

REGISTRATION OF CLUBS ACT

CHAPTER 21:01

Act

28 of 1955

Amended by

13 of 1956

29 of 1963

45 of 1979

6 of 1991

4 of 1992

3 of 1994

9 of 1997

14 of 1997

195/2003

2 of 2013

*4 of 2014

6 of 2014

*See Note on page 2

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1-32	..

Index of Subsidiary Legislation

	<i>Page</i>
Registration of Clubs Regulations (28 of 1955)	29

Note on Adaptation

Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by LN 52/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

Note on Act No. 4 of 2014

Amendments made to sections 5(5)(c), 9A, and subsections 23(2), (3), (4), (6), (7), (8) and (9) took effect from 1st January 2015.

SECTION ARRANGEMENT OF SECTIONS—*Continued*

21. Notification to Secretary of the Licensing Committee of discontinuance of a club or change of Secretary.
22. Regulations.
23. Tax on gambling devices.
- 23A. BIR Tags.
- 23B. Deposit made by members' club.
- 23C. Indemnifying the Secretary.
24. Alterations to certain rules of clubs.
25. General penalty.
26. Saving as to proprietary clubs established by employers for employees.
27. Savings as to canteens and messes.
28. Evidence to be on oath.
29. Clubs registered under former Ordinance deemed to have been registered under this Act.
30. Application of Act.

SCHEDULE.

CHAPTER 21:01

REGISTRATION OF CLUBS ACT

28 of 1955.

An Act relating to the Registration of Clubs, and the control of the supply and sale of intoxicating liquor therein.

[22ND NOVEMBER 1955]

Commencement.
[GN 182/1955].

1. This Act may be cited as the Registration of Clubs Act.

Short title.

2. (1) In this Act—

Interpretation.
[29 of 1963
4 of 2014
6 of 2014].

“certificate” means a certificate certifying that permission is granted to a members’ club under this Act to carry on gambling as an activity of the club in pursuance of part only of its common objects in accordance with this Act;

“club” means any community or society consisting of not less than twenty-five members who assemble or meet together in pursuit of a common object;

“intoxicating liquor” means spirits, wine, beer, porter, cider, perry and any fermented, distilled or spirituous liquor which cannot, according to any Act for the time being in force relating to the sale of intoxicating liquor, be legally sold unless the sale is duly authorised by a licence granted thereunder;

“Magistrate” means the Magistrate assigned for duty in the magisterial district within which the club is situated;

“members’ club” means a club not constituted for the acquisition of gain, the members of which contribute to the funds out of which the expenses of conducting the club are paid and are jointly entitled to all the property and funds of the club;

“proprietary club” means any club other than a members’ club;

“Secretary”, in relation to a club, means a person under section 2A performing the duties of a Secretary and, in the case of a proprietary club where there is no Secretary, the proprietor of the club;

“unregistered club” means any club which requires to be registered under this Act, but which is not so registered or which has been struck off a register of clubs.

Ch. 84:10. (2) The several licensing committees constituted under the authority of the Liquor Licences Act, shall be the authorities for the registration of clubs for the purposes of this Act and shall have jurisdiction in the respective districts which are appointed to be licensing districts by the Liquor Licences Act, and may hold sessions for the consideration of applications for the registration of clubs in the areas into which their respective licensing districts have been divided for the purposes of the Liquor Licences Act.

Secretary.
[4 of 2014]. **2A.** A members' club shall have a Secretary who shall be a member or *ex officio* member of the members' club.

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

(2) The registration of a club under this Act shall not constitute the club premises licensed premises, nor authorise any sale of intoxicating liquor therein which would otherwise be illegal.

(3) If the Secretary of any club contemplated by subsection (1) fails to comply with the requirements of that subsection he is guilty of an offence against this Act.

Registers of members' and proprietary clubs.
[29 of 1963]. **4.** (1) The Secretary of every licensing committee shall keep separate registers of all registered members' clubs and proprietary clubs within the licensing district of the committee, but shall not enter a club in the register without an order from the Licensing Committee in the district in which the club is situated, nor except on payment of the prescribed fees.

- (2) The registers shall contain the following particulars:
- (a) the name and objects of the club;
 - (b) the address of the club;
 - (c) brief details of the terms of occupancy of the club premises;
 - (d) the name of the Secretary and in addition, in the case of a proprietary club, the name of the proprietor;

- (e) the number of members;
- (f) the date of the certificate, if any.

(3) The Secretary of the Licensing Committee shall keep the registers of clubs corrected up to date in accordance with the returns furnished by the secretaries of such clubs as required by this Act, and the registers shall at all reasonable hours be open to the inspection of a First Division police officer, or to an Officer of Excise.

5. (1) The Secretary of every club required to be registered under this Act shall, not later than the 15th January in every year, and in the case of a new club, prior to the opening of that club, and not later than the 15th January in each succeeding year, make application to the Licensing Committee of the licensing district in which the club is situated for an order to the Secretary of the Licensing Committee to enter the club on the appropriate register.

Mode of application for registration. [13 of 1956, 29 of 1963, 9 of 1997, 4 of 2014].

(2) In the case of an application to the Licensing Committee for an order to the Secretary of the Licensing Committee to enter the club on the register, the Secretary of the club shall produce to the Licensing Committee a return signed by him giving particulars mentioned in section 4(2), and shall attach thereto—

- (a) a copy of the existing rules of the club;
- (b) a list of the General Committee and Wine Committee (if any);
- (c) except in the case of a new club, a duly certified copy of an audited balance sheet and revenue account for the preceding financial year of the club;
- (d) a statement signed by him that there is kept upon the club premises—
 - (i) a register of the names and addresses of the club members, and a record of the last payment of their subscriptions; and
 - (ii) a register of the names and addresses of visitors and guests.

* (3) For the avoidance of doubt it is hereby declared that, notwithstanding the provisions of subsection (1), and without prejudice to the provisions of section 19, a Licensing Committee to which an application is made later than the 15th January in any year shall not thereby be precluded from considering and determining the application.

Ch. 11:19. (4) The Secretary of any members' club in which gambling is carried on under the Gambling and Betting Act, shall at the time of making application under subsection (1) make an application for the grant or renewal of a certificate to the Licensing Committee of the Licensing District in which the club is situated.

(5) An application made by the Secretary of a members' club under subsection (4) shall be accompanied by the following documents:

- (a) a statement of the number and types of gambling tables and other devices to be used on the premises; and
- (b) *(Deleted by Act No. 4 of 2014);*
- (c) in respect of a year subsequent to the year 2014, a certificate of the Board of Inland Revenue that the members' club is not in arrears of any taxes, interest or penalty payable to the Board in respect of the last six years prior to the year of application.

Notice to Police and their powers and duties. [29 of 1963].

6. (1) The Secretary of every club required to be registered under this Act shall, before making application to the Licensing Committee for an order to the Secretary of the Licensing Committee to enter the club on the register or for the grant or renewal of a certificate, give twenty-one days' notice to the police officer in charge of the division in which the club is situated of his intention to apply, and shall furnish to him a copy of the return mentioned above and such officer or some other police officer authorised by him shall—

- (a) verify the particulars contained in the return;
- (b) make enquiries to enable him to inform the Licensing Committee to whom application is

*Act No. 13 of 1956, s.2(2) provides that this subsection shall have effect as though enacted at the commencement of the Registration of Clubs Act.

made upon the matters to be considered by the committee under section 7;

- (c) attend at the hearing of the application;
- (d) be entitled to object to the making of an order for registration of the club either generally or on any of the grounds of complaint set out in section 14(1) and (2).

(2) If the Secretary of any club required to be registered under this Act or of any club on behalf of which he has made application for the grant or renewal of a certificate under this Act, fails to comply with any requirement of subsection (1) he is guilty of an offence against this Act.

(3) If the police officer in charge of the division intends to object to the making of an order for registration or grant or renewal of a certificate of a club he shall serve notice of such intention upon the Secretary.

7. (1) Where notice has been served on the Secretary of any club that it is the intention of the police officer of the division to object to the making of an order for registration, or where for any reason the Licensing Committee requires the Secretary to attend, the Secretary shall attend and give evidence in respect of any of the matters mentioned in section 5(2); and in default of the attendance, the Licensing Committee may refuse to entertain the application.

Licensing Committee to consider application. [29 of 1963].

(2) The Licensing Committee to which application is made shall duly consider the return furnished by the Secretary of the club, and any evidence offered in support of the application, as well as the evidence called by the Police, and shall determine whether an order shall be made for the entry of the club in the appropriate register or whether a certificate shall be granted, or renewed, as the case may be.

8. (1) The Licensing Committee to which application is made may, in its discretion, refuse to order its Secretary to enter any club in a register if, in its opinion—

When Licensing Committee may refuse order to register. [29 of 1963 6 of 2014].

- (a) the return furnished as mentioned above is incomplete;

- (b) the evidence as to the objects of the club or its system of management, or as to the character of the club premises is unsatisfactory;
- (c) there is satisfactory proof of any of the grounds of complaint set out in section 14(1)(a), (f) and (i); or
- (d) any other good cause is shown.

(2) The Licensing Committee to which application is made in respect of a members' club if not satisfied that the club is a *bona fide* members' club may permit of the registration of the club as a proprietary club upon the same application and upon payment of the prescribed fee.

Objections.
[6 of 2014].

8A. (1) Where an objection to an application for the registration of a club is made to a Licensing Committee, the committee shall meet with the applicant and the objector to assist them in reaching a mutually acceptable resolution.

(2) Where the parties fail to agree to a resolution, the matter shall be heard by a Magistrate and the Magistrate may, if satisfied that any of the grounds set out in section 14(1) and (2) exist, make an order approving or refusing the registration of a club under this Act.

Appeals from
decisions of
Licensing
Committee.
[6 of 2014].

8B. A person aggrieved by a decision of a Licensing Committee may apply in writing to a Magistrate for a review of the decision.

Club rules
qualifying for
certificate.
[29 of 1963].

9. In order that a club may be eligible for the grant or renewal of a certificate, the rules of the club shall provide that—

- (a) all members shall be elected by the whole body of members or by the committee or governing body, with or without specially added members;
- (b) there shall be defined entrance fee and subscription payable by members in advance;
- (c) a member who introduces a visitor to a club shall, immediately on the admission of the visitor to the premises, enter his own name and the name and address of the visitor and the date of each visit in a book which shall be kept for

the purpose, and a visitor shall not before the entry take part in any gambling on the club premises, and thereafter only on the invitation and in the company of a member;

- (d) no persons shall be allowed to become honorary or temporary members of the club, or be relieved of the payment of the regular entrance fee or subscription, except those possessing certain qualifications defined in the rules and subject to conditions and regulations prescribed therein;
- (e) no person under twenty-one years of age shall be admitted a member of the club unless the club is one primarily devoted to some athletic purpose and, in that case, a person under eighteen years of age, or a person under the age of twenty years who is a student at any primary or secondary school shall not be permitted to take part in any gambling on the club premises;
- (f) No person resident in any city, town or village in which a club is situated shall visit the club as a visitor more frequently than four times every month.

9A. Every members' club seeking the renewal of a certificate in a year subsequent to the year 2014 shall, before the certificate is issued, satisfy the Licensing Committee that there are no outstanding gaming taxes, interest or penalty payable to the Board of Inland Revenue in respect of the last six years prior to the year in which the application for renewal is made.

Tax qualification for issue of certificate. [4 of 2014].

10. The Secretary of a Licensing Committee shall, within three days of the entry of a club in a register, send or cause to be sent to the Comptroller of Customs and Excise notice that the club has been entered in the register by him in conformity with the provisions of this Act.

Notice to Comptroller of registration.

11. A Licensing Committee to which application is made by the Secretary of a club may authorise the removal of a registered club to premises other than those specified in the register, and, if the application is granted and upon payment of the prescribed fee,

Transfer of club to other premises.

shall order the Secretary of the Licensing Committee to alter the register accordingly. Twenty-one days' notice of any such intended application shall be given by the Secretary of the Licensing Committee to the police officer in charge of the division in which the proposed new premises of the club are situated and the officer or some other officer of Police authorised by him shall be entitled to object to the removal at the hearing of the application.

Penalty in respect of intoxicating liquor in unregistered club.
[6 of 2014].

12. (1) If any intoxicating liquor is supplied or sold to any member or guest on the premises of an unregistered club the person supplying or selling the liquor and any person authorising the supply or sale of the liquor are liable to a fine of ten thousand dollars and to imprisonment for three years.

(2) If any intoxicating liquor is kept for supply or sale on the premises of an unregistered club, every officer and member of the club are liable to a fine of five thousand dollars unless he proves to the satisfaction of the Court that the liquor was so kept without his knowledge or consent.

Penalty in respect of unauthorised sale of intoxicating liquor.
[6 of 2014].

13. (1) If any intoxicating liquor is sold on the premises of a registered club without a licence in force authorising the sale or contrary to the terms of any licence granted in respect of the premises the Secretary of the club, or in the case of a proprietary club the proprietor, is liable to a fine of ten thousand dollars unless he proves to the satisfaction of the Court that all reasonable precautions had been taken to prevent any such illegal supply or sale.

(2) For the purposes of subsection (1), the supply of intoxicating liquor on the premises of a proprietary club to a member thereof shall not be deemed to be a sale of the liquor by reason only of the fact that the property funds and assets of the club are not wholly owned jointly by the members.

(3) Any person selling, assisting in or privy to a sale of intoxicating liquor in contravention of subsection (1) is liable to a fine of five thousand dollars.

Striking club off register.
[29 of 1963
9 of 1997
6 of 2014].

14. (1) Where a club is registered in pursuance of this Act, a Magistrate, on complaint in writing by any person, may, if it

thinks fit, make an order directing the club to be struck off the register on all or any of the following grounds:

- (a) that the club has ceased to exist, or that the number of members is less than twenty-five;
- (b) that it is not conducted in good faith as a members' club or a proprietary club, as the case may be, or that it is kept or habitually used for any unlawful purpose;
- (c) that there is frequent drunkenness on the club premises;
- (d) that illegal sales of intoxicating liquor have taken place on the club premises;
- (e) that persons who are not members are habitually admitted to the club merely for the purpose of obtaining intoxicating liquor;
- (f) that the club occupies premises in respect of which, within twelve months next preceding the formation of the club, a licence under the repealed Liquor Licences Ordinance or the Liquor Licences Act, has been forfeited or the renewal of a licence thereunder has been refused, or in respect of which an order has been made that they shall not be used for the purposes of a club;
- (g) that persons are habitually admitted as members contrary to the provisions in that behalf contained in the rules of the club;
- (h) that the supply of intoxicating liquor to the club is not under the control of the members or the committee appointed by the members;
- (i) that the premises in respect of which application is made are unsuitable either owing to the difficulty in supervising them, or their size, state of repair or insanitary condition, or to the lack of sufficient means of exit in case of fire;
- (j) that there are frequent breaches of the rules under which registration was originally obtained;
- (k) that there is frequent disorderly behaviour on the club premises.

Ch. 32. No. 11.
(1950 Ed.).
Ch. 84:10.

(2) The Magistrate, on complaint in writing by any person, may cancel a certificate on any of the following grounds:

- (a) that the premises have become unsuitable for the purposes of a club to which a certificate has been issued;
- (b) that the application made by the club, or its rules or any of them, are, in any respect specified in the objection, not in conformity with the provisions of this Act;
- (c) that the club is not conducted in good faith as a members' club, or that it is kept or habitually used for any unlawful purpose, or mainly for the purpose of gambling;
- (d) that persons who are not members are habitually admitted to the club merely for the purpose of gambling;
- (e) that persons are habitually admitted as members without an interval of at least seven days between the nomination and the admission;
- (f) that the rules have been so changed as not to be in conformity with the provisions of section 9;
- (g) that the club has been held to be a common gaming house;
- (h) that an offence relating to gambling in, or being present at any gambling on, or being concerned in the management or organisation of, the premises of the club held to be a common gaming house under the provisions of section 11(1) of the Gambling and Betting Act, has been committed; or
- (i) that an offence relating to the payment of gaming taxes under section 23 has been committed.

Ch. 11:19.

(3) For the purpose of determining whether a club is conducted in good faith as a club, the Magistrate shall have regard to the nature of the premises occupied by the club and any other relevant fact.

(4) If the Magistrate grants a summons on the complaint, the summons shall be served on the Secretary and on such other person, if any, as the Magistrate may direct.

(5) Where the Magistrate makes an order striking a club off the register the Magistrate may, if it thinks fit, by that order, further direct that the premises occupied by the club shall not be used for the purposes of any club which is required to be registered under this Act for a specified period, which may extend, in case of a first order, to twelve months, or in case of a subsequent order, to five years. However, any such direction may, for good cause shown, be subsequently cancelled or varied by the Magistrate.

(6) Every person who acts in contravention of any direction of a Magistrate under subsection (5) is guilty of an offence against this Act.

14A. (1) A Magistrate may, on complaint made in writing by a person to whom this section applies, make an order directing the club to be struck off the Register if he is satisfied by proof on oath before him that the conduct of any trade or business on premises to which the public has access is contrary to the provisions of section 14B.

Striking club off Register on ground of discrimination. [14 of 1997 6 of 2014].

(2) Where a complaint has been made against a licensee under subsection (1), the Magistrate shall summon the licensee to appear before the Magistrate on the date set for the hearing of the complaint to respond to the allegations made against him and the licensee may either represent himself or be represented by an Attorney-at-law.

(3) For the removal of doubt it is hereby declared that subject to subsection (4) nothing in this section shall be treated as having application to a members' club registered under this Act.

(4) Subject to subsection (5), where a members' club proposes to give the public, or any section of the public, access to the whole or any part of its premises, on any special occasion, it shall first obtain the permission of a Magistrate and—

- (a) any trade or business conducted thereon; or
- (b) where the club is used for purposes other than that of a members' club, as defined in section 2 of this Act,

such trade, business or purpose shall be done or carried out in such a manner so as not to contravene section 14B.

(5) For the purposes of subsection (4) the members' club shall pay a fee of one thousand dollars.

(6) A members' club which contravenes the provisions of subsection (5) is guilty of an offence and liable on summary conviction to a fine of fifteen thousand dollars.

(7) This section applies to any person who has been discriminated against in any manner, including a refusal of admission or service or refusal of access to facilities on any licensed premises, on the ground of that person's race, colour, religion or sex.

(8) The Minister may, by Order, subject to affirmative resolution of Parliament, increase the grounds on which a person may claim to have been discriminated against.

Discrimination
on club
premises.
[14 of 1997].

14B. (1) Discrimination on premises of a club registered in pursuance of this Act by the owner or occupier or by the members of a committee appointed by the members or their servants or agents or by their associates on the ground of race, colour, religion or sex is hereby prohibited.

(2) In this section and in section 14A—

“associates” means any individual, partner or company having a pecuniary interest or otherwise concerned with the carrying on of any business on the premises of the club in respect of which there is a complaint under section 14A;

“discrimination” means any inequality of treatment that is less favourable than that accorded to any person or group of persons and which is indicative of an intention to deal with that person or group of persons in a manner that is different from that in which the majority of other persons or a substantial number of such persons on any one occasion are treated or dealt with in that respect.

(3) For the purpose of this Act, segregating a person whether by place or position or by time or occasion from other persons on the ground of race, colour, religion or sex is deemed to be discrimination.

Striking club off
Register on
ground of
causing a public
annoyance.
[14 of 1997
6 of 2014].

14C. (1) A Magistrate may, on complaint made by an aggrieved person, make an order directing the club to be struck off the Register if the conduct of any trade or business on

premises to which this Act applies has caused annoyance to persons in the vicinity of that trade or business by virtue of excessive noise.

(2) Where a complaint has been made against a licensee under subsection (1), the Magistrate shall summon the licensee to appear before the Magistrate on the date set for the hearing of the complaint to respond to the allegations made against him and the licensee may either represent himself or be represented by an Attorney-at-law.

14D. (1) Any person dissatisfied with any order of a Magistrate under section 8B, 14A or section 14C may appeal against such order to the Court of Appeal.

Appeals from order of Licensing Committee. [14 of 1997 6 of 2014].

(2) The procedure in respect of any appeal under this section shall be such as is laid down in the Summary Courts Act.

Ch. 4:20.

(3) In relation to an order of a Magistrate under sections 14A and 14C, “any person dissatisfied” means a person referred to in sections 14A(7), 14B(1) and 14C.

15. (1) Except as authorised by a permit under subsection (3), every registered club shall keep on the club premises or at such other place as may be authorised in writing by the police officer in charge of the division in which the club is situated—

Books and documents required to be kept on premises.

- (a) a Minute Book recording the business transacted at all meetings of the committee and at general meetings of the members;
- (b) a register of ordinary or full members showing their addresses, and a record of the latest payment of their subscriptions;
- (c) a separate register of temporary and honorary members and of members other than ordinary or full members, showing the date of election and period of the membership;
- (d) a copy of the rules of the club with any subsequent alterations authenticated by the signature of the Secretary;
- (e) all accounts for intoxicating liquor supplied to the club during the preceding six months.

(2) If any requirement of subsection (1) is not complied with in respect of any club, every member of the committee of the club, and in the case of a proprietary club the proprietor of the club, is guilty of an offence under this Act.

(3) The police officer in charge of the division in which the club is situated, where he is satisfied that reasonable grounds exist for allowing the removal of any books or documents from the club premises for any temporary purpose, may grant a permit authorising the removal of the same to a place to be specified in the permit for such period not exceeding fourteen days and subject to such terms and conditions as he thinks fit.

Power of entry upon club premises.

16. Any member of the Police Service of or above the rank of Inspector, or any member of the Police Service appointed in writing by a police officer of or above the rank of Assistant Superintendent to make enquiries for the purposes of this Act, or the member of the Police Service in charge of the district in which the club premises are situated may, at any time during such hours as a registered club's premises are open to members, enter upon the premises and make inquiries for the purposes of this Act and may—

- (a) call for and inspect all books and documents required to be kept on the premises;
- (b) take copies of any entry in such books or documents;
- (c) inspect the club premises;
- (d) take the names and addresses of any persons found on the club premises;
- (e) where he has reasonable grounds for believing that any books, registers, records, papers, accounts or other documents are not being kept in accordance with the requirements of this Act, or that there has been any contravention of this Act or of any Regulations made thereunder, seize any books, registers, records, papers, accounts or other documents relating to the business of the club or found on the premises.

Penalty for obstructing Police entering upon club premises, etc. [6 of 2014].

17. (1) Any person who obstructs or attempts to obstruct any member of the Police Service mentioned in section 16 in the exercise of any of his powers under the section, or who prevents

or attempts to prevent any such member of the Police Service from exercising any of such powers or who fails to give his name and address or gives a false name or address when required by the member of the Police Service under the said section to give his name and address, is liable to a fine of one thousand dollars for the first offence and a fine of two thousand dollars for a subsequent offence.

(2) Any person having the charge of any books or documents required to be kept on the premises of any club who refuses or fails to produce the same, on demand, to any member of the Police Service mentioned in section 16 for inspection in pursuance of the provisions of the said section is liable to a fine of one thousand dollars for the first offence and to a fine of two thousand dollars for a subsequent offence.

18. (1) If a Magistrate or Justice is satisfied by information on oath that there is reasonable ground for supposing that any registered club is so managed or carried on as to constitute a ground for striking it off the register, or that any intoxicating liquor is sold or supplied, or kept for sale or supply, on the premises of an unregistered club, he may grant a search warrant to any constable named therein.

(2) A search warrant granted under this section shall authorise the constable named therein to enter the club at any time of any day within one month from the date thereof, if need be by force, and to inspect the premises of the club, to take the names and addresses of any person found therein, and to seize any books and papers relating to the business of the club.

(3) If any person required by a constable under this section to give his name and address fails to give the same or gives a false name or address that person is liable to a fine of one hundred dollars.

19. (1) If the Secretary of any registered club or any club which is required to be registered under this Act omits to make any application for the registration of the club as required by section 5(1) or any return required by this Act, he is liable to a fine of fifteen thousand dollars and imprisonment for three years.

Penalty for false return by Secretary. [6 of 2014].

(2) If the Secretary of any such club knowingly or negligently makes a return which is false in any material particular, he is liable upon proof of the falsity and materiality of the return to a fine of five thousand dollars and imprisonment for nine months.

Procedure and
appeal.
[6 of 2014].
Ch. 4:20.

20. (1) Proceedings under this Act may be taken, and all penalties incurred may be imposed or recovered, in the manner provided by the Summary Courts Act but no such proceedings may be instituted except within twelve months from the time when the matter of the complaint arose.

(2) An appeal shall lie to the Court of Appeal from any conviction, judgment, order or decision of a Magistrate made or given under this Act, and the procedure in respect of the appeals shall be such as is laid down in the Summary Courts Act.

Notification to
Secretary of the
Licensing
Committee of
discontinuance
of a club or
change of
Secretary.

21. (1) In the event of the winding up, dissolution or discontinuance of a registered club, the Secretary of the club shall notify the Secretary of the Licensing Committee of the date of the winding up, dissolution or discontinuance within twenty-one days from the said date, and in default of so doing is guilty of an offence against this Act.

(2) In the event of the person appointed to be the Secretary of a registered club ceasing to hold office by reason of death, resignation or dismissal, the Chairman of the committee of a members' club and the proprietor in the case of a proprietary club shall notify such fact in writing to the Secretary of the Licensing Committee and also the name of any successor appointed, within fourteen days of the occurrence of either of such events, and if the Chairman or proprietor, as the case may be fails to comply with any requirement of the subsection he is guilty of an offence against this Act.

Regulations.
[29 of 1963
14 of 1997
6 of 2014].

22. (1) The Minister may, subject to affirmative resolution of Parliament, make Regulations as to all or any of the following matters:

- (a) making provision with regard to the fixing of the hours of opening or closing of club premises;
- (b) prescribing the hours during which intoxicating liquor may or may not be supplied to members or their guests;

- (c) restricting the supply of intoxicating liquor to members for consumption off the club premises;
- (d) prescribing the manner of application for extension of hours during which a club may remain open, or during which intoxicating liquor may be supplied, the procedure thereon and by whom any such application may be granted;
- (e) prescribing the fees payable upon application for registration of a club or for transfer of club premises or for the extension of hours during which a club may remain open, or during which intoxicating liquor may be supplied or for the grant or renewal of a certificate;
- (f) regulating the admission of visitors as guests or temporary members of any registered club;
- (g) generally for the more effective carrying out of this Act;
- (h) prescribing offences against any of the Regulations.

(2) Any such Regulations may differentiate between a members' club and a proprietary club.

(3) Regulations made under this section may provide in respect of any offence thereunder for a fine of ten thousand dollars on summary conviction for such offence.

(4) The Registration of Clubs Regulations (formerly contained in the First Schedule to this Act) shall be deemed to be made under this section and may be amended or revoked under subsection (1).

23. (1) Subject to this section, there shall, commencing in the year 1997, be charged on all gambling tables and other gambling devices used or to be used on the premises of a members' club desiring to carry on gambling activities therein, a tax to be known as a gaming tax at the rates specified in the Schedule.

Tax on gambling devices. [9 of 1997 4 of 2014].
Schedule.

(2) The Secretary of a members' club shall, within fifteen days of the grant of a certificate by the Licensing Committee, in respect of every year commencing from the year 2015—

- (a) submit to the Board of Inland Revenue, a return as to the number of tables and devices used or to

be used on the premises of the club in such form as may be approved by the Board; and

- (b) pay the taxes in respect of the tables and devices contained in the return on behalf of the club, at the rates specified in the Schedule.

Schedule.

(3) The return under subsection (2) shall be signed by the Secretary and shall contain—

- (a) the full name and address of the Secretary of the members' club;
- (b) the name and registered place of business of the members' club;
- (c) a full description of every table or device used or to be used on the premises of the members' club;
- (d) the number of tables or devices used or to be used on the premises of the members' club;
- (e) a calculation of the gaming tax payable in respect of every table or device used or to be used on the premises of the members' club; and
- (f) an address for service of notices for the members' club.

(4) Where the Secretary of a members' club fails, neglects or refuses to submit a return for a year commencing from 2015, after six months from the time required to file the return, the Secretary shall, unless the Board of Inland Revenue otherwise directs, pay the Board of Inland Revenue the sum of one hundred dollars for every six months or part thereof during which such failure, neglect or refusal continues.

(5) The Board of Inland Revenue, in respect of the collection and recovery of the gaming tax, has all the powers as it has in relation to income tax under the Income Tax Act.

Ch. 75:01.

(6) Where it is proved to the satisfaction of the Board of Inland Revenue that the Secretary has paid on behalf of the members' club gaming taxes in excess of the amount in respect of which the club is properly chargeable, the club shall be entitled to have the tax so paid in excess, refunded to it.

(7) Every claim for a refund under subsection (6) shall be made within one year from the end of the year to which the claim relates.

(8) Where a members' club fails to remit the gaming tax to the Board of Inland Revenue within the times specified in subsection (2), the Secretary of the members' club commits an offence and—

- (a) the certificate of the club shall be liable to cancellation by the Licensing Committee; and
- (b) the Secretary shall be liable to pay together with the tax payable, interest at the rate of fifteen per cent per annum on the tax.

(9) The gaming tax payable for a new members' club which applies for a certificate shall be calculated on a prorated basis for the unexpired portion of the year from the date upon which the new club applies for the certificate.

23A. (1) With effect from 1st January 2015, the Board of Inland Revenue shall cause to be issued in respect of each table or device, a tag for which gaming tax is paid. BIR Tags.
[4 of 2014].

(2) Every tag issued under this section shall be in a form approved by the Board of Inland Revenue and shall be valid from the day on which it is issued until the time in the ensuing year when the gaming tax becomes payable.

(3) The Secretary of a members' club shall cause to be displayed on each table or device, the relevant tag for which the tax was paid, failing which the certificate of the members' club shall be liable to cancellation by the Licensing Committee and the Secretary commits an offence.

(4) Where an offence is committed under subsection (3), the Secretary is liable on summary conviction to a fine of fifteen hundred dollars and in the case of a continuing offence, a further eight hundred dollars for every day during which the offence continues.

23B. (1) The Secretary of a members' club in which gambling is carried on, shall deposit with the Comptroller of Accounts the sum of five hundred thousand dollars on behalf of the members' Deposit made
by members'
club.
[4 of 2014].

club and the deposit shall be invested in the discretion of the Minister and the interest thereon, if any, paid to the members' club thereof at yearly intervals.

(2) In the event of a members' club failing to pay any claim validly made on it in respect of a betting transaction where the member's club was involved in the gambling transaction, so much of the deposit referred to in subsection (1) as is necessary to meet the amount of such claim shall be applied for that purpose.

(3) Where the deposit is insufficient for the purpose of meeting the balance of the claim the amount may, notwithstanding any rule of law to the contrary, be recovered by action as a civil debt.

(4) For the purposes of subsection (2), the validity of any claim in respect of a gambling transaction—

(a) shall be determined by the Comptroller of Accounts where the amount of such claim does not exceed five hundred dollars; or

(b) may be determined by the Comptroller of Accounts with the consent of the parties thereto where the claim exceeds five hundred dollars.

(5) Notwithstanding any rule of law to the contrary, but subject to subsection (3), an action shall lie for recovery of any amount claimed in respect of any gambling transaction conducted by a members' club.

(6) Where the deposit or part thereof is to be applied to meet the amount of any claim held to be valid by the Comptroller of Accounts or by a Court, the amount payable shall be paid out of the deposit.

(7) Where the amount of any claim is held to be valid by a Court, the Clerk of the Court or the Registrar thereof shall send a certified copy of the order or judgment to the Comptroller of Accounts within twenty-one days of the making of such order or judgment.

(8) Where a payment is made out of a deposit in satisfaction of any claim in respect of a gambling transaction, the amount by which the deposit required by subsection (1) to be deposited with the Comptroller of Accounts has been reduced,

shall be deposited with the Comptroller of Accounts before a members' club undertakes any further gambling transactions.

(9) The Secretary of a members' club in which a gambling transaction is effected, who—

- (a) without making a deposit required by subsection (1); or
- (b) without depositing the amount required to be deposited in the circumstances set out in subsection (8),

commits an offence and is liable on summary conviction to a fine of one thousand, five hundred dollars and the certificate issued under section 5(4) shall be revoked by the Licensing Committee.

(10) For the purpose of this section, a “gambling transaction” means a transaction where a payment is made in money or moneys' worth to, or by a members' club, whether or not the purpose of the transaction is for payment, issue or redemption of moneys' worth or for gambling.

23C. (1) Except in respect of an action by, or on behalf of, a members' club to obtain judgment in its favour, a members' club shall indemnify the Secretary or his personal representative against all costs, charges and expenses including an amount paid to settle an action or satisfy a judgment reasonably incurred by him in respect of any civil, criminal or administrative action or proceeding to which he is made a party by reason of being, or having been, the Secretary of that club. Failing which, each and every member of the Club shall be liable for the said debt of the Secretary.

Indemnifying
the Secretary.
[4 of 2014].

(2) Subsection (1) does not apply unless the Secretary to be so indemnified—

- (a) acted honestly and in good faith with a view to the best interests of the members' club; and
- (b) in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, has reasonable grounds for believing that his conduct was lawful.

Alterations to certain rules of clubs.

24. (1) No new rule of a registered club relating to the hours of opening or closing of the club, and no amendment, variation or revocation of any such rule, and no such rule proposed to be substituted for any previously existing rule shall be valid unless and until the same has been approved by the Licensing Committee of the district in which the club is situated.

(2) The Secretary of a registered club shall forward or cause to be forwarded to the Secretary of the Licensing Committee of the district in which the club is situated a copy of every proposed new rule relating to the hours of opening or closing of the club and of every proposed amendment, variation or revocation of any such rule, and of every rule proposed to be substituted for any such rule, within twenty-one days after the same has been agreed to by the club; and the Secretary of the Licensing Committee shall place the same before the Licensing Committee for approval or disapproval, and shall without delay inform the Secretary of the club whether the same has been approved or disapproved, and if the same has been approved shall file the same with the copy of the rules of the club attached to the return produced by the Secretary of the club under section 5(2).

(3) If the Secretary of a registered club fails to comply with any requirement of subsection (2) he is guilty of an offence against this Act.

General penalty.
[6 of 2014].

25. Any person who is guilty of any offence against this Act for which no specific penalty is provided is liable to a fine of ten thousand dollars.

Savings as to proprietary clubs established by employers for employees.

26. The Minister may, if satisfied that a proprietary club is established and carried on by any person for the benefit of his employees and not for profit or gain, direct a Licensing Committee to treat any application under section 5 as if the club was in fact a members' club.

Savings as to canteens and messes.
Ch. 84:10.

27. Nothing in the foregoing provisions of this Act or in the Liquor Licences Act shall be deemed to prohibit or restrict the sale or supply of intoxicating liquor to or in any Naval, Military, Air Force, Volunteer Force, Police or Fire Services Canteen or Mess or other canteen or mess approved of by the Minister, where the sale or supply of intoxicating liquor is carried on under the authority of the Minister.

28. All evidence given before a Magistrate under this Act shall be on oath. Evidence to be on oath. [6 of 2014].

29. Any club registered under the Registration of Clubs Ordinance (repealed by this Act) before the date of the commencement of this Act for any period shall be deemed to have been registered under this Act for the same period. Clubs registered under former Ordinance deemed to have been registered under this Act.

30. (1) Subject to subsection (2), the provisions of the Act shall for all purposes apply *mutatis mutandis* to a certificate. Application of Act. [29 of 1963].

(2) Notwithstanding section 5(4) of the Act, an application for the grant of a certificate may be made at any time during the period beginning at the commencement of the Registration of Clubs (Amendment) Act 1963 (that is, 18th July 1963) and ending on 15th of January next succeeding.

(3) A certificate granted under subsection (2) shall cease to have effect at the end of the period mentioned in subsection (2) but may, on an application therefor under the Act, be further renewed.

Section 23.
[195/2003
2 of 2013
4 of 2014].

SCHEDULE

**TAXES PAYABLE ON GAMBLING TABLES AND
OTHER DEVICES**

1.	For every Baccarat Table	...	...	...	\$50,000.00 per annum
2.	For every Black Jack Table	...	...	...	\$60,000.00 per annum
3.	For every Caribbean Stud Poker Table	...	...	...	\$75,000.00 per annum
4.	For every Dice Table	...	...	...	\$35,000.00 per annum
5.	For every regular Poker Table	...	...	...	\$30,000.00 per annum
6.	<i>(Deleted by Act No. 4 of 2014)</i>				
7.	For every Roulette Table	...	...	...	\$60,000.00 per annum
8.	For every Rum 32 Table	...	...	...	\$75,000.00 per annum
9.	For every Sip San Table	...	...	...	\$75,000.00 per annum
10.	For every Slot Machine	...	...	...	\$12,000.00 per annum
11.	For every other table or device not mentioned above	...	...	...	\$30,000.00 per annum

SUBSIDIARY LEGISLATION

REGISTRATION OF CLUBS REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Opening and closing.
3. Ceasing of supply of intoxicating liquor.
4. Member residing on premises, etc.
5. Extension of hours.
6. Visiting member.
7. Admission of persons as visitors or guests, etc.
8. Entry in club register of visitors, guests, etc.
9. Fees.
10. Offence.
11. Penalty.

SCHEDULE.

28 of 1955.
[29 of 1963
45 of 1979]*.

REGISTRATION OF CLUBS REGULATIONS

made under section 22

Citation.

1. These Regulations may be cited as the Registration of Clubs Regulations.

Opening and closing.

2. The rules of every registered club shall provide for the hours of opening and closing of the club. However, in the case of a proprietary club, the opening hour shall not be earlier than 7.00 o'clock in the morning and the closing hour shall not be later than half an hour after the time fixed under or in pursuance of these Regulations for the cessation of the supply of intoxicating liquor.

Ceasing of supply of intoxicating liquor.

3. Except as provided in regulation 5 the supply of intoxicating liquor in a proprietary club shall cease at 1.00 o'clock a.m.

Member residing on premises, etc.

4. Nothing in these Regulations shall be held to prohibit or restrict the supply of intoxicating liquor to a member of a club residing on the club premises or his guests.

Extension of hours.

5. The Police Officer in charge of the division in which a proprietary club is situate may, by permit in writing, authorise such extension of the hours for the supply of intoxicating liquor in the club as in his absolute discretion he thinks fit, but not exceeding three hours without the sanction of the Magistrate of the district on behalf of the Licensing Committee. Any application for the extension shall be in writing, addressed to such officer, stating the occasions and reasons for the extension, shall be signed by the Secretary of the club, and shall be delivered to such officer at least twenty-four hours prior to the occasion.

Visiting member.

6. The Secretary of a club may, if so authorised by the rules of the club, issue in accordance therewith a card of membership as a visiting member for not more than fourteen days in the case of a members' club and not more than three days in the case of a proprietary club to a person temporarily visiting Trinidad and

* These Regulations have been amended by Act No. 6 of 1991; Act No. 4 of 1992; Act No. 3 of 1994; Act No. 8 of 1996; LN 146/1999 and Act No. 6 of 2014.

Tobago; but no subscription shall be payable by the visiting member in respect thereof and no such card shall be issued to the same person more than twice in any one year. Nothing in this regulation shall preclude the election of visitors as temporary or honorary members of a club in accordance with the rules of the club.

7. Subject to regulation 8, nothing in these Regulations shall restrict the admission of persons to a club as visitors or guests in accordance with the rules of the club nor the supply of intoxicating liquor to a visitor or guest on the invitation and at the expense of a member of the club or on the invitation and at the expense of the club itself.

Admission of persons as visitors or guests, etc.

8. The member introducing a visitor or guest, or the Secretary when a card of membership has been issued to a visiting member or when visitors or guests have been admitted on the invitation of the club, shall cause to be entered in the club register of visitors and guests the name and address of any such visiting member, visitor or guest.

Entry in club register of visitors, guests, etc.

9. The fees specified in the Schedule shall be paid in respect of the several matters to which they are applicable and shall be payable to the Comptroller of Customs and Excise.

Fees. Schedule.

10. (1) If any registered club is opened at an earlier hour than that authorised under these Regulations or remains open after the time fixed for its closing under these Regulations, every member of the Management Committee of the club unless he shows to the satisfaction of the Court that the club was opened or remained open, as the case may be, without his knowledge or contrary to his instructions, is guilty of an offence against these Regulations.

Offence.

(2) If any intoxicating liquor is supplied in a proprietary club after 1.00 o'clock a.m., the proprietor of the club is guilty of an offence against these Regulations.

11. Every person guilty of an offence against these Regulations is liable on summary conviction therefor to a fine of ten thousand dollars.

Penalty.

Regulation 9.

SCHEDULE

TABLE OF FEES

	\$	¢
(a) Upon application for registration of a members' club ...	1,500.00	
(b) Upon application for registration of a proprietary club situate—		
(i) in Port of Spain or San Fernando, if at the time of application the total membership of the club does not exceed 100	2,250.00	
(ii) elsewhere than in Port-of-Spain or San Fernando, if at the time of application the total membership of the club exceeds 100	1,800.00	
(iii) in Port-of-Spain or San Fernando, if at the time of application the total membership of the club exceeds 100	3,375.00	
(iv) elsewhere than in Port-of-Spain or San Fernando if at the time of application the total membership exceeds 100	2,250.00	
(c) In calculating the total membership of a proprietary club no regard shall be had to temporary, honorary or visiting members who are elected for a total period of less than 15 days during any one year.		
(d) In respect of any club the registration of which is effected after the 30th June in any year, half the amount only of the appropriate fee shall be payable.		
(e) Upon application to the Police Officer in charge of a division for any extension of hours in respect of a proprietary club—		
(i) in respect of a club the total membership of which does not exceed 250	37.50	
(ii) in respect of a club the total membership of which does not exceed 500	75.00	
(iii) in respect of a club the total membership of which exceeds 500	150.00	
These fees shall be refunded if the application is not granted.		
(f) Upon application in respect of the transfer of club premises...	37.50	