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Guernsey

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25th January, 2006

The Liquor Licensing Ordinance, 2006

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The Liquor Licensing Ordinance, 2006

THE STATES, in pursuance of their Resolution of the 27th day of October, 2005^a, hereby order:-

PART I

PROHIBITION ON SALE OF INTOXICATING LIQUOR

Prohibition on sale etc. without a liquor licence

1. A person shall not, otherwise than as the servant or agent of a liquor licensee, sell, offer for sale, expose for sale, or attempt to sell or offer for sale, intoxicating liquor -

- (a) unless he holds a liquor licence under section 9,
- (b) on any premises or part of any premises other than those for which he holds a liquor licence, or
- (c) otherwise than in compliance with -
 - (i) the provisions of this Ordinance, and
 - (ii) the terms and conditions of his liquor licence.

PART II

^a Article I of Billet d'État No. XVI of 2005.

APPLICATION FOR GRANT OF LIQUOR LICENCE

Method of application.

2. (1) A person who wishes to obtain a liquor licence, other than a licence falling within category G (*Passenger vessel*), (in this Part and Part III, unless the context requires otherwise, referred to as "**the applicant**") shall make application by delivering to Her Majesty's Greffier -

- (a) a fully completed application, in such form, and
- (b) such plans, maps and other documents,

as may be specified by rules of court made under this section.

(2) Rules of court may be made under this section specifying such matters as the Royal Court thinks fit concerning the method of making any application for a liquor licence under this Part in addition to those matters specifically referred to in subsection (1).

Notice of hearing of application and previous occupation etc. to be given by applicant.

3. (1) Subject to rules of court made under subsection (2), an applicant shall -

- (a) at least 28 clear days prior to the date of the hearing of the proposed application send to the Department, a notice in writing giving -
 - (i) the location of the premises to which the application relates,

- (ii) details of the date and time of the proposed hearing, and
 - (iii) such details as may be required by the Department as to the applicant's previous occupations and places of residence, together with the names of at least two referees, and
- (b) unless a liquor licence of the same category as that applied for is in force in respect of the premises to which the application relates, cause a notice containing such details concerning the application as may be specified by rules of court made under this section -
 - (i) to be published in the Gazette Officielle in the manner prescribed by law on two weekly occasions prior to the hearing, and
 - (ii) to be affixed on or near to the premises in such a manner as to be easily read by a person in a public place adjacent to those premises, for 14 clear days prior to the date of the hearing of the proposed application.

(2) Rules of court may be made under this section specifying such matters as the Royal Court thinks fit concerning the giving of notice of the hearing of applications under this Part including, without limitation, the circumstances in which the giving of notice by the applicant is not required.

Formalities prior to application for provisional licence.

4. (1) An applicant who wishes to apply for a liquor licence, other than a licence falling within category G (*Passenger vessel*), in respect of premises projected, but not yet completed, or in respect of which structural alterations are being or will be undertaken (in this section and section 5 referred to as an **"applicant for a provisional liquor licence"**) shall comply with the requirements of sections 2 and 3.

(2) An applicant for a provisional liquor licence shall, at least 28 clear days prior to the date of the hearing of the proposed application, lodge plans at the Greffe of the projected premises or proposed structural alterations showing full details thereof and at the same time cause copies thereof to be sent to the Department.

(3) A body corporate which is an applicant for a provisional liquor licence under this section need not supply details of a designated official within the meaning of section 7 at the time of giving notice of the application.

Applications for provisional licences.

5. (1) The Royal Court may, on an application being made to it under section 4 grant a provisional licence to an applicant for a provisional licence, which shall be inoperative until confirmed in accordance with this section.

(2) The Royal Court may when determining an application for a provisional liquor licence require such variations of the plans to be made as it deems necessary or expedient and specify the period in which the projected premises or any structural alterations shall be completed and a copy of the plans together with any such variations shall be lodged at the Greffe signed by Her Majesty's Greffier.

(3) An applicant for the confirmation of the grant of a provisional liquor licence (a "**grant**") shall comply with the provisions of sections 2 and 3(1)(a).

(4) The Royal Court may, in its absolute discretion, refuse an application for a grant and in the case of such refusal the provisional liquor licence shall thereupon cease to be valid or have any legal effect whatsoever.

Application to and powers and duties of Royal Court.

6. (1) Any application to be made under any provision of this Ordinance to the Royal Court shall be made to the Royal Court sitting as an Ordinary Court.

(2) Where an application is made to the Ordinary Court in pursuance of subsection (1), the Court may, if it thinks fit, refer the application, or any matter arising from the application, to the Royal Court sitting as a Full Court.

(3) The Royal Court is not obliged to consider an application made under this Part unless -

- (a) it complies with the requirements of sections 2 and 3,
- (b) any form of application, specified under section 2(2), has been fully completed by the applicant,
- (c) any plans, maps and other documents, specified under section 2(2) -
 - (i) are submitted in accordance with the requirements of this Ordinance and any rules of

court, and

(ii) are accurate, clear and as reasonably up to date as is possible in the circumstances and are -

(aa) certified in such manner, and

(bb) supplied together with such number of copies,

as may be specified for the purposes of the relevant application, and

(d) the Court is satisfied that the relevant fee has been paid.

(4) The Royal Court shall not dispose of any application under this Part unless the provisions of this Ordinance, when applicable to the particular case, have been complied with.

Applications by bodies corporate.

7. (1) A liquor licence, other than a licence falling within category G (*Passenger vessel*), may be granted to a body corporate (in this section referred to as a "**corporate applicant**") on application by it in accordance with this section.

(2) When giving notice of such application a corporate applicant shall, unless rules of court otherwise provide, furnish Her Majesty's Greffier with the name and address of the person to be designated as responsible for the conduct of the liquor licence (the "**designated official**") and such a person shall be treated as an applicant for a liquor licence in his own right for the purposes of this

Ordinance.

(3) The provisions of this Ordinance shall apply to a designated official of a body corporate which holds a liquor licence as if he were the holder of that liquor licence.

(4) A designated official shall be present at the hearing of any application concerning him under this Part and, if approved, his name shall be endorsed upon the licence and entered upon the records at the Greffe.

(5) Without prejudice to subsection (6), on the designated official ceasing to act -

- (a) application shall be made to the Royal Court for the approval of another designated official, and
- (b) the relevant fee shall be payable to the Department in respect of any approval granted by the Court.

(6) On the designated official ceasing to act, the Department, on application by the corporate applicant, may grant to another person designated by the corporate applicant, a temporary permission to carry on the liquor licence for such period, not exceeding two months, as the Department deems necessary to enable an application to be made under subsection (5) and such a person shall be the designated official during that period.

(7) It is hereby declared that -

- (a) a designated official shall be treated as if he were the holder of a liquor licence for the purposes of any

proceedings taken and penalties enforced against him,

- (b) nothing in this section shall derogate from the application of any other provisions of this Ordinance to a body corporate which is the holder of a liquor licence, and
- (c) proceedings may be taken and penalties enforced against a body corporate which is the holder of a liquor licence whether or not taken or enforced against a designated official.

PART III

GRANT, SUSPENSION, VARIATION AND FORFEITURE OF LIQUOR LICENCES

Reports to the Court.

8. (1) Upon the hearing of an application -

(a) for the grant of a liquor licence, other than -

(i) a licence falling within category G (*Passenger vessel*), or

(ii) a provisional liquor licence,

reports shall be presented to the Royal Court in accordance with this section, and

- (b) for a grant within the meaning of section 5(3), reports shall be presented to the Royal Court in accordance with subsections (4)(b) and where appropriate subsections (5) and (6).

(2) The Constables and Douzaine of the Parish where the premises are, or are intended to be, located shall submit a written report to the Royal Court (and at the same time supply the Department with a copy), containing the following particulars -

- (a) a description of the premises or projected premises concerned and their immediate neighbourhood,
- (b) (other than where the application is in respect of a licence falling within categories I (*General Off-licence*) or J (*Port Off-licence*)), details of the toilet and washing facilities available or to be available and the opinion of the Constables and Douzaine as to their adequacy, and
- (c) the objections, if any, of the Constables and Douzaine to the application.

(3) If objections are made in accordance with subsection (2)(c), one of the Constables or members of the Douzaine shall attend personally before the Royal Court at the hearing of the application, although, in default of such appearance, the Royal Court may nonetheless hear and determine the application.

(4) The Department shall submit to the Royal Court a written report containing its views on the application and any other information (including

information and recommendations contained in reports prepared for the purposes of this Ordinance) that it considers appropriate in the circumstances, including -

- (a) details of any references or certificates of character relating to the applicant,
- (b) (in the case of an application for the grant of a provisional liquor licence) whether the premises demonstrate any material departure from any plans lodged at the Greffe,
- (c) a copy of a report prepared by, or on behalf of, the Chief Fire Officer -
 - (i) relating to the adequacy and suitability of fire safety controls and precautions for the premises, and
 - (ii) indicating the maximum number of persons that, in the opinion of the person preparing the report, the premises may accommodate safely at any one time, having regard to the evacuation of those premises in the event of fire or other emergency, and
- (d) a copy of a report prepared by the States Health and Social Services Department relating to any matters concerning environmental health arising in relation to the premises and their use, or intended use, as licensed premises.

(5) The States Commerce and Employment Department shall submit a written report containing its views on the application where a boarding permit is in force for the premises, or an application has been made for a boarding permit in respect of the premises, projected premises or premises to undergo (or undergoing) structural alterations.

(6) Where the category of liquor licence applied for falls within category H (*Casino*), the Guernsey Gambling Control Commission or any person authorised on its behalf, shall submit a written report containing its views on the application.

Grant of liquor licence and power to impose conditions.

9. (1) The Royal Court may, on application being made to it in accordance with the provisions of this Ordinance and after taking into account -

- (a) the contents of the reports submitted under section 8, and
- (b) such other matters as it thinks fit including, without limitation, any written guidance issued by the Department under section 10,

grant to the applicant a liquor licence for the sale of intoxicating liquor on the premises or such part thereof as may be specified in the licence.

(2) A liquor licence granted under this Part shall be in one of the categories (other than that of category G (*Passenger vessels*)) referred to in the First Schedule.

- (3) Upon the grant of a liquor licence under this Part -
- (a) the Royal Court may impose such conditions as it thinks fit upon the exercise of rights under the licence, including (without limitation) conditions concerning -
- (i) the conduct and character of the licensee,
- (ii) the purposes for which the licensed premises, or any part of the premises, may be used, including (without limitation) use for the purposes of -
- (aa) the sale, supply and consumption of intoxicating liquor, and
- (bb) a particular type of business,
- (iii) fire safety controls and precautions, including (without limitation), the maximum number of people who may be accommodated safely at any one time upon the premises, or any part of the premises, having regard to the evacuation of those premises in the event of fire or other emergency,
- (iv) those parts of the premises and any areas adjoining the premises in which intoxicating liquor may, or shall not, be consumed,

- (v) the making of alterations and additions to the premises,
 - (vi) measures designed to enhance the security and physical safety of persons using the premises for the purposes for which they are intended to be used,
 - (vii) the levels and types of noise emanating from the premises,
 - (viii) environmental health,
 - (ix) supervision of the premises whilst the licensee is absent, and
 - (x) any other matter which the Court thinks fit,
- (b) the relevant conditions indicated at paragraphs 9 and 10 respectively, of the third column of the Second Schedule, apply in respect of the exercise of rights under a category I (*General Off-licence*) and J (*Port Off-licence*) licence, and
- (c) the exercise of rights under the licence is subject to the condition that the licensee and his servants and agents
-
- (i) comply with, and

(ii) do not contravene,

the general conditions set out in sections 26 to 40.

(4) A person shall not be refused the grant of a liquor licence solely on the ground that he is already the holder of one or more liquor licences provided that -

(a) the Royal Court is satisfied that he can adequately supervise the exercise of each such licence granted to him, and

(b) the period during which he is permitted to hold more than one licence does not in the same, or similar, circumstances exceed 28 days.

(5) The relevant fee shall be paid to the Department in respect of the grant of a liquor licence under this Part.

Power of Department to issue and status of written guidance.

10. (1) The Department may issue written guidance under this section concerning the matters which may be taken into account by the Royal Court when exercising its powers under sections 9 and 11(5).

(2) For the avoidance of doubt, written guidance issued by the Department under this section shall not operate so as to fetter the discretion of the Royal Court to determine any application, or other matter, under this Ordinance in such manner as the Court thinks fit having regard to what is fair and reasonable in the particular circumstances of the specific application or other matter.

Period of validity of liquor licences and renewals.

11. (1) Unless suspended or forfeited under this Ordinance, a liquor licence granted under section 9 shall be valid from such day as the Royal Court directs until the 31st May next following and thereafter, if renewed, shall be valid in respect of the licensing year; provided that where the licensee is already the holder of one or more liquor licences, any licence granted under section 9 shall be valid during such period, not exceeding 28 days, as the Royal Court may direct.

(2) A liquor licence granted under this Part shall, subject to the provisions of subsections (3) to (6) and section 13, be renewed for any licensing year upon the payment to the Department, on or before the 31st May immediately preceding commencement of the licensing year to which the licence relates, of the relevant fee in one payment, and, in default of payment, shall cease to be valid on the 1st June next following.

(3) The Department may, if it considers there is good reason to do so, object to the renewal of a liquor licence and (without prejudice to the generality of the foregoing) shall consider any objections it receives from any person or body.

(4) Any objection to a renewal of a liquor licence shall be lodged in writing at the Greffe and a copy served on the liquor licensee.

(5) The Royal Court shall consider any objection made under this section and shall have power to -

- (a) renew, or refuse to renew the liquor licence, and
- (b) where it renews the licence, to renew it subject to such conditions as may be imposed by the Court under

section 9(3)(a) upon the grant of a licence.

(6) Where a licence is renewed under subsection (5), sections 9(3)(b) and (c) apply as if the renewal were a grant under that section.

(7) Upon considering an objection, the Royal Court shall hear the evidence in support thereof and any evidence by or on behalf of the liquor licensee before reaching a decision.

(8) The powers set out in this section are in addition to and not in derogation from the powers contained in section 13.

Functions of H.M. Greffier.

12. (1) Her Majesty's Greffier shall as soon as reasonably practicable after a liquor licence has been granted under this Part by the Royal Court, and upon being satisfied that the relevant fees have been paid, issue to the liquor licensee concerned a liquor licence certificate in such form as Her Majesty's Greffier may from time to time determine.

(2) Her Majesty's Greffier shall keep a register of all liquor licences granted by the Royal Court under the provisions of section 9.

(3) The register kept under subsection (2) -

(a) shall contain such details concerning liquor licences as the Royal Court may direct, and

(b) need not be kept in documentary form.

(4) Her Majesty's Greffier shall from time to time amend the

register kept in accordance with subsection (2) in the following circumstances -

- (a) upon suspension, forfeiture or non-renewal of a liquor licence,
- (b) where a liquor licensee informs him that he has ceased or will cease to exercise that licence,
- (c) upon a change of name by a liquor licensee or a change in the name of any licensed premises,
- (d) upon a change in designated official or designated person,
- (e) upon a variation in any conditions subject to which the licence is granted or renewed, and
- (f) upon a liquor licence ceasing to be valid for any reason other than that indicated in paragraph (a) or (b).

Applications by Law Officers or licensees to suspend, vary etc. liquor licences and conditions.

13. (1) The Royal Court may -

- (a) upon an application being made to it by, or on behalf of, a Law Officer of the Crown -
 - (i) suspend, vary or order the forfeiture of a liquor licence, or

- (ii) suspend, vary or revoke any condition subject to which a liquor licence is granted or renewed.
- (b) upon an application being made to it by, or on behalf of, a licensee -
 - (i) vary a liquor licence issued to the licensee, or
 - (ii) suspend, vary or revoke any condition subject to which a liquor licence, issued to the licensee, is granted or renewed.

(2) In proceedings under this section which are commenced by the Law Officers, the Law Officers shall summon the liquor licensee named in the application to appear before the Royal Court to show cause why -

- (a) his liquor licence should not be suspended, varied or forfeited, or
- (b) a condition subject to which his liquor licence is granted or renewed, should not be suspended, varied or revoked;

and the summons shall state shortly the grounds upon which the Law Officer intends to rely to support the application.

(3) In proceedings under this section which are commenced by a licensee, the licensee shall summon the Department to appear before the Royal

Court to show cause why -

- (a) the liquor licence should not be varied, or
- (b) a condition subject to which the liquor licence is granted or renewed, should not be suspended, varied or revoked;

and the summons shall state shortly the grounds upon which the licensee intends to rely to support the application.

(4) Upon considering an application, the Royal Court shall hear the evidence in support thereof and any evidence by or on behalf of the liquor licensee, or the Department, before reaching a decision.

(5) A Law Officer of the Crown -

- (a) may in any case at his discretion, and
- (b) shall, at the request of -
 - (i) the Department,
 - (ii) the Constables of the Parish in which the licensed premises concerned are situate,
 - (iii) where a boarding permit is in force for the licensed premises, the States Commerce and Employment Department, or

- (iv) where a casino operator's licence is in force for the licensed premises, the Guernsey Gambling Control Commission,

make an application in pursuance of the provisions of subsection (1).

(6) The relevant fee shall be payable to the Department in respect of the grant of an application made under this section by, or on behalf of, a licensee.

Renewal of liquor licence after suspension.

14. Where the Royal Court orders the suspension of a liquor licence, granted under this Part, in pursuance of any of the provisions of this Ordinance and that period of suspension does not end until after the unexpired portion of the period for which the liquor licence is then current, the liquor licensee may, upon payment of the relevant fee to the Department, renew that liquor licence at the end of the period then current but the liquor licence so renewed shall be of no effect until the period of suspension is ended.

Procedure when licensed premises are destroyed or damaged.

15. (1) Where any licensed premises are destroyed or so materially damaged as to make the exercise thereon of the liquor licence, or compliance with any condition of the liquor licence impossible or impracticable, the Department shall make a written report of the details to a Law Officer of the Crown.

(2) Within a reasonable time after receipt of the report made under subsection (1) the Law Officers shall apply to the Royal Court for an order under subsection (4).

(3) The Law Officers shall (unless not reasonably practicable)

cause a notice of the application made under subsection (2) to be served on the liquor licensee concerned requiring him to attend the hearing of the application.

(4) Upon an application being made under the provisions of subsection (2) the Royal Court may make such order as it may deem appropriate in the circumstances, including (without prejudice to the generality of the foregoing) -

- (a) sanctioning the continued exercise of the liquor licence in the premises to which it relates or other premises, subject to such conditions as are deemed appropriate; or
- (b) ordering the forfeiture of the liquor licence or its suspension for such period as is deemed appropriate.

(5) The Royal Court may at any time, upon the application of the liquor licensee or a Law Officer, vary or revoke any order made under this section and notice of such an application shall be served on the Law Officer by the liquor licensee or on the liquor licensee (unless not reasonably practicable) by the Law Officer, as the case may be.

(6) The Royal Court may determine an application made by or on behalf of a Law Officer, notwithstanding the absence of the liquor licensee at the hearing.

PART IV

ALTERATIONS AND ADDITIONS TO LICENSED PREMISES, ADDITIONAL HOURS AND UNLICENSED PREMISES

Permission to exercise liquor licence on additional part of licensed premises.

16. (1) A liquor licensee who wishes to exercise the liquor licence he holds on any part of the licensed premises not authorised for the purpose under that liquor licence shall apply to the Royal Court for permission to do so.

(2) Before determining an application under this section, the Royal Court shall consider written reports presented to it by the Department, the Constables of the Parish where the licensed premises are situated and (where there is in respect of the premises to which the application relates a boarding permit) the States Commerce and Employment Department.

(3) The Royal Court shall not determine an application under this section unless plans of the proposed additional parts have been deposited at the Greffe on or before the date of the application.

(4) Upon an application being made under this section, the Royal Court may -

- (a) grant the application,
- (b) grant the application subject to such conditions as it deems necessary or expedient, or
- (c) refuse the application.

(5) Where an application is granted with conditions under subsection (4)(b) and these conditions are not complied with, an application may be made in accordance with section 13.

(6) The relevant fee shall be paid to the Department in respect of

an application granted under this section.

Alterations to licensed premises.

17. (1) A liquor licensee shall not, as respects any licensed premises for which he holds a liquor licence, make any alterations which -

- (a) increase the floor space available for the use of persons consuming intoxicating liquor,
- (b) result in the concealment from observation of any part thereof used for the sale, supply or consumption of intoxicating liquor,
- (c) affect the means of access to, and egress from, the licensed premises from or to -
 - (i) any other adjoining premises, or
 - (ii) any adjoining public place, or
- (d) otherwise materially alter the structure of the licensed premises,

without the approval of the Royal Court.

(2) Before determining an application under this section, the Royal Court shall consider written reports presented to it by the Department, the Constables of the Parish where the licensed premises are situated and (where there is in respect of the premises to which the application relates a boarding permit) the States Commerce and Employment Department.

(3) The Royal Court shall not determine an application under this section unless plans of the proposed alterations have been deposited at the Greffe on or before the date of the application.

(4) Upon application being made to it under this section, the Royal Court may -

- (a) grant the application,
- (b) grant the application with such conditions as it deems necessary or expedient, or
- (c) refuse the application.

(5) Where an application is granted with conditions under subsection (4)(b) and these conditions are not complied with an application may be made in accordance with section 13.

(6) The relevant fee shall be paid to the Department in respect of an application granted under this section.

General Orders of Extension.

18. (1) On application by the Department the Royal Court may grant a General Order of Extension for licensed premises (a "**General Order**").

(2) A General Order shall have the effect of permitting the exercise of liquor licences during such additional hours as it may specify.

(3) A General Order may be limited to certain categories of

liquor licence and specify different additional hours for each category.

(4) The Department shall cause a notice containing the details of an application to be made under this section and the date and time thereof to be published in the Gazette Officielle on at least one occasion prior to the date and time of the application and shall further cause a notice containing the details of any General Order granted in accordance with this section to be published in the Gazette Officielle on at least one occasion after such grant.

Additional hours and additional premises.

19. (1) The Royal Court may, upon application by a liquor licensee and after hearing a report of the Department thereon, grant to that liquor licensee permission, subject to such conditions as may be deemed necessary or expedient, for the exercise of his liquor licence either -

- (a) during such additional hours in respect of that category of liquor licence as may be specified in the application,
- (b) on such premises ("**the additional premises**"), other than those named in the liquor licence as may be specified in the application, or
- (c) both during such additional hours and on such additional premises.

(2) A liquor licensee, at least 7 clear days prior to the date on which he proposes to make an application under this section, shall send written notice thereof to -

- (a) the Constables of the Parish in which the licensed premises or additional premises are situated, and
- (b) the Department,

specifying the date and hour of the proposed application.

(3) Where a Law Officer of the Crown is satisfied that there is no reasonable opportunity for an application to be made to the Royal Court under this section, the Law Officer may grant any permission that could have been granted by the Royal Court and shall inform the Department thereof as soon as reasonably practicable thereafter.

(4) When any permission has been granted under this section for an event or social occasion which does not take place then that permission shall be invalidated unless a Law Officer of the Crown is satisfied that it is reasonable to authorise the exercise of the liquor licence in accordance with such permission.

(5) Where it is desired to sell, supply and permit the consumption of intoxicating liquor at two or more events or social occasions which are to be held in the same day, a separate application for permission shall be made under this section in respect of each.

(6) Where a liquor licensee makes on behalf of any society, staff club, sports club or other social or charitable organisation an application in accordance with the provisions of this section for the permission of the Royal Court to exercise his liquor licence for the purposes of an event or social occasion organised by the said society, staff club, sports club or by the said other social or charitable organisation until 1.45 a.m. on the day next following the day on which the said event or social occasion commences, the said permission shall not be

unreasonably withheld by the Royal Court.

(7) The relevant fee shall be paid to the Department in respect of an application granted under this section.

Grant of occasional liquor permits.

20. (1) The Royal Court may grant an occasional liquor permit (hereinafter in this section referred to as a "**permit**") to a person appointed by a Society for that purpose for the sale, supply and consumption of intoxicating liquor on the day, during the hours, subject to the conditions and in or near the premises specified in the permit for the purposes of an event or social occasion which is promoted for raising money to be applied to the purposes of the Society.

(2) In this section a "**Society**" means a club, institution, organisation or association of persons by whatever name called, including a branch of a larger such body, established for one or more of the following -

- (a) charitable purposes,
- (b) participation in or support of athletics, games or cultural activities, or
- (c) other purposes which are neither for private gain nor for a business or commercial undertaking.

(3) A person to whom a permit is granted under this section shall be personally responsible for the exercise thereof and, for the purposes of this Ordinance, shall be treated as a liquor licensee and proceedings may be taken and penalties enforced against him accordingly.

(4) No person at an event or social function for which a permit has been granted under this section shall -

(a) supply or attempt to supply, or permit the supply of, intoxicating liquor, whether as a prize or otherwise, or

(b) permit the consumption of intoxicating liquor,

to or by a person under the age of 18 years.

(5) The provisions of section 19(3) apply to this section.

PART V

PERMITTED HOURS

Prohibition of sale etc. of intoxicating liquor other than in permitted hours.

21. (1) A person shall not in any licensed premises -

(a) sell, supply, expose for sale or consume intoxicating liquor,

(b) attempt to sell, supply or consume intoxicating liquor, or

(c) permit, if a liquor licensee, the sale, supply or consumption of intoxicating liquor,

at any time otherwise than on the days and during the hours referred to in subsection (2).

(2) The days and hours for the purpose of subsection (1) are those indicated or permitted -

- (a) in the Second Schedule, in relation to the category of liquor licence then in force in respect of the licensed premises,
- (b) in any General Order granted under section 18, or
- (c) under any permission granted under section 19.

PART VI

CONTROL OF ACCESS TO AND EMPLOYMENT IN LICENSED PREMISES OF YOUNG PERSONS

Control of persons under 18 in bars.

22. (1) A liquor licensee or his servant or agent, shall not permit a person under the age of 18 years (referred to in this Ordinance as a "**young person**") to be present in any bar in licensed premises except where -

- (a) the young person is a child of the liquor licensee,
- (b) the young person resides on the licensed premises but is not employed there and is accompanied by a parent or person over the age of 18 years,
- (c) an under 18's permit has been granted, and is in force in respect of the bar, under section 44, and the

conditions of that permit are being complied with,

- (d) the young person is in a bar solely whilst passing to or from some other part of the licensed premises which is not a bar, or to or from another part of the licensed premises to or from which there is no other reasonable means of access or egress, or
- (e) the bar counter is closed.

(2) A liquor licensee shall not, otherwise than in association with a meal, employ or permit a young person to sell or supply intoxicating liquor to another person on any licensed premises.

PART VII

SALE, SUPPLY AND CONSUMPTION OF INTOXICATING LIQUOR AND YOUNG PERSONS

Prohibition on sale, supply or consumption or purchase by young persons.

23. (1) A liquor licensee or his servant or agent, shall not sell or supply or permit any other person to sell or supply intoxicating liquor to a young person.

(2) A liquor licensee or his servant or agent, shall not permit intoxicating liquor to be consumed by a young person on any licensed premises in respect of which the liquor licensee holds a liquor licence.

(3) A young person shall not purchase or attempt to purchase intoxicating liquor on licensed premises.

(4) A person shall not purchase, or attempt to purchase or supply or attempt to supply intoxicating liquor for consumption by a young person on licensed premises.

Prohibition on obtaining etc. intoxicating liquor by young persons.

24. A young person shall not on licensed premises -

- (a) obtain or receive, or attempt to obtain or receive, intoxicating liquor,
- (b) accept or attempt to accept intoxicating liquor from any other person, or
- (c) consume or attempt to consume intoxicating liquor.

Display of Notices.

25. A liquor licensee shall cause to be displayed at all times, in a prominent place in his licensed premises in such a manner as to be easily read by persons resorting thereto, a notice, in clear and legible black letters, of not less than 5 millimetres in height on a white background in the form set out in the Third Schedule.

PART VIII

**GENERAL CONDITIONS OF THE EXERCISE OF
LIQUOR LICENCES AND THE SALE ETC. OF
INTOXICATING LIQUOR**

Absence of liquor licensee.

26. (1) A liquor licensee shall not absent himself from the business of personally supervising the exercise of his liquor licence for any reason whatsoever for a period exceeding 7 days but not exceeding 2 months without the permission in writing of the Department.

(2) A liquor licensee who wishes so to absent himself for a period in excess of 2 months shall, after giving 7 clear days prior notice in writing to the Department, apply to the Royal Court for permission to do so.

(3) On application being made under subsection (2) the Royal Court shall hear any representations made by the Department and may grant such permission for such period and subject to such conditions as it deems necessary or expedient.

(4) When permission is sought under subsection (1) or an application is made under subsection (2) the liquor licensee shall present for the approval of the Department or the Royal Court, as the case may be, a suitable person to supervise personally the exercise of the liquor licence, as if he were the holder of it and who shall be liable for any contraventions of this Ordinance as if he were the liquor licensee.

(5) When a liquor licensee proposes to close to the public the premises, in respect of which he holds a liquor licence, for a period in excess of 7 days, he shall so inform the Department in writing prior to such closure and further inform the Department of the period for which such premises will remain closed.

Death or incapacity of liquor licensee.

27. (1) On the death of a liquor licensee or on his being certified by a medical practitioner (or other suitably medically qualified person) as incapable of personally exercising his liquor licence, the Department may on application by the

legal personal representative or duly authorised representative of the liquor licensee grant him, or a suitable person nominated by him, permission to carry on the business for such period as may be necessary to enable an application for the grant of a liquor licence to be made to the Royal Court.

(2) The person granted permission under subsection (1) shall personally supervise the exercise of the liquor licence, as if he were the holder of it and shall be liable for any contraventions of this Ordinance as if he were the liquor licensee.

Change of name of liquor licensee or premises.

28. A liquor licensee who changes his name or the name of his licensed premises shall as soon as reasonably practicable thereafter notify Her Majesty's Greffier and the Department in writing thereof and at the same time send his liquor licence to Her Majesty's Greffier for amendment.

Drunkenness and disorderly conduct.

29. (1) A person shall not be on licensed premises while drunk.

(2) A liquor licensee or his servant or agent, shall not permit a person who is drunk or whose conduct is violent or riotous to remain on his licensed premises or supply intoxicating liquor to a person who is drunk.

(3) A liquor licensee, or his servant or agent, may order any person whose conduct is within the ambit of subsection (2) to leave the licensed premises and using reasonable force may eject such a person therefrom without giving a reason.

(4) In any proceedings for a contravention of subsection (2) it shall be a defence for the accused to prove that all reasonable steps were taken to

prevent drunkenness or violent or riotous conduct.

(5) A liquor licensee or his servant or agent, may -

(a) refuse to admit to, and

(b) using reasonable force, eject from,

the licensed premises any person who is drunk, violent, quarrelsome or disorderly, or whose presence therein is undesirable or who would by his presence therein render the licensee, or his servant or agent, liable to a penalty under this Ordinance.

(6) A person whose conduct is within the ambit of subsection (5) shall quit licensed premises upon request by the licensee, or his servant or agent, or a Police Officer and if he refuses or fails so to do the licensee, or his servant or agent, or a Police Officer using reasonable force may eject such a person therefrom.

Prohibition of undue noise.

30. A liquor licensee or his servant or agent shall not cause or permit any noise to emanate from the licensed premises in respect of which he holds the liquor licence in such manner or of such volume as to give reasonable cause for annoyance to other persons in other premises or in a public place.

Prohibition of use for immoral purposes.

31. (1) A liquor licensee shall not -

(a) cause,

(b) permit, or

(c) suffer,

any licensed premises, in respect of which he holds the liquor licence, to be a habitual resort or meeting place of reputed prostitutes, save for the purpose of obtaining reasonable refreshment for such time as is necessary for that purpose.

(2) A liquor licensee shall not -

(a) use, or

(b) cause, suffer or permit to be used,

any licensed premises, in respect of which he holds a liquor licence, as a brothel.

Payment for liquor.

32. (1) A liquor licensee or his servant or agent shall not sell, supply or permit the sale or supply of intoxicating liquor on any licensed premises in respect of which he holds a liquor licence to any person other than a resident therein, to be consumed on the licensed premises, unless it is paid for at the time it is sold or supplied.

(2) A person other than a resident in licensed premises or a guest of such a resident shall not consume intoxicating liquor therein unless it is paid for before or at the time when it is sold or supplied.

(3) If intoxicating liquor is sold or supplied for consumption with a meal sold or supplied at the same time and is consumed with such meal the provisions of subsections (1) and (2) shall not be contravened if the price of the intoxicating liquor is paid together with the price of the meal.

(4) Nothing in this section shall be deemed to prohibit or restrict the sale or supply of intoxicating liquor to or in any canteen under the authority of a Secretary of State, His Excellency the Lieutenant-Governor or in any Mess of Officers or Non Commissioned Officers of Her Majesty's Armed Forces.

(5) A liquor licensee shall not receive or permit the receipt of anything by way of pledge for the payment of a debt due to him for the sale or supply of intoxicating liquor, save from a person resident in the licensed premises.

(6) A person who contravenes subsections (1) or (5) shall be debarred from taking legal proceedings for the recovery of the debt due in respect of the sale or supply of the intoxicating liquor and in respect of a contravention of subsection (5) shall, in addition, restore any object given by way of pledge.

Saving for liqueur chocolates.

33. Nothing in this Ordinance shall be taken to prohibit or restrict the sale, supply or consumption of intoxicating liquors in confectionery which-

- (a) does not contain intoxicating liquor in a proportion greater than one fiftieth of a gallon of intoxicating liquor (computed as 57 per centum of alcohol by volume at 20° celsius) per pound of the confectionery, and
- (b) either consists of separate pieces each weighing not more than one and a half ounces or is designed to be broken into such pieces for the purposes of consumption.

Display of liquor licence certificate.

34. A liquor licensee shall display, or cause to be displayed -

- (a) the liquor licence certificate issued to him by Her Majesty's Greffier under section 12(1), or 70, as the case may be, and
- (b) where it is a condition of the licence that a person is identified for the purpose of supervision of the licensed premises to which the licence relates, the name of that person,

at all times in a prominent place in the licensed premises, vessel or accommodation to which the licence relates, in such a way as to be easily read by persons resorting to those premises or that vessel or accommodation.

Display of sale price list.

35. (1) A liquor licensee shall display at all times in a prominent place in every bar and every part of the licensed premises in respect of which he holds the liquor licence and in which intoxicating liquor is sold or supplied or exposed for sale or supply for consumption on the premises, a notice complying with the requirements of subsection (2).

(2) A notice under subsection (1) shall be in clear and legible black letters of not less than five millimetres in height on a white background, showing plainly the prices per measure and the size of the measure at which are sold -

- (a) brandy, whisky, rum, gin and vodka,
- (b) port, sherry, vermouth, and other fortified wines, and

- (c) beer, porter, cider and perry;

for consumption on the said licensed premises.

Offences relating to Police Officers.

36. A liquor licensee shall not -

- (a) knowingly harbour or permit the harbouring of a Police Officer or permit a Police Officer to remain on any licensed premises in respect of which he holds a liquor licence during any period when that Police Officer is on duty otherwise than for the purposes of that duty, or
- (b) knowingly sell or supply any intoxicating liquor to a Police Officer on duty otherwise than by the authority of that Police Officer's superior in rank.

Powers of entry of Police Officers and the Chief Officer of Customs and Excise.

37. (1) A Police Officer may, at all reasonable times, enter upon any licensed premises for the purposes of ensuring that the provisions of this Ordinance are being complied with.

(2) The Chief Officer of Customs and Excise and any person appointed in that behalf by him may -

- (a) at all reasonable times, enter upon any licensed premises for the purpose of examining and taking samples of intoxicating liquor therein to ensure that the

provisions of section 40 are being, or have been, complied with, and

- (b) at any time, enter upon any licensed premises for the purpose of seizing, and preserving for use as evidence, any adulterated intoxicating liquor or equipment used, or which might be used, for the purposes of adulterating such liquor.

(3) A person shall not impede or obstruct a Police Officer or the Chief Officer of Customs and Excise or a person appointed by him acting under the provisions of sub-section (1) or (2) as the case may be.

Premises out of bounds to H.M. Forces.

38. A liquor licensee shall not, after written notification that His Excellency the Lieutenant-Governor has placed the licensed premises in respect of which he holds the licence out of bounds, permit any person wearing the uniform of Her Majesty's Armed Forces to enter those licensed premises or sell or supply or permit the sale, supply or consumption of intoxicating liquor to or by any such person.

Responsibility of liquor licensees for other persons.

39. A liquor licensee shall be deemed to be responsible for any contraventions of this Ordinance by his servants or agents on any licensed premises in respect of which he holds the liquor licence and shall be liable to be proceeded against and convicted in respect of any such contravention.

Sale of spirits.

40. A liquor licensee shall not sell, supply or expose for sale, or permit the sale, supply or exposure for sale of any spirit on any premises in respect of

which he holds a liquor licence –

- (a) in or from a bottle or other container unless there is clearly marked or labelled thereon the alcoholic strength of the spirit contained in the bottle or other container,
- (b) in or from a bottle or other container, the alcoholic strength of which is less than that marked or labelled thereon,
- (c) of a strength greater than 60 per centum of alcohol by volume at 20° celsius, or
- (d) which is or has been adulterated.

Powers of Bailiff to grant warrant for entry to Chief Officer of Customs and Excise.

41. (1) The Bailiff may, if satisfied by information in writing by, or on behalf of, the Chief Officer of Customs and Excise that there are reasonable grounds to suspect that –

- (a) adulterated intoxicating liquor, intended for commercial use, or
- (b) equipment which might be used, for the purposes of adulterating such liquor,

is present on premises other than licensed premises, grant a warrant under his hand allowing the Chief Officer of Customs and Excise, or any other person named in the

warrant, at any time or times within one month from the date of issue thereof to enter, if necessary by force, the premises described in the warrant to search for and seize any such substances believed to be adulterated intoxicating liquor intended for commercial use and its containers found on the said premises and any such equipment.

(2) A person shall not impede or obstruct a person acting in pursuance of a warrant granted under subsection (1).

Powers of Bailiff to grant warrant for entry to Chief Police Officer.

42. (1) The Bailiff may, if satisfied by information in writing by, or on behalf of, the Chief Police Officer that there are reasonable grounds to suspect that intoxicating liquor is being sold or supplied on premises other than licensed premises, grant a warrant under his hand allowing any Police Officer named in the warrant at any time or times within one month from the date of issue thereof to enter, if necessary by force, the premises described in the warrant to search for and seize any substances believed to be intoxicating liquor and its containers found on the said premises.

(2) A person shall not impede or obstruct a Police Officer acting in pursuance of a warrant granted under subsection (1).

Supply to residents, servants and other persons.

43. Nothing contained in this Ordinance shall be taken to prohibit or restrict –

- (a) the consumption of intoxicating liquor by a person, not being a young person, in any licensed premises where he is residing,

- (b) the supply of intoxicating liquor –
 - (i) to any member of the staff of a liquor licensee entertained by him at his expense for consumption on the licensed premises in respect of which the said liquor licensee is the holder of a liquor licence, or
 - (ii) to any person entertained by a liquor licensee at his expense on some part of the licensed premises in respect of which the said liquor licensee is the holder of a liquor licence and which is used solely as accommodation for the liquor licensee and his family, or the consumption in such circumstances of intoxicating liquor so supplied,
- (c) the supply of intoxicating liquor to a trader for the purposes of his trade or to a club for the purposes of the club,
- (d) the sale or supply of intoxicating liquor in any canteen where the supply of intoxicating liquor is carried on under the authority of a Secretary of State, or His Excellency the Lieutenant-Governor, or to any Mess of Officers or non-commissioned officers of Her Majesty's Armed Forces, or
- (e) notwithstanding the provisions of section 21, the sale or supply of intoxicating liquor by a liquor licensee to

a person, not being a young person, residing in those premises.

PART IX

UNDER 18'S PERMITS AND ACCESS TO BARS BY YOUNG PERSONS

Grant of under 18's permits and power to impose conditions.

44. (1) The Royal Court may, upon application made by the holder of a liquor licence falling within category A (*Standard*), B (*Residential*), C (*Hotel*), D (*Club*) or E (*Nightclub*) in accordance with the provisions of this Ordinance and after taking into account -

- (a) the contents of the reports presented under section 49, and
- (b) such other matters as it thinks fit including, without limitation, any written guidance issued by the Department under section 49(3).

grant to the licensee a permit under this section (an "**under 18's permit**") in respect of any bar, or any part of any bar in the licensed premises, to which his licence relates.

(2) Upon the grant of an under 18's permit, the Royal Court may impose such conditions as it thinks fit, including (without limitation) conditions concerning -

- (a) the times during which young persons may be permitted to be present in the bar to which the permit

relates, and

- (b) the facilities that must be made available to young persons in, or in the vicinity of the bar.

(3) An under 18's permit shall only apply to the bar or part of the bar for which it is granted and described on the face of the permit.

Method of application for under 18's permit.

45. (1) A liquor licensee who wishes to obtain an under 18's permit (in this Part, unless the context requires otherwise, referred to as "**the applicant**") shall apply to the Royal Court in accordance with the provisions of this Part.

(2) An application for an under 18's permit shall be made by delivering to Her Majesty's Greffier -

- (a) a fully completed application, in such form, and
- (b) such plans, maps and other documents,

as may be specified by rules of court made under this section.

(3) Rules of court may be made under this section specifying such matters as the Royal Court thinks fit concerning the method of making any application for an under 18's permit under this Part, in addition to those matters specifically referred to in subsection (2).

Notice of hearing of application to be given by applicant.

46. (1) Subject to rules of court made under subsection (2), prior to making an application under section 45, the applicant shall -

- (a) at least 28 clear days before the date of the hearing of the proposed application send a notice in writing of the application and the date and time it is intended to be made and specifying the location of the licensed premises to -
 - (i) the Department,
 - (ii) the States Health and Social Services Department,
 - (iii) the Constables and Douzaine of the Parish where the licensed premises are situated, and
 - (iv) (when a boarding permit is in force in respect of the licensed premises) to the States Commerce and Employment Department, and
- (b) cause a notice, containing such details of the application as may be specified by rules of court made under this section, to be published in the Gazette Officielle in the manner prescribed by law on two weekly occasions prior to the hearing.

(2) Rules of court may be made under this section specifying such matters as the Royal Court thinks fit concerning the giving of notice of the hearing of applications under this Part including, without limitation, the circumstances in which the giving of notice by the applicant is not required.

Constables' duties in connection with application for under 18's permit.

47. (1) Upon receipt of a notice under section 46(a)(iii), the Constables and Douzaine of the Parish where the licensed premises are situated shall make a written report concerning the suitability of the bar as an environment in which young persons should be permitted to be present, as proposed in an application submitted under section 45.

(2) The Constables and Douzaine shall submit any report under subsection (1) to the Royal Court (and at the same time supply the Department with a copy).

Court not to dispose of application unless formalities complied with.

48. The Royal Court shall not dispose of an application for an under 18's permit unless the provisions of sections 45, 46 and 47 have been complied with.

Reports to the Royal Court and powers of Department to issue written guidance.

49. (1) Upon the hearing of an application for the grant of an under 18's permit, written reports shall be presented to the Royal Court by or on behalf of

-

- (a) the Constables and Douzaine of the Parish where the licensed premises are situated, in accordance with section 47,
- (b) the Department,
- (c) the States Health and Social Services Department, and
- (d) where a boarding permit is in force for the premises,

or an application has been made for a boarding permit in respect of the premises, the States Commerce and Employment Department.

(2) Reports presented in accordance with this section shall contain the following particulars -

- (a) a description of the physical characteristics, amenities and arrangements of the bar in respect of which the application is being made,
- (b) a statement concerning the suitability of the bar as an environment in which young persons should be permitted to be present as proposed in the application, and
- (c) details of any other matters that the person responsible for making any of the reports, believes are material to determination of the application by the Royal Court.

(3) The Department shall issue written guidance under this section concerning applications under this Part, which the Royal Court, applicants and any person responsible for making a report shall take into account when exercising its powers, making applications or preparing reports, under this Part.

(4) For the avoidance of doubt, written guidance issued by the Department under this section shall not operate so as to fetter the discretion of the Royal Court to determine any application, or other matter, under this Ordinance in such manner as the Court thinks fit having regard to what is fair and reasonable in the particular circumstances of the specific application or other matter.

(5) Written guidance issued under subsection (3) shall, in particular, provide guidance as to the factors that should be taken into account in determining whether or not a bar is a suitable environment in which young persons should be permitted to be present as proposed in any application submitted under section 45.

Issue of certificates by H.M. Greffier and keeping of register.

50. (1) When the Royal Court grants an under 18's permit, or as soon as reasonably practicable thereafter, Her Majesty's Greffier shall, upon being satisfied that the appropriate fees under this Ordinance have been paid, issue an under 18's permit certificate in such form as he may from time to time determine.

(2) Her Majesty's Greffier shall keep a register of all under 18's permits granted by the Royal Court.

(3) The register under subsection (2) need not be kept in documentary form.

Display of under 18's permit certificate.

51. A liquor licensee to whom an under 18's permit has been issued shall display the certificate issued to him under section 50(1) at all times in a prominent place in the bar to which the certificate relates in such a way as to be easily read by persons resorting to the bar.

Period of validity and renewal of under 18's permits.

52. (1) An under 18's permit granted under section 44 shall be valid from such day as the Royal Court directs until the 31st May next following and thereafter, if renewed, shall be valid from the 1st June until the 31st May in the following year.

(2) An under 18's permit shall be renewed upon application unless the Department objects and the Royal Court upholds such objection; any objection shall be lodged at the Greffe on or before the 31st day of March immediately preceding the expiration of the permit and a copy served on the liquor licensee.

(3) The Royal Court shall consider any objection made under this section and shall have power to renew the under 18's permit or refuse to renew it.

(4) Upon considering an objection the Royal Court shall hear the evidence in support thereof and any evidence by or on behalf of the liquor licensee.

(5) The Royal Court may refuse to renew an under 18's permit where -

- (a) the ambience of the bar has changed so that it is no longer a bar which is a suitable environment in which young persons should be permitted to be present , or
- (b) the bar is likely to be run, or has been run in a manner such that it is not a suitable environment in which young persons should be permitted to be present, or
- (c) the Court considers that there is any other good reason to refuse such renewal.

(6) The relevant fee shall be paid to the Department on the grant or renewal of an under 18's permit and the provisions of section 11(2) shall apply in relation to the renewal of a permit, as if references in that section to a liquor licence

were to an under 18's permit.

PART X

CONTROL OF THE SALE AND CONSUMPTION OF INTOXICATING LIQUOR ON VESSELS IN THE TERRITORIAL WATERS

Sale and supply of intoxicating liquor on vessels.

53. Nothing in this Ordinance contained shall be taken to prohibit or restrict the sale or supply of intoxicating liquor -

- (a) on a vessel to which this Part applies -
 - (i) which is on passage within the territorial waters adjacent to the Islands of Guernsey, Herm, and Jethou, and
 - (ii) in respect of which there is for the time being in force a category G (*Passenger vessel*) liquor licence granted by the Royal Court under the provisions of section 60,
- (b) on a vessel carrying passengers for reward which is sheltering in the territorial waters adjacent to the Islands of Guernsey, Herm and Jethou due to any emergency whatsoever,
- (c) on a cruise vessel within the territorial waters adjacent to the Islands of Guernsey, Herm and Jethou which enters the said waters from a place outside the said

waters,

- (d) on a vessel carrying passengers for reward, other than a vessel to which this Part applies, within the territorial waters adjacent to the Islands of Guernsey, Herm and Jethou on passage from or to a place in any of the Islands of Guernsey, Herm or Jethou or in the territorial waters to or from a place outside the said Islands or outside the territorial waters or while such vessel is berthed, moored or anchored in or at a place in any of the territorial waters,
- (e) on a vessel which is not carrying any passengers for reward within the territorial waters adjacent to the Islands of Guernsey, Herm and Jethou on passage from or to a place in any of the Islands of Guernsey, Herm or Jethou or in the territorial waters to or from a place outside the Islands or outside the territorial waters.

Persons who may hold licence.

54. The Royal Court shall not grant a category G (*Passenger vessel*) liquor licence otherwise than to the owner of a vessel to which this Part applies.

Particulars in application for category G (*Passenger vessel*) liquor licence.

55. Subject to the provisions of this Part, the owner of a vessel to which this Part applies who wishes to obtain a category G (*Passenger vessel*) licence in respect of the vessel shall make application in that behalf to the Royal Court in accordance with the provisions of this Part and such application shall contain the following particulars -

- (a) the full name and address of the owner of the vessel in respect of which the application for the licence is being made or, if the owner of the said vessel is a body corporate, the name of that body corporate and the address of its registered office if situate in this Island or, if its registered office is not so situate, its principal place of business in this Island, and
- (b) the name and description of the vessel in respect of which the application for the licence is being made and, in particular, a description of the accommodation on the said vessel which it is intended should be used for the sale and consumption of intoxicating liquor.

Prior formalities to application for category G (*Passenger vessel*) liquor licence.

56. The owner of a vessel to which this Part applies before making an application in accordance with the provisions of the last preceding section shall -

- (a) at least 28 clear days prior to the date on which he proposes to make the said application send to the States Public Services Department a notice in writing which shall state that he proposes to make the said application and specifying the name of the vessel in respect of which he proposes to make the said application and the date and hour on which he proposes to make the application,
- (b) cause a notice containing a statement of the fact that the said owner proposes to make the said application,

the date and hour on and at which the said owner proposes to make the said application and the particulars set out in section 55 to be published in the Gazette Officielle in the manner for the time being prescribed by law on two weekly occasions prior to the day on which the said owner proposes to make the said application,

- (c) at least 28 clear days prior to the day on which the said owner proposes to make the said application supply the Department -
 - (i) with full and complete information about his ownership of the vessel in respect of which he is making the said application,
 - (ii) with such details as may be required as to his previous occupations and places of residence, together with the names of at least two referees.

Harbourmaster's duties.

57. As soon as may be after receipt of the notice sent to the States Public Services Department under the provisions of section 56(a) the Harbourmaster shall visit the vessel in respect of which the application for a category G (*Passenger vessel*) liquor licence is to be made and shall inspect the accommodation on the said vessel which it is intended should be used for the sale and consumption of intoxicating liquor and shall make a report thereon to the States Public Services Department.

Court not to dispose of application unless formalities complied with.

58. The Royal Court shall not dispose of an application for a category G (*Passenger vessel*) liquor licence under the provisions of this Part unless the provisions of sections 55, 56 and 57 have been complied with.

Report to the Royal Court.

59. At the time of the hearing of an application for the grant of a category G (*Passenger vessel*) liquor licence in accordance with the provisions of section 55, there shall be presented to the Royal Court -

(a) by or on behalf of the States Public Services Department a report containing -

(i) a description of the vessel in respect of which the said application is being made and, in particular, a description of the accommodation on the said vessel which it is intended should be used for the sale and consumption of intoxicating liquor,

(ii) the suitability of the said accommodation for the sale and consumption of intoxicating liquor,

(iii) the views of the States Public Services Department on, and any objections to, the said application;

(b) by or on behalf of the Department-

(i) any reference or certificate of character in the

possession of the Department relating to the said owner, and

- (ii) a report containing the views of the Department on and any objections to the said application.

Grant of category G (*Passenger vessel*) liquor licence.

60. (1) The Royal Court may, on application being made to it in accordance with the provisions of section 55 and after taking into consideration the reports upon the application presented to it, grant to the applicant therefor a category G (*Passenger vessel*) liquor licence for the sale and consumption of intoxicating liquor on the vessel or such accommodation therein as may be specified in the licence.

(2) The relevant fee shall be paid to the Department in respect of the grant of a category G (*Passenger vessel*) liquor licence.

Conditions for grant of category G (*Passenger vessel*) liquor licence.

61. The Royal Court shall not grant a category G (*Passenger vessel*) liquor licence unless it is satisfied -

- (a) that the vessel in respect of which the licence is being applied for is a vessel to which this Part applies and any such licence so granted shall cease to be valid upon the vessel in respect of which it was granted ceasing for any reason to be a vessel to which this Part applies or the person to whom it was granted ceasing for any reason to be the owner of the vessel,

- (b) that the accommodation in the vessel which is to be used for the sale and consumption of intoxicating liquor is so constructed and arranged to provide adequate space in front of the bar counter from which intoxicating liquor is to be served or dispensed clear of tables, chairs and other obstructions and an aisle running the full length of the said accommodation, and
- (c) the relevant fee has been paid to the Department.

Prohibition of sale or supply of intoxicating liquor on vessels.

62. Subject to the provisions of this Part, a person shall not sell, expose for sale or attempt to sell intoxicating liquor on a vessel in respect of which there is for the time being in force a category G (*Passenger vessel*) liquor licence while that vessel is on passage in the territorial waters adjacent to the Islands of Guernsey, Herm and Jethou -

- (a) unless he is for the time being the holder of a permit for the sale of intoxicating liquor granted by the Royal Court in accordance with the provisions of section 68 (a "**master's liquor permit**").
- (b) otherwise than under and in accordance with the provisions of this Part and the terms and conditions of the master's liquor permit of which he is the holder.

Who may hold master's liquor permit.

63. The Royal Court shall not grant a master's liquor permit otherwise than to a person who is the master or person in charge of a vessel in respect of which there is for the time being in force a category G (*Passenger vessel*) liquor

licence.

Particulars in application for master's liquor permit.

64. Subject to the succeeding provisions of this Part, a person wishing to obtain a master's liquor permit shall make written application in that behalf to the Royal Court in accordance with the succeeding provisions of this Part and such application shall contain the following particulars -

- (a) the full name and address of the said person,
- (b) the name of the said vessel, and
- (c) the full name and address of the owner of the said vessel.

Prior formalities to application for master's liquor permit.

65. A person before making an application in accordance with the provisions of the preceding section shall -

- (a) at least 28 clear days prior to the date on which he proposes to make the said application, send to the Department a notice in writing which shall state -
 - (i) that he proposes to make the application for the master's liquor permit, and
 - (ii) the date and the hour on which it is proposed to make the application,
- (b) cause a notice containing -

- (i) a statement of the fact that the person proposes to make the application for a master's liquor permit,
- (ii) the date and hour on which the person proposes to make the application, and
- (iii) the particulars set out in section 64,

to be published in the Gazette Officielle in the manner prescribed by law on at least two weekly occasions prior to the day on which the person proposes to make the application, and

- (c) at least 28 clear days prior to the date on which the person proposes to make the application, supply the Department with such details as may be required as to his previous occupations and places of residence, together with the names of at least two referees.

Court not to dispose of application unless formalities complied with.

66. The Royal Court shall not dispose of an application for a master's liquor permit under this Part unless the provisions of sections 64 and 65 have been complied with.

Report to the Royal Court.

67. At the time of the hearing of an application for the grant of a master's liquor permit in accordance with the provisions of section 68 there shall be presented to the Royal Court by or on behalf of the Department -

- (a) a report containing its views on the application;
- (b) any reference or certificate of character in the possession of the Department relating to the applicant.

Grant of master's liquor permit.

68. (1) The Royal Court may, on application being made to it in accordance with the provisions of section 64 and after taking into consideration the reports upon the application presented to it by the Department in accordance with the provisions of section 67(a) grant to the applicant a master's liquor permit for the sale of intoxicating liquor on a vessel in respect of which there is for the time being in force a passenger vessel liquor licence while that vessel is on passage in the territorial waters adjacent to the Islands of Guernsey, Herm and Jethou.

(2) The relevant fee shall be paid to the Department in respect of the grant of a master's liquor permit.

Exercise of master's liquor permit.

69. A person who is for the time being the holder of a master's liquor permit may exercise the said permit on any vessel to which this Part of this Ordinance applies in respect of which there is for the time being in force a passenger vessel liquor licence whilst on passage on the territorial waters adjacent to the Islands of Guernsey, Herm and Jethou.

Issue of certificate by H.M. Greffier.

70. When the Royal Court grants a category G (*Passenger vessel*) liquor licence or a master's liquor permit under the provisions of this Part or as soon as may be thereafter, Her Majesty's Greffier shall, upon being satisfied that the relevant fees under this Ordinance have been paid, issue to the said person a

category G (*Passenger vessel*) liquor licence certificate or a master's liquor permit, as the case may be, in such form as he may, from time to time, determine.

Keeping of register.

71. Her Majesty's Greffier shall enter in the register kept in accordance with the provisions of section 12, a record of all category G (*Passenger vessel*) liquor licences and master's liquor permits granted by the Royal Court under the provisions of this Part.

Amendment of register.

72. Her Majesty's Greffier shall -

- (a) upon the Royal Court ordering -
 - (i) the suspension, variation or forfeiture of a category G (*Passenger vessel*) liquor licence or a master's liquor permit, or
 - (ii) the suspension, variation or forfeiture of a condition subject to which a licence or permit is granted or renewed, or
- (b) upon a category G (*Passenger vessel*) liquor licence or a master's liquor permit ceasing for any other reason whatsoever to be valid,

amend the register kept in accordance with the provisions of the last preceding section.

Applications by Law Officers.

73. (1) The Royal Court may, upon an application being made to it in that behalf by a Law Officer of the Crown -

- (a) suspend, vary or order the forfeiture of a category G (*Passenger vessel*) liquor licence or a master's liquor permit, or
- (b) suspend, vary or revoke any condition subject to which a licence or permit is granted or renewed;

and in such a case the Law Officers shall summon the person named in the application to appear before the Royal Court to show cause why his licence or master's liquor permit, should not be suspended, varied or forfeited or to show cause why any condition should not be suspended, varied or revoked, as the case may be; any such summons shall state the grounds upon which the Law Officer intends to rely to support his application.

(2) Upon considering an application, the Royal Court shall hear the evidence in support thereof and any evidence by or on behalf of the liquor licensee before making a decision.

(3) A Law Officer of the Crown may in any case at his discretion and shall, at the request of the States Public Services Department or the Department, make an application in pursuance of the provisions of subsection (1).

Renewal of licence or permit after suspension.

74. Where the Royal Court, in pursuance of any of the provisions of this Ordinance, orders the suspension of a category G (*Passenger vessel*) liquor licence or a master's liquor permit and where the period of suspension does not terminate until after the unexpired portion of the period for which the licence or the master's

liquor permit is then current, the holder of the licence or permit may, upon payment of the relevant fee, renew that licence or that permit at the end of the period then current but such licence or such permit, after renewal as aforesaid, shall be of no effect until the end of the period of such suspension.

Period of validity of permits and licences.

75. Unless suspended or ordered to be forfeited under any of the provisions of this Ordinance, a category G (*Passenger vessel*) liquor licence or a master's liquor permit shall be valid on such day as the Royal Court shall direct and until 31st May next following and thereafter, upon being renewed in accordance with the provisions of section 76, shall be valid during the period commencing on the 1st June in any year and ending on the 31st May of the following year.

Renewal of permits and licences.

76. A category G (*Passenger vessel*) liquor licence or a master's liquor permit granted under the provisions of this Part shall, subject to the provisions of section 73, be renewed for any year upon the payment, on or before the 31st May immediately preceding commencement of the licensing year to which the licence or permit relates, to the Department of the relevant fee in one payment, and in default shall cease to be valid on the 1st June next following.

Conditions of sale and supply of intoxicating liquor on vessel in respect of which licence in force.

77. A person shall not sell or supply or expose for sale or attempt to sell or supply or consume or attempt to consume intoxicating liquor on a vessel in respect of which a category G (*Passenger vessel*) liquor licence is in force -

- (a) at any time unless a person who is the holder of a master's liquor permit is on board the said vessel and personally supervising the exercise of the said permit,

- (b) when the said vessel is berthed, moored or anchored in a port or other place used for the embarkation or disembarkation of passengers in any of the Islands of Guernsey, Herm or Jethou or when the said vessel is anchored or moored within the territorial waters adjacent to the said Islands.

Young persons to be with adult.

78. A person who is the holder of a master's liquor permit shall not permit a young person to be on board a vessel in respect of which there is for the time being in force a category G (*Passenger vessel*) liquor licence at any time while the master's liquor permit is being exercised unless the young person is accompanied by another person who is over the age of 18 years.

Permitted hours on vessel with licence.

79. A person shall not, on any vessel in respect of which there is for the time being in force a category G (*Passenger vessel*) liquor licence -

- (a) sell, supply, expose for sale or consume intoxicating liquor,
- (b) attempt to sell, attempt to supply or attempt to consume intoxicating liquor,
- (c) permit, in the case where the person is the holder of the master's liquor permit by his servant or agent or otherwise, the sale, the supply, the exposure for sale or the consumption of intoxicating liquor;

on any day and at any time otherwise than as indicated in that part of the Second Schedule prescribing the permitted hours applicable in respect of a category G (*Passenger vessel*) liquor licence.

Powers of Police Officers.

80. (1) A Police Officer may, at all reasonable times, require any vessel in respect of which there is for the time being in force a category G (*Passenger vessel*) liquor licence to be stopped and may enter upon any such vessel for the purposes of ensuring that the provisions of this Part are being complied with and may enter upon any such vessel which is berthed, moored or anchored for the said purposes.

(2) A person shall not refuse or fail to comply with any requirement of a Police Officer to stop a vessel or impede or obstruct the entry of a Police Officer on a vessel acting in pursuance of the provisions of the last preceding subsection.

Application of the provisions of this Ordinance to holders of licences and permits.

81. The provisions of this Ordinance shall apply to and in relation to a person who is the holder of a master's liquor permit as if the person were a liquor licensee and shall apply in relation to a vessel in respect of which there is for the time being in force a category G (*Passenger vessel*) liquor licence as they apply to and in relation to licensed premises and proceedings may be taken and penalties enforced against any such person as though he were a liquor licensee.

Vessels to which this Part applies.

82. This Part applies to any vessel -

(a) in respect of which there is for the time being in force

a passenger steamer certificate issued under the provisions of section 8 of the Law entitled "Loi relative à la Marine Marchande dans le Bailliage de l'Ile de Guernesey" registered on the sixth day of June, 1916^b, and

- (b) which the passenger steamer certificate declares to be fit to carry 90 passengers or more by day.

Interpretation of this Part.

83. In this Part of this Ordinance, unless the context otherwise requires -

"cruise vessel" means a vessel which enters a port or the territorial waters adjacent to the Islands of Guernsey, Herm and Jethou solely for the purpose of enabling passengers thereon to visit any of the said Islands as part of the itinerary of a cruise or for the purpose of embarking or disembarking passengers beginning or ending a cruise in the vessel;

"passenger" means any person carried on a vessel but does not include a member of the crew of the vessel;

"vessel" means anything for the conveyance by water of human beings or of property.

PART XI

RELEVANT FEES

^b Ordres en Conseil, Vol. V p. 189

Relevant fees.

84. (1) A relevant fee shall not be reimbursable, except where it appears, to the Royal Court or the Court of Appeal, as the case may be, to be just and equitable to order reimbursement in favour of such person as the court thinks fit.

(2) A relevant fee payable in respect of extensions of hours shall be charged in respect of each day upon which an extension is sought.

(3) When an application is made to change a permit or liquor licence and more than one change is sought then only one relevant fee shall be payable.

(4) The Department may by regulations made under this section amend, revoke or create fees payable under this Ordinance.

PART XII

POWERS TO CLOSE LICENSED PREMISES

Power of Bailiff to order immediate temporary closure of licensed premises.

85. (1) The Bailiff may -

- (a) on application being made to him in accordance with rules of court made under this section, and
- (b) after taking into account such matters as may be specified,

make an immediate temporary closure order.

(2) An order under subsection (1) shall be made in such form as may be specified and shall, when notice of the making of the order has been served on the licensee, or other person for the time being in charge of the licensed premises to which it relates, require the licensee, or that other person -

- (a) to cease the sale or supply of intoxicating liquor on those premises,
- (b) to clear, or arrange to clear, from the premises all members of the public (unless directed otherwise by a Police Officer), and
- (c) to close the premises to entry by members of the public for such period (not exceeding 24 hours) as may be stipulated in the order.

Power of Police Officer to order immediate temporary closure of licensed premises.

86. (1) Where -

- (a) it is not reasonably practicable in all the circumstances for an application to be made to the Bailiff under section 85, and
- (b) a Police Officer of at least the rank of inspector reasonably believes that immediate closure of any licensed premises is necessary in the interests of public safety,

that Officer may make an immediate temporary police closure order.

(2) An order under subsection (1) shall be made in such form as may be specified and shall, when it has been served on the licensee, or other person for the time being in charge of the licensed premises to which it relates, have the same effect as an order made by the Bailiff under section 85.

Power of Royal Court to order extended temporary closure of licensed premises.

87. (1) The Royal Court may -

- (a) on application being made to it in accordance with rules of court made under this section, and
- (b) after taking into account such matters as may be specified,

make an extended temporary closure order.

(2) An order under subsection (1) shall be made in such form as may be specified and shall, when notice of the making of the order has been served on the licensee, or other person for the time being in charge of the licensed premises to which it relates, require the licensee, or that other person -

- (a) to cease the sale or supply of intoxicating liquor on those premises,
- (b) to clear, or arrange to clear, from the premises all members of the public (unless directed otherwise by a Police Officer), and

- (c) to close the premises to entry by members of the public for such period (not exceeding 14 days) as may be stipulated in the order.

(3) The Royal Court may -

- (a) on application being made to it in accordance with rules of court made under this section, and
- (b) after taking into account such matters as may be specified,

extend an order under subsection (1) for such period (not exceeding 14 days) as it may think fit; provided that no order made under subsection (1) and extended under this subsection, may exceed 28 days in total duration.

(4) For the purposes of this section -

- (a) **"the Royal Court"** means the Royal Court sitting as an Ordinary Court, and
- (b) the Royal Court is constituted by the Bailiff sitting unaccompanied by the Jurats.

PART XIII

OFFENCES, PENALTIES AND POWERS TO MAKE PROPERTY TRANSFER ORDERS

Prosecution and punishment of offences.

88. (1) A person who contravenes or fails to comply with the provisions of section 1 shall be guilty of an offence and liable on conviction to a fine not exceeding level 5 on the uniform scale or to imprisonment for a period not exceeding 3 months or both.

(2) A person who fails unreasonably to comply with the provisions of an order made and served upon him under Part XII shall be guilty of an offence and liable on conviction to a fine not exceeding level 5 on the uniform scale or to imprisonment for a period not exceeding 3 months or both.

(3) A person who contravenes or fails to comply with the provisions of this Ordinance (other than section 1 or Part XII) shall be guilty of an offence and liable on conviction to a fine not exceeding level 4 on the uniform scale.

(4) In addition to any penalty imposed under subsection (3), where a person is convicted of an offence under section 23(1) or (2) the Court may order the liquor licence to be suspended for a period not exceeding 3 months and upon such order being made (which shall be considered as part of the sentence for purposes of appeal) the licence shall cease to have effect during the period specified.

(5) In addition to any penalty imposed under subsection (3) where a person is convicted of an offence under section 29(2) or 30 the Court may order the liquor licence to be suspended for a period not exceeding 7 days and in respect of any subsequent conviction for a period not exceeding 3 months and upon such order being made (which shall be considered as part of the sentence for purposes of appeal), the licence shall cease to have effect during the period specified.

(6) Where a Notice of Appeal has been lodged in accordance with the Magistrate's Court (Criminal Appeals) (Guernsey) Law, 1988^c it is hereby declared that any order under subsections (4) or (5) may be suspended by the Magistrate's Court until the disposal of the Appeal.

Additional provisions concerning offences.

89. (1) A person who aids, abets or procures, or attempts to commit any offence under this Ordinance shall be treated as a principal offender and be liable to be proceeded against and punished accordingly.

(2) In any proceedings under section 23 it shall be a defence for the accused person to prove to the satisfaction of the Court that -

- (a) he did not know nor had reasonable cause to suspect nor could after reasonable enquiry have ascertained that the young person in respect of whom the charge is made was under 18 years of age, or
- (b) he committed the alleged offence because of a false statement made to him by another person and that he did not have reasonable cause to suspect nor could after reasonable enquiry have ascertained that the said statement was false.

(3) Where an offence under this Ordinance which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of any director, manager or other similar officer of the body corporate, he as well as the body

^c Ordres en Conseil No. XI of 1988

corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Additional offences.

90. The following shall be included in the offences punishable by virtue of section 88(3) -

- (a) where any person who in connection with any application under this Ordinance knowingly makes any false statement or representation or produces or furnishes any information which he knows or believes to be false, or
- (b) where a body corporate which is the holder of a liquor licence purports to exercise it otherwise than under the personal supervision of a designated official within the meaning of section 7.

Powers of courts to make property transfer orders.

91. (1) Where any adulterated intoxicating liquor, substance, container or equipment has been seized under section 37, 41 or 42 a court, on application to it by a Law Officer may make an order ("**a property transfer order**") directing that ownership of the property seized be transferred to Her Majesty's Receiver General.

(2) Her Majesty's Receiver General may sell or otherwise dispose of any property transferred to him under subsection (1), and any proceeds of such a disposition and any monies transferred to him shall be paid to the States Treasury.

(3) Notice of an application for an order under subsection (1)

shall be given to the person who appears to be the owner of the property referred to in subsection (1) (unless the court is satisfied that it is not reasonably possible to ascertain his whereabouts), and to such other persons (if any) as the court may direct following receipt of an application for an order under subsection (1).

(4) Before making an order under subsection (1), the court shall allow any person claiming to have an interest in any property that is the subject of the application to show cause why an order under subsection (1) should not be made.

PART XIV

APPEALS

Appeals to Court of Appeal on point of law.

92. (1) An appeal from a decision of the Royal Court made under this Ordinance may be made by any relevant person to the Court of Appeal on a question of law.

(2) An appeal under subsection (1) shall be instituted -

(a) within -

(i) a period of 28 days, or

(ii) such other period as the Court of Appeal may, for good cause, permit, and

(b) by such means as rules of the Court of Appeal may provide.

(3) On an appeal under this Part, the Court of Appeal may dismiss the appeal, or quash the decision of the Royal Court; and, where the Court of Appeal quashes the decision of the Royal Court, it may -

- (a) remit the matter to the Royal Court, with a direction to reconsider it, and reach a decision in accordance with the findings of the Court of Appeal, or
- (b) substitute for the quashed decision any other decision that the Royal Court could have made.

(4) Rules of court may be made by the Court of Appeal under this section generally for the purposes of -

- (a) bringing this Part into effect,
- (b) ensuring that a fair and efficient appeals process is established for the determination of appeals under this Part, and
- (c) regulating all aspects of practice and procedure concerning appeals under this Part.

(5) For the purposes of this section "**a relevant person**" includes

-

- (a) the Department,
- (b) a licensee (where the relevant decision relates to his

liquor licence or any associated permit under this Ordinance), and

- (c) an applicant for a licence or any form of permit under this Ordinance (where the relevant decision relates to his application).

(6) The effect of a decision in respect of which an appeal is made under this Part shall not -

- (a) except where the Court of Appeal orders otherwise, and
- (b) subject to section 95,

be suspended in consequence of the bringing of the appeal.

PART XV

TERMINATION OF LIQUOR LICENCES UNDER LIQUOR LICENSING ORDINANCE, 1993, SAVINGS AND TRANSITIONAL PROVISIONS

Termination of liquor licences under 1993 Ordinance.

93. Subject to sections 94 and 95, a liquor licence granted under the Liquor Licensing Ordinance, 1993^d shall terminate, and cease to have any effect, at midnight on the 31st May 2006.

^d Recueil d'Ordonnances Tome XXVI, p 197; Ordinance No. XVI of 1998 and No. XIII of 2003.

Power of Royal Court to extend liquor licences under 1993 Ordinance.

94. (1) Where an application under Part II is made to the Royal Court on or before the 28th February 2006 in respect of any relevant licensed premises, the Court may, if it thinks fit, on or before the 31st May 2006, make a temporary extension order in respect of any liquor licence held under the Liquor Licensing Ordinance 1993 relating to those premises.

(2) An order under subsection (1) shall be made in such form as may be specified, and upon the making of the order, the following provisions shall have effect during the effective period -

- (a) the provisions of this Ordinance shall not apply in respect of the relevant licensed premises to which the order relates,
- (b) the provisions of the Liquor Licensing Ordinance, 1993 shall, irrespective of the repeal of that Ordinance under section 102, apply in respect of -
 - (i) the licensed premises to which the order relates, and
 - (ii) all activities, prohibitions and conditions relating to the sale and supply of intoxicating liquor upon those premises, and
- (c) the liquor licence (and any associated permit granted under the Ordinance) to which the order relates, shall remain in force under, and in accordance with, the provisions of the Liquor Licensing Ordinance, 1993.

(3) For the purposes of this section -

"relevant licensed premises" means licensed premises in respect of which a liquor licence under the Liquor Licensing Ordinance, 1993 is in force upon the making of an order under subsection (1), and

"the effective period" means the period -

(a) commencing on the 1st June 2006, and

(b) ending on -

(i) the 31st December 2006, or

(ii) such day, if occurring before the 31st December 2006, upon which the Royal Court grants, or refuses to grant, any application, made in accordance with subsection (1).

Savings in respect of appeals.

95. (1) This section applies where, during the transitional period, the Royal Court refuses to grant an application, which has been made under Part II on or before the 28th February 2006, in respect of any licensed premises, for a liquor licence falling within a category under this Ordinance which is broadly similar to the equivalent category of liquor licence in force under the Liquor Licensing Ordinance, 1993 in respect of those premises.

(2) Upon the refusal of the Royal Court to grant an application of a type referred to in subsection (1), the following provisions shall have effect during

the effective period -

- (a) the provisions of this Ordinance shall not apply in respect of the relevant licensed premises to which the refused application relates,
- (b) the provisions of the Liquor Licensing Ordinance, 1993 shall, irrespective of the repeal of that Ordinance under section 102, apply in respect of -
 - (i) the premises to which the refused application relates, and
 - (ii) all activities, prohibitions and conditions relating to the sale and supply of intoxicating liquor upon those premises, and
- (c) the liquor licence (and any associated permit granted under the Ordinance) in force under the Liquor Licensing Ordinance, 1993 in respect of those premises, shall remain in force under, and in accordance with, the provisions of the Liquor Licensing Ordinance, 1993.

- (3) For the purposes of this section -

"relevant licensed premises" means licensed premises in respect of which a liquor licence under the Liquor Licensing Ordinance, 1993 is in force,

"the effective period" means the period -

- (a) commencing upon refusal of the grant of an application of a type referred to in subsection (1), and
- (b) ending when the transitional period ends or, if earlier -
 - (i) when the time limit, within which an appeal against that decision may be made, expires without any appeal having been made, or
 - (ii) where an appeal against that decision is made within that time limit, when the appeal is -
 - (aa) determined by the Court of Appeal, or
 - (bb) discontinued, and

"the transitional period" means the period commencing upon the 1st March 2006 and ending on the 31st December 2006.

Offences and penalties.

96. (1) Proceedings for any offences committed before the coming into force of this Ordinance shall be continued and determined as if the provisions of the Liquor Licensing Ordinance, 1993 were in force and irrespective of the repeal of that Ordinance under section 102.

(2) The penalties prescribed by any provision of this Ordinance shall apply only to offences committed after the date that the relevant provision comes into force.

Saving for pending applications.

97. Any application to the Royal Court for a liquor licence which is pending at the time this Ordinance comes into force shall be treated as an application under this Ordinance for a category of liquor licence that the applicant shall elect.

PART XVI

**MISCELLANEOUS, SERVICE OF NOTICES, INTERPRETATION, REPEALS,
EXTENT AND CITATION**

Service of Notices.

98. A notice under this Ordinance is validly served -

- (a) on any person, if delivered to him, left, or sent by registered post or recorded delivery service to him at his usual or last known place of abode, within the Bailiwick or elsewhere,
- (b) on any partnership, if delivered to any partner, left or sent by registered post or recorded delivery service to the principal or last known place of business within the Bailiwick or elsewhere, and
- (c) on any body corporate, if left at, or sent by registered post or recorded delivery service to its registered office if situated in the Bailiwick, or if not so situated, to its principal or last known place of business within

the Bailiwick or elsewhere.

Regulations, orders and written guidance.

99. (1) Any regulations or orders made or written guidance issued by the Department under any provision of this Ordinance -

- (a) may be amended, repealed or revoked by subsequent regulations, orders or guidance so made or issued, and
- (b) may include incidental, consequential, supplementary and transitional provisions.

(2) Any power conferred by or under this Ordinance to make regulations or orders or issue written guidance may be exercised -

- (a) in relation to all cases to which the power extends, in relation to all of those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
- (b) so as to make, as respects the cases in relation to which it is exercised -
 - (i) the full provision to which the power extends, or any less provision (by way of exception or otherwise),
 - (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case

or class of case but for different purposes, or

- (iii) any such provision either unconditionally or subject to any prescribed conditions.

(3) Any instrument made under this Ordinance must be laid as soon as practicable before a meeting of the States; and if, at that or their next meeting, the States resolve to annul the instrument it shall cease to have effect, but without prejudice to anything done under it or to the making of a new instrument.

Rules of court.

100. (1) In addition to rules of court under powers created under any other provision of this Ordinance, rules of court under this section may provide for all procedural and incidental matters which may be necessary for bringing this Ordinance into effect.

(2) Rules of court under any provision of this Ordinance -

- (a) may contain such supplementary, incidental, transitional and consequential provision as may appear to be necessary or expedient, and
- (b) may be amended or repealed by subsequent rules of court.

Interpretation.

101. (1) In this Ordinance, unless the context otherwise requires -

"**Bailiff**" means the Bailiff, the Deputy Bailiff, a Lieutenant Bailiff or a Juge Délégué,

"**bar**" includes any place exclusively or mainly used for the sale and consumption of intoxicating liquor,

"**bar counter**" means any counter, hatch or other place whatsoever at or from which intoxicating liquor is sold, supplied or dispensed,

"**boarding permit**" means a boarding permit granted under the Tourist Law, 1948^e,

"**casino operator's licence**" has the meaning given by section 19(1) of the Gambling (Casino Gaming) Ordinance, 2001^f,

"**category**" when used to describe a liquor licence granted under this Ordinance, means the category of liquor licence indicated in the First Schedule,

"**Chief Fire Officer**" has the meaning given under section 27(1) of the Fire Services (Guernsey) Law, 1989^g,

"**Chief Officer of Customs and Excise**" has the meaning given under section 1(1) of the Customs and Excise (General Provisions)

^e Ordres en Conseil Vol. XIII, p. 329; Vol. XXI, p. 104 and Vol. XXVIII, p. 275; Orders in Council No. XI of 1998.

^f Ordinance No. XXXVIII of 2001.

^g Ordres en Conseil Vol. XXXI, p. 432 and Order in Council No. XXIV of 1997.

(Bailiwick of Guernsey) Law, 1972^h,

"Chief Police Officer" means the Chief Officer of the Island Police Force,

"club premises" means licensed premises owned or occupied by a private members club,

"Court of Appeal" means the court established by, and constituted in accordance with, the Court of Appeal (Guernsey) Law, 1961ⁱ,

"the Department" means the States Home Department,

"designated official" has the meaning given under section 7(2),

"General Order of Extension" means an order granted under the provisions of section 18,

"the Guernsey Gambling Control Commission" has the meaning given by section 26(1) of the Guernsey Gambling Control Commission Law, 2001^j,

"medical practitioner" means a recognised medical practitioner within the meaning of the Doctors, Dentists and Pharmacists Ordinance,

^h Ordres en Conseil Vol. XXIII, p. 573 and Vol. XXIV, p. 87; Orders in Council No. XIII of 1991 and No. X of 2004.

ⁱ Ordres en Conseil Vol. XVIII, p. 315.

^j Order in Council No. XXIII of 2001.

1987^k,

"Harbourmaster" means the States' Harbourmaster,

"instrument" means any regulations or orders made, or written guidance issued, by the Department under this Ordinance,

"intoxicating liquor" includes spirits, wines, beer, porter, cider and perry and includes any other liquors with an alcoholic content intended for human consumption but excludes any liquor where the alcoholic strength is less than 1.2 per centum of alcohol by volume at 20° celsius,

"licensed premises" means any premises, or any part of any premises, in respect of which a liquor licence is in force,

"licensing year" means a period of 12 months from 1st June to 31st May,

"liquor licence" means a liquor licence granted under the provision of section 9 or 60,

"medical practitioner" means a recognised medical practitioner within the meaning of the Doctors, Dentists and Pharmacists Ordinance, 1987^l,

"an occasional liquor permit" means a permit granted under the provisions of section 20,

^k Recueil d'Ordonnances Tome XXIV, pp. 79, 238 and 262.

^l Recueil d'Ordonnances Tome XXIV, pp. 79, 238 and 262.

"the Ordinary Court" means the Royal Court sitting as an Ordinary Court,

"permitted hours" means the days and hours referred to in section 21(2),

"Police Officer" means a member of the salaried police force of the Island of Guernsey, or, within the limits of his jurisdiction, a member of the Special Constabulary,

"public place" means any place to which the public have access, whether on payment or otherwise,

"relevant fee" means the fee indicated in the Fourth Schedule payable to the Department in respect of the grant, renewal and other matters respectively described in that schedule,

"the Royal Court" means the Royal Court of Guernsey sitting as an Ordinary Court or, where the matter has, pursuant to the provisions of section 6(2), been referred to the Royal Court sitting as a Full Court, means the Royal Court sitting as a Full Court,

"rules of court" mean rules made by order of the Royal Court of Guernsey,

"Salle Publique" means a "Salle Publique" as defined by Article 8 of the Loi ayant rapport aux licences pour les Salles Publiques registered on the 4th July, 1914^m,

^m Ordres en Conseil, Vol. V, p. 56.

"**specified**" means specified by rules of court,

"**States**" means the States of Guernsey,

"**stoppered**" means closed with a plug or stopper,

"**under 18's permit**" has the meaning given under section 44,

"**week**" means any period of seven consecutive days, and

"**young person**" means person under the age of 18 years.

(2) For the purposes of this Ordinance a spirit shall be deemed to be a liquor which contains not less than 37 per centum of alcohol by volume at 20° celsius.

(3) Any reference in this Ordinance to any other enactment shall be deemed to include a reference to that enactment as amended, repealed and re-enacted, extended or applied by or under any other enactment including this Ordinance.

Repeal.

102. Subject to sections 94 and 95, the following Ordinances are repealed

-

(a) the Liquor Licensing Ordinance 1993ⁿ,

ⁿ Recueil d'Ordonnances Tome XXVI, p. 197.

(b) the Liquor Licensing (Amendment) Ordinance 1998^o,
and

(c) the Liquor Licensing (Amendment) Ordinance, 2003^p.

Extent.

103. This Ordinance shall have effect in the Islands of Guernsey, Herm and Jethou and the territorial waters adjacent thereto.

Citation.

104. This Ordinance may be cited as the Liquor Licensing Ordinance, 2006.

Commencement.

105. This Ordinance shall come into force on the day appointed by order of the Department made under this section; and different days may be appointed for different provisions of this Ordinance and different purposes.

^o Ordinance No. XVI of 1998.

^p Ordinance No. XIII of 2003.

FIRST SCHEDULE

CATEGORIES OF LIQUOR LICENCES

- A. Standard Licence
- B. Residential licence
- C. Hotel Licence
- D. Club Licence (Private Members)
- E. Nightclub Licence
- F. Port (on sales) Licence
- G. Passenger Vessel Licence
- H. Casino Licence
- I. General Off-licence
- J. Port Off-licence (duty free sales)

SECOND SCHEDULE

PERMITTED HOURS

Para-graph	Categories	Permitted hours	Conditions of Exercise
1.	Category A <i>Standard Licence</i>	<u>Any day (other than Sunday, Christmas Day or Good Friday) -</u> 10.00 am - 12.45 am, <u>Sundays (other than Christmas Day) -</u> 12 noon to 12.45 am, <u>Christmas Day and Good Friday -</u> (i) 11.00 am - 2.30 pm (ii) 7.00 pm - 10.30 pm.	
2.	Category B <i>Residential Licence</i>	No restriction	
3.	Category C <i>Hotel Licence</i>	Permitted hours for non-residents are the same as those applicable under category A (<i>Standard Licence</i>)	
4.	Category D <i>Club Licence (Private members)</i>	Same as those applicable under category A (<i>Standard Licence</i>)	

5.	Category E <i>Nightclub</i>	<u>Any day (other than Sunday, Christmas Day or Good Friday) -</u> 10.00 am - 1.45 am, <u>Sundays (other than Christmas Day) -</u> 12 noon to 12.45 am, <u>Christmas Day and Good Friday -</u> (i) 11.00 am - 2.30 pm (ii) 7.00 pm - 10.30 pm.	
6.	Category F <i>Port (on sales) Licence</i>	<u>Any day (other than Sunday, Christmas Day or Good Friday) -</u> 10.00 am - 12.45 am, <u>Sundays, Christmas Day or Good Friday -</u> 12 noon - 12.45 am.	
7.	Category G <i>Passenger Vessel Licence</i>	Same as those applicable under category A (<i>Standard Licence</i>)	
8.	Category H <i>Casino</i>	<u>Any day (other than Christmas Day or Good Friday) -</u> 11.00am - 3.30am, <u>Christmas Day and Good Friday -</u> No permitted hours are	

		applicable and liquor licence falling within this category does not permit sale etc. of intoxicating liquor.	
9.	Category I <i>General Off-Licence</i>	<u>Any day -</u> 7.00 am - 12.00 midnight.	The holder of a category I liquor licence shall not sell or supply or permit the sale and supply of intoxicating liquor otherwise than - (a) in stoppered or sealed containers; and (b) for consumption by any person off the licensed premises or off any premises in the occupation of the licensee of which the licensed premises form part; Provided that these conditions shall not apply where consumption by any person takes place in connection with any special promotion, project launch or wine tasting approved by the Department and in accordance with any requirements specified in such approval.
10.	Category J <i>Port Off-Licence (duty free sales)</i>	Any time during which the licensed premises to which a category J liquor licence relates are open to the public.	The holder of a category J liquor licence shall not sell or supply or permit the sale and supply of intoxicating liquor otherwise than - (a) in stoppered or sealed containers; and (b) for consumption by any person off the licensed premises.

THIRD SCHEDULE

"The Liquor Licensing Ordinance, 2006

NOTICE

Offences concerning persons aged under 18 (young persons)

<u>DON'T BUY IF UNDER 18</u> -	1.	A young person shall not purchase or attempt to purchase intoxicating liquor on licensed premises.	
<u>DON'T BUY OR SUPPLY - FOR AN UNDER 18</u>	2.	A person shall not purchase or attempt to purchase intoxicating liquor for a young person on licensed premises.	
<u>DON'T DRINK IF - UNDER 18</u>	3.	A young person shall not on licensed premises - (a) obtain or receive or attempt to obtain or receive intoxicating liquor on licensed premises, (b) accept or attempt to accept intoxicating liquor from another person, or (c) consume or attempt to consume intoxicating liquor.	
<u>WARNING!</u>	-	<u>MAXIMUM PENALTY</u>	£1000 "

FOURTH SCHEDULE

RELEVANT FEES

Fees in respect of grants and renewals.

1. (1) Subject to subparagraphs (3) and (4), the fees set out in the third column of the following table are payable to the Department in respect of the grant or renewal of a liquor licence of the category indicated in the first column -

<i>Category</i>	<i>Type of licence</i>	<i>Fee payable</i>
A	Standard licence	£500
B	Residential licence	10 guest rooms or less - £250 11 - 20 guest rooms - £350 21 guest rooms or more - £500
C	Hotel	15 guest rooms or less - £350 16 - 30 guest rooms - £700 31 guest rooms or more - £1,400
D	Club (private members)	£500
E	Nightclub	£2,500
F	Port (on sales)	£500
G	Passenger vessel	£500
H	Casino	£5,000
I or J	General Off-licence and Port Off-licence (duty free sales)	Sales area under 1,000 square feet - £350 Sales area 1,000 - 2,999 square feet - £700 Sales area over 3,000 square feet - £1,400

(2) In subparagraph (1), "**sales area**" means the area of floor space used for the purpose of the display and sale of goods of all types (and, for the

avoidance of doubt, not just for the display and sale of intoxicating liquor) on the licensed premises to which the liquor licence relates.

(3) The fees referred to in subparagraph (1) relating to liquor licences falling within categories A (*Standard*), B (*Residential*) and C (*Hotel*) are subject to a reduction of one third, where the premises to which the relevant licence relates are open for a period of less than 30 weeks in any one licensing year.

(4) The fees referred to in subparagraph (1) shall (after any reduction under subparagraph (3) has been applied) be increased by the amounts indicated in the second column of the following table in the circumstances indicated in the first column -

<i>Circumstances</i>	<i>Amount</i>
Where Constables prepare report in connection with application for grant of liquor licence under section 9 or approval of alteration under section 17.	£100
Where Constables prepare report in connection with application under Ordinance, other than for grant of liquor licence under section 9 or approval of alteration under section 17.	£50

Miscellaneous fees.

2. The fees set out in the third column of the following table are payable in respect of the matters described in the second column -

<i>Section under which payable</i>	<i>Type of application</i>	<i>Fee payable</i>
7(5)(b)	Approval of change of designated official.	£200
11(1)	Grant of "28 day" licence.	£100

13(6)	Grant of application to vary licence or suspend, vary or revoke condition made by licensee.	£250
16(6)	Grant of permission to exercise licence on additional part of premises.	£250
17(6)	Grant of application to alter premises.	£200
19(7)	Grant of application for additional hours.	£50 per day or part
19(7)	Grant of application in respect of additional premises	£50
20	Occasional liquor permit to a Society	no fee
52(6)	Grant or renewal of an under 18's permit.	£250 or £200 where permit is replacing existing valid permit
68(2), 74 and 76	Grant or renewal of master's liquor permit.	£10