

LIQUOR LICENCES, BILL 2021

EXPLANATORY MEMORANDUM

The Bill would modernize the system for the issuing of liquor licences and repeal the *Liquor Licences Act*, Cap. 182.

Preliminary

Clause 1: Short title

This clause provides for the short title.

Clause 2: Interpretation

This clause provides for the interpretation.

Clause 3: Act not to apply in certain cases

This clause provides for special cases where the Act would not apply, such as liquor used for medical or religious purposes.

Administration

Clause 4: Liquor Licensing Authority

This clause vests the new powers of administration and implementation in a civil Liquor Licensing Authority under the Ministry.

Clause 5: Protection of staff of Liquor Licensing Authority

This clause provides the staff of the Authority with immunity.

Sale of Liquor

Clause 6: Sale of Liquor

This clause prohibits the sale and serving of liquor by establishments without the appropriate licence.

Clause 7: Classes of licences

This clause specifies the various classes of licences that may be issued under the Act. These provisions change and clarify the law in relation to clubs, places of entertainment and gaming businesses.

Clause 8: Conditions relating to licences

This clause sets out the general conditions that apply to each class of licence. The provisions prohibit businesses from holding more than one type of licence where the terms and conditions of such licences are incompatible.

Issue of Licences

Clause 9: Application for licence

This clause sets out the procedure to be followed by applicants when applying for a licence.

Clause 10: Conditions to be satisfied

This clause sets out the conditions to be satisfied by applicants, including age and building requirements.

Clause 11: Publication of notice in respect of applications for new retail and entertainment licences

This clause requires the Authority to publish a notice indicating receipt of an application for a new retail licence or an entertainment licence and to facilitate the hearing of objections to such applications.

Clause 12: Right to object to application for new retail or entertainment licence

This clause empowers members of the public to object to an application for a new retail or entertainment licence after the Authority publishes the notice.

Clause 13: Hearing of objections in relation to new applications for retail and entertainment licences

This clause sets out the procedure to be followed by the Authority for the hearing of objections from members of the public in relation to new applications for retail and entertainment licences.

Clause 14: Issue of licence generally

This clause sets out the procedure in relation to the issue of all licences which are not subject to formal objections.

Clause 15: Issue of new retail and entertainment licence

This clause sets out the procedure in relation to the issue of retail and entertainment licences which are subject to objections.

Clause 16: Issue of special occasion and seasonal licences

This clause provides for the issue of seasonal and special occasion licences. Seasonal licences will apply to events which are held over a period of 3 months and special occasion licences will apply to events which are held for a period not exceeding 24 hours. These provisions permit the Police to object to the issue of the licence, but no formal objection procedure applies.

Clause 17: Register

This clause requires the Authority to maintain a register of licences.

Clause 18: Duty to comply with conditions of licence

This clause imposes a responsibility on licensees to comply with the conditions of licences.

Clause 19: Change in circumstances after issue of licence

This clause requires licensees to notify the Authority of any change in circumstance after a licence is issued and gives the Authority power to vary the conditions relating to the licence as it sees fit.

Suspension, Revocation and Cancellation of Licence

Clause 20: Suspension and revocation of licence

This clause sets out the procedure to be followed by the Authority when suspending or revoking a licence.

Clause 21: Cancellation of licence

This clause sets out the circumstances in which a licence can be cancelled.

Renewal and Interim Conduct of Licensee's Business

Clause 22: Renewal of licences

This clause provides for the renewal of licences other than seasonal or special occasion licences.

Clause 23: Conduct of licensee's business on an interim basis

This clause makes provision for a person to carry on a licensee's business for a period of 30 days if a licensee dies or ceases to operate the business.

Liquor Licensing Tribunal

Clause 24: Liquor Licensing Tribunal

This clause establishes the Liquor Licence Tribunal which will hear appeals from the Authority and hear matters relating to the infringement of the Act. The Tribunal will be responsible for the imposition of administrative penalties where the Act is infringed.

Appeals

Clause 25: Appeals to the Liquor Licensing Tribunal

This clause provides for the instances in which an appeal may be made to the Tribunal.

Clause 26: Appeals to the High Court

This clause provides for appeals from decisions of the Tribunal to be heard by the High Court.

Minors

Clause 27: Sale or supply of liquor to minors

These provisions strengthen the protection given to minors not to be sold or supplied liquor by adults.

Responsibilities of Licensees

Clause 28: Employment of minors

This clause restates the responsibility of persons not to employ minors.

Clause 29: Certain persons may be refused admittance or ejected

This clause gives the licensee power to eject persons who are disorderly.

Clause 30: Permitting disorderly conduct

This clause restates the responsibility of licensees not to allow disorderly conduct to take place at their establishment.

Clause 31: Sale of liquor injurious to health

This clause restates the responsibility of persons not to mix or sell adulterated liquor.

Clause 32: Discrimination

This clause restates the responsibility of licensees not to discriminate against persons by denying them the right to purchase liquor on the basis of their colour, race or creed. The provision has been widened to include discrimination on the basis of gender.

Enforcement and Compliance Procedures

Clause 33: Entry and inspection of licensed premises

This clause gives the Authority and the Police power to inspect establishments to ensure that the law is being complied with.

Clause 34: Production of licence and records

This clause gives the Authority and the Police power to request documents and information from establishments in order to ensure that the law is being complied with.

Clause 35: Order to vacate premises

This clause empowers the Police to take quick action and order an evacuation of an establishment for 24 hours where it is necessary to avoid a disturbance of the peace.

Clause 36: Temporary suspension in public interest

This clause empowers the Director to take quick action and suspend the licence of an establishment for 24 hours where it is necessary in the public interest.

Clause 37: Complaints by the public

This clause gives members of the public the right to make a complaint to the Authority if their interests are adversely affected.

Clause 38: Director may issue directives

This clause makes provision for the Director to issue directives to licensees to take corrective action where necessary.

Clause 39: Search and seizure

This clause allows for searches of an establishment to be conducted by the Authority or the Police on the authority of a warrant if it is suspected that the Act is being contravened.

Administrative Penalties

Clause 40: Imposition of administrative penalties

This clause allows for administrative penalties to be imposed by the Tribunal.

Clause 41: Appeal of administrative penalty

This clause gives a right of appeal to persons who are aggrieved by a decision of the Tribunal that imposes an administrative penalty.

Miscellaneous

Clause 42: Intoxicated persons in public places

This clause permits police officers to take persons into custody for their own protection or for the protection of the public.

Clause 43: Collection and recovery of fees and administrative penalties

This clause changes the law by providing that the revenue collected under the Act is to be placed in the Consolidated Fund.

Clause 44: Forms

This clause gives flexibility to the provision of forms by the Authority.

Clause 45: Regulations

This clause provides for the making of regulations by the Minister.

Clause 46: Transitional and savings re proceedings

This clause provides for transitional provisions in relation to proceedings.

Clause 47: Savings of licences and permits

This clause provides for the saving of licences which were issued by the existing Act after that Act is repealed on the commencement of the new Act.

Clause 48: Repeal of Cap. 182 and related enactments

This clause provides for the repeal of the existing Act.

Clause 49: Commencement

This clause provides for commencement by Proclamation to allow for administrative arrangements to be put in place.

2021-03-08