

Am by 2/63(5)



TRINIDAD AND TOBAGO

Am by 13-56
" " 33-56, 17-60, 2-6

Am by 11-71, 28-73

No. 27—1955

[L.S.]

I ASSENT,

C.D. 183/55 (313)
22.11.55

M. H. DORMAN
Acting Governor

20th June, 1955

AN ORDINANCE to make provision in respect of the Sale of Intoxicating Liquor, and Licences in respect of the same.

[On Proclamation] No. 23/1955: G.N. 183/55 Commencement 22.11.55

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

1. This Ordinance may be cited as the Short title Liquor Licences Ordinance, 1955, and shall come into force on a day to be appointed by the Governor by Proclamation published in the *Royal Gazette*.

PART I

PRELIMINARY

Interpretation

2. In this Ordinance—

“beer” includes ale, stout, porter, spruce beer, black beer, and any other description of beer and any liquor which is made or sold as a description of beer or as a substitute for beer, and which on analysis of a sample thereof at any time is found to contain more than two per centum of proof spirits;

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“company” means a limited company registered in the Colony under the provisions of the Companies Ordinance, but does not include any Company or association or persons calling themselves a company not so registered;

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“compounds” means compounds made by a licensed compounder in accordance with the provisions of the Spirits and Spirit Compounds Ordinance;

“Comptroller” means the Comptroller of Customs and Excise;

“deal” and “dealer” mean the trade of selling intoxicating liquor for consumption off the licensed premises in not less than the quantity prescribed in each case, and the person carrying on such trade, respectively;

“Excise Ordinance” means this or any other Excise Ordinance, or any rule or regulation, having the force of law, for the time being in force, relating to intoxicating liquor;

“foreign liqueurs” means spirits flavoured or sweetened, and imported into the Colony, by whatever name the same are sold;

“hotel” means any building or group of buildings (occupied together) for the accommodation for reward of persons lodging or taking meals therein and includes the curtilage thereof and all structures within such curtilage, containing not less than six bedrooms;

“house” and “premises” include every room and place under the same roof or within the same curtilage, occupied with or as appurtenant to any house, premises, room, or place;

- “intoxicating liquor” means spirits, wine, or beer, or any liquor being a mixture, beverage or preparation containing the same;
- “licence” means any licence granted under this Ordinance;
- “licensed” (as regards persons or premises) means the persons named or whose names are endorsed on a licence issued under this Ordinance and the premises in which a trade is licensed to be carried on under this Ordinance;
- “licensing area” means a part of a licensing district appointed by the Licensing Committee of the district to be a licensing area for the purposes of this Ordinance;
- “licensing committee” means a committee constituted under the provisions of section 5;
- “licensing district” means a district constituted under the provisions of section 4;
- “Licensing Sessions” means the Sessions holden under the provisions of section 18 for the granting of licences, and any adjournment of such Sessions;
- “Magistrate” means the Magistrate for the district within which the licensed premises are situated, or, as the case may be, within which any offence is charged to have been committed;
- “occupier” means the person in actual occupation of a house or premises as master of the same or of the trade or business therein carried on;
- “Officer” means the Comptroller, any member of the Police Force and any person acting under the instructions of the Comptroller for the purposes of any Excise Ordinance;
- “permit” means a permit required for the removal of spirits under the provisions of the Spirits and Spirit Compounds Ordinance; Ch. 32. No. 9.
- “Port-of-Spain” means the City of Port-of-Spain as defined from time to time under the Port-of-Spain Corporation Ordinance; Ch. 39. No. 1.
- “renewal” means a renewal of a licence that shall have been in force in respect of the same premises and in favour of the same person up to the day on which such renewal commences;

Ch. 39. No. 7.

Ch. 12. No. 4

“retail” and “retailer” mean the trade of selling intoxicating liquor for consumption on or off the licensed premises without restriction as to quantity, and the person carrying on such trade, respectively;

“sale” and “sell” include “barter” and “exchange”;

“San Fernando” means the Borough of San Fernando as defined from time to time under the San Fernando Corporation Ordinance;

“Scarborough” means the town of Scarborough in Tobago as defined from time to time under the Public Health Ordinance;

“section” means section of this Ordinance;

“spirits” means any liquor containing alcohol the product of distillation, and includes any liquor sold or offered for sale as or as containing rum, whisky, gin, or any other description of spirits; and this term also includes for the purposes of this Ordinance all beverages whether purporting to be wine, beer, or other fermented liquors or not, containing a greater proportion than forty-two per centum of proof spirits either due to fermentation or added;

“steamship” means a ship propelled by steam or any motor power;

“tourist steamship” means any steamship notified as a tourist steamship by the Comptroller for the period stated in such notice;

“town” means the several places specified in the First Schedule hereto, and every other place declared to be a town for the purpose of this Ordinance by the Governor;

“trade” as applied to any person carrying on any trade in intoxicating liquors, means such trade, and includes business, occupation, and calling;

“transfer” means a transfer by order of a licensing committee of an existing licence to fresh premises within the same district, or of a licence for the same premises from one person to another person;

“wine” means fermented grape juice, and all liquor sold or offered for sale as wine or under any name by which any wine is known; and for the purposes of this Ordinance “wine” includes cider and perry and the fermented juice of any fruit.

3. For the purpose of carrying out the provisions of this Ordinance all Officers shall have the same powers, authorities and privileges as are given by law to constables.

Powers of
Officers of
Customs and
Excise

PART II

LICENSING DISTRICTS AND AUTHORITIES

4. For the purposes of this Ordinance the Colony shall be divided into licensing districts which shall be coterminous with the magisterial districts from time to time appointed by the Governor under section 7 of the Summary Courts Ordinance or any provision of the law amending or replacing the same.

Division of
Colony into
licensing
districts

Ch. 3. No. 4

5. There shall be a licensing committee for each licensing district which shall consist of the Magistrate from time to time assigned for duty as such in the magisterial district coterminous with the licensing district, or, where more than one Magistrate is so assigned, any such Magistrate, the Warden of the county or counties comprising the licensing district, or where a licensing district forms part only of a county, the Warden of that county, and in the case of the Island of Tobago, the Warden of Tobago, and one person nominated by the Governor in Council. Whenever any such committee sits for the transaction of business the Chairman thereof shall be the Magistrate, who is hereby further empowered to sit alone for hearing applications for occasional licences under section 44, and for the granting of authority under the proviso to section 40 to the licensed occupier of a hotel in respect of which a special hotel licence is in force to supply intoxicating liquor to persons attending at such hotel after closing hours. On any other occasion two members shall form a quorum.

Constitution
of licensing
committees

6. A licensing committee may divide its licensing districts into convenient licensing areas for the holding of licensing sessions.

Licensing
areas

7. The Secretary of a licensing committee for the purposes of the licensing sessions to be held in the licensing district of such committee or in any licensing area thereof shall be the Clerk of the Peace for the magisterial district coterminous with the licensing district of such committee or the Clerk of the Peace for the licensing area, as the case may be.

Secretaries of
licensing
committees

PART III

LICENCES

- Licences** **8.** The several licences specified in the Second Schedule hereto may be applied for and granted subject to the provisions of this Ordinance.
- Forms of licences** **9.** (1) Every licence shall be issued in the prescribed form.
(2) The Comptroller may from time to time alter the forms of licences.
- Duration and date of licences** **10.** Subject to the provisions of this Ordinance, every licence shall be granted for the time specified therein and shall be dated on the day on which it is granted, and shall in no case continue in force beyond the ensuing 31st of March.
- Date of renewal of licence** **11.** Where any person whose licence is renewed pays the duty imposed on the new licence at the time and place prescribed for payment thereof, the new licence shall bear date on the day following the date of expiration of the previous licence.
- Licence to apply to one set of premises only** **12.** A licence shall only authorise the person to whom it is granted to carry on the licensed trade in one set of premises to be specified in the licence, and the whole of the premises must be adjoining and held together for the same trade: Provided that no licence shall be deemed to extend to any part of such premises not described in the form of entry required by section 76.
- Partnerships and companies** **13.** (1) Where two or more persons carry on in partnership any trade, they shall not be required to take out in any year more than one licence for each set of premises in which the trade is carried on, and the licence shall be applied for jointly by and shall be issued in the joint names of every such person.
(2) Where a company carries on any trade, the licence shall be in the joint names of the company and of the manager or other servant required by section 28 to appear before the licensing committee.
- Proportional payments on commencement** **14.** Any person who begins to carry on in any premises any trade mentioned in this Ordinance for which a licence is required, may take out a licence on payment of a proportion

of the annual duty charged thereon, as follows:—

- (a) if the licence is taken out within the second quarter of the current year, on payment of three-fourths of the duty; and
- (b) if the licence is taken out within the third quarter of the current year, on payment of one-half of the duty; and
- (c) if the licence is taken out within the last quarter of the current year, on payment of one-fourth of the duty;

Provided that a person who has previously taken out a licence for a trade shall not be entitled to the benefit of this section upon taking out a licence to carry on the same trade, whether on the same or different premises, unless one year at least has elapsed between the expiration of the previous licence and the taking out of the new licence, or unless such licence shall be additional to any licence held by him during the previous year.

15. Any person who—

- (a) has not taken out a spirit retailer's or spirit grocer's licence during the twelve months prior to his application, or
- (b) has had a spirit retailer's or spirit grocer's licence for the quarter immediately preceding the quarter for which he applies for a licence,

may be granted a licence on payment in advance of the duty for one complete quarter at the rate specified in the Second Schedule hereto, and such licence shall expire on the last day of the quarter in respect of which the licence is granted: Provided that no licence shall be granted under this section in respect of any premises for which a licence, other than a licence for the quarter immediately preceding, has been in force during a period of one year prior to the application therefor.

Quarterly
payments
in certain
cases

PART IV

PROCEDURE FOR OBTAINING A LICENCE

16. Subject to the provisions of this Ordinance, licensing committees may grant certificates for the issue or renewal of licences to or for such persons as they may, in the execution of their powers under this Ordinance and in the exercise of their discretion, deem fit and proper.

Power of
licensing
committees
to grant
certificates
for the issue
or renewal of
licences

17. (1) Subject to the provisions of this Ordinance, a licence may be issued on the payment of the appropriate duty specified in the Second Schedule hereto and upon production of the certificate of the licensing committee authorising such issue.

Issue of
licences

(2) Subject to the provisions of this Ordinance licences shall be issued—

- (a) where the premises to be licensed are situate within the City of Port-of-Spain, by the Comptroller;
- (b) where the premises to be licensed are situate in the Island-Ward of Tobago, by the Warden of Tobago;
- (c) in any other case, by the Warden of the County in which the premises to be licensed are situate.

(3) Each Warden shall within fourteen days after the end of each calendar month submit to the Comptroller a return of all licences issued by him during such month.

(4) The Comptroller shall keep a register of all licences granted under this Ordinance.

Licensing
Sessions

18. Sessions for the granting of certificates for the issue or renewal of licences shall be held on convenient days in the months of March, June, September, and December, to be appointed by the licensing committee in each licensing area or district, as the case may be, and any such session may, at the discretion of the licensing committee, be adjourned, either generally, or, as respects any particular applications, to such other days as the licensing committee shall think fit, and, subject to the provisions of this Ordinance, the licensing committee may, at such session, or at any adjournment thereof, grant such certificates to such persons and in respect of such premises as the licensing committee in the exercise of its discretion deems proper : Provided that it shall be lawful for the Governor in the exercise of his discretion to direct any licensing committee to appoint and hold a special session at any other date: Provided also that a fee of twenty-four dollars shall be payable in respect of each application considered at any such special session.

Notice of
licensing
sessions

19. The licensing committee shall, twenty-eight days at least before each licensing session, appoint the time and place at which such session is to be held, and cause notice thereof to be inserted in the *Royal Gazette*, and to be affixed in some conspicuous place or places. The provisions of this section shall not apply to any adjournment of a session.

Applications
for licences

20. (1) Every person desiring to obtain a new licence in respect of any premises shall, twenty-one days at least before the day appointed for the licensing session, make an application in writing to the licensing committee, and the licensing committee shall cause notice of such application to be published in

the *Royal Gazette* and in two newspapers circulating in the Colony.

(2) In every such application shall be stated the name, occupation, and residence of the applicant, and the precise situation of the premises, and the trade in respect of which a licence is applied for.

(3) Every such application shall be accompanied by a plan of the premises in respect of which the application is being made and a fee of five dollars.

(4) Certificates for renewals may be granted at licensing sessions on written application made to the licensing committee at least seven days before the date fixed for the holding of the session; but it shall be lawful for any Officer present at such session to object to any renewal on sufficient ground to be thereupon stated and the licensing committee may in its discretion in any such case adjourn the hearing of the application to a convenient day to admit of evidence being adduced.

21. (1) The owner of the premises in respect of which a new licence is applied for, and any owner or occupier of property, or a minister in charge of a place of public worship, or the managers of any public elementary school, situate within a quarter of a mile therefrom, and any Officer shall have the right of appearing before the licensing committee at licensing sessions to object to the granting of any new licence or the transfer of any licence to any new premises, and every such Officer shall have such right as regards the transfer of any licence to any person, and shall be heard by the licensing committee in support of any such objection.

Right of and
grounds of
objection
to licence

(2) Objection to the grant of a new licence or the transfer of a licence to new premises or to any person may be on any reasonable ground including any of the following grounds—

- (a) that the applicant has been convicted of a felony or of an offence for which he has been deemed a rogue and vagabond, or an idle and disorderly person, or is a person of known bad character;
- (b) that the district is already adequately served by licensed premises;
- (c) that the premises in respect of which the application is made are in too close proximity to a school or place of worship;

(d) that the premises in respect of which the application is made are unsuitable either owing to difficulty in supervising them, size, state of repair, or insanitary condition, or to the lack of sufficient means of exit in case of fire.

(3) Objection to the renewal of a licence may be on any reasonable ground including any of the grounds mentioned in paragraphs (a) and (d).

Appeal
against
licensing
committee's
decision

22. Any person aggrieved by a ny decision of a licensing committee granting or refusing a certificate for any new licence or any renewal or transfer may appeal from such decision to the Full Court : Provided that, for the purposes of this section "any person aggrieved" shall mean the applicant, or any person who is entitled under the provisions of this Ordinance to object to such new licence, renewal, or transfer, and who shall have appeared before the licensing committee and objected to such new licence, renewal, or transfer.

Procedure
on appeal

Ch. 3. No. 4

23. The procedure in respect of any appeal under the immediately preceding section shall be such as is laid down in the Summary Courts Ordinance, except that it shall not be obligatory to give any notice of reasons for appeal.

Certificates,
&c., to be
lodged by
applicant

24. Where any certificate, permission, or approval of any person is a condition of the granting of a licence, the same shall be obtained by the applicant and lodged with the secretary of the licensing committee before the day appointed for the licensing session : Provided that the licensing committee may in its discretion, extend the time for the lodging of such certificate, permission, or approval, and adjourn the hearing of the application accordingly.

Returns of
certificates
to be sent to
Comptroller
of Customs
and Excise
by licensing
committee

25. A return of all certificates granted for the issue, renewal, or transfer of licences under this Ordinance, specifying the names and places of abode of the licensees, the licensed premises, and the terms for which the licences are granted, shall be transmitted by every licensing committee to the Comptroller within seven days next after such certificates are granted.

Publication
of licences
granted

26. (1) The Comptroller shall cause to be published in the *Royal Gazette* quarterly returns of all licences granted, issued and transferred under this Ordinance.

(2) Production of a copy of the *Royal Gazette* containing any such return as in this section mentioned shall be sufficient evidence of any fact therein stated as to any licence therein returned.

27. The Summary Courts Ordinance shall govern the procedure at any licensing sessions or any adjournment thereof under this Ordinance.

Procedure at
licensing
sessions
Ch. 3. No. 4

28. No new licence shall be granted or current licence transferred except the person applying for such grant, or to whom such transfer is to be made, personally appears before the licensing committee or in the case of a company the manager or other servant of the company by whom the business is to be carried on on behalf of such company, so personally appears: Provided that it shall be lawful for the licensing committee, on special grounds, to dispense with such appearance in case of unavoidable absence.

Personal
application
of licensing
committee

29. Any person falsely pretending before a licensing committee that he is the person applying for a licence or the person to whom any existing licence is to be transferred, shall be deemed so to have pretended with intent to deceive, and shall incur a penalty of two hundred and forty dollars; and if it is shown to the satisfaction of the licensing committee that he has so pretended with the connivance of the person entitled to apply, a certificate for such licence, or such transfer, shall not be granted.

Personation
of applicant

30. No licence shall be granted or transferred to—

- (a) any person who has been convicted in the Colony of dealing in, retailing, selling, exposing to sale, offering for sale, or having in his possession or on his premises for purposes of sale, any intoxicating liquor contrary to any Excise Ordinance, or of any offence under Part XII of the *Spirits and Spirit Compounds Ordinance*;
- (b) any person apparently under the age of twenty-one years, unless such person proves himself to have attained such age;
- (c) any person whose licence has been cancelled under the provisions of this Ordinance or of the *Liquor Licences Ordinance* hereby repealed, or, during his life, his wife or any member of the family of such person resident with him;

Disqualifications
for licence

Ch. 32. No. 9

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(d) any person in respect of premises situated within a quarter of a mile of any distillery, except with the permission in writing of the Comptroller.

Transfer on death of licensee, or on assignment of transfer

31. (1) On the death of any licensed person, the licence may, save as otherwise provided by this Ordinance, be transferred by endorsement by the licensing committee to the licensed person's personal representative, or to the person beneficially entitled to the business, or to the Administrator General or Public Trustee, or the appointee of the Administrator General or Public Trustee.

(2) On the *bona fide* assignment or transfer of any licensed business, the licence may, save as aforesaid, at the discretion of the licensing committee, and with the consent of the parties, be transferred by endorsement by such committee.

(3) No licence shall be transferred under this section except upon payment of the fee set out in the Second Schedule hereto.

(4) No penalty under this Ordinance shall be incurred by the executors or administrators or the widow or child of any licensed person who dies before the expiration of his licence, or by the trustee of any person who is adjudged bankrupt, or whose affairs are liquidated by arrangement, before the expiration of his licence, in respect of the sale or exposure for sale of any intoxicating liquor, so that such sale or exposure for sale be made on the premises specified in such licence, and takes place for not longer than twenty-eight days after the death of the said licensed person, or the appointment of a trustee in the case of his bankruptcy, or the liquidation of his affairs by arrangement: Provided that the Comptroller may, on reasonable cause being shown, extend the period of twenty-eight days aforesaid, by notification in writing.

Transfer to other premises

32. Any person having a licence may apply to the appropriate licensing committee for leave to transfer his licensed trade from his licensed premises to other premises within the same licensing district. Seven days notice shall be given of the hearing of such application by the secretary of the licensing committee to the Comptroller and also to the Police Officer in charge of the district, and the same may be opposed by any Officer on the ground that the premises to which it is proposed to transfer the licence are not suitable for the carrying on of such trade, or on any other proper ground. No such transfer shall be granted except upon payment of the fee set out in the Second Schedule to this Ordinance.

33. An application for transfer of a licence may be made at any time on ten days notice in writing of the application, to be given to the secretary of the appropriate licensing committee, and shall be published in the *Royal Gazette*. Transfer of licence notice

34. Where an application is made for the transfer of a licence, it shall be lawful for the licensing committee, in the event of the licence being lost or mislaid or wilfully withheld by the holder thereof, to receive a copy of such licence and deal therewith as hereinbefore provided in case such licensing committee is satisfied that the licence is withheld by some person without any legal right to withhold the same. Transfer of licence lost or withheld

PART V

POWERS OF LICENSEES

35. (1) The authority given to any person by any licence in respect of any premises shall extend, in respect of such premises, to his servant, or his wife or a member of his family resident with him. Persons authorised to act under licence

(2) Any licence issued under this Ordinance authorising any sale of, or dealing in, or retailing of spirits, shall be deemed to extend to any intoxicating liquor, and any licence issued under this Ordinance authorising any sale of, or dealing in, or retailing of wine, shall, be deemed to extend to beer.

(3) A spirit retailer's licence and a wine retailer's licence shall authorise sale in any quantity for consumption either on or off the licensed premises.

(4) A hotel spirit licence, a special hotel licence, a restaurant licence, a special restaurant licence, and a Night Bar licence, shall authorise sale in any quantity, but for consumption by the persons hereinafter specified and upon the licensed premises only.

(5) A spirit grocer's licence shall authorise the sale of intoxicating liquor for consumption off the licensed premises only, and in any quantity, but only in bottle.

(6) A spirit dealer's licence shall authorise the sale of intoxicating liquor for consumption off the licensed premises only, and, as to quantity, as regards rum made in the Colony, not less than 24 gallons contained in one cask, or 1.5 gallons contained in bottles in one case, as regards wine not less than .75 gallon, or, as regards any other intoxicating liquor not less than 1.5 gallons, of one denomination at one time: Provided that it shall be lawful for the holder of any such licence to sell imported spirits in the original unbroken packages in which

the same were imported, notwithstanding that the same shall contain less than 1.5 gallons: Provided also that it shall be lawful to sell compounds manufactured in the Colony in any quantity not less than 0.75 gallon at one time.

(7) A wine merchant's licence shall authorise sale of wine or beer only, for consumption off the licensed premises only, and in quantity not less than 0.75 gallon of wine, or 1.5 gallons of beer at one time.

(8) The hours of opening and closing in respect of premises used for the sale or supply of liquor by virtue of the several classes of licences which may be granted under this Ordinance shall be those specified in the Third Schedule hereto.

(9) No licence for the sale of spirits shall authorise the sale at a lower strength than twenty-five degrees under proof, as ascertained by Sikes's hydrometer, of any spirits other than brandy, imported in bottle and sold intact in the bottles in which the same were imported, compounds and foreign liqueurs, and if any spirits of a lower strength than twenty-five degrees under proof, other than brandy imported in bottle and sold intact in the bottles in which the same was imported, compounds and foreign liqueurs, are found upon any licensed premises, the same shall be forfeited, and may be seized by any Officer, and the person in whose name the premises, are licensed and the manager of such premises shall each incur a penalty of two hundred and forty dollars.

(10) If in any prosecution under the preceding subsection any question shall arise as to whether any spirits seized are or are not brandy imported in bottle and sold intact in the bottles in which the same were imported, compounds as defined in this Ordinance, or foreign liqueurs, then and in such case the proof thereof shall lie on the defendant or the owner or claimant of such spirits.

(11) All bottles containing intoxicating liquor sold as in this section provided shall bear a legible label written or printed indicating the liquid content of each such bottle.

Spirit dealers

36. (1) Save as provided in subsection (2) hereof, a spirit dealer's licence shall be granted in respect of premises situate in Port-of-Spain, San Fernando, and Scarborough only.

(2) The Governor in Council may, in his discretion, authorise a licensing committee to grant a certificate for the issue or renewal of a spirit dealer's licence in respect of premises situate in any part of the Colony other than the towns specified in subsection (1) hereof.

37. It shall be lawful for a licensing committee to grant a certificate for the issue or renewal of a spirit grocer's licence to any person who shall be or about to be in its judgment *bona fide* carrying on the trade of a grocer or provision dealer in a shop or premises, which shop or premises is or are in the opinion of the licensing committee proper and suitable for the purpose.

38. An hotel spirit licence shall authorise the keeper of an hotel to supply spirits, wine and beer to persons lodging at the hotel or taking a meal therein.

39. Save as in the next succeeding sections provided, no certificate for the issue or renewal of an hotel spirit licence shall be granted by a licensing committee for any hotel containing a bar for the resort and accommodation of the public, nor in any case without the committee being satisfied that the premises sought to be licensed are *bona fide* an hotel, and are suitable to be licensed as an hotel for the retailing of spirits to be consumed therein.

40. Upon being satisfied that any hotel is kept mainly for the *bona fide* entertainment of persons lodging or taking meals therein, a licensing committee may, at its discretion, grant a certificate for the issue or renewal of a special hotel licence for such hotel. And such licence shall be deemed to authorise the retailing of intoxicating liquors to the public for consumption on the licensed premises, without distinction of the persons to whom or the part of the premises in which liquors shall be supplied: Provided that during the time while any tourist steamship is within the limits of a port of the Colony, or on the occasion of any dance, ball, or other entertainment being held after closing hours in an hotel so specially licensed, it shall be lawful for the licensing committee of the district on application, and subject on each occasion to payment of the fee prescribed in the Second Schedule hereto for an occasional licence, to authorise in writing the licensed occupier of such hotel to supply intoxicating liquors to the persons attending at any such time, during such hours and on such days as may be specified in such authority, and thereupon such occupier may lawfully supply the same accordingly.

41. (1) Upon being satisfied that any restaurant is kept for the *bona fide* entertainment of persons using such restaurant for taking meals therein and that the premises sought to be licensed are suitable, a licensing committee may, at its discretion, grant a certificate for the issue or renewal of a restaurant

licence or a special restaurant licence, as the case may be in accordance with the provisions hereinafter appearing, for such restaurant.

(2) A restaurant licence granted under this section shall authorise the sale or supply of intoxicating liquor to persons taking meals in the restaurant for consumption at such meals, between the hours of ten o'clock in the morning and midnight, and not at any other time.

(3) A special restaurant licence granted under this section shall authorise the sale of intoxicating liquor to the public for consumption on the premises between the hours of ten o'clock in the morning and two o'clock in the morning immediately succeeding, and not at any other time.

Night Bar
licence

42. Upon being satisfied that any premises are kept for the *bona fide* entertainment of the public and that such premises are suitable, a licensing committee may, at its discretion, grant a certificate for the issue or renewal of a night bar licence which shall authorise the retailing of spirits to be consumed on the premises between the hours of six o'clock in the evening and six o'clock in the morning immediately succeeding, and not at any other time. In determining whether the premises are suitable for the purpose, the committee shall take into consideration the nature and locality of the premises, and the nature of the amenities provided for the entertainment of persons resorting thereto.

Shop (Hours
of Opening and
Employment)
Ordinance
Ch. 31. No. 14

302
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43. The provisions of the Shop (Hours of Opening and Employment) Ordinance other than subsection (1) of section 13 thereof shall not apply in respect of the sale of intoxicating liquor made in accordance with the terms of a licence granted under the provisions of sections 38, 40, 41 and 42 of this Ordinance.

Occasional
licence

44. (1) A licensed retailer of spirits or wine and beer may apply to a licensing committee at any time for an occasional licence, on the occasion of any public entertainment, festivity, or meeting, to carry on his trade at the place of such entertainment, festivity, or meeting and the licensing committee may at its discretion grant such occasional licence for the hours, on the days, and to the extent that may be deemed necessary for the public convenience: Provided that—

(a) sufficient notice of such application shall have been given to the Police Officer in charge of the Police division, who may oppose the same; and

- (b) no such licence shall be granted in any case to extend beyond the occasion in respect of which the same is granted; and
- (c) such licence shall not, unless specially permitted therein, be deemed to permit any sale of intoxicating liquors except between the hours and on the days during which the same may be by law allowed to be sold on the premises of the applicant; but, if so specially permitted, the holder of any such licence shall not be deemed to have committed an offence against the Shop (Hours of Opening and Employment) Ordinance, in respect of the sale of intoxicating liquors in accordance with the terms of such licence; and
- (d) in the case of a race meeting, the written permission of at least two of the stewards is first obtained.

(2) For the purposes of this section, the expression "public entertainment, festivity or meeting" shall mean an entertainment, festivity or meeting to which the general public are admitted, whether without charge, or on payment of money.

(3) Subject to the same conditions as are set out in paragraphs (b) and (c) of subsection (1) of this section, it shall be lawful for a licensing committee in like manner on the certificate of approval of a Gazetted Police Officer of the Police division in which the entertainment is to be conducted to grant an occasional licence to any person to sell intoxicating liquor at any entertainment conducted by any association of persons for the purposes of the association. Every such occasional licence shall be issued subject to such conditions as may be prescribed in the certificate of approval: Provided that where the person who is granted the licence is not a licensed grocer or retailer of spirits, wine, or beer as the case may be, he shall obtain all the intoxicating liquor to be supplied at such entertainment from a licensed grocer or retailer not earlier than the day of the entertainment, and shall return any balance unsold into the stock of the licensed person who supplied the same within forty-eight hours of the conclusion of the entertainment: Provided also that an account showing such particulars as such officer shall require, including the cost of all intoxicating liquor supplied under such licence, the amounts received from the sale thereof, and the particulars of the intoxicating liquor returned as aforesaid, shall be furnished to such officer within three days of the conclusion of such entertainment. Any person

to whom an occasional licence is granted under this subsection who fails to comply with the provisions hereof, or to carry out the conditions aforesaid, shall incur a penalty of four hundred and eighty dollars.

Government
Railway and
Steamers

45. (1) It shall be lawful for the Governor in Council to authorise the Comptroller to issue a spirit retailer's or wine retailer's licence free of charge to—

- (a) the General Manager of Railways, or any person nominated by him in respect of the sale of intoxicating liquor at any station or on any train of the Government Railway;
- (b) the General Manager of the Port Services Department, or any person nominated by him in respect of the supply to passengers of intoxicating liquor during any actual passage on board any Government steamer;
- (c) The Director of Civil Aviation, or any person nominated by him, in respect of the sale of intoxicating liquor at any airport in the Colony;
- (d) any owner or officer of a passenger steamship regularly plying between ports or places in the Colony in respect of the sale of intoxicating liquor on board such ship during the actual passage.

(2) Any licence issued under this section shall be subject to such restrictions as to hours and manner of sale as the Governor in Council may in each case prescribe, and shall not be deemed to authorise any sale or delivery in violation of such restrictions.

Foreign going
steamship

46. It shall be lawful for the master of any steamship making a stay of not more than two days, or such further period as the Comptroller may allow, at any port in the Colony, without a licence, to sell intoxicating liquor for consumption by any person on board of such steamship, but not otherwise, at any time, and no penalty shall be incurred under any Customs or Excise Ordinance by the master nor by any person consuming the same on board of such steamship, in respect of such sale or consumption, or by reason of the fact that duties of customs have not been paid upon such intoxicating liquors.

Canteens

47. When a canteen is approved of by the Governor, and is managed by a committee who have no interest in the profits, a licence is not necessary for the sale therein of intoxicating liquors to any person entitled to purchase articles at such canteen.

PART VI

OFFENCES

48. (1) Save as in this Ordinance expressly provided to the contrary, no person shall deal in, retail, sell, expose to sale, offer for sale, or have in his possession or on his premises for purpose of sale, any intoxicating liquor, unless duly authorised by a licence under an Ordinance relating to the sale of intoxicating liquor, or contrary to the terms of any such licence, or to any of the provisions of any such Ordinance, whether specifically mentioned in any such licence or not, and any person so offending shall for each such offence incur a penalty of one thousand two hundred dollars in the case of spirits, or four hundred and eighty dollars in any other case, and all such intoxicating liquor shall be forfeited and, if such person is the holder of a licence granted under any such Ordinance, or, if any holder of a licence under any such Ordinance is charged with aiding, abetting, counselling, or procuring the commission of any such offence, then such holder of a licence may on the first conviction, at the discretion of the Magistrate, and shall, on the second conviction, have his licence cancelled.

Selling intoxicating liquor without licence

(2) It shall be lawful for any Officer without warrant to arrest and detain any person who shall unlawfully deal in, retail, sell, expose to sale, or offer for sale, or have in his possession for purpose of sale in manner aforesaid any intoxicating liquor, and to take any such person so arrested and detained before a Magistrate to be dealt with according to law.

Power of arrest

(3) If any person shall knowingly sell or deliver, or cause to be sold or delivered, directly or indirectly, any intoxicating liquor to the end that it may be unlawfully sold or consumed or carried into consumption, he shall, in addition to any other penalty, incur a penalty of two hundred and forty dollars.

Selling for unlawful retail, &c.

(4) The provisions of this section shall not apply in respect of the sale or supply of intoxicating liquor on the premises of any club registered under the Registration of Clubs Ordinance."

49. If any person receives, buys, or procures, any intoxicating liquor from a person not having authority to sell or deliver the same, he shall incur a penalty of four hundred and eighty dollars.

Unlawful purchase of spirits

50. Except as provided in subsection (3) of section 44, no person licensed to sell spirits shall receive any spirits save by lawfully importing the same, or from a warehouse as defined in the Spirits and Spirit Compounds Ordinance, or from some other person licensed to sell spirits, nor in any quantity less

What spirits may be received by licensed person

than 0.75 gallon at a time of the same denomination from the same person, and any person who shall receive any spirits contrary to this section shall incur a penalty of nine hundred and sixty dollars.

Certificate
book

51. (1) Every person licensed to sell spirits shall, by written request, obtain from an Officer a certificate book containing the prescribed forms of certificates and counterfoils, for which he must give a receipt.

(2) Before sending out or delivering any spirits in quantity not less than one gallon of the same denomination at a time for the same person, he shall enter, in one of these certificates and its counterfoil, the prescribed particulars.

(3) He shall deliver the certificate with the spirits to the person in whose name the spirits are entered in the certificate or to his servant or agent.

(4) He shall use the certificates in the order in which they are numbered in the certificate book.

(5) He shall keep the certificate book in his premises open to inspection by any Officer, and shall allow any such Officer to make entry therein, or take any extract therefrom.

(6) He shall return the certificate book when it is exhausted, or on request, to the proper Officer, who shall give a receipt for it.

Stock books
to be kept
by licensees

52. (1) Every person licensed to sell spirits shall provide himself with and keep a stock book to be obtained on application to an Officer, and shall, on receiving any spirits, and also on sending out and delivering any spirits enter in his stock book the prescribed particulars.

(2) He shall make the entries at such times as an Officer directs, or, in the absence of any such directions, before the expiration of the day on which the spirits are received, sent out or delivered.

(3) He shall keep the stock book on his premises open to inspection by any Officer, and shall allow any such Officer to make any entry therein or take any extract therefrom.

(4) He shall keep such stock book open to such inspection for not less than twelve months after it is filled up.

Offences in
respect of
stock and
certificate
books

53. If a licensed person—

(a) fails to obtain, provide, keep, produce or return a certificate book, or a stock book as by this Ordinance required, or to make therein respectively the entries by this Ordinance required, or

- (b) hinders or obstructs any Officer in examining a certificate book or a stock book, or in making any entry therein or extract therefrom, or
- (c) cancels, alters, obliterates, or destroys any part of a certificate book or a stock book or any entry therein, or
- (d) makes a false entry in a certificate book or a stock book, or
- (e) separates any certificate, or form of certificate, from its counterfoil without properly filling up the certificate and counterfoil, or except on the occasion of sending out or delivering spirits therewith, or
- (f) uses the certificates otherwise than in the order in which they are numbered in the certificate book,

he shall for each offence incur a penalty of nine hundred and sixty dollars.

54. (1) If any person licensed to sell spirits sends out, delivers, or receives any spirits required to be accompanied by a certificate without a certificate, or accompanied by an inaccurate certificate, he shall for each offence incur a penalty of nine hundred and sixty dollars, and all spirits sent out, delivered, or received in contravention of this section together with all animals, vehicles, vessels and boats made use of in conveying the same shall be forfeited.

Penalties for
removal
without
certificate

(2) A penalty shall not be incurred under this section by reason only of the spirits being in strength not more than one per centum above or two per centum below the strength expressed in the certificate.

(3) If any question arises as to accuracy of the description of spirits in a certificate, the proof that the spirits correspond to the description shall lie on the owner or claimant of the spirits, who shall prove the same by the oath of two credible witnesses, being skilful and experienced persons competent to decide by examination thereof.

55. (1) If any person uses, or suffers to be used, any certificate taken from his certificate book, except for the removal of spirits from his own stock, or delivers or parts with any form of certificate without filling it up as required by this Ordinance, he shall incur a penalty of nine hundred and sixty dollars.

Fraudulent
use of
certificates

(2) If any person uses a certificate or form of certificate, whether filled up or not, so that the account of spirits kept or checked by an Officer, or any examination of spirits by an Officer, is or may be frustrated or evaded, he shall incur a penalty of nine hundred and sixty dollars.

(3) If any person produces or suffers to be produced to any person any certificate as having been received with spirits other than those therein described, he shall incur a penalty of nine hundred and sixty dollars.

(4) If any person is convicted of an offence under this section, he shall forfeit his licence.

Cancelling
and delivering
permits and
certificates

56. (1) Every licensed person shall, on receiving spirits accompanied by a permit or certificate, immediately cancel the permit or certificate, and shall deliver the cancelled permit or certificate to the Officer who first inspects his premises after the receipt thereof.

(2) If any person contravenes this section he shall incur a penalty of two hundred and forty dollars.

Hotel keepers
to maintain
register of
the persons
lodging at
their hotel

57. (1) For the purposes of this Ordinance, every holder of a hotel spirit licence or special hotel licence under this Ordinance shall keep a register in which shall be entered the full names and permanent addresses of the persons lodging at his hotel, the respective dates of their arrival at and departure from the hotel and their proposed destinations on such departure. Every such register shall be kept on the licensed premises and shall be open to inspection by any Officer during such hours and on such days as the holder of the licence may lawfully sell intoxicating liquor.

(2) If any such holder of a licence fails to keep a register, or to make or cause to be made therein the entries by this section required, he shall for each offence incur a penalty of forty-eight dollars.

(3) If any such holder of a licence, or any servant or other person in his employment, or any person by his direction, refuses or fails to produce such register as is by this section required to be kept or knowingly makes a false entry in such register or hinders or obstructs any officer in examining such register, he shall for each offence incur a penalty of two hundred and forty dollars.

58. If any person is at any time found gambling in any premises licensed under this Ordinance for the sale of intoxicating liquors by retail, the holder of the licence shall incur a penalty of ninety-six dollars, unless he proves to the satisfaction of the Magistrate that such gambling was not by his permission or encouragement, and was unknown to him : Provided that the provisions of this section shall not apply to anything done or suffered to be done under the provisions of section 15 of the Gambling Ordinance.

Gambling

Ch. 4. No. 20.

59. (1) Whenever it shall appear to the satisfaction of the Governor that any substance, liquor, or ingredient is used or is capable of use in the preparation of, or is mixed with, any intoxicating liquor, and that such substance, liquor, or ingredient is of a noxious or detrimental nature, or that the use thereof will lead to Her Majesty's revenue of excise being prejudiced, it shall be lawful for the Governor, by notice published in the *Royal Gazette*, to prohibit the use by any person of any such substance, liquor, or ingredient, either entirely, or in any greater quantity or proportion than in such notice shall be prescribed, in the preparation of, or mixture with, any intoxicating liquor for sale, and, by like notice, to withdraw or modify such prohibition at any time.

Power to prohibit the use or possession of certain substances

(2) If, after the publication of any such notice of prohibition in the *Royal Gazette* any person shall use, or have on his premises, any such prohibited substance, liquor, or ingredient, whether mixed with intoxicating liquor or not, or, as the case may be, shall have such substance, liquor or ingredient mixed with liquor for sale in more than the prescribed quantity or proportion, he shall incur a penalty of two hundred and forty dollars; and any such substance, liquor, or ingredient, and also the intoxicating liquor in the preparation whereof any such substance, liquor, or ingredient may have been mixed or used, shall be forfeited.

(3) The provisions of this section, shall apply to any licensed person, and also to any distiller, compounder, or brewer licensed under any Ordinance.

60. Every person who knowingly sells or allows any other person to sell any description of intoxicating liquors to any child apparently under the age of sixteen years, whether for his own use or not, shall incur a penalty of forty-eight dollars.

Sale of intoxicating liquor to children

Licensed
person
permitting
disorder
on premises

61. If a licensed person, or any person assisting in the business under the licence, permits drunkenness or any violent, quarrelsome, or disorderly conduct to take place on the licensed premises, or sells intoxicating liquor to any drunken person, he shall incur a penalty of ninety-six dollars.

Removal of
disorderly
person

62. (1) Any licensed person may refuse to admit to, and may turn out of, the premises in respect of which his licence is granted, any person who is drunken, violent, quarrelsome, or disorderly, or who is suffering from any communicable disease, or whom he finds gambling on the premises, and any other person whose presence on his premises would subject him to a penalty.

(2) Any such person who, upon being requested in pursuance of this section by such licensed person, or his servant, or a member of his family, or any Officer, to quit such premises, refuses or fails so to do, shall incur a penalty of twenty-four dollars; and all constables are required, on the demand of such licensed person, agent or servant, to expel or assist in expelling every such person from such premises, and may use such force as may be required for that purpose.

Closing
premises in
case of riot

63. (1) Any Magistrate or any two Justices acting for any district or place where any riot or tumult happens or is expected to happen, may order every licensed person in or near the place where such riot or tumult happens or is expected to happen, to close his premises during any time specified in the order.

(2) Any person who keeps open his premises for the sale of intoxicating liquors during any time at which he has been ordered under this section to close them, shall incur a penalty of four hundred and eighty dollars, and his licence may be cancelled at the discretion of the Magistrate convicting him; and it shall be lawful for any person acting by order of any Magistrate or Justice to use such force as may be necessary for the purpose of closing such premises.

Wine retailer
or wine
merchant
keeping
spirits

64. Any licensed wine retailer or wine merchant who shall have in his possession in any part of the licensed premises any spirits, shall forfeit such spirits and the vessels containing the same, and shall incur a penalty of four hundred and eighty dollars.

PART VII

POWERS OF OFFICERS AND LICENSING COMMITTEES

65. Any Officer may at any time enter into any house, premises, building, room, or other place, entered, licensed, or used for the keeping, storing or selling of intoxicating liquors, and examine any intoxicating liquor found therein, and may search for and take samples of any such intoxicating liquors, paying for any samples the usual price, and may inspect all books, invoices, permits, and certificates relating to the trade, and may also search for and seize any intoxicating liquor for the sale of which a licence is not held.

Officers
may enter
licensed
premises

66. If any person in the occupation of any house, premises, building, room, or other place, or any servant or other person in his employment, or any person by his direction refuses or fails to admit any such Officer into or upon such house, premises, building, room, or other place, or wilfully impedes, resists, or obstructs such Officer in such inspection he shall incur a penalty of ninety-six dollars.

Penalty for
obstruction, &c.

67. (1) If upon information given on oath it appears to any Justice that there is reasonable cause for suspecting that any intoxicating liquor is kept for the purpose of sale by any person not duly licensed in that behalf, or by any licensed person in any premises not specified in his licence, or in any manner not authorised by his licence, such Justice may by warrant under his hand directed to any Officers, authorise such Officer to enter and search such premises, and, by the said warrant, may, if he thinks fit, specially authorise such Officer to enter and search such premises at any time of the day or night, and, moreover, if he thinks fit, may specially authorise such Officer, with or without assistance, to break open or otherwise use force in order to effect an entry to such premises.

Officer may
enter
suspected
premises

(2) If, upon search under this section, any such intoxicating liquor, or any vessel used for holding or measuring the same is found, it shall be lawful for the Officer executing the warrant to take possession of and secure such liquor or vessel; and he may apprehend and bring before a Magistrate, not only the person in whose premises the same are found, but also every other person found in such premises, who appears to have been employed or assisting in the selling of intoxicating liquor, and unless it be made to appear to such Magistrate that such intoxicating liquor was not deposited for the purpose of being sold

in such premises, the person in whose premises such intoxicating liquor is found, and every person so appearing to have been employed or assisting in the selling thereof in such premises, shall incur a penalty of four hundred and eighty dollars.

(3) All intoxicating liquor found on any search under this section, together with all vessels used for holding or measuring the same, or in any way in and about the selling thereof shall, upon any conviction in respect thereof, be forfeited to the Crown.

(4) Every warrant under this section shall remain in force for one month from the date thereof, and it shall be no defence to any charge that the liquor found on the premises was deposited or brought thereon after the issue of the warrant.

Powers of
Officers as to
sampling, &c.

Ch. 12, No. 5

68. Any Officer shall at all times, in relation to intoxicating liquors and to any substance, liquor, or ingredient which may be mixed with intoxicating liquors, and the use or possession of which shall have been prohibited by the Governor, have the same powers as if he had been one of the functionaries mentioned in section 20 of the Food and Drugs Ordinance.

Members of
licensing
committees
may enter
licensed
premises

69. (1) Any member of a licensing committee may at any time enter into any premises in respect of which an application for a licence for the sale of intoxicating liquors, wine or beer or for a renewal of such a licence has been made and inspect such premises for the purpose and the advisability of granting or renewing the licence.

(2) If any person in occupation of such premises, or any servant or other person in his employment, or any person by his direction, refuses or fails to admit any such member into such premises, or wilfully impedes, restricts or obstructs such member in his inspection, he shall incur a penalty of ninety-six dollars.

PART VIII

PROCEDURE

Procedure

Ch. 3, No. 4

70. Subject to the express provisions of any Excise Ordinance, any offence under this Ordinance may be prosecuted, and any penalty or forfeiture incurred may be sued for, prosecuted and recovered in the manner provided by the Summary Courts Ordinance on the complaint of any Officer.

71. In the recovery of any penalty under this Ordinance for selling or supplying on sale intoxicating liquors without a licence or in a manner unauthorised by a licence, it shall be sufficient to allege that the defendant sold either beer, spirits, or wine, without having in force a licence authorising him so to do; and it shall not be necessary further or otherwise to describe the offence.

Mode of describing offence of unlicensed sale

72. (1) In proving the sale of intoxicating liquor it shall not be necessary to show that any money actually passed, if the Magistrate be satisfied that a transaction in the nature of a sale took place.

Evidence of sale or consumption of intoxicating liquors

(2) In proving consumption of intoxicating liquor, it shall be sufficient to show that consumption was about to take place.

(3) Proof of consumption or intended consumption of intoxicating liquor on licensed premises by some person, other than the occupier or a member of his family or a servant in such premises, shall be evidence that such liquor was sold to the person consuming or carrying away or being about to consume or carry away the same.

73. (1) Where a trade or business for the carrying on of which a licence is required under any Excise Ordinance is carried on without licence by a partnership or by a Company the partners or the company, as the case may be, and also the directors or members of the governing body of the company by whatever name called, or any of them, shall be liable to all fines and penalties imposed by any Excise Ordinance in relation to the trade or business so carried on.

Liability of partners; &c. for unauthorised sale

(2) If any intoxicating liquor, for the sale of which a licence is required, is sold in any premises by any person who is unknown or is not licensed for that purpose, the occupier of the premises, if privy or consenting to the sale, shall be deemed to be the seller of the same, and if such sale is not authorised by a licence, shall be liable to the penalties imposed by this Ordinance in respect of such sale.

Liability of occupier for unauthorised sale

74. Where a pecuniary penalty is imposed by this Ordinance the Magistrate shall, notwithstanding the provisions of subsection (2) of section 34 of the Interpretation Ordinance, impose the full penalty in any case for a third or subsequent offence, or for any offence committed by a person who has previously been licensed and whose licence has been cancelled.

Penalties

PART IX

GENERAL

Sign boards

75. (1) Every licensed person shall paint or place and fix or cause to be painted or placed and fixed upon the outside of the front of his premises in letters publicly visible and legible and of the size, and colour prescribed, his full name, and also, where the trade is carried on by a company, the name of the company, and after the name the word "licensed" adding thereto the words necessary to express the trade for which the licence has been granted.

(2) If any person does not paint or place and fix such letters as aforesaid, or does not keep the same so painted or placed and fixed, he shall incur a penalty of ninety-six dollars.

(3) If any person shall put or have any such letters as aforesaid upon his premises falsely importing that he is licensed to carry on any such trade, or that he is licensed to carry on any trade other than that which he is in truth licensed to carry on, he shall incur a penalty of two hundred and forty dollars.

Persons
licensed to
make entry

76. (1) Every person licensed under this Ordinance, except in the case of licences granted under sections 44 and 45, shall in accordance with the prescribed regulations and in the prescribed form, make with an Officer, entry in duplicate in writing signed by him of every house, building, room, and of every fixed cask, vessel or utensil intended to be used by him for the keeping or storing of or dealing in or retailing of intoxicating liquor.

(2) One copy of every such entry shall be given to the Officer by the licensed person and the other copy thereof shall be retained by the licensed person and shall be produced by him on the demand of an Officer.

(3) Any person who—

(a) commences or carries on business without making such entry; or

(b) includes in such entry any part of any premises not *bona fide* occupied by him for the purposes of his business, or

(c) fails or refuses to produce the copy of such entry so retained by him on the demand of an Officer,

shall incur a penalty of four hundred and eighty dollars.

77. Nothing in this Ordinance shall be deemed to impose any penalty—

Soliciting or
taking orders
for goods, &c.

- (a) on any person in the employment of any licensed person soliciting or taking orders for intoxicating liquor to be sold by the employer in the manner authorised by any Ordinance regulating his trade; or
- (b) on any person certified under the hand of the Comptroller to be the travelling agent of some person resident outside the Colony soliciting or taking orders for the supply of intoxicating liquor by such person resident outside the Colony to any licensed person or registered club within the Colony; or
- (c) on any auctioneer selling, or offering for sale, by auction, any intoxicating liquor on behalf of a licensed person on the licensed premises of such person, or, subject to the express permission in writing of the Comptroller, any intoxicating liquor legally and *bona fide* purchased by an unlicensed person for his own domestic consumption, on behalf of such person; or
- (d) subject to the express permission in writing of the Comptroller, on any unlicensed person selling any intoxicating liquor that has been legally and *bona fide* purchased by him for his own domestic consumption; or
- (e) on any bailiff, auctioneer or other person selling, or offering for sale, by auction, any intoxicating liquor seized under or by virtue of any warrant of distress issued by a competent authority, or under any Customs or Excise Ordinance; or
- (f) on any person selling or offering for sale any intoxicating liquor certified by the Comptroller to be unfit for consumption as a beverage and used solely as a flavouring agent: Provided that the same is sold under a trade name and in the original containers as supplied by the manufacturers.

- 78.** Nothing herein contained shall be construed to make illegal any sale or delivery of or dealing in any intoxicating liquors by a licensed distiller or licensed compounder or licensed brewer in the manner authorised by any Ordinance regulating the trade of such person.
- 79.** Nothing herein contained shall be construed to make illegal any lawful dispensing of spirits in the preparation of medicines, or any sale or delivery of a *bona fide* medicine or medicinal or toilet preparation.
- 80.** No action or suit shall be maintainable to recover any debt or sum of money alleged to be due in respect of the sale of any intoxicating liquor which was delivered for consumption on the premises where sold or supplied.
- 81.** Subject to the provisions of subsection (1) of section 62 of this Ordinance, no holder of a spirit or wine retailer's licence may refuse to supply spirits, wine or beer for consumption on the licensed premises on the demand of any person at any hour at which the same may lawfully be supplied unless he has reasonable grounds for believing that such person is likely under the influence of intoxicating liquor to behave in an unseemly or objectionable manner.
- 82.** The Comptroller may, with the approval of the Governor, reward any person who informs him of any offence against this Ordinance, or assists in the recovery of any fine or penalty.
- 83.** The Comptroller may, with the approval of the Governor in Council, make regulations (a) for the conduct of business in his department under the provisions of this Ordinance, (b) prescribing forms to be used in respect of any application, certificate, notice, licence, or other document relating to any matter or thing to be done under the provisions hereof, including the forms to be used in respect of any application to the licensing committee at licensing sessions and (c) prescribing any matter which is to be or may be prescribed under the provisions of this Ordinance.
- Every regulation made under this section shall be published in the *Royal Gazette*.
- 84.** The duties and fees chargeable under this Ordinance, and specified in the Second Schedule hereto, may at any time be varied by order of the Governor in Council, subject to the approval of the Legislative Council.
- 85.** All evidence given before a licensing committee under this Ordinance shall be on oath which the committee or any member thereof is hereby authorised to administer.

Exceptions

Medicines

Action to
recover debts
for intoxicat-
ing liquorSupply on
premises
compulsory

Rewards

Regulations
and formsDuties may
be altered by
resolutionEvidence to
be on oath

86. Where licensed premises have been destroyed or have ceased to be used for the purpose for which they were licensed, the licensee may, on the certificate of the Comptroller, be granted a refund of a proportionate part of the licence duty paid in respect of his licence as follows: —

Refund of
licensed duty

- (a) if the premises have been destroyed or have ceased to be used as aforesaid during the first quarter of the year, three-fourths of the licence duty;
- (b) if the premises have been destroyed or have ceased to be used as aforesaid during the second quarter of the year, one half of the licence duty;
- (c) if the premises have been destroyed or have ceased to be used as aforesaid during the third quarter of the year, one quarter of the licence duty.

87. It shall be lawful for any person to whom a licence shall have been granted under this Ordinance to surrender the same to the authority by whom the same was issued.

Surrender
of licence

88. (1) Subject to the provisions of this section, the Liquor Licences Ordinance is hereby repealed.

Repeal of
Ch. 32, No. 11.
and transitional
provisions

(2) Notwithstanding the provisions of subsection (1) of this section—

- (a) every licence (whether a Magistrate's licence or an excise licence) issued under the Liquor Licences Ordinance and in force immediately prior to the commencement of this Ordinance shall remain in force for the time specified therein, unless the same shall sooner be cancelled under the provisions of the said Liquor Licences Ordinance or surrendered under subsection (3) of this section, but in no case beyond the 31st day of March, 1956;
- (b) every licence preserved by paragraph (a) of this subsection shall be held subject to the provisions of the Liquor Licences Ordinance and so long as any such licence remains in force the provisions of the said Ordinance including its provisions as to penalties and to proceedings for the recovery thereof, but excluding the provisions of subsections (6) and (7) of section 30 and section 43, shall remain in full effect in relation to such licence, to the holder thereof, to

the premises in respect of which the same was issued, and to the conduct of persons on such premises;

- (c) so long as any licence preserved by paragraph (a) of this subsection remains in force, the provisions of this Ordinance, other than the provisions of subsections (6) and (7) of section 35, section 50, and this section, shall not apply in respect of such licence, or to the holder thereof, or to the premises in respect of which the same was issued or to the conduct of persons on such premises.

(3) If the holder of any licence preserved by paragraph (a) of subsection (2) of this section wishes to surrender such licence in order to obtain a corresponding licence under this Ordinance, he may make application in writing for the purpose—

- (a) to the Comptroller where the licensed premises are situate in Port-of-Spain;
- (b) to the Warden of Tobago, where the licensed premises are situate in Tobago;
- (c) in other cases to the Warden of the County in which the licensed premises are situate;

and the Comptroller or Warden, as the case may be, upon receipt of such application, and upon payment by the applicant of the difference between the duty already paid by him in respect of the licence to be surrendered and the duty payable in respect of a corresponding licence under this Ordinance, shall issue to the applicant a corresponding licence under this Ordinance: Provided that such last mentioned licence shall not be issued for any period in excess of the period specified in the licence to be surrendered.

(4) A licence surrendered under the provisions of subsection (3) of this section shall cease to be valid on the day on which a corresponding licence under this Ordinance is issued to the applicant in pursuance of the said subsection (3).

SCHEDULES

FIRST SCHEDULE

Section 2

TOWNS

- ST. JOSEPH St. Joseph bounded as follows:—
 North and East—By the St. Joseph River.
 South—By the Eastern Main Road.
 West—By a straight line running from the culvert on the Eastern Main Road near the entrance to the Railway Station in a northerly direction to the ford of the St. Joseph River on the road to Maracas nearest to the Town of St. Joseph.
- ARIMA The boundaries of the Borough of Arima shall be as defined from time to time under the Public Health Ordinance. Ch. 12. No. 4
- TUNAPUNA Tunapuna bounded as follows:—
 North—Northern boundary of Chinab's land and a line running due East and West from that line.
 South—Railway line.
 East—Back Street (East) and a line running due North and South from that street.
 West—The boundary of the area formerly known as St. Joseph's Ward.
- PRINCES TOWN Princes Town bounded as follows:—
 North—By the southern boundary of the Malgretoute Estate from the point where it leaves the eastern boundary of the Cedar Hill Estate to the old Ciperó Tram line, thence along the old Ciperó Tram line to the Glenroy Estate boundary on the Naparima-Mayaro Road, thence along the southern boundary of the Glenroy Estate to the north-western corner of the Birken Hill Estate which now forms part of Buen Intento Estate.
 East—By the western boundary of the said Birken Hill Estate to the north-western corner of the Knolly's Recreation Ground, thence along the northern and eastern boundaries of Knolly's Recreation Ground and the southern boundary of the said Birken Hill Estate to the western boundary of the said Craignish Estate and along the western boundary of the said Craignish Estate to the Naparima-Mayaro Road and along that road in a south-westerly direction to the western boundary of the Broomage Estate and along that boundary to where it meets the eastern boundary of the Lothians Estate, thence in a straight line running in a more or less south-westerly direction to the south-eastern corner of the Navette public burial ground.
 South—By the northern boundary of the Lothians Estate from the south-eastern corner of the Navette public burial ground to the south-eastern corner of the Cedar Hill Estate.
 West—By the eastern boundary of the Cedar Hill Estate from its south-eastern corner to the point where it meets the southern boundary of the Malgretoute Estate.
- COUVA Couva bounded as follows:—
 North—By a line parallel to the Couva Main Road running from the Waterloo Road to the north-western corner of the Anglican Church Lands, then running along the

FIRST SCHEDULE—Continued

TOWNS—Continued

northern boundary of the Anglican Church Lands to the north-eastern corner of the said lands, thence in a straight line to the north-western corner of the Glebe Lands, 6 2/5 acres, thence in an easterly direction along the northern boundary of the Glebe Lands crossing Carlos Street to a point on the eastern boundary of an estate trace; thence in a northerly direction along the eastern boundary of the said trace to a point at its intersection with the southern boundary of the so-called Perseverance-Exchange Road, thence easterly along the southern boundary of the said road to the junction of Exchange Road, thence in a general southerly direction along the western boundary of the said road to the north-eastern corner of the parcel of land now or formerly owned by H. L. Jobity, thence in a due East direction crossing the Exchange Road and the Trinidad Government Railway line to a point on the western boundary of the Southern Main Road.

East—By the Southern Main Road, Isaac Street and a due South line from the southern end of Isaac Street to the Couva River.

South—By a due West line running from the southern extremity of the eastern boundary on the Couva River to a point lying due South of the junction of the Couva River and Waterloo Roads.

West—By the Waterloo Road and by a line running due South from the junction of this road with the Couva River Road to the western end of the southern boundary.

SCARBOROUGH ... Scarborough as defined from time to time under the Public Health Ordinance.

SANGRE GRANDE ... Sangre Grande bounded as follows:—

North—A line drawn from the north-eastern boundary of block of 15 acres, 1 rood, 8 perches of land, the property of the heirs of C. F. Sellier, crossing the Warner or Cuare Road and running in a westerly direction along the northern boundary of the said block and the northern boundary of lands of Rampersad, Jeebodh and Sookaie to the Picton Trace.

South—The Cunapo River.

East—A line drawn from the Cunapo River along the eastern boundary of a ten-acre block of land formerly the property of A. Brooks, now of the heirs of C. F. Sellier crossing the Sangre Grande-Oropouche Road and along the eastern boundary of a six-acre block of land formerly the property of P. Ojoe, now of the heirs of C. F. Sellier and thence in a northerly direction to the northern boundary of the lands of J. Ojoe now F. Cumberbatch, thence in a westerly direction to the south-eastern corner of a 3 acres, 0 rood, 37 perches block of land the property of the heirs of C. F. Sellier, thence running North along the eastern boundary of the said 3 acres, 0 rood, 37 perches block of land and lands of M. Warner now of Philip Acham and lands of heirs of C. F. Sellier (15 acres, 1 rood, 8 perches) to the north-eastern boundary of the said block of land.

West—A line drawn along the Picton Trace to the Eastern Main Road, and thence in a straight line running South to the Cunapo River.

MORVANT ... All that area of Morvant in the St. Ann's Ward in the County of St. George bounded by the perimeter of a circle the radius of which is one-half of a mile and of which the centre is located at a point 2,649 feet North and 234 feet East of the trigonometrical station numbered 653 and named "Success" in the records of the Lands and Surveys Department.

FIRST SCHEDULE—Continued

TOWNS—Continued

AREA ... That portion of the Ward of St. Ann's in the County of St. George bounded as follows:—

By a line commencing at a point on Saddle Road, Port-of-Spain, at the junction of the northern boundary of the City of Port-of-Spain and the boundary between the Wards of St. Ann's and Diego Martin proceeding thence in a northerly direction along the last named boundary to the point of its intersection with the 460,000 links east-west grid line of the Trinidad system of map co-ordinates; thence due West along the said 460,000 links grid line to a point due North of the centre of the bridge known as Knightsbridge which crosses the Cascade River; thence due South to a point in the centre of the said bridge known as Knightsbridge; thence in a straight line to the most easterly point on the northern boundary of the City of Port-of-Spain situate about 350 feet North of Belmont Valley Road; thence in a westerly direction along the northern boundary of the City of Port-of-Spain to the point of commencement. The boundaries hereinbefore described are delineated and shown coloured blue on a plan numbered F.E. 23 and lodged for record in the office of the Director of Surveys at Government Buildings, Port-of-Spain.

SECOND SCHEDULE

Sections 8
and 17 (1)

DUTIES

Spirit Retailer's Licence	For Port-of-Spain ...	...\$1,080 per annum, or if permitted under section 15, \$297.60 per quarter.
Do. ...	...For San Fernando and within half mile thereof	\$576 per annum, or, if permitted under section 15, \$168 per quarter.
Do. ...	...For any Town and within half a mile thereof, or within the suburbs of Port-of-Spain as defined from time to time under the Public Health Ordinance	\$360 per annum, or, if permitted under section 15, \$105.60 per quarter.
Do. ...	...Elsewhere ...	...\$192 per annum, or, if permitted under section 15, \$60 per quarter.
Wine Retailer's Licence	For Port-of-Spain ...	...\$84 per annum.
Do. ...	...Elsewhere ...	...\$60 per annum.
Hotel Spirit Licence	...For Port-of-Spain ...	...\$300 per annum.
Do. ...	...Elsewhere ...	...\$180 per annum.
Special Hotel Licence	...For Port-of-Spain ...	...\$1,200 per annum
Do. ...	...For San Fernando ...	...\$800 per annum.
Do. ...	...Elsewhere ...	...\$480 per annum.
Restaurant Licence	...For Port-of-Spain ...	...\$600 per annum,
Do. ...	...For San Fernando ...	...\$400 per annum.
Do. ...	...Elsewhere ...	...\$240 per annum.
Special Restaurant Licence	For Port-of-Spain ...	...\$1,080 per annum.
Do. ...	...For San Fernando ...	...\$576 per annum.
Do. ...	...Elsewhere ...	...\$360 per annum.
Night Bar Licence	...	\$720 per annum.
Transfer fee under sections 31 and 32	...	...\$6.00
Occasional Licence under section 40 and 44	...	...\$10.00

SECOND SCHEDULE—Continued

DUTIES—Continued

Spirit Grocer's Licence	For Port-of-Spain ...	...\$800 per annum, or, if permitted under section 15, \$220 per quarter.
Do. ...	...For San Fernando ...	...\$480 per annum, or, if permitted under section 15, \$125 per quarter.
Do. ...	...Elsewhere ...	...\$300 per annum, or, if permitted under section 15, \$85 per quarter.
Spirit Dealer's Licence		\$240 per annum.
Wine Merchant's Licence		\$60 per annum.

THIRD SCHEDULE

OPENING AND CLOSING HOURS FOR SALE OR SUPPLY OF LIQUOR ON LICENSED PREMISES

Spirit Retailer's Licence	In scheduled areas, as defined in the Shop Order 1938 set out in the Sched- ule to the Shop (Hours of Open- ing and Employ- ment) Ordinance	Thursdays	... 8.00 a.m.—1.00 p.m.
		Other Weekdays	... 8.00 a.m.—8.00 p.m.
	In areas outside scheduled areas as so defined	Thursdays	... 6.30 a.m.—1.00 p.m.
		Saturdays	... 6.30 a.m.—8.00 p.m.
		Other Weekdays	... 6.30 a.m.—7.00 p.m.
Wine Retailer's Licence	Port-of-Spain	...Thursdays	... 8.00 a.m.—2.00 p.m.
		Other Weekdays	... 8.00 a.m.—9.00 p.m.
	Elsewhere ...	...Thursdays	... 8.00 a.m.—2.00 p.m.
		Other Weekdays	... 8.00 a.m.—9.00 p.m.
Hotel Spirit Licence	Anywhere in the Colony	To persons lodging at hotel	At any time
		To persons having a meal at such hotel	10 a.m.—1 a.m. every day of the week (including Sundays and public holidays).
Special Hotel Licence	Anywhere in the Colony	To persons lodging at hotel	At any time
		Other persons whether having a meal or not	10 a.m.—2 a.m. every day of the week (including Sundays and public holidays).
Restaurant Licence	Anywhere in the Colony	Persons taking meals at such restaurant	10 a.m.—midnight every day of the week (including Sundays and public holidays).
Special Restaurant Licence	Anywhere in the Colony		10 a.m.—2 a.m. every day of the week (including Sundays and public holidays).
Night Bar Licence	Anywhere in the Colony		6.00 p.m.—6.00 a.m.

THIRD SCHEDULE—*Continued*OPENING AND CLOSING HOURS FOR SALE OR SUPPLY OF LIQUOR
ON LICENSED PREMISES—*Continued*

Spirit Grocer's Licence	Anywhere in the Colony	Thursdays ...	... 6.30 a.m.—1.00 p.m.
		Other Weekdays	... 6.30 a.m.—8.00 p.m.
Spirit Dealer's Licence	Anywhere in the Colony	Thursdays or	
		Saturdays ...	... 8.00 a.m.— 12 noon
		Other Weekdays	... 8.00 a.m.—8.00 p.m.
Wine Merchant's Licence		Thursdays or	
		Saturdays ...	... 8.00 a.m.— 12 noon
		Other Weekdays	... 8.00 a.m.—8.00 p.m.

Passed in Council this twentieth day of May, in the year of Our Lord one thousand nine hundred and fifty-five.

G. E. L. LAFOREST

Clerk of the Council

Subs. Sec 82 195/55 (335)