

TRINIDAD AND TOBAGO.

No. 26.—1917.

[L.S.]

I ASSENT,



J. R. CHANCELLOR,
Governor.

27th November, 1917.

AN ORDINANCE to amend the Liquor Licenses Ordinances.

[On Proclamation.]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :—

1. This Ordinance may be cited as the Liquor Licenses Short Title. (Amendment) Ordinance, 1917.

2. In this Ordinance, unless the context otherwise Interpreta- requires-- tion.

“ Secretary ” in relation to a club includes any officer of the club or other person performing the duties of a Secretary ;

“ Unregistered club ” means a club which requires to be registered under this Ordinance, but is not so registered, or which has been struck off the register of clubs ;



“Magisterial district” means the district assigned to a Magistrate;

“Constable” means a member of the Constabulary Force.

Obligation to register clubs.

3.—(1.) The secretary of every club which occupies a house or part of a house which is habitually used for the purposes of a club, and in which any intoxicating liquor is supplied to members or their guests, or any other premises which are habitually so used, and in which any intoxicating liquor is so supplied, shall cause the club to be registered in manner provided in this Ordinance.

(2.) The registration of a club under this Ordinance shall not constitute the club premises licensed premises, or authorise any sale of intoxicating liquor therein which would otherwise be illegal.

Register of clubs.

4.—(1.) The Clerk of the Peace of every Magisterial district shall keep a register of all such clubs within the district, but shall not enter a club thereon without an order from the Magistrate in whose district such club is situated.

(2.) The register shall be in a form prescribed by the Governor in Executive Council and shall contain—

- (a) the name and objects of the club;
- (b) the address of the club;
- (c) the name of the secretary;
- (d) the number of members;
- (e) the rules of the club relating to—
 - (i) the election of members and the admission of temporary and honorary members and of guests;
 - (ii) the terms of subscription and entrance fee, if any;
 - (iii) the cessation of membership;
 - (iv) the hours of opening and closing; and
 - (v) the mode of altering the rules.

(3.) The Clerk of the Peace shall keep the register of clubs corrected up to date in accordance with the returns furnished by the secretaries as required by this Ordinance, and the register shall at all reasonable hours be open to the inspection of a Commissioned Officer of the Constabulary Force, or to an officer of Excise.

5.—(1.) The Secretary of every club shall in the month of January, 1918, and in the month of January in each succeeding year, and in the case of a new club, prior to the opening of the said club, and in the month of January in each succeeding year, make application to the Magistrate of the district in which the Club is situated for an order to the Clerk of the Peace to enter the club on the register.

Mode of application for registration.

(2.) In support of such application, the secretary shall produce to the Magistrate a return signed by the secretary giving the particulars mentioned in Sub-section (2) of the last preceding section together with a statement also signed by him that there is kept upon the club premises a register of the names and addresses of the club members, and a record of the latest payment of their subscriptions.

(3.) The Secretary shall give evidence, to the satisfaction of the Magistrate, in verification of the matters mentioned in the last preceding sub-section.

(4.) A fee of £5 shall be payable to the Receiver-General in respect of each such application, and no application shall be entertained by the Magistrate unless at the making thereof he is satisfied that payment of such fee has been made. The fee shall not be returnable to the applicant whether the application be granted or not.

6. The Secretary of every club shall, before making application to the Magistrate for an order to the Clerk of the Peace to enter the club upon the register, give twenty-one days' notice to the Inspector-General of Constabulary of his intention to apply, and shall furnish to him a copy of the return aforesaid, and the Inspector-General of Constabulary or a Commissioned Officer of Constabulary authorised by him shall—

Notice to Inspector-General of application for registration.

(i.) verify the particulars contained in the return ;

- (ii.) make enquiries to enable him to inform the Magistrate to whom application is made, upon the matters to be considered by him under the next succeeding section.
- (iii.) attend at the hearing of the application; and
- (iv.) be entitled to object to the making of an order for registration of the club.

Magistrate to
consider
application.

7. The Magistrate to whom application is made shall duly consider the return furnished by the secretary, and his evidence in verification thereof and the evidence called by the Constabulary and shall determine whether the Clerk of the Peace shall enter the club in the register of clubs and direct the Clerk accordingly.

When
Magistrate
may refuse
order to
register.

8. The Magistrate to whom application is made shall not order the Clerk to enter any club in the register if, in his opinion :--

- (i.) the return furnished as aforesaid is incomplete ;
- (ii.) the evidence given as to the objects of the club or its system of management, or as to the character of the club premises is unsatisfactory or
- (iii.) the club premises have, in his opinion, been purchased or leased for the purpose of the said club by any brewer, firm of brewers, brewery company, distiller, distillers or wine and spirit merchants; or if, in his opinion, the club is compelled to purchase intoxicating liquors from any brewer, firm of brewers, brewery company, distiller, distillers or wine and spirit merchants, in consideration of money advanced to or on account of the said club by the said brewer, firm of brewers, brewery company, distiller, distillers or wine and spirit merchants.

Notice to
Receiver-
General of
registration.

9. The Clerk of the Peace shall, within three days of the entry of a club in the register, send or cause to be sent to the Receiver-General notice that the said club has been entered in the register by him in conformity with the provisions of this Ordinance.

10.—(1.) If any intoxicating liquor is supplied or sold to any member or guest on the premises of an unregistered club, the person supplying or selling the liquor, and every person authorising the supply or sale of the liquor, shall be liable to imprisonment, with or without hard labour, for a term not exceeding one month, or to a fine not exceeding £50 or to both.

Penalty for supplying or keeping liquor in unregistered club.

(2.) If any intoxicating liquor is kept for supply or sale on the premises of an unregistered club, every officer and member of the club shall be liable to a fine not exceeding £5, unless he proves to the satisfaction of the Court that the liquor was so kept without his knowledge or consent.

11.—(1.) Where a club has been registered in pursuance of this Ordinance, a Magistrate on complaint in writing by any person may, if he thinks fit, make an order directing the club to be struck off the register on all or any of the following grounds, namely—

Striking off club register.

- (a.) that the club has ceased to exist, or that the number of members is less than twenty-five; or
- (b.) that it is not conducted in good faith as a club, or that it is kept or habitually used for any unlawful purpose; or
- (c.) that there is frequent drunkenness on the club premises; or
- (d.) that illegal sales of intoxicating liquor have taken place on the club premises; or
- (e.) that persons who are not members are habitually admitted to the club merely for the purpose of obtaining intoxicating liquor; or
- (f.) that the club occupies premises in respect of which, within twelve months next preceding the formation of the club, a license has been forfeited or the renewal of a license has been refused, or in respect of which an order has been made that they shall not be used for the purposes of a club; or

- (g.) that persons are habitually admitted as members without an interval of at least forty-eight hours between their nomination and admission ; or
- (h.) that the supply of intoxicating liquor to the club is not under the control of the members or the committee appointed by the members.

(2.) For the purpose of determining whether a club is conducted in good faith as a club, the court shall have regard to the nature of the premises occupied by the club.

(3.) If the court grants a summons on the complaint, the summons shall be served on the secretary and on such other person if any, as the court may direct.

(4.) Where the court makes an order striking a club off the register, the court may, if it thinks fit, by that order further direct that the premises occupied by the club shall not be used for the purposes of any club which requires to be registered under this Ordinance for a specified period, which may extend, in case of a first order, to twelve months or in case of a second or subsequent order, to five years ;

Provided that any such direction may, for good cause shown, be subsequently cancelled or varied by the court.

12. Any servant, officer or member of a club who obstructs or prevents or attempts to obstruct or prevent, a Commissioned officer of the Constabulary Force or any constable appointed by him to make enquiries, from having free access to the club premises during such hours as the said premises are open to the members of the said club, or from obtaining information such as he is empowered to obtain for the purposes of this Ordinance, shall, upon conviction before a Magistrate, be liable to a fine of not less than £5 and not exceeding £10 for the first offence and for any subsequent offence not less than £10 and not exceeding £50.

13.—(1.) If a Magistrate or Justice is satisfied by information on oath that there is reasonable ground for supposing that any registered club is so managed or carried on as to constitute a ground for striking it off the register, or that any intoxicating liquor is sold or supplied, or kept for sale

Penalty for
obstructing
Police.

Search
Warrant.

or supply, on the premises of an unregistered club, he may grant a search warrant to any constable named therein.

(2.) A search warrant granted under this section shall authorise the constable named therein to enter the club, if need be by force, and to inspect the premises of the club, to take the names and addresses of any persons found therein and to seize any books and papers relating to the business of the club.

14.—(1.) If the Secretary of any registered club or any club which requires to be registered under this Ordinance omits to make any return required by this Ordinance, he shall be liable to a fine not exceeding £20, and in the case of a second or subsequent offence to imprisonment with or without hard labour, for a term not exceeding one month, or to a fine not exceeding £50, or to both. Penalty for false return by Secretary.

(2.) If the Secretary of any such club knowingly makes a return which is false in any material particular, he shall be liable to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding £50 or to both.

15. Section 66 of the Liquor Licenses Ordinance (No. 177) is hereby repealed. Repeal.

16. Proceedings under this Ordinance may be taken in the manner provided in the Summary Conviction Offences (Procedure) Ordinance, No. 1. Procedure.

17. This Ordinance shall commence on a day to be fixed by the Governor in Executive Council by proclamation in the *Royal Gazette*. Commencement.

Passed in Council this Sixteenth day of November in the year of Our Lord one thousand nine hundred and seventeen.

HARRY L. KNAGGS,
Clerk of the Council.