



TRINIDAD AND TOBAGO

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No. 28—1943.

[L.S.]

*Amended by Ord 12/1944*  
" " " 25/1944

I ASSENT,

A. B. WRIGHT,  
*Acting Governor.*  
18th August, 1943.

AN ORDINANCE to make temporary special provision  
for controlling the sale of intoxicating liquor in  
licensed premises, clubs and elsewhere and for other  
matters connected therewith.

[19th August, 1943.]

Commencement.

ENACTED by the Governor of Trinidad and Tobago  
with the advice and consent of the Legislative Council  
thereof.

1. (1) This Ordinance may be cited as the Control of  
Licensed Premises (Temporary Provisions) Ordinance, 1943.

Short title  
and duration

No. 28. *Control of Licensed Premises (Temporary Provisions)*. 1943.

(2) This Ordinance shall expire at the end of one year after its coming into force unless continued in force by resolution of the Legislative Council. The Ordinance may be continued in force by resolution as aforesaid for one year at a time.

(3) The expiry of this Ordinance as aforesaid shall be without prejudice to things previously done, omitted, or suffered thereunder.

Interpretation.

2. In this Ordinance—

“club”, “intoxicating liquor”, “members’ club”, “proprietary club”, and “secretary” have the meanings respectively assigned to them in the Registration of Clubs Ordinance;

Ch. 32. No. 12.

“controlled premises” means—

Ch. 32. No. 11.

(a) any premises to which a licence issued under the Liquor Licences Ordinance applies, whether the licence was issued before the coming into force of this Ordinance or is issued thereafter; and

Ch. 32 No. 12.

(b) any premises registered under the Registration of Clubs Ordinance, whether registration was effected before the coming into force of this Ordinance or is effected thereafter;

“proprietor of a club” means the proprietor of any club other than a members’ club.

Restrictions  
as to licensed  
premises.

3. (1) The provisions of any laws as to the hours within which, and the circumstances in which, controlled premises may be open or intoxicating liquor may be sold, disposed of, or consumed on the premises shall be subject to the following modifications, that is to say:—

(a) in the case of premises in respect of which a spirit retailer’s licence granted under the provisions of the Liquor Licences Ordinance is in force, no intoxicating liquor shall in any event be sold, disposed of, or consumed, by any person, and the premises shall not in any event be open, except between 10 a.m. to 2 p.m. and 4.30 p.m. to 6.30 p.m.;

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- (b) in the case of premises in respect of which a spirit dealer's licence or a spirit grocer's licence, or a wine retailer's licence granted under the provisions of the said Ordinance is in force, no intoxicating liquor shall in any event be sold, disposed of, or consumed, by any person except between 10 a.m. to 2 p.m. and 4.30 p.m. to 6.30 p.m. ;
- (c) in the case of any controlled premises other than those mentioned in paragraphs (a) and (b) above, no intoxicating liquor shall in any event be sold, disposed of, or consumed, by any person except between 10 a.m. to 2 p.m. and 4.30 p.m. to 11 p.m. (12 midnight on Saturdays);
- (d) in the case of any premises in respect of which a special hotel licence granted under section 35 of the said Ordinance is in force, no intoxicating liquor shall in any event be sold or disposed of to, or consumed by, any person who is not a *bona fide* guest at the hotel except between 10 a.m. to 2 p.m. and 4.30 p.m. to 6.30 p.m. :

Provided that such modifications shall not be construed as authorising by implication any premises to be open, or any intoxicating liquor to be sold, disposed of, or consumed on any premises, at any time at which, or in any circumstances in which, it would have been unlawful for such premises to be open or for intoxicating liquor to be so sold, disposed of or consumed on the premises if this Ordinance had not been passed.

(2) The hours specified in paragraphs (a), (b), (c) or (d) of subsection (1) may be varied from time to time by order of the Governor in Council either generally, or in relation to any class of controlled premises, or in relation to controlled premises or any class of controlled premises in any particular area of the Colony, or in relation to any combination of the foregoing cases, and this Ordinance shall thereupon have effect accordingly.

(3) A contravention of or failure to comply with any such provisions of any such laws, or any modification thereof introduced by this section, in relation to any premises shall be deemed to be a contravention of this section in relation to those premises.

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(4) The provisions of this section as to sale or disposal of intoxicating liquor shall apply whether the sale or disposal is for consumption on the premises or for consumption off the premises.

(5) If the provisions of this section shall be contravened in relation to any controlled premises, the licensee, the secretary of the club, the proprietor of the club if the club is a proprietary club, the person selling or disposing of the liquor, and the person purchasing, receiving or consuming the liquor, as the case may be, shall all be deemed to have contravened this section: Provided that it shall be a defence to the licensee or to the proprietor or secretary of a club to prove that he and the servants and agents of the licensee or of the club; as the case may be, had taken all reasonable steps to prevent the contravention, and were not parties to it, and that the contravention was reported immediately to the police.

Cancellation of licence and registration for contravention of section 3.

4. On the conviction of the licensee or of the proprietor or secretary of a club for a contravention of section 3 in relation to any controlled premises, the licence of the licensee or the registration of the club, as the case may be, shall be deemed to be cancelled.

Cancellation of licences and registration of clubs on specified grounds.

5. If it shall be established to the satisfaction of a Magistrate on the complaint of the Commissioner of Police that any controlled premises are frequented by prostitutes or undesirable characters or that excessive drinking is prevalent on the premises, or that the continuance in force of the licence or registration relating to the premises, as the case may be, would be likely to be prejudicial to the maintenance of public order or the efficient prosecution of the war, the Magistrate shall order the licence or registration relating to the premises to be cancelled.

Effect of cancellation of licences and registration of clubs.

6. If the licence or registration relating to any controlled premises shall be cancelled under this Ordinance, then without the written permission of the Commissioner of Police—

- (a) the premises shall not again become controlled premises; and
- (b) no further licence under the Liquor Licences Ordinance shall be issued to the person who was the licensee or the proprietor or secretary

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- of the club, as the case may be, in respect of any other premises of which he was not the licensee at the time of the cancellation; and
- (c) no other club shall be registered under the Registration of Clubs Ordinance of which the person whose licence was cancelled or the proprietor or secretary of the club of which the registration was cancelled is the proprietor or secretary, unless the club was a registered club at the time of the cancellation.

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7. If any information or complaint shall have been laid of a contravention of section 3 by the licensee or by the proprietor or secretary of a club or under section 5, the Magistrate shall, if the Commissioner of Police shall certify that the continuation in force of the licence or registration relating to the premises would be likely to be prejudicial to the maintenance of public order or the efficient prosecution of the war, suspend the licence or registration relating to the premises until the information or complaint has been disposed of.

Suspension of licences and registration of clubs pending legal proceedings.

8. Notwithstanding any provision of law to the contrary, no licence shall be issued under the Liquor Licences Ordinance, and no registration shall be effected under the Registration of Clubs Ordinance—

Restrictions on issue of licences or registration of clubs. Ch. 32. No. 11. Ch. 32. No. 12.

- (a) in relation to any premises if the premises are within 200 yards of a church or school and the authority empowered to issue the licence or effect the registration has not, for special reasons recorded by him, seen fit to issue the licence or effect the registration; or
- (b) unless the Commissioner of Police has certified that such licensing or registration would not be likely to be prejudicial to the maintenance of public order or the efficient prosecution of the war:

*Repealed & replaced by section 29 Ord. 12/1944*

Provided that this section shall not apply to the issue of a licence in relation to any premises to a person licensed in relation to those premises on the coming into force of this Ordinance or to the registering of a club which is registered on the coming into force of this Ordinance.

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Restrictions  
on use of  
dance halls.  
Ch. 30. No. 9.

9. The following provisions shall have effect in relation to dance halls, as defined in the Theatres and Dance Halls Ordinance, namely—

- (a) the proclaimed areas for the purposes of that Ordinance and of this Ordinance shall, in relation to dance halls, be deemed to include the entire Colony;
- (b) the exemption conferred by section 7 of the Theatres and Dance Halls Ordinance on places in the control of any municipal authority or in any building thereon shall not have effect during the continuance in force of this Ordinance;
- (c) no intoxicating liquor within the meaning of that expression in the ~~Theatres and Dance Halls~~ Ordinance shall be sold, disposed of, or consumed, by any person, in any dance hall unless a licence under the Liquor Licences Ordinance is in force in relation to the dance hall;
- (d) if the provisions of paragraph (c) of this section are contravened or not complied with, the holder of the licence under the Theatres and Dance Halls Ordinance, and the person selling or disposing of the liquor and the person purchasing, receiving or consuming the liquor, as the case may be, shall all be deemed to have contravened this section: Provided that it shall be a defence to the licensee to prove that he and his servants or agents had taken all reasonable steps to prevent the contravention, and were not parties to it, and that the contravention was reported immediately to the police. On the conviction of the licensee for any such contravention, it shall be in the absolute discretion of the Licensing Authority to refuse to grant any further dance hall licence in respect of the same premises and to refuse to grant the licensee whose licence is cancelled a dance hall licence in respect of any other premises for which he did not hold a dance hall licence at the time of cancellation;

*Liquor Licences  
Sec 2 of Ord 25 (1944)*

(Ch. 32. No. 11.)

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(e) no occasional licence under the Liquor Licences Ordinance shall be issued in respect of any dance hall unless the Magistrate is satisfied (by production of the licence) that the dance hall is licensed under the Theatres and Dance Halls Ordinance.

10. No person shall consume intoxicating liquor in any public street or place in any town or village. Drinking in public places prohibited.

11. Where a person convicted of an offence against this Ordinance is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence. Liability of officers of Corporations.

12. The provisions of sections 3, 8 and 9 of this Ordinance shall have effect subject to such general or special exceptions as may be provided for by order of the Governor in Council. Governor in Council may direct exceptions.

13. Every person who contravenes or fails to comply with any of the provisions of this Ordinance shall be liable— Penalties.

(a) on summary conviction to imprisonment for six months or to a fine of four hundred and eighty dollars or to both such imprisonment and fine; or

(b) on conviction before the Supreme Court to imprisonment for two years or to a fine of two thousand four hundred dollars, or to both such imprisonment and fine.

14. It is hereby declared that all matters done or omitted prior to the coming into force of this Ordinance which would have been lawfully done or omitted if the Defence (Licensed Premises) Regulations, 1942, and the Defence Regulations, 1939, (in so far as applied in aid thereof) had been an Ordinance shall be deemed to have been lawfully done or omitted. Validation of matters done or omitted under the Defence (Licensed Premises) Regulations, 1942.

Passed in Council this thirteenth day of August, in the year of Our Lord one thousand nine hundred and forty-three.

W. J. BOOS,  
*Clerk of the Council.*

1943.  
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