other sanitary conveniences for the use of the public frequenting the premises; and
    - (ii) with such additional closets and sanitary conveniences as the Commission thinks necessary; and
  - (c) ~~some~~ ~~part~~ ~~of~~ ~~the~~ ~~premises~~ ~~at~~ ~~which~~ ~~any~~ ~~liquor~~ ~~may~~ ~~be~~ ~~served~~ ~~or~~ ~~consumed~~ ~~is~~ ~~provided~~ ~~on~~ ~~the~~ ~~premises~~ ~~to~~ ~~the~~ ~~satisfaction~~ ~~of~~ ~~the~~ ~~Commission~~; and
  - (d) ~~provision~~ ~~is~~ ~~made~~ ~~to~~ ~~the~~ ~~satisfaction~~ ~~of~~ ~~the~~ ~~Commission~~ ~~for~~ ~~the~~ ~~supply~~ ~~of~~ ~~food~~ ~~or~~ ~~meals~~ ~~to~~ ~~such~~ ~~members~~ ~~of~~ ~~the~~ ~~public~~ ~~frequenting~~ ~~the~~ ~~premises~~ ~~as~~ ~~desire~~ ~~it~~; and
  - (e) all dining-rooms and kitchens are protected from the ingress of flies and insects to the satisfaction of the Commission.
- (2) Notwithstanding Subsection (1), a tavern licence shall not be granted in respect of any premises unless:
- (a) an Inspector has examined the premises the subject of the proposed licence; and
  - (b) the Inspector has reported to the Commission that the premises are suitable for the use of which they are to be put.
- (3) The Commission may include in a tavern licence condition that during such hours as are specified in the licence, the licensee provide such service to members of the public as is so specified.
- (4) Where practicable, the Commission shall include in a tavern licence a condition that no liquor other than ale, beer, porter, stout, cider and perry shall be sold, supplied or disposed of in that part of the premises commonly known as the public bar or in such other part of the premises as is specified in the licence.

(5) Notwithstanding this Law, where:

(a) a tavern licence is applied for by a person other than a publican; and

(b) a publican satisfies the Commission that he is willing and able to supply, under a tavern licence, or under his publican's licence or a variation of that licence, service not inferior to that proposed by the applicant, to members of the public intended to be served under the tavern licence applied for,

then in order to enable the publican to make such application or arrangements as the Commission directs or permits, the Commission may adjourn consideration of the application for the tavern licence for a period to be fixed by it on such conditions as to costs or otherwise as it determines.

(6) In a case referred to in subsection (5), the Commission shall, all other things being equal, give to a publican preference over any other applicant.

(7) This section does not affect the operation of any other law.

50 Plans to be lodged with applications

(1) A plan of the premises the subject of the application, showing the prescribed details, with as many copies as are directed by the Commission, generally or in a particular case, shall be lodged with an application for a ~~publican's licence, tavern licence or limited hotel licence.~~

(2) The Inspector shall report to the Commission on the extent and class of accommodation required under the licence for the convenience of the public.

(3) After the grant or renewal of publican's licence, tavern licence or limited hotel licence the licensed premises and the accommodation of the premises shall not be substantially altered except on application to, and by permission or direction of, the Commission.

special protection for publicans.

(1) Where, at the time of granting or renewing a publican's licence, the Commission is satisfied that the accommodation and facilities supplied or to be supplied under the licence:

(a) are at least sufficient to meet the anticipated needs of the public for a certain period;

(b) are of such value that the licensee should have the protection of this section,

the Commission may make an order that a tavern licence shall not be granted:

(c) for a period less than the period referred to in Paragraph (a); or

(d) for the period greater than two years.

within a distance in the order, unless the order is sooner revoked by the Commission.

(2) The power to make or revoke an order under Subsection (1) shall not be delegated under Section 9.

Licensee, etc., to reside on premises.

(1) Subject to Section 145, the holder of a publican's licence or limited hotel licence must:

(a) reside on the licensed premises specified in his licence; or

(b) be represented by a manager approved by the Commission.

Penalty: A fine not exceeding K200.00.

2) An appointment of a manager must be in writing and, subject to Section 145, not more than one manager shall be appointed in respect of a licence at the same time.

3) Subject to Section 145, a manager must, during the subsistence of the licence, reside on the licensed premises, except where the licensee is himself residing on the premises.



Penalty: A fine not exceeding K200.00.

- (4) Where the appointment of a manager has been approved by the Commission under this section, then until written notice of the revocation of his appointment or his resignation is filed with the Commission by the licensee or the manager the manager shall be deemed to be the person licensed in respect of the premises.
- (5) This section does not absolve the licensee from liability under this Law.

53 Exhibition of name of publican.

A publican must:

- (a) have his name in legible letters at least 50.80mm high, together with the words "Licensed Publican"; and
- (b) have the name of his manager (if any), together with the word "Manager", painted up or otherwise clearly and legibly displayed and kept constantly displayed.

on a conspicuous part of the front of his licensed premises, and so as to be clearly seen and read.

Penalty: A fine not exceeding K100.00.

DIVISION 3 - DEALERS LICENCES

54 Dealers licences.

- (1) Subject to this Law, and except as provided by Section 93, a dealer's licence authorizes the licensee to sell, supply and dispose of liquor from the licensed premises to any holder of a licence, during such hours as the Commission specifies in the licence, in quantities of not less than 9.092 litres at the one time.
- (2) The annual fee for a dealer's licence is as determined from time to time by the Commission.

55 Limitations on grant of dealer's licence.

A dealer's licence shall not be granted or renewed in

- (a) the premises are suitably constructed, to the satisfaction of the Commission; and
- (b) an Inspector has:
  - (i) examined the premises; and
  - (ii) reported to the Commission that the premises are suitable for the use of which they are to be put.

#### DIVISION 4 - STOREKEEPERS' LICENCES

##### Effect of storekeeper's licences.

- (1) Subject to Subsection (2) and (3), a storekeeper's licence authorizes the licensee to sell and dispose of:
  - (a) liquor (other than ale, <sup>beer</sup> beer, porter, stout, cider or perry) by the case, bottle or keg, in quantities of not less than 350ml at any one time, except as otherwise prescribed;
  - (b) ale, beer, porter, stout, cider or perry in quantities of not less than 8 litres,

on the licensed premises between the prescribed hours on all days other than Sunday, Good Friday, Christmas Day or any prescribed day or part of a day.
- (2) Where for any reason the Commission restricts the trading hours on any particular day for premises subject to publicans' licences or tavern licences in an area, the trading hours under Subsection (1) shall be deemed to be restricted to the extent that liquor shall not be sold or disposed of from premises the subject of a storekeeper's licence in the area:
  - (a) within one hour before the time fixed for the end of trading under the publican's licences or tavern licences on that day; or
  - (b) after 6 p.m. of that day

whichever is the earlier.

- (3) If the Commission for any special reason thinks proper, a storekeeper's licence may authorize the sale and disposal of ale, beer, porter, stout, cider or perry in quantities less than those specified in Subsection (1), subject to such conditions as the Commission thinks proper.
- (4) Where, in the opinion of the Commission, it is necessary in order to meet the reasonable requirements of the public, a storekeeper's licence may be made subject to a condition that during the hours specified in the licence, being within the prescribed hour the licensee:
- (a) shall sell and dispose of; or
  - (b) may only sell and dispose of,
- ale, beer, porter, stout, cider or perry in quantities less than those specified in Subsection (1).

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Limitations on grant or renewal of storekeepers' licences.

- (1) Notwithstanding this Law, the Commission may, by notice in the National Gazette:
- (a) prohibit the grant of any further applications for storekeepers' licences; or
  - (b) limit the number of applications for the grant of storekeepers' licences that may be granted,
- in an area specified in the notice, and may in the same notice or in a subsequent notice direct that only the number of storekeeper's licences specified in the notice shall be renewed in that area.
- (2) The Commission shall not grant or renew a storekeeper's licence unless:
- (a) in the case of premises situated within the boundaries of the National Capital District:
    - (i) the part of the premises used for the display of liquor for sale and for the sale of liquor is so constructed as to

be capable of being completely closed off from all other parts of the premises; and

(ii) no goods, other than liquor, are sold or displayed in that part.

(3) Where:

(a) the number of storekeepers' licences that may be granted is limited under Subsection (1); and

(b) there are more applications for renewal than the number that might be granted,

the Commission shall, after receiving a report from the Inspectors determine which applications for renewal shall be granted.

## DIVISION 5 - BOOTH LICENCES

## 58 Booth licences.

- (1) Subject to any conditions specified by the Commission, a booth licence authorizes the licensee to sell, supply or dispose of liquor in a booth at a fair, race-meeting, show, recreation ground or place of public sport specified in the licence and during such hours, as are so determined from time to time by the Commission.
- (2) A booth licence shall not be granted:
  - (a) to a person other than:
    - (i) a publican; or
    - (ii) in the absence of a publican prepared and able to supply, to the satisfaction of the Commission, the service required - the holder of a tavern licence; or
  - (b) for a period exceeding three days; or
  - (c) so as to permit the sale or supply of liquor at any athletic sports or a game or contest wholly or mainly held or engaged in by:
    - (i) students of an educational establishment the majority of whom are minors; or
    - (ii) members of an association or society the majority of the members of which are minors.
- (3) Neither this Law nor a booth licence empowers the holders of a booth licence to enter on or occupy and land or premises, or to do any other act or thing, that he is not otherwise entitled to enter on, occupy or do by law.
- (4) The fee for a booth licence is as determined from time to time by the Interim Commission.

## DIVISION 6 - PACKET LICENCE

## 59 Packet licences.

- (1) A packet licence authorizes the master or captain of the vessel specified in the licence (being a vessel which passengers are conveyed from a place within or outside the country to a place within or outside the country) to sell and dispose of liquor to a passenger during the passage of the vessel between those places between such hours as the Commission specifies in the licence.
- (2) A packet licence shall be granted in respect only of a vessel:
  - (a) that habitually makes a scheduled voyage the extreme points of which are more than 65km apart; and
  - (b) that:
    - (i) is of more than the prescribed tonnage; or
    - (ii) either:
      - (A) contains adequate cabin accommodation, to the satisfaction of the Commission, for not less than the prescribed number of passengers; or
      - (B) is an overseas ship within the meaning of the Shipping Act 1951 (Adopted); and
  - (c) that provides for the use of passengers an adequate lounge, sitting room or other accommodation, to the satisfaction of the Commission, in which liquor may be consumed;
  - (d) that is sea going vessel.
- (3) An application for a packet licence for a vessel shall be made by the owner or agent of the vessel.
- (4) The fee for a packet licence is as determined from time to time by the Interim Commission.

## DIVISION 7 - CLUB LICENCE

## 60 Effect of club licences.

- (1) For the purposes of this section, "residential club" means a club the premises of which contains for the accommodation of the members:
  - (a) not less than four bedrooms and one sitting, besides the rooms occupied by the employees of the club; and
  - (b) a suitable complement of bedding and furniture.
- (2) Subject to this Law, a club licence authorizes the supply and disposal on the club premises of liquor:
  - (a) during trading hours to members of the club whether subscribing or honorary for consumption on the premises by those members or their guests; and
  - (b) at any time in a residential club to members who are lodgers; and
  - (c) between the hours as shall be determined from time to time, on any day, as part of a meal, to members and their guests having a meal on the premises.
- (3) A club licence does not authorize the sale, supply or disposal of liquor for consumption otherwise than on the licensed premises.
- (4) Trading hours for premises the subject of club licence are such hours as the Commission, from time to time determine taking into account the nature of the club, the reasonable requirements of members and the facilities provided, thinks proper.
- (5) In relation to a club licence, the Commission may approve:
  - (a) an extension of trading hours until not later than 12 midnight on not more than one day in every week; and

(b) a variation of trading hours on not more than two days in any week, where it is of the opinion that a special need exists.

(6) In approving extended trading hours or a variation of trading hours under Subsection (5), the Commission:

(a) shall take into account:

(i) the reasonable requirements of members of the club; and

(ii) any special provision to be made or service or facilities to be provided by the club during those hours; and

(b) may make its approval subject to such conditions as it thinks proper.

(7) Any extended trading hours or variation of trading hours approved under Subsection (5) shall be specified in the licence.

(8) In approving extended trading hours or a variation of trading hours under Subsection (5), the Commission may direct that, during the extended trading hours or varied trading hours outside the hours set out in Subsection (4), service:

(a) be limited to such part of the licensed premises as it thinks proper; or

(b) be by way of steward service only; or

(c) be subject to such further or other conditions as it thinks proper.

#### 1 Grant of club licences.

(1) Subject to this section, a club licence may be granted, in respect of the premises of a club, to the secretary of the club or other officer of the club duly appointed by the club for that purpose on behalf of the club, on application by the secretary in pursuance of a resolution of a majority of the members of the club present at a properly constituted general meeting, and may be renewed on the application of the secretary of the club.



- (2) The Commission may, in relation to the grant of a club licence, include a condition that no liquor other than ale, beer, porter, stout, cider and perry shall be sold or disposed of in the premises the subject of the licence, either generally or for such period as may be specified in the licence.

62 Limitations on grant or renewal of club licences.

- (1) A club licence shall not be granted or renewed unless the club:
- (a) is a bona fide association or body of not less than 50 subscribing members of or over the age of 18 years, whose subscriptions are paid; and
  - (b) is established for social, literary, political, sporting, athletic or other lawful purposes; and
  - (c) provides and maintains, from the joint funds of the members, accommodation suitable for the purposes of the club; and
  - (d) has a rule that a person is not entitled to derive a benefit or advantage from the club that is not shared equally by every member; and
  - (e) has a rule that the club shall hold a meeting of all members howsoever described of at least once in every year for the election of a committee to manage the affairs of the club and for the presentation of a properly audited balance-sheet; and
  - (f) has a rule providing that a visitor shall not be supplied with liquor on the club premises except on the invitation of, and in the company of, a member; and
  - (g) has a rule that liquor shall not be supplied to a person under the age of 18 years; and
  - (h) has a rule that liquor shall not be supplied during prohibited hours; and

Rule/law/  
Regulations-by law/  
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- (i) makes no payment, and permits no payment be made, to a secretary, employee or other person by way of commission profit or allowance from or on the receipts from liquor disposed of in the club premises; and
  - (j) keeps on the club premises, and produces at the time of application, a register of members showing the amount and date of payment of all members' subscriptions; and
  - (k) has a rule or rules providing for the proposal and election of members and for the keeping of a permanent record of every such election; and
  - (l) has a rule or rules that a person shall not:
    - (i) be made an honorary or temporary member; and
    - (ii) be relieved of the payment of the regular subscription,except in the case of a person possessing the qualification specified in the rules and subject to any conditions and regulations so specified; and
  - (m) has a rule or rules providing for the keeping, to the satisfaction of the Commission, of accounts and books setting out, in the manner and with the particulars usual in such accounts and books, the financial affairs of the club from time to time; and
  - (n) satisfies the Commission that the rules are enforced and observed.
- (2) In determining a number of subscribing members of or over the age of 18 years for the purposes of Subsection (1)(a), the Commission shall have regard to:
- (a) the situation and nature of the club; and
  - (b) such other matters as seem to it relevant.

(3) The Commission shall suspend a club licence for a specified time, or cancel or refuse to grant or renew a club licence, on proof that a rule or condition prescribed by Subsection (1) has been broken.

(4) The annual fee for a club licence is as determined from time to time by the Intrim Commission.

63 Alteration of club licence.

(1) On:

(a) a resolution of the committee of the club;  
and

(b) application to the Commission; and

(c) payment of the prescribed fee,

the name of some other person may, with the approval of the Commission, be substituted for that of the person to whom a club licence was issued, and the licence and the records of the Commission shall be altered accordingly.

(2) On:

(a) a resolution of the committee of the club;  
and

(b) application to the Commission,

a club licence may, with the approval of the Commission, be altered by the substitution of other premises for the premises licenced, and the substituted premises becomes the club's licensed premises.

(3) Section 32 does not apply to applications made under Subsections (1) or (2).

64 Subletting of bars in clubs.

(1) Where, in the opinion of the Commission, it would be desirable in the interests of:

(a) the more efficient running of a club; or

(b) better compliance with the administration of this Law,

the Commission may authorize a club to sublet the right to sell liquor on or in respect of the club premises.

- (2) A contract or arrangement for the subletting of the right to sell liquor in pursuance of an authority under Subsection (1) is of no force or effect until approved by the Commission.
- (3) A contract or arrangement referred to in Subsection (2) does not relieve a club, a licensee or any other persons of any responsibility under this Law.
- (4) For the purposes of this Law the person to whom the right to sell the liquor is sublet shall be deemed to be an employee of the club.

#### DIVISION 8 - BOTTLE-SHOP LICENCES

##### 65 Bottle-shop licences.

- (1) A bottle-shop licence authorizes the licensee to sell, supply and dispose of liquor on the licensed premises.
- (2) The fee for a bottle-shop licence is as determined from time to time by the Interim Commission.

##### 66 Qualificatins for holding bottle-shop licence. *take Away*

- (1) A person other than the holder of a publican's licence, a tavern licence or a club licence is not qualified to hold a bottle-shop licence.
- (2) The holder of a publican's licence, a tavern licence or a club licence is not entitled to hold a bottle-shop situated on or adjacent to the premises:
  - (a) for which he is already licensed; or
  - (b) in respect of which he has made application to the Commission for the grant of a publican's licence, tavern licence or club licence.

## 67 Limitations on grant or renewal of bottle-shop licences.

- (1) A bottle-shop licence shall not be granted or renewed in respect of any premises unless the premises:
  - (a) are suitably constructed, to the satisfaction of the Commission; and
  - (b) are completely separated from any bar area on the premises of the applicant; and
  - (c) are capable of being completely closed off from all other parts of the premises of the applicant; and
  - (d) contain adequate means of direct access by persons wishing to make purchases otherwise than from some other part of the premises of the applicant.
- (2) Notwithstanding Subsection (1), a bottle-shop licence shall not be granted in respect of any premises unless an Inspector:
  - (a) has examined the premises the subject of the proposed licence; and
  - (b) has reported to the Commission that the premises are suitable for the use of which they are to be put.
- (3) This section does not affect the operation of any other law.

## DIVISION 9 - RESTAURANT LICENCES

## 68 Restaurant licences.

- (1) A restaurant licence authorizes the licensee:
  - (a) to sell, supply and dispose of liquor for consumption on the licensed premises between the hour determined from time to time by the Commission on any day, to a person having a meal on the premises; and
  - (b) to permit the consumption of liquor by any such person on the licensed premises between the hours determined from time to time by the Interim Commission.

- (2) A restaurant licence shall not be granted except in respect of premises in which meals are regularly supplied on sale on the public for consumption on those premises.
- (3) The Commission may make it a condition of a restaurant licence that the restaurant provide meals for the public during all or any of the periods referred to in Subsection (1).
- (4) The annual fee for a restaurant licence is as determined from time to time by the Interim Commission.

#### DIVISION 10 - OCCASIONAL LICENCES

##### Occasional licences.

- (1) An occasional licence authorizes the licensee, during the time and at the place, specified in the licence, at which a lawful amusement, entertainment or function is held, to sell, supply and dispose of liquor for consumption at that place.
- (2) An occasional licence may be made subject to a condition restricting the kinds or quantity, or both, of liquor to be sold, supplied or disposed of under it, and to such special conditions as the Commission in any particular case determines.
- (3) Where an occasional licence is granted to the holder of a club licence, the occasional licence authorizes the sale, supply and disposal of liquor to members of the public.
- (4) An occasional licence may be granted for a single amusement, entertainment or function, or for a number of series of amusement, entertainments or functions.
- (5) An occasional licence shall not be granted to a person other than a licensee unless the Commission is satisfied that the purpose of which the profits (if any) arising out of the services supplied under the licence will be applied to a bona fide charitable purpose or to provide funds for a non-proprietory body approved by the Commission.
- (6) Where an occasional licence is granted to the holder of some other licence, it may be endorsed on that last-mentioned licence.

- (7) An occasional licence shall not be granted where, in the opinion of the Commission, some other licence or permit would be sufficient or more appropriate.
- (8) The fee for an occasional licence is as determined from time to time by the Commission, but where the purpose to which the profits arising out of the services supplied under the licence are to be applied is a bona fide charitable purpose the Interim Commission may waive the fee.

70 Provisional grant of occasional licence.

- (1) In addition to any other powers conferred on it under this Law, the Commission, may on an application for an occasional licence for a number of series of amusements, entertainments or functions, grant the application provisionally under Section 31, subject, amongst other things, to condition that the grant may be confirmed by a member of the Commission:
  - (a) advice to him of details of a particular proposed amusement, entertainment or function, or of a number of particular amusement, entertainments or functions; and
  - (b) approval by him of it or them.
- (2) A provisional grant shall not be confirmed in respect of a number of amusements, entertainments or functions greater than the number specified in the grant, or otherwise that for an amusement, entertainment or function of a type specified in the grant.
- (3) In the case of an application for an occasional licence made by the holder of some other licence the provisional grant and the confirmation of the grant may be endorsed on that last-mentioned licence.

DIVISION 11 - CANTEEN LICENCES

71 Canteen licences.

- (1) The Commission may grant to an employer a canteen licence.

## (2) A canteen licence:

- (a) authorizes an employer to establish a canteen for his employees;
- (b) may authorize the sale at the canteen of liquor subject to such terms and conditions as:
  - (i) are specified by the Commission in the licence; or
  - (ii) are prescribed.

## (3) A canteen licence shall not be granted:

- (a) to an employer who employs less than 25 employees for whom the canteen is to be established; or
- (b) for the sale or supply of liquor by a canteen that is situated at a place within 16.09km of the licensed premises of a publican or tavern-keeper, the distance being calculated by the shortest, reasonably practicable route.

## (4) A canteen licence is subject to conditions that:

- (a) no person is permitted to derive a benefit or advantage from the proceeds of the sale of liquor disposed of on the canteen premises that is not shared equally by every employee; and
- (b) the canteen is not carried on for the purposes of profit or gain to the employer or to individual employees.

## 72 Application to licensed canteen of certain laws.

- (1) Except as otherwise specified by the Commission or prescribed, the provision of this Law (other than Section 23) do not apply to or in respect of a canteen established under this Division.
- (2) For the purposes of any other law, a canteen established under this Division shall be deemed to be licensed premises.



## 73 Regulations in respect of canteens.

- (1) The Commission, may make determinations for or with respect to:
  - (a) regulating the maintenance of order at or in the vicinity of licensed canteen; and
  - (b) prescribing the hours during which liquor may be sold or supplied to any person in a licensed premises; and
  - (c) regulating, controlling, restricting or prohibiting the sale, supply, disposal, use or possession of liquor:
    - (i) at or in a licensed canteen; or
    - (ii) in or on any land or premises of the employer; and
  - (d) any matters or things necessary or expedient be prescribed for carrying into effect the objects and purposes of this Division; and
- (2) Without limiting the generality of Subsection (1), the determinations may provide:
  - (a) for the payment by the employer to the Interim Commission of an annual fee, specified in the determinations, of not more than 6% of the gross amount paid or payable by the employer for liquor purchased for sale in the canteen during the period of 12 months; and
  - (b) for the making by the employer for the purposes of Paragraph (a) of annual returns of liquor purchased.

## DIVISION 12 - PERMITS

## 74 Supper permits.

- (1) The licence of a publican's licence, restaurant licence or club licence may apply to the Commission for a supper permit.

- (2) A supper permit authorizes the holder to sell, supply and dispose of liquor, or to permit the consumption of liquor, on such part of the licenced premises (other than a bar-room) as is specified in the permit, for consumption with and as ancillary to substantial refreshments, between the Commission on any day other than Good Friday or a Sunday.
- (3) A supper permit shall not be granted unless the Commission is satisfied that:
  - (a) the part of the licensed premises in respect of which the permit is sought is suitable for the purposes; and
  - (b) there are on the licensed premises suitable facilities, and suitable arrangements have been made, for the service of substantial refreshments at the time to which the permit relates; and
  - (c) there is a reasonable need for such service in the locality concerned.
- (4) Unless sooner cancelled, a supper permit remains in force until the expiration of the terms then current of the publican's licence, restaurant licence or club licence in respect of the premises concerned.
- (5) The fee for supper permit is as determined from time to time by the Interim Commission.

#### 75 Dinner permits.

- (1) The holder of restaurant licence may apply to the Commission for a dinner permit, and if the Commission is satisfied that there are reasonable grounds for the grant of a permit it may grant the application.
- (2) Subject to this section, a dinner permit authorizes the holder to sell, supply and dispose of liquor, or to permit the consumption of liquor, on the licensed premises, between the hours determined from time to time by the Commission as part of a meal.

- (3) A permit under this section:
- (a) shall be granted in respect of a specified day only; and
  - (b) may be restricted to such hours, within the limits set out in Subsection (1), as the Commission determines.

76 Special permits.

- (1) The Commission may, on application, grant a special permit for liquor to be supplied and consumed outside trading hours at a special functions, ceremony or event held on a set date:

- (a) for persons of or over the age of 18 years; and
- (b) at premises the subject of a club licence, publican's licence, tavern licence or restaurant licence,

whether or not a charge is made for admission to or attendance at the premises.

- (2) For the purposes of Subsection (1), a regular function, ceremony or event held at intervals of less than six months shall not be deemed to be a special function, ceremony or event.

- (3) Notwithstanding subsections (1) and (2), where, in the opinion of the Commission:

- (a) it is desirable to meet the reasonable requirements of the public; and
- (b) the nature of the function, ceremony or event is such that it is proper to do so,

a special licence may be granted for a regular functions, ceremony or event, in which case the permit shall be endorsed on the licence.

- (4) A special permit shall specify:

- (a) the person or class of persons included under the permit; and
- (b) the hours and rooms or places within which liquor may be consumed,

and the supply of liquor to, or the consumption of liquor by, those persons or that class or persons under the specified conditions, is not an offence.

77 Cabaret permits.

- (1) The holder of a publican's licence or restaurant licence may apply to the Commission for a cabaret permit.
- (2) Subject to Subsection (3), a cabaret permit authorizes the holder to sell, supply and dispose of liquor, or to permit the consumption of liquor, in such part of the licensed premises (other than a bar-room) as is specified in the permit, within the hours as determined from time to time by the Commission.
- (3) Subsection (2) does not apply in respect of:
  - (a) the evening of a Sunday; or
  - (b) Good Friday; or
  - (c) the morning of Easter Saturday or of a Monday.
- (4) ~~A cabaret permit authorizes the sale, supply, disposal or consumption of liquor only:~~
  - (a) ~~in association with substantial refreshments taken during the hours to which the permit applies; and~~
  - (b) ~~the conjunction with dancing or cabaret entertainment, or both.~~
- (5) A cabaret permit shall not be granted unless the Commission is satisfied that:
  - (a) the part of the licensed premises in respect of which the permit is sought is suitable for the purpose; and
  - (b) there are on the licensed premises suitable facilities, and suitable arrangements have been made, for the service of substantial refreshments at the times to which the permit relates; and

Zoning?  
A

(c) no nuisance or inconvenience will be caused to persons residing on or near the premises; and

(d) there is to be provided suitable cabaret entertainments, or a suitable dance floor and adequate music, or both.

(6) ~~A cabaret permit may be made subject to such conditions as the Commission thinks proper.~~

(7) Unless sooner cancelled, a cabaret permit remains in force until the expiration of the term then current of the publican's licence or restaurant licence.

(8) The fee for a cabaret permit is as determined from time to time by the Interim Commission.

DIVISION 13 - TRADING HOURS

78 Trading hours.

(1) Notwithstanding this Law, the Interim Commission may, from time to time determine the trading hours in respect of any class of licence under this Law.

DIVISION 14 - CANCELLATION AND DISQUALIFICATION

79 Forfeiture of licence, etc., for offences.

(1) If, within a period of 12 months, a licensee is convicted of three offences against this Law, or of an offence under the Pure Food Act (Chapter 233) in relation to liquor supplied or kept on his licensed premises, the Commission may order that his licence or permit be cancelled.

(2) On the making of an order under Subsection (1), the licence or permit ceases to be of any force or effect, and the person whose licence or permit is cancelled is disqualified for a term of 12 months from obtaining a licence or permit.

(3) An order cancelling a licence or permit under this section shall be in the form approved by the Commission.

80 Cancellation of licence, etc., for false statement in application.

On conviction for an offence against Section 93, a court may, in addition to or in substitution for the penalty prescribed in that section, order that a licence or permit obtained in consequence of the application the subject of the offence be cancelled.

81 Suspension for supply of liquor to intoxicated persons, etc.

- (1) Where a licensee is convicted of an offence against Section 99, the court that convicts him may, in addition to any penalty that it imposes, order that his licence be suspended, wholly or in part, for a period not exceeding three months from such date as the court determines.
- (2) A court that suspends a licence under Subsection (1) shall immediately notify the Commission of the suspension.
- (3) A licensee aggrieved by an order of a court under Subsection (1) may, within 14 days of the date of the order, appeal to the Commission against the suspension of the licence.
- (4) On appeal under Subsection (3), the Commission shall:
  - (a) confirm the suspension; or
  - (b) revoke the suspension; or
  - (c) reduce the period of the suspension; or
  - (d) vary the conditions of the suspension; or
  - (e) vary the date from which the suspension takes effect; or
  - (f) make such other order as seems to it reasonable.

and the decision of the Commission is final.

- (5) No appeal against an order under Subsection (1) lies to the National Court.

## 82 Abandonment of licensed premises.

(1) Subject to Subsection (3), a publican, tavern-keeper or holder of a bottle-shop licence who:

(a) abandons his licensed premises; or

(b) wilfully and persistently neglects to keep his licensed premises open for public convenience during trading hours,

is liable to have his licence cancelled or suspended by the Commission.

(2) Subject to subsection (3), the holder of a storekeeper's licence who:

(a) abandons his licensed premises; or

(b) wilfully and persistently neglects to keep:

(i) his licensed premises open for the sale of liquor as allowed by his licence during ordinary business hours; or

(ii) liquor for sale on his licensed premises,

is liable to have his licence cancelled or suspended by the Commission.

(3) Notwithstanding Subsection (1) and (2), the holder of a storekeeper's licence may close his premises for the sale of liquor at the usual closing time of his store.

## 83 Cancellation or suspension, etc., of licence.

(1) After 7 days' notice to a licensee, the Inspector or any person aggrieved under Subsection 1(e) of Section 83 may apply to the Commission to disqualify the licensee:

(a) because of breaches of or offences against this Law; or

(b) because of continual failure on the part of the licensee to provide the services required under the licence; or

- (c) on the ground that persons in a state of intoxication frequent or are frequently seen leaving the premises the subject of the licence; or
- (d) on the ground that the premises have been used for an unlawful purpose; or
- (e) because of excessive noise or other nuisance or inconvenience caused to persons residing on or within a radius of 1.5 kilometres from the licensed premises,

and if the matter complained of is proved the Commission may, by order, cancel the licence or permit and disqualify the licensee from holding a licence for a period not exceeding three years.

- (2) Instead of cancelling a licence under this section, the Commission may:
  - (a) suspend the licence; or
  - (b) make an order cancelling the licence unless the licensee complies with the conditions specified in the order.

#### 84 Disqualification of licensed premises.

If a publican's licence, limited hotel licence, tavern licence or bottle-shop licence in respect of the same premises (whether for the time being held by the same or different persons) is cancelled under this Law on two separate occasions within a period of three years, the premises may be disqualified by the Commission from being the subject of a licence, for a period not exceeding three years from the date of the last cancellation.

#### 85 Continuance of licence on behalf of owner.

- (1) Where:
  - (a) a publican, the holder of a limited hotel licence, tavern-keeper or bottle-shop licensee has his licence cancelled under this Law; and
  - (b) the owner of the licensed premises in respect of which the licence was granted is not the occupier.



the Commission may:

- (c) on application by the owner of the premises;  
and
- (d) on being satisfied that he has the legal power to evict the occupier (if any) of the premises,

authorize the owner or a manager appointed by the owner to carry on the business of the premises until:

- (e) a date to be fixed by the Commission,  
whichever first occurs.
- (2) The person authorized under Subsection (1) shall, during the period that the authority is in force, be deemed to be the licensee.
- (3) The fee for an authority under this section is as determined from time to time by the Interim Commission.

#### 86 Effect of cancellation, etc.

Where a licence is cancelled or suspended under this Law, the cancellation or suspension operates to cancel any permit, authority under Section 41(6) or certificate under Section 38(2) in relation to the licence.

#### PART IV - PROHIBITION ORDERS

#### 87 Order against habitual drunkards.

- (1) Subject to this section, where a district or Local Court is satisfied that a person habitually consumes liquor to excess or so as to endanger or interrupt the peace, welfare or happiness of his family, it may make an order forbidding all persons to supply or sell liquor to the person named in the order, for a period not exceeding 12 months from the date of the order.
- (2) An order made under Subsection (1) shall be served immediately by or by order of the court on the person concerned.

(3) Where a person, against whom an order referred to in Subsection (2) is made, gives notice of his intention to object to the confirmation of the order, the order shall not be confirmed until he has had an opportunity of presenting his case, and if he gives such notice the order continues in force until the end of the confirmation proceedings (if any).

(4) Where no notice of intention to object to the confirmation of an order under this section is given, the order may be confirmed in the absence of the person in relation to whom it was made.

(5) Except as provided in Section 91, a person in relation to whom an order under Subsection (1) has been made and is in force and who is in possession of or consumes liquor, is guilty of an offence.

Penalty: A fine not excluding K200.00.

(6) Subject to Section 91, where an order under this section has been made a person who has been served with a copy of the order, or who knows that the order has been made, and who, while the order is in force:

(a) supplies or sells liquor; or

(b) permits liquor to be supplied or sold,

to or for the use of the person named in the order, is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(7) The Clerk of the District Court or Local Court that makes an order under Subsection (1) shall take all reasonable steps necessary to inform persons likely to be affected by the making of the order and of subsequent proceedings (if any) on the order.

88 Order to employer of habitual drunkard to pay part of wages to wife, etc.

(1) Subject to this section, where a District Court or Local Court is satisfied that a person habitually consumes liquor to excess or so as to endanger the welfare of his family, it may make an order that the person in whose employ that person is from

time to time shall deduct such amounts, and at such intervals, as the court determines, and pay them to:

- (a) the wife of the person for the upkeep of herself and his children (if any); and
- (b) a person appointed by the court for the upkeep of the child of the person against whom the order is made,

and the court may, at the same time or at a later date, impose such other conditions as it thinks reasonable to ensure the welfare of the wife or the children, or both.

- (2) An application for an order under Subsection (1) may be made to the court on behalf of the wife or a child, or both, by:

- (a) a near relative of the wife or child; or
- (b) a member of the Police Force; or
- (c) a welfare officer; or
- (d) a Community Development Officer; or
- (e) any interested person.

- (3) An order under Subsection (1) shall be served immediately by or by order of the court on:

- (a) the person against whom the order has been made; and
- (b) his employer,

by handing copies of the order personally to the, or by forwarding copies by registered post to their last known addresses.

- (4) An employer who, after being served with an order under Subsection (1), fails to obey the order is guilty of an offence.

Penalty: A fine not exceeding K200.00.

9 Change of employment.

- (1) The employer of a person against whom an order has been made under Section 88(1), who fails to notify the Commission in writing immediately that person leaves his employment is guilty of an offence.

Penalty: A fine not exceeding K50.00.

- (2) When a person against whom an order under Section 88(1) has been made:

- (a) leaves his employment; or
- (b) changes his employment; or
- (c) changes his address,

he must immediately notify the Commission to that effect.

Penalty: A fine not exceeding K100.00.

- (3) Where a person changes his employment a District Court or Local Court may, on the application of any of the persons referred to in Section 88(2), direct that any order previously made under Section 88(1) be served on the new employer.

) Variation of order.

- (1) A court may, on the application of:

- (a) the person against whom the order was made;  
or
- (b) any of the persons referred to in Section 88(2),

vary or cancel the order previously made.

- (2) If an order is varied under Subsection (1), a copy of the order as varied shall be served immediately by or by order of the court on:

- (a) the person against whom the original order was made; and

(b) his employer,

by handing copies of the varied order personally to them or by forwarding copies of the varied other by registered post to them at their last known addresses.

91 Exception of liquor for immediate transport.

- (1) Subject to this section, and for the purpose of immediate transport only, a person who has obtained the written consent of an Inspector or other officer duly authorized by the Manager for the purpose may entrust liquor to a person named in the consent in the relation to whom an order under Section 87 has been made and is in force, and the last-mentioned person may have in his possession for that purpose liquor so entrusted to him.
- (2) Liquor referred to in Subsection (1) must be packed and contained, and kept during the transport, in a secure covering.
- (3) An Inspector or other officer giving a consent under this section may make the consent subject to such conditions as he thinks proper, and a person:
  - (a) to whom the consent is given; or
  - (b) named in the consent,

who refuses or fails to comply with the conditions in respect of liquor entrusted to a person, or transported under the consent, is guilty of an offence.

Penalty: A fine not exceeding K200.00.

- (4) A consent under this section may be expressly made by the Inspector or other officer giving it to extend over a period not longer than six months, but may, in his discretion, be revoked at any time.
- (5) An Inspector or other officer giving a consent under this section shall immediately forward a copy to the Commission.

- (6) If a question arises as to whether liquor the subject of a consent under this Section was or was not packed and contained in a secure covering at the time of when it was entrusted to the person named in the consent, the fact that the liquor was not so packed and contained at any period whilst in his possession is, in the absence of conclusion proof to the contrary, sufficient evidence that it was not so packed and contained at that first-mentioned time or during the transport.
- (7) The Manager may, by notice in the National Gazette, suspend the operation of this section, wholly or in part, for any period and with respect to any place or person.

PART V. - RESTRICTIONS ON SUPPLY TO LICENSEES IN CERTAIN AREAS

92 Declared areas.

*What is declared Area? Define?*

- (1) The Commission may declare an area within the National Capital District to be declared area for the purpose of this section.
- (2) A person other than the State or an authority or instrumentality of the Government who, without lawful authority or excuse (proof of which is on him), sells, supplies or disposes of liquor to the holder of a licence or permit for subsequent sale, supply or disposal within a declared area is guilty of an offence.

Penalty: A fine not exceeding K200.00

- (3) The holder of a licence or permit who, in a declared area, sells, supplies or disposes of liquor that has been obtained from a person other than the State or an authority or instrumentality of the Government is guilty of an offence.

Penalty: A fine not exceeding K200.00.

## PART VI. - OFFENCES GENERALLY

## 93 False statement in application

A person who knowingly makes a statement in or in connexion with an application under this Law that is false or misleading in a material particular is guilty of an offence.

Penalty: A fine not exceeding K200.00

## 94 Unlawful, Sale, etc., of liquor.

(1) Except as otherwise provided in this Law, a person who:

- (a) directly or indirectly sells liquor or permits liquor to be sold; or
- (b) in a club, directly or indirectly supplies liquor, or permits liquor to be so under this Law; or
- (c) being a licensee or the holder of a permit, sells or supplies liquor otherwise than in accordance with the conditions prescribed and in the premises the subject of the licence permit,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(2) Subsection (1) does not apply to a person who, as the employee or manager of, and for the use and benefit of, a licensee or holder of a permit, and under the authority conferred by the licence or permit, sells, supplies or disposes of liquor in the premises of the licensee or holder of the permit under the prescribed conditions.

(3) On a conviction under this section of a person who is not a licensee or the holder of a permit, all liquor in his possession, together with the vessels containing the liquor, is forfeited to the Interim Commission.

95 Supply of liquor by licensee.

A person other than:

- (a) a brewery licensed under Part II. of the Excise (Beer) Act (Chapter 106 of the National Government); or
- (b) a distiller licensed under Part III. of the Distillation Act (Chapter 305 of the National Government); or
- (c) a licensed dealer,

who sells, supplies or disposes of liquor to the holder of a licence or permit is guilty of an offence.

Penalty: A fine not exceeding K200.00.

96 Purchase of liquor of licensees, etc.

The holder of a licence or permit who purchase or otherwise acquires liquor from any person other than:

- (a) a brewer licensed under Part II. of the Excise (Beer) Act (Chapter 106 of the National Government); or
- (b) a distiller licensed under Part III. of the Distillation Act (Chapter 305 of the National Government); or
- (c) a licensed dealer,

is guilty of an offence.

Penalty; A fine not exceeding K200.00

97 Supply of liquor by brewers.

A person other than:

- (a) a brewer licensed under Part II of the Excise (Beer) Act, (Chapter 106 of the National Government); or
- (b) a distiller under Part III of the Distillation Act, (Chapter 305 of the National Government), IRC

*Unlicensed Dealers  
Supplying Licensed  
holders*

*Licensed Holder  
Purchasing from unlicensed  
Dealers*

*Unlicensed Brewer/Distiller  
supplying to unlicensed  
Dealers/permit holder*

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→ Amend this include  
CPE is National Liquor Licence  
Commission

who sells supplies or disposes of liquor to a person other than the holder of a licence or permit under this Law is guilty of an offence.

Penalty: A fine not exceeding K200.00.

98 Prohibition of carriage, etc., of liquor by holders of certain licences.

(1) Subject to Subsection (3), the holder of a licence under the Trading Act (Chapter 324) who carries, stores or is in possession of liquor, except by virtue of and in premises the subject of a licence under this Law, is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(2) On the conviction of a person for an offence against Subsection (1), the court which convicts him may cancel the licence under the Trading Act (Chapter 324).

(3) An offence against Subsection (1) shall not be deemed to have been committed merely by reason of the carriage, storage or possession of liquor for the personal use of the holder of a licence referred to in that subsection or his family or employees and not for sale contrary to this Law.

(4) The onus proof of a fact referred to in Subsection (3) is on the person charged.

99 Supply of liquor to intoxicated persons, etc.

(1) A licensee who, without reasonable excuse (proof of which is on him), sells or supplies, or permits a person to sell or supply, liquor to or for the use of:

(a) an intoxicated person or an habitual drunkard; or

(b) a person apparently under the age of 18 years; or

(c) a person who is of unsound mind or is reasonably suspected of being of unsound mind,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(2) Subject to Subsection (3), a licensee who supplies liquor to a person whom he:

- (a) suspects; or
- (b) has reasonable grounds of suspecting; or
- (c) would, if he used reasonable care, suspect or have reasonable grounds for suspecting,

of intending to dispose of the liquor unlawfully is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(3) It is a defence to a charge of an offence against Subsection (2)(c) that the licensee, at or before the time of the supply:

- (a) identified the person to whom the liquor was supplied to his satisfaction; and
- (b) obtained a written statement of his intended method of disposal of the liquor,

and the statement did not show reasonable grounds for suspecting that he intended to dispose of the liquor unlawfully.

#### 100 Restrictions on persons under 18.

(1) A person under the age of 18 years who:

- (a) consumes liquor on licensed premises; or
- (b) purchases or obtains, or attempts to purchase or obtain liquor from licensed premises or a licensee,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(2) Where:

- (a) a member of the Police Force; or
- (b) a licence or a servant of a licensee,



has reasonable cause to suspect that a person has committed or is about to commit an offence against Subsection (1), the member of the Police Force, licensee or servant, as the case may be, may request him to state his age.

- (3) A person who, when requested under Subsection (2) to state his age:

- (a) refuses or fails to answer the request; or
- (b) makes a statement that is false in a material particular,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

- (4) A licensee who permits a person under the age of 18 years to be in a bar-room on his licensed premises while liquor is being sold in the bar-room is guilty of an offence.

Penalty: A fine not exceeding K100.00.

- (5) A person who sends a person under the age of 18 to a licensed premises for the purpose of obtaining liquor is guilty of an offence.

Penalty: A fine not exceeding K50.00.

101 Sale, etc., of liquor during prohibited hours.

- (1) A licensee who, during prohibited hours:

- (a) sells liquor; or
- (b) keeps his licensed premises open for the sale of liquor; or
- (c) except as permitted by or under this Law permits liquor to be consumed on his licensed premises,

is guilty of an offence.

Penalty: Immediate cancellation of the licence and a fine not exceeding K200.00.

- (2) Subject to Subsection (3) and (4), a person who purchases or obtains liquor from, or consumes liquor on, licensed premises outside trading hours is guilty of an offence.

Penalty: A fine not exceeding K50.00.

- (3) It is not an offence against Subsection (2) for a person to purchase, obtain or consume liquor on licensed premises outside trading hours if he:

(a) is the licensee or the manager for the licensee; or

(b) is a member of the licensee's or manager's or an employee of the licensee living, staying or working on the licensed premises; or

(c) is a person entitled under this Law to be supplied with liquor on the licensed premises outside trading hours; or

(d) is a person to whom liquor may be supplied on the licensed premises under a permit.

- (4) It is not an offence against Subsection (2) for a person who has purchased or obtained liquor on licensed premises within trading hours to consume the liquor on those premises within 30 minutes after those hours.

Consumption on licensed premises of liquor supplied elsewhere.

A person who is a part of any licensed premises open to the public consumes liquor other than liquor supplied to the licensee for consumption on that part of the premises is guilty of an offence.

Penalty: A fine not exceeding K10.00.

Persons on licensed premises during prohibited hours.

- 1) A person who, without lawful excuse (proof of which is on him), enters or is on any licensed premises during prohibited hours is guilty of an offence.

Penalty: A fine not exceeding K40.00.

- (2) Without limiting the generality of the meaning of "lawful excuse" in Subsection (1), it is lawful for any member of a licensed club or his guest to remain on the licensed premises of the club during prohibited hours for the purpose of any social or sporting occasion.

104 Sale, etc., of liquor otherwise than for cash.

- (1) A licensee who:

(a) receives in payment of, or as a pledge for, liquor supplied in his licensed premises anything except current money, bank notes, cheques on banks, postal notes or postal money orders; or

(b) takes any such notes, cheques or orders at less than their full nominal value,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

- (2) Subject to Subsection (3), a publican, the holder of a limited hotel licence, a tavern-keeper, the holder of a storekeeper's licence, or bottle-shop licence who sells liquor otherwise than for payment received before or at the time of sale is guilty of an offence.

Penalty: A fine not exceeding K100.00.

- (3) If liquor:

(a) is sold or supplied for consumption with a meal supplied at the same time; and

(b) is consumed with the meal,

Subsection (2) shall not be deemed to be contravened if the price of the liquor is paid at the same time as the price of the meal, or immediately after the meal.

- (4) A debt incurred for liquor sold in contravention of this Section is irrecoverable.

~~105 Subletting of bar~~

Subject to this Law a licensee who lets or sublets a bar-room or the right to sell liquor on or in respect of his licensed premises is guilty of an offence.

Penalty: A fine not exceeding K200.00.

## 106 Unlawful games, etc., on licensed premises.

A licensee who permits a person:

- (a) to play an unlawful game or sport; or
- (b) to take part in starting-price betting; or
- (c) to exercise, expose or open a lottery or allow a lottery to be played, thrown or drawn, without the consent of the manager of the Interim Commission,

on his licensed premises or the appurtenances to his licensed premises, is guilty of an offence.

Penalty: A fine not exceeding K100.00.

## 107 Licensee intoxicated on licensed premises.

A licensee who is intoxicated on a part of his licensed premises to which the public has access during such hours as the public has access to those premises, is guilty of an offence.

Penalty: A fine not exceeding K50.00.

## 108 Unlawful carrying away of liquor from licensed premises.

- (1) Subject to Subsection (2), a licensee who, during prohibited hours:

- (a) carries away; or
- (b) permits a person to carry away,

liquor from his licensed premises is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(2) Subsection (1) does not apply to the carrying away, by the licensee or a lodger or bona fide traveller, of liquor that is reasonably required for consumption by him on the day on which the liquor is carried away.

(3) A person who carries away liquor from licensed premises the licence relation to which does not permit the sale of liquor for consumption off the premises is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(4) Subject to this Law, a person who, without lawful excuse:

(a) purchases liquor from premises the subject of a publican's licence, tavern licence or club licence, or from any part of those premises, otherwise than:

(i) for consumption on the premises; or

(ii) from a licensed bottle-shop; or

(b) carries away from any premises the subject of a publican's licence, tavern licence or club licence, or from any part of those premises, any liquor that has been purchased otherwise than from a licensed bottle-shop,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(5) Subject to Subsection (6), a person who, without lawful excuse (proof of which is on him), carries away liquor from licensed premises outside trading hours is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(6) A person under the age of 16 years shall not be convicted of an offence against Subsection (5) if it is proved that the person was sent by some other person to carry away the liquor.

109 Employment of persons deprived of licence, etc.

A licensee who knowingly permits a person:

- (a) whose licence has been cancelled under this Law; or
- (b) to whom a licence has been refused by reason of bad character or misconduct,

to be employed in any capacity on his account on his licensed premises, within a period of two years after the date of the cancellation or refusal, is guilty of an offence.

Penalty: A fine not exceeding K100.00.

\* 110 Production of licence on demand.

The holder of licence, certificate, authority or permit who, on demand by an Inspector or commissioned officer of the Police Force, fails immediately to produce the licence, certificate, authority or permit to the Inspector or officer is guilty of an offence.

Penalty: A fine not exceeding K50.00.

111 Harbours police and supplying liquor to police.

A licensee who:

- (a) knowingly harbours or knowingly permits to remain on his premises a member of the Regular Constabulary Branch of the Police Force, in uniform, during any part of the time appointed for the member to be on police duty, otherwise than:
  - (i) for the purpose of keeping or restoring order; or
  - (ii) in the execution of his duty; or
- (b) supplies liquor to a member of the Police Force to whom Paragraph (a) applies; or
- (c) by himself or his employee, permits a person known to be a member of the Regular Constabulary Branch of the Police Force:
  - (i) to become intoxicated on his licensed premises; or
  - (ii) to be supplied with liquor while intoxicated,



is guilty of an offence.

Penalty: A fine not exceeding K200.00.

112 Bribery, etc., of Inspector or police.

A licensee or the holder of a permit, or an applicant for a licence or permit who:

- (a) improperly gives, offers or promises to give a fee, perquisite, grantuity or reward to:
  - (i) an Inspector or other person having duties or functions under this Law; or
  - (ii) a member of the Police Force; or
- (b) bribes or attempts to bribe an Inspector or a member of the Police Force; or
- (c) gives or offers to give money or any other valuable thing, or to lend or offer to lend money:
  - (i) to an Inspector or other person having duties or functions under this Law; or
  - (ii) a member of the Police Force,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

113 Locking of bar-room, etc., outside trading hours.

- (1) Except as otherwise permitted by or under this Law and subject to Subsection (2), a licensee who fails or neglects:
  - (a) to keep every door of, and every opening into, the bar-room or liquor storeroom of his licensed premises shut and locked outside trading hours; or
  - (b) in the case of a room that is not used solely as a bar-room or liquor storeroom - to keep all liquor in the room locked and secured in a cupboard or other receptacle, outside trading hours,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

- (2) ~~It is not an offence against Subsection (1) if a licensee causes a door of, or an opening into, a bar-room, a liquor storeroom or a cupboard or other receptacle referred to in that subsection to be opened:~~
- (a) for any prescribed purpose, and subject to such conditions as are prescribed; or
  - (b) in accordance with the conditions of his licence; or
  - (c) for any other lawful purpose.
- (3) Without limiting the generality of the expression "lawful purpose", the following are lawful purposes for the purposes of Subsection (2):
- (a) the carrying out of cleaning, including the washing and drying of glasses; or
  - (b) the removal of empty containers and the replenishing of supplies of liquor; or
  - (c) the carrying out of repairs and maintenance or of improvements to fittings; or
  - (d) the replenishing of liquor supplies kept outside a bar-room or storeroom in the cupboard, refrigerator or other receptacle of any lawful purpose; or
  - (e) the inspection of the premises by an Inspector, commissioned officer of the Police Force or other person authorized for the purpose of any law; or
  - (f) the investigation of a theft or attempt theft; or
  - (g) any other prescribed purpose determined by the Commission.

114 Register of lodgers.

- (1) The holder of a publican's licence, limited hotel licence or club licence must keep a register on

the licensed premises in which there are entered, at the time when a person is accepted as a lodger by the licensee:

- (a) the name of the lodger; and
- (b) the date and the hour of the day or night on and at which the residence is taken up and terminates; and
- (c) the number or other description of the room or other part of the premises allotted to the lodger.

Penalty: A fine not exceeding K50.00.

- (2) In any proceedings under this Law against a licensee, the fact that the name of a person in relation to the sale or supply of liquor to whom the proceedings are brought was not entered in the register referred to in subsection (1) as at the time in question is prima facie evidence that he was not, at that time, a lodger on the premises.

#### 115 Register of guests, etc.

- (1) A publican or the holder of a limited hotel licence must keep a register on the licensed premises in which there are entered:
  - (a) the name of any guest of a lodger, together with the name of his host; and
  - (b) in the case of premises the subject of a publican's licence - the name of any bona fide traveller supplied or to be supplied with liquor as such, before any liquor is sold or supplied to or for the guests or traveller as such and not as a member of the public.

Penalty: A fine not exceeding K50.00.

- (2) In any proceedings under this Law against a publican or the holder of a limited hotel licence, the fact that the name of a person in relation to the sale or supply of liquor to whom the proceedings are brought was not entered in the register referred to in Subsection (1) as at the time in question is prima facie evidence that he was not, at that time, a guest of a lodger on the premises or a bona fide traveller.

6 Cleanliness of licensed premises.

The holder of a publican's licence, tavern licence, limited hotel licence or club licence who fails:

- ~~(a) to maintain the sanitary appliances on his licensed premises, and the places in which they are, in good sanitary condition; or~~
- (b) to keep the licensed premises in a clean and sanitary condition and free from offensive or unwholesome matter; or
- (c) to cleanse and disinfect thoroughly all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, closets, cesspool and drains of the licensed premises to the

satisfaction of, and as often as is required by, or in accordance with any written order of, the Inspector or Health Inspector.

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

117 Permitting thieves, etc., on licensed premises.

- (1) Subject to Subsection (2), the holder of a publican's licence, limited hotel licence, tavern licence or club licence who knowingly permits a common prostitute, thief or person of notoriously bad character to be or continue on his licensed premises, or the appurtenances to those premises, is guilty of an offence.

Penalty: A fine not exceeding K100.00.

- (2) Subsection (1) does not prevent a licensee from supplying meals or accommodation to a person specified in that subsection.

+ 118 Duty to exclude intoxicated persons.

- (1) The holder of a publican's licence, limited hotel licence, tavern licence, club licence or bottle-shop licence must, by whatever means are necessary (including the use of a reasonable amount of force), ensure that no intoxicated or disorderly person:

(a) enters or is permitted to enter the licensed premises; or

(b) remains or is permitted to remain on the licensed premises.

Penalty: A fine not exceeding K200.00.

- (2) It is not a defence to a charge of an offence against Subsection (1) to prove that members of the Police force were not available to assist in preventing the entry, or to assist in the removal, of an intoxicated or disorderly person from the premises.

119 Supervision, etc., of business.

A publican, the holder of a limited hotel licence or a tavern-keeper who, except as provided in this Law:

- (a) leaves the licensed premises without:
- (i) his management or superintendence; or
  - (ii) the management or superintendence of some responsibility manager duly appointed by him (written notice of which has been given to the Inspector),
- for longer than 48 hours without the permission of the Commission or the Inspector; or
- (b) absents himself from the management and superintendence of the business carried on under the licence for a longer period than 14 days without the written permission of the Commission; or
- (c) permits an unlicensed person to be in effect the keeper of the licensed premises,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

#### 120 Storage of liquor.

- (1) Subject to this section, a licensee or other person authorized by or under this Law to be in possession of liquor for sale or other disposition in accordance with this Law must keep or store the liquor in a bar-room, liquor storeroom or other place approved for the purpose by the Commission at all times except when the liquor is under the direct supervision and control of the licensee or of an agent, manager or employee of the licensee.

Penalty: A fine not exceeding K200.00.

- (2) It is not an offence against Subsection (1) for liquor to be kept or stored on premises the subject of a storekeeper's licence under such conditions as are approved by the Commission in relation to those premises.
- (3) It is not an offence against Subsection (1) for a licensee or other person to keep or store liquor in a secure place on premises other than his licensed premises:

- (a) with the approval of:
  - (i) the Commission; or
  - (ii) the Inspector, or in the absence of the Inspector a commissioned officer of the Police Force; and
- (b) subject to any conditions imposed in the approval; and
- (c) if:
  - (i) the liquor is packed in unopened kegs, cases or other containers (not being bottles or cans); and
  - (ii) an accurate record of it is kept available for inspection by an Inspector or a commissioned officer of the Police Force at the place where it is stored and in the books of account of the licensee or of the other person, as the case may be.

f 121 Permitting consumption on store premises, etc.

The holder of a storekeeper's licence or bottle-shop licence who, with intent to evade the provisions of this Law:

- (a) takes or carries liquor; or
  - (b) authorizes, empowers or permits a person to take or carry liquor,
- out of or from the licensed premises of the licensee, for the purpose:
- (c) of being sold on his account or for his benefit; or
  - (d) of being consumed in any other premises belonging to or hired, and used or occupied by the licensee,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

122 Benefit of sale of liquor from booth licence going to person other than licensee.

- (1) Subject to Subsection (2), if liquor is sold under, or at, in or on premises the subject of, a booth licence for the benefit or profit of a person or body other than the licensee, the person who sells the liquor and the licensee are each guilty of an offence.

Penalty: a fine not exceeding K200.00.

- (2) It is not an offence against Subsection (1) if, with the approval of the Commission, the benefit or profit is applied to or for the purposes of some charitable, sporting service or other lawful organization or purpose approved by the Commission.

123 Obstruction of Inspectors, etc.

A person who:

- (a) refuses or delays admittance to, or obstructs the entrance under this Law of:

(i) a member of the Commission; or

(ii) an Inspector; or

(iii) a person acting under the authority of the Commission or an Inspector; or

(iv) a member of the Police Force,

into any licensed premises; or

- (b) refuses to permit an Inspector or a member of the Police Force to make a search under this Law; or

- (c) directly or indirectly obstructs or hinders an Inspector or a member of the Police Force in the performance of his duties under this Act or in the execution of the powers vested in or conferred on him by this Law,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

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124 Opening or consuming liquor in store.

A person who purchases liquor from the holder of a storekeeper's licence or bottle-shop licence and consumes the liquor, or opens a bottle or vessel containing the liquor, on the licensed premises is guilty of an offence.

Penalty: A fine not exceeding K200.00.

125 Failure to pay for liquor.

(1) A person who:

(a) buys liquor from a publican, the holder of a limited hotel licence, a tavern-keeper or the holder of a storekeeper's or bottle-shop licence; and

(b) refuses to pay for the liquor at the time of sale,

is guilty of an offence.

Penalty: A fine not exceeding K20.00.

126 Pretending to be lodger, etc.

A person who:

(a) makes a false representation in order to obtain liquor outside trading hours; or

(b) gives to a licensee a statement under Section 101(3) that is false or misleading in a material particular,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

127 Payment of wages on licensed premises.

A person (other than the licensee) who pays the wages of an employee, or permits them to be paid, at or on licensed premises is guilty of an offence.

Penalty: A fine not exceeding K50.00.

## 128 Offences by companies, etc.

- (1) A company that holds a licence or permit is:
  - (a) liable for any offence against this Law in respect of the licence or permit as if it were a private person; and
  - (b) subject to the same penalties, so far as they are capable of enforcement against a company.
- (2) A manager or a director, secretary or employee or officer of a company that holds a licence or permit or who commits an offence, or knowingly authorizes or permits an offence, in respect of the licence or permit is also liable for the offence.

## 129 Offences by joint licensees or permittees, etc.

- (1) Persons who, by virtue of Section 144, are joint licensees or joint holders of a permit are jointly and severally liable for any offence against this Act in respect of their licence or permit.
- (2) A manager appointed under Section 144 who commits an offence, or knowingly authorizes or permits an offence, in respect of the licence or permit is also liable for the offence.

## 130 Offence by manager or employee, etc.

- (1) Anything that, if done by a licensee personally, would be an offence against this Law is also an offence if done by a manager or employee of the licensee, and the manager or employee may be punished accordingly.
- (2) Where an offence against this Law from which the licensee derives a benefit or profit is committed on or in relation to licensed premises by a person other than the licensee, the licensee shall also be deemed to have committed the offence.

## PART VII - EVIDENCE, ETC.

## 131 Presumption.

In any proceedings for an offence against this Law:

(b) a certificate of a member of the Commission setting out that fact,

is prima facie evidence that he is or was the holder of the licence as alleged.

- (2) In any proceedings under this Law against a person for selling, supplying or disposing of liquor without a licence, the onus of proof that the person is or was licensed is on him.

\*134 Evidence of unlicensed premises.

The fact:

(a) of a person other than a licensee:

(i) keeping up a sign, painting or other mark in or near to his premises; or

(ii) having his premises fitted up with a bar or showcase fitted with bottles or casks or other containers of liquor, displayed so as to produce a reasonable belief that the premises are licensed for the sale of liquor or that liquor is sold on the premises; or

(b) of there being on any premises more liquor than is reasonably required for the use of the persons residing in the premises,

is prima facie evidence of the unlawful sale of liquor by that person or each of those persons.

PART VIII. - MISCELLANEOUS

135 Supply of liquor to Inspectors and Commissioners on demand.

Notwithstanding this Law, it is lawful for a licensee to supply, on demand, liquor to a member of the Commission or an Inspector for the purpose of the performance of his duties under this Law.

136 Restriction of trading hours.

Notwithstanding this Law, Commission, may, generally or in relation to a particular area, by notice restrict the trading hours in relation to all licences or

~~permits, or to a class of licences or permits, or prohibit or restrict the supply of any kind of liquor.~~

137 Closing of licensed premises in case of disorder.

(1) If:

- (a) a riot or tumult happens or is expected to take place; or
- (b) a breach of the peace or any disorder happens or is expected to take place in or near any licensed premises.

a magistrate of a District Court, or commissioned officer of the Police Force, may order that the holder of a publican's licence, tavern licence, club licence, storekeeper's licence or canteen licence:

- (c) in an area or place where the riot or tumult happens or is expected to take place; or
- (d) in an area of or near the place where the breach of the peace or disorder happens or is expected to happen,

to close the licensed premises or suspend or restrict the supply of liquor in or from the premises for such time as the magistrate, or commissioned officer of the Police Force orders.

(2) A licensee who fails or refuses to obey an order under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(3) If a breach of the peace or any disorder happens or is expected to take place in or near any licensed premises, a licensee may close the premises, or suspend or restrict the supply of liquor in or from the premises.

(4) Where a licensee closes his premises or suspends or restricts the supply of liquor under Subsection (3), he must immediately notify an Inspector.

Penalty: A fine not exceeding K100.00.

8 Entry on licensed premises.

For the purpose of this Law, an Inspector or a commissioned officer of the Police Force may demand admittance into, and may enter into and search, any licensed premises, or any part of licensed premises, at any time by day or night, and if admittance is refused or delayed may break into the premises.

39 Search of unlicensed premises.

(1) On sworn information by a commissioned officer of the Police Force or other credible person that he has reason to believe that liquor is sold or kept for sale by a person other than a licensee in a dwelling house described in the information, a justice may grant a special warrant in the prescribed form to a commissioned officer of the Police Force named in the warrant to enter and search the dwelling house by day or night.

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(2) The officer named in a warrant under Subsection (1):

- (a) may enter and search the dwelling house; and
- (b) if admittance is refused or delayed, may, without such assistants as he thinks necessary break into the dwelling house; and
- (c) may seize and remove all liquor found in the dwelling house and vessels containing the liquor; and
- (d) may convey the liquor and the vessels to a safe place and, as soon as convenient, to the nearest District Court or to such place of safe-keeping as the Court appoints for the purpose.

~~3~~ (3) If the owner of liquor or vessels conveyed under Subsection (2) to a District Court or a place of safe-keeping:

- (a) does not appear before the Court within seven days after the seizure; or
- (b) does appear and does not prove to the satisfaction of the Court that the liquor was not in the dwelling house for their purpose of being illegally disposed of,

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the Court may order the liquor and the vessels containing it to be sold, and after payment of the expenses of the sale the proceeds shall be paid to the Interim Commission.

140 Possession of intoxicating liquor for illegal disposal, etc.

- (1) This section applies where intoxicating liquor is, or is reasonably suspected by a commissioned officer of the Police Force of being:
- (a) abandoned or left without being in the immediate custody of any person; or
  - (b) in the possession of a person contrary to this Law; or
  - (c) in the possession of a person for sale or other disposal contrary to this Law,
- in or on a vessel, vehicle, aircraft, premises or place.
- (2) For the purpose of the application of Subsection (1):
- (a) where intoxicating liquor is in the possession of a person who is not a licensee in quantities greater than are, in the circumstances, reasonable for his own personal or other lawful use, the burden of proof that the liquor is not in his possession for sale or other disposal contrary to this Law is on that person; and
  - (b) it is irrelevant that intoxicating liquor in the possession of a person is not his property or is in his possession for sale or disposal on behalf of another person.
- (3) In a case referred to in Subsection (1), the commissioned officer of the Police Force may:
- (a) seize and remove all intoxicating liquor referred to in that subsection, together with the vessels and containers containing the liquor; and

(b) convey the liquor, vessels and containers to a safe place and, as soon as convenient, to the nearest District Court or to such place of safe-keeping as the Court appoints for the purpose.

(4) If the owner of any intoxicating liquor, vessels or containers seized under Subsection (3)(a):

(a) does not appear before the court within seven days after the seizure; or

(b) does appear and does not prove to the satisfaction of the Court that the intoxicating liquor was not, at the time of the seizure:

(i) without lawful and reasonable excuse, abandoned or left without being in the immediate custody of some person; or

(ii) in the possession of a person for sale or disposal contrary to this Law,

the Court may order the liquor, vessels and containers to be sold, and the proceeds after payment of the expenses of the sale to be paid to the Interim Commission.

1 Power to exclude intoxicated persons, etc. *duty of licensee*

(1) A licensee, or the manager or employee of a licensee, may refuse to admit into, or may turn out of, licensed premises a person:

(a) who is intoxicated, violent, quarrelsome, indecent or disorderly; or

(b) who is using disgusting, profane or foul language; or

(c) whose presence on his premises would subject him to a penalty under this Law or any other law,

and for that purpose may use such reasonable force as is required.

(2) A licensee or his manager or employee may refuse to admit into, or may turn out of, the licensed premises, or any part of those premises, a person

who is not suitably and cleanly dressed for those premises or for that part of the premises, as the case may be, and for that purpose may use such reasonable force as is required.

- (3) Where, for the purpose of Subsection (2), a licensee imposes rules as to the standards of dress for any part of his premises at any time, the rules shall:
  - (a) be reduced to writing and submitted to the Commission; and
  - (b) be prominently displayed at or near the entrance to the licensed premises or the part of the licensed premises, as the case may be.
- (4) The Commission may disallow a rule made under Subsection (3) and a rule so disallowed has no force or effect.
- (5) A member of the Police Force shall, on the demand of the licensee, expel or assist in expelling a person referred to in Subsection (1) or (2), and for the purpose may use such reasonable force as is required.
- (6) A person who refuses to quit the premises or resists removal under this section is guilty of an offence, in addition to any penalty to which he is liable under this or any other law.

Penalty: A fine not exceeding K100.00

142 Power to allow closing of licensed premises.

A member of the Commission, a magistrate of a District Court or an Inspector:



(a) may grant written permission to a licensee to close his premises on any day on account of pressing necessity; and

(b) if he does so, shall forward a copy of the permission to the Commission.

143 Holding of licences, etc., by companies.

(1) Subject to this Law, a company registered under a law relating to companies may become a licensee or the holder of a permit.

(2) Subject to Section 145, a company applying for the grant, renewal or transfer of a licence shall appoint a person approved by the Commission as its manager to directly represent it in the conduct of the licensed business, and the licence shall state the manager's name.

(3) On the application of the company and on payment of a fee as determined from time to time by the Interim Commission, the Commission may substitute the name of another person as manager and amend the licence and records accordingly.

(4) When authorized by the company, a manager appointed under this section or a director, secretary or employee of the company, may, on behalf of the company:

(a) give a notice; or

(b) make an application; or

(c) carry out a duty,

required in connexion with a licence held by the company.

144 Joint licensees or holders of a permit.

(1) Subject to this Law, two or more persons trading as a partnership may become joint licensees or holders of a permit.

(2) Subject to Section 143, when applying for the grant, renewal or transfer of a licence persons referred to in Subsection (1) may appoint a person, approved by the Commission, as a manager

to directly present them in the conduct of the licensed premises, and the licence shall state the manager's name.

- (3) When authorized by persons who are joint licensees or holders of a permit under this section, the manager may, on behalf of those person:
- (a) give a notice; or
  - (b) make an application; or
  - (c) carry out a duty,
- required in connexion with a licence held by them.

145 Appointment of manager, etc.

- (1) Where by or under this Law there is provision for the appointment of a manager for a licensee, the appointment:
- (a) shall be notified to the Commission; and
  - (b) subject to Subsection (2), has no force or effect until approved by the Commission.
- (2) Pending a decision by the Commission as to an appointment referred to in Subsection (1), an Inspector may grant interim approval of the appointment.
- (3) Where by or under this Law there is provision for the appointment of a manager for a licensee, a deputy for the manager may be appointed in the same manner and subject of the same conditions as the manager, and during any absence from the licensed premises of the manager the deputy (if he is on, in or at, or in control of, the licensed premises) shall, for the purposes of this Law, be deemed to be the manager.
- (4) After giving to the licensee and the manager or deputy an opportunity of appearing and being heard, the Commission may at any time withdraw its approval of the appointment.

## 146 Warrant cards.

- (1) The Commission shall issue warrant cards in the approved form to each member of the Commission, the Chief Licensing Inspector, and the Licensing Inspectors.
- (2) The production by a person of a warrant card referred to in Subsection (1) is prima facie evidence that the person producing the card is the person named in the warrant card.
- (3) A person who, without reasonable excuse (proof of which is on him), is in possession of a warrant card issued under Subsection (1) to another person is guilty of an offence.

## 147 Transitional - General.

- (1) In so far as anything done under an enactment repealed by the operation of this Law could have been done under a corresponding provision of this Law it shall not be invalidated by the repeal but shall have effect as if done under that provision.
- (2) Without prejudice to sub-paragraph (1) above, any reference in this Law (whether express or implied) to a thing done or required or authorized to be done, or omitted to be done, or to any event which has occurred, under or for the purposes of or by a reference to or in contravention of any provisions of this Law shall, except where the context otherwise requires, be construed as including a reference to the corresponding thing done or required or authorised to be done, or omitted, or to the corresponding event which occurred, as the case may be, under or for the purposes of or by reference to or in contravention of any corresponding provisions of the enactments repealed by the operation of this law.
- (3) Where a document refers expressly or by implication to an enactment repealed by the operation of this law the reference shall (except where the context otherwise requires) be construed as a reference to the corresponding provision of this law.
- (4) Where any period of time specified in an enactment repealed by the operation of this law is current at the commencement of this law and there is a corresponding provision in this law, this law

shall have effect as if that corresponding provision had been in force when that period began to run.

- (5) In so far as any instrument made or having effect as if made, or any other thing whatsoever done or having effect as if done, under any enactment repealed by subsection (1) of this section, could have been made or done under a corresponding provision of this law it shall, if effective immediately before the commencement of this law, have effect thereafter as if it had been made or done under that corresponding provision.

148 Transitional provision for licences forms etc..

- (1) A person who immediately before the commencement of this Law was the holder of a licence to sell or supply liquor under the corresponding enactment repealed by the operation of this Law shall be deemed to have been licensed in respect of that licensed premises under this Law, subject to the requirements and conditions subsisting in respect of that licence immediately before the commencement.
- (2) Any form used, and any requirement as to the particulars to be entered in any form used for the purposes of any enactment repealed by the operation of this Law shall continue in force as though prescribed under this Law until other forms or particulars are so determined.

149 Determination by Interim Commission.

- (1) (a) The Interim Commission may make determinations not inconsistent with this law determining all matters that by this Law are required or permitted to be determined or to be prescribed, or that are necessary or convenient to be determined or to be prescribed for carrying out or giving effect to this Law and in particular determining or prescribing matters providing for or in relation to:
- (i) the procedure for and in connection with applications, objections hearings and other matters before the Commission; and

- (ii) the forms of licences, certificates, authorities, permits and other documents and instruments issued or used under or for the purposes of this Law; and
  - (iii) the requirement by the Commission of returns by all or any licences showing details of the quantities and values of liquor, or of types of liquor, purchased or sold, and such other related information as is required by the Commission; and
  - (iv) the matters in relation to which fees are payable and the fees to be paid.
- (2) A determination made by the Interim Commission shall come into operation in accordance with a notice published in the National Gazette by the Manager.

I certify that the National Capital District Liquor Licensing Law 1984 was made on the 19th October 1984 by the Interim Commission and this is a true copy of the Law.

VILI MAHA  
MANAGER