



REPUBLIC OF NAURU

LIQUOR CONTROL ACT 2017

No. 37 of 2017

An Act to regulate and control the supply and consumption of liquor, to repeal the Liquor Act 1967 and for related matters

Certified: 21st December 2017

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Enacted by the Parliament of Nauru as follows:

PART 1 - PRELIMINARY

1 Short title

This Act may be cited as the *Liquor Control Act 2017*.

2 Commencement

This Act commences upon certification by the Speaker.

3 Objects of the Act

The objects of the Act are to minimise the misuse or any harmful effect of misuse of alcohol by:

- (a) fostering and encouraging a culture of responsible and moderate consumption of liquor;
- (b) facilitating a regulatory framework of the sale, supply and consumption of liquor in public places and in the hospitality industry;
- (c) restricting the importation, sale, supply and purchase of alcohol of international standards to ensure the side effects of alcohol has minimal health and social implications;
- (d) supply and consumption of alcohol in the best interests of the community and is not designed to distract public amenities and the socio culture of the Republic;
- (e) facilitate social and recreational gathering without alcohol becoming or causing disruption, anti-social family acrimony or a social burden to the families and children;
- (f) restricting undesirable liquor promotion and advertising the sale and supply of liquor products;
- (g) promote education and awareness in the community and children of the risks involved with the consumption of alcohol.

4 Definitions

In this Act:

'adulterate' includes mix with a deleterious ingredient;

'applications' means applications for liquor licenses;

'applicant' means a person applying for a liquor licence under this Act;

'bar' means a place where liquor is sold or served to customers and is located separately from any area used as a restaurant or common area;

'Board' means the Liquor Licensing Board;

'Chairperson' means the Chairperson of the Liquor Licensing Board;

'document of identification' means a document that:

- (a) is a driving licence or passport or other form of approved identification;
- (b) contains a photograph that could reasonably be taken to be of the person; and
- (c) indicates that the person to whom the document was issued is at least 18 years old.

'glass' includes, in the case of beer, light wine or diluted spirits, an opened can or bottle;

'licence' means a licence granted under this Act;

'licensee' means a person granted a licence under this Act;

'authorised officer' means a person appointed under section 44;

'liquor' means a beverage that, at 20 degrees Celsius, has more than 1.15% alcohol by volume and includes any other substance that comprises, makes up, contains or may be converted into that beverage;

'member of the Board' includes the deputy of a member of the Board;

'Minister' means the Minister responsible for the administration of this Act;

'on licenced premises' means liquor licence to sell and supply liquor to be consumed on the premises;

'off licenced premises' means liquor licence to sell and supply liquor to be consumed off the premises;

'permit' means a permit granted under this Act;

'person' means an individual, partnership or corporation;

'Police Force' means the Nauru Police Force;

'prescribed trading hours' means, in relation to particular licensed premises, the trading hours prescribed by Regulations and such additional hours as the Board authorises under the provisions of this Act;

'prohibited hours' means, in relation to particular licensed premises, times other than the prescribed trading hours;

'Retail Bottle Store' means a separate retail premises or room that sells only liquor and liquor related products;

'sell' includes barter;

'supply' includes sale or sell;

'Secretary' means Secretary to the Liquor Licensing Board;

'unlicensed premises' means premises other than licensed premises of the following descriptions:

- (a) a café, restaurant or other premises where meals or refreshments are ordinarily supplied to the public for consumption on the premises;
- (b) a hall or similar building hired to, occupied or ordinarily used by:
 - (i) members of the public; or
 - (ii) club or organisation;
- (c) land acquired by the Minister pursuant to the provisions of the *Aerodrome (Acquisition of Land) Act 1952*;
- (d) a roadway or footpath open to or used by the public; or
- (e) such other land as the Minister by notice in the Gazette, specifies for the purposes of this Act;

'Wholesale licence' authorises a licensee to sell and deliver liquor on wholesale at or from a specified building for consumption off the premises;

PART 2 – ADMINISTRATION

5 Liquor Licensing Board

A Liquor Licensing Board is established.

6 Powers of the Board

(1) The Board shall have the following functions and powers:

- (a) consider and decide applications for a licence;
- (b) consider complaints made in relation to licensed premises and any other relevant matter;
- (c) conduct inquiries and hearings taking into account complaints brought under subparagraph (b);
- (d) set by public notice in the Gazette the opening and closing hours for the sale of liquor for licensed premises;
- (e) grant, decline, suspend or cancel licences for the importation and sale of liquor;
- (f) monitor and regulate activities of licensees;
- (g) determine licensing fees; and
- (h) advise the Cabinet in relation to the control of sale and consumption of liquor or other matters under the Act;

- (2) The Board has such other functions and powers as are prescribed by this Act or any other law.

7 Composition and appointment of the Board

- (1) There shall be a Liquor Licensing Board which shall have 3 members appointed by the Minister in consultation with the Cabinet.
- (2) The members of the Board shall be:
- (a) the Registrar or the Deputy Registrar of the Court as the Chairperson;
 - (b) one member to be appointed on the recommendation of the Chief Secretary;
 - (c) one member to be appointed from the community on the recommendation of the Minister;
- (3) In appointing the members, the Cabinet shall ensure that at least one of the members of the Board is a female.
- (4) Save for the Chairperson, the other 2 members shall be appointed for a period of 2 years.

8 Resignation or removal of members from the Board

- (1) Save for the Chairperson of the Board, a member may be removed from the Board where the member:
- (a) contravenes the provisions of this Act;
 - (b) commits a misconduct;
 - (c) acquires shares or interests in any commercial entity which is licensed under this Act to sell or supply liquor;
 - (d) attempts to or purchases alcohol from any licensee at a special or discounted cost including any complementary item or gifts;
 - (e) holds an elected office;
 - (f) fails to perform functions, powers and duties under the Act or due to illness and incapacity; and
 - (g) was unable to attend 3 consecutive meetings of the Board without the leave of the Chairperson.
- (2) Where a member of the Board is unable to attend a Board meeting due to illness, incapacity or absence from the Republic, the Minister may appoint a person to be the deputy of that member during his or her illness, incapacity or absence.

9 Secretary of the Board

- (1) The Minister shall appoint a Secretary to the Board.

- (2) The Secretary shall:
- (a) take and keep minutes for every Board meeting;
 - (b) keep records of matters determined by the Board;
 - (c) issue licences under this Act; and
 - (d) set down applications for hearing by the Board.

10 Meetings of the Board

- (1) The Chairperson may direct the Secretary to issues notices for meetings of the Board.
- (2) Where the Chairperson is absent, the Deputy Registrar of the Court shall preside over the meeting of the Board.
- (3) Any matters arising at any meetings of the Board shall be determined by the majority of the members present.
- (4) A quorum of the Board shall consist of 2 members.

11 Hearings held by the Board

- (1) The Secretary shall before a hearing of the Board is held:
- (a) set a time, date and place for the hearing; and
 - (b) in no less than 5 working days before that date, serve a notice of the time, date and place of hearing on:
 - (i) the licensee, for a matter relating to the cancellation or suspension of a licence; or
 - (ii) the applicant, in any other case.
- (2) The Board may determine its own procedure for conducting a hearing under this Act.
- (3) The Board during a hearing shall give an opportunity for the following persons to be heard:
- (a) the applicant;
 - (b) the relevant licensee for a matter relating to the cancellation or suspension of a licence; and
 - (c) any other person likely to be adversely affected by the hearing.
- (4) The Board may, after giving the persons under subsection (3)(a) or subsection (3) (b) reasonable opportunity to be heard decide to:
- (a) vary or revoke the conditions of the licence;

- (b) suspend the licence for a period;
 - (c) cancel the licence; or
 - (d) take no action.
- (5) For the purposes of a hearing, the Board is not bound by the rules of evidence ordinarily applied by the courts.

PART 3 – LICENCES

12 Licences

- (1) No person shall sell or supply liquor in the Republic without a licence granted under this Act.
- (2) The Board shall on an application by a person grant one of the following licences:
- (a) a Wholesale Licence;
 - (b) a Retail Bottle Store Licence;
 - (c) a Club Licence;
 - (d) a Special Events Licence;
 - (e) a Bar Licence;
 - (f) a Restaurant Licence; or
 - (g) a Nightclub Licence.
- (3) The fees payable for a licence and related matters shall be prescribed by regulations.
- (4) A licence granted under the Act shall be in the form prescribed by regulations.
- (5) The term of a licence granted under the Act shall be prescribed by regulations and may be renewed upon application under the Act.

13 Licence application

- (1) An application for a licence under this Act shall be made in writing to the Board:
- (a) in the prescribed form;
 - (b) upon payment of the prescribed fee; and
 - (c) specifying whether the application for licence is for:
 - (i) wholesale of liquor;
 - (ii) retail bottle store;

- (iii) members' club;
 - (iv) a special event;
 - (v) bar;
 - (vi) restaurant; or
 - (vii) nightclub.
- (2) An application under subsection (1) shall be lodged with the Secretary in quadruplicate copies.
- (3) An application for a license shall be:
- (a) in case of an individual person, signed and dated by the person under whose name the business name and the business licence is issued to;
 - (b) in case of a partnership, signed and dated by one of the partners; and
 - (c) in case of a corporation, by the director or the manager of the intended premises for which a licence is applied for.
- (2) An application shall include:
- (a) the applicant's full name and address;
 - (b) proof that applicant has attained the age of 21 years;
 - (c) nature of the licence;
 - (d) the premises to which the application relates;
 - (e) a current business licence;
 - (f) in case of a corporation, an incorporation certificate;
 - (g) in case of individual or partnership, business name; and
 - (h) any other information that the Secretary considers that the Board may require.
- (3) The Board shall not consider an application if the prescribed fee has not been paid.

14 Process of application

- (1) The Secretary on receipt of an application under section 13 shall:
- (a) publish the application in the Gazette and such other manner to inform the public that an application for licence has been made;
 - (b) refer one of the copies of the application to the Nauru Police Force;
 - (c) refer one of the copies of the application to the Director of Public Health.

- (2) The Secretary shall advertise the application by notice in the Gazette where the application is for the grant, renewal, transfer or cancellation of licence.
- (3) An authorised officer shall:
 - (a) make an enquiry as to the character, fitness and capacity of the applicant to conduct the licensed business to which the application relates; and
 - (b) report to the Board in writing.
- (4) The Board may grant an application subject to such conditions as the Board deems necessary.
- (5) Where the applicant has been granted a licence the Board may cancel any licence issued under this Act upon conviction for an offence under the Act.

15 Duties of the Police Force

Where the Police Force receives an application for a licence from the Secretary of the Board, it shall:

- (a) cause an inquiry as to the venue, security and accessibility of the premises for which the licence is applied for;
- (b) cause an inquiry into the records of the applicant, and if the applicant is convicted of an offence;
- (c) within 14 days of the receipt of the notice submit a report to the Secretary for the Board amongst other matters providing for:
 - (i) the historical records of the person;
 - (ii) whether the applicant has been subjected to any criminal investigation, charge or conviction;
 - (iii) the suitability and security of the proposed premises for the licence;
 - (iv) the security for the display and storage of liquor in the proposed premises; and
 - (v) the recommendations.

16 Duties of the Director of Public Health

Where the Director of Public Health receives an application for a licence from the Secretary of the Board, he or she shall:

- (a) cause an inquiry into the health and sanitary conditions of the proposed premises including the cooking facilities, dining area and public convenience;
- (b) cause an inquiry into the fire and safety conditions of the proposed premises;

- (c) cause an inquiry into the labeling, packaging, handling and storage of liquor on the proposed premises; and
- (d) within 14 days upon receipt of the notice submit to the Secretary an inspection report.

17 Matters for consideration in deciding an application for a licence

For the purposes of making a decision on an application for a licence, the Board shall consider:

- (a) the suitability of the applicant;
- (b) whether it is appropriate to grant the licence for premises in the area to which the application relates;
- (c) whether the premises to which the application relates are fit and proper premises for the purpose of the licence;
- (d) compliance with health, sanitary and fire standards; and
- (e) any objection to the application.

18 Area plans lodged with licence application

- (1) An applicant shall lodge together with the licence application an area plan in duplicate copies to the Secretary as prescribed by Regulations.
- (2) Subsection (1) shall not apply where the area plan that complies with the provisions of the Regulations are already held with the Secretary.
- (3) Where the Board considers that an area plan does not comply with the requirements of the Regulation or is otherwise inadequate the Board may, require the applicant:
 - (a) to alter the lodged area plans; or
 - (b) to lodge substitute area plans in duplicate in accordance with the Board directions.
- (4) The Board shall define the limits of the licensed premises by delineates on the area plans, :
 - (a) in granting an application for a licence;
 - (b) for the removal of a licence; or
 - (c) alteration of the limits of a licensed premises.
- (5) For the purposes of subsection (4), the Board may define the limits of licensed premises as being boundaries of that portion of the applicant's premises where:
 - (a) an application is for the grant or removal of a retail licence, restaurant licence, bar licence, club licence or nightclub licence; and

- (b) the applicant proposes to supply liquor only from a lockable portion of his or her premises which is shown on the plan.

19 Licence application for more than one class of licence

- (1) An applicant who intends to sell or supply liquor under more than one class of licence under section 13 shall apply for each relevant class and pay the relevant prescribed fees.
- (2) A person who contravenes this section commits an offence and upon conviction is liable to a fine not exceeding \$20,000 or to a term of imprisonment not exceeding 12 months or to both.

20 No licence to be granted to minors

A licence shall not be granted to a person under the age of 21 years.

21 Licence application by partnership or corporation

- (1) A partnership or corporation applying for a licence shall nominate a person to be a representative in the conduct of the licenced premises.
- (2) A person shall not be nominated under this section unless he or she has signed a document consenting to his or her nomination.
- (3) If the name of the partnership or corporation has been changed during the term of the licence, the licensee shall notify the Board to amend the licence accordingly.
- (4) The Board may at any time upon application by the partnership or corporation substitute the name of some other person as nominee to act on their behalf and the Board may amend the licence accordingly.

22 Objections

- (1) Any objection based upon a substantial ground may be raised at the hearing of any application:
 - (a) by a authorised officer;
 - (b) by a qualified government health practitioner; or
 - (c) jointly by 3 or more persons over the age of 21 years.
- (2) A person who desires to make an objection at the hearing of an application shall lodge with the Secretary a notice of objection:
 - (a) stating his or her full name and address; and
 - (b) the grounds upon which the objection is made.
- (3) A copy of the notice of objection under subsection (2) shall be served on the applicant within 24 hours from the time of lodgment of the objection.

- (4) The Board shall hear any objections made pursuant to this section at the hearing of an application.
- (5) The Board may award costs against the objector where the Board considers an objection to be frivolous.

23 Board may dispense with strict formalities regarding applications

The Board may for the purpose of an application and on such terms as the Board thinks fit:

- (a) permit the amendment of a notice, document or instrument;
- (b) if it is satisfied that injustice to any person will not be caused by doing so, disregard a defect in a notice, document or instrument; or
- (c) extend or abridge the time fixed by this Act for performing an act whether the application for the extension of abridgement is made before or after the expiration of the time so fixed.

24 Licence conditions

The Board may impose conditions on a licence relating to:

- (a) noise abatement;
- (b) prohibition of the sale or supply of liquor between specified hours;
- (c) prohibition of or restriction on activities that could encourage the misuse or abuse of liquor such as excessive consumption of alcohol;
- (d) restrictions on how liquor may be sold from the licensed premises; or
- (e) restrictions on the number of persons who may be in the licensed premises at any time.

25 Duration of licenses

- (1) The duration of a licence shall unless the Board specifies some other date, take effect from the date the Board gave their decision on the matter.
- (2) A licence shall unless sooner cancelled or suspended, continue in force until the last day of the financial year in which the licence was granted or renewed.

26 Grant of licences

The Board before granting a licence shall be satisfied that:

- (a) the premises to which the application relates are fit and proper for the purpose of the class of licence applied for; and
- (b) the parts of the premises on which liquor are to be stored, sold, supplied or consumed are properly defined in the application or in the plan attached to the application.

27 Licence may be varied

The Board may vary a licence by substituting other premises for the premises previously defined in respect of that licence upon the written application by a licensee.

28 Licence not transferrable

- (1) A licence shall not be transferred by the licensee to any other person without the prior approval of the Board.
- (2) Any licensee who transfers his or her licence in contravention of subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$10,000 or to a term of imprisonment of 6 months or to both.

29 Suspension of license

- (1) An authorised officer may, upon giving 14 days' notice to a licensee, apply to the Board for the suspension of a licence.
- (2) The Board may cancel or suspend a licence for a period for a period not exceeding 12 months upon being satisfied that:
 - (a) the licensee has committed repeated breaches against the provisions of this Act; or
 - (b) the licensed premises constitute a danger to the health of the public.

30 Renewal of licence

- (1) An application for the renewal of a licence shall be made:
 - (a) at least one month prior to the expiry date of the licence;
 - (b) in the prescribed form; and
 - (c) on the payment of prescribed fees.
- (2) A licensee is not liable for prosecution for failing to hold a licence under this Act if he or she has:
 - (a) made a proper application for the renewal within 30 days of the expiration of his or her licence;
 - (b) in the case of an application for renewal, application made in less than 30 days of the expiry of a licence, the applicant shall pay a late application fee prescribed by regulations;
 - (c) in the case of an application made after the expiry of a licence, the applicant shall pay the:
 - (i) prescribed late application fee; and
 - (ii) penalty under section 89.

31 Permit for extended hours

- (1) A licensee who intends to extend hours for sale or supply of liquor shall apply in writing to the Board for a permit for extended hours.
- (2) The Board may grant a permit for extended hours to a licensee to supply liquor in accordance with the general authority granted under his or her licence and during such additional hours granted by the Board in the permit.
- (3) A person who does not have a valid permit for extended hours under this section commits an offence and upon conviction is liable to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 12 months or to both.

32 Certificate for a licence of premises not already erected

- (1) A person may apply to the Board for a certificate under this section who desires to obtain a licence in respect of or the removal of a licence to a premises:
 - (a) which have not already been erected;
 - (b) which are not at the time completed or fit for occupation; or
 - (c) already erected but requiring additions or alterations to provide satisfactory accommodation.
- (2) A certificate under this section authorises the issue or removal of a licence of the class specified in the certificate upon the completion of the premises and accommodation within the time specified in the certificate.
- (3) A licence shall not be issued or removed pursuant to a certificate under this section unless the Board is satisfied that the conditions specified in that certificate have been complied with.
- (4) A certificate issued by the Board under this section shall be cancelled if the:
 - (a) premises and accommodation have not been completed; or
 - (b) conditions specified in the certificate have not been complied with or within such extended time allowed by the Board.

33 Alteration of limits

- (1) The Board may alter the limits under section 18(4) upon the written application by a licensee.
- (2) The Board shall not approve an alteration to the area of a licensed premise unless the Board is satisfied that it is in the best interests of the community to do so.

34 Appeals

- (1) Any person aggrieved by the decision of the Board shall file and serve an appeal to the Supreme Court within 21 days of delivery of the decision by the Board.
- (2) The appeal shall be filed by way of a notice of appeal.
- (3) No appeal shall be filed against a decision of the Board after a lapse of 3 months from the time the decision was made.
- (4) The rules of the court shall apply.

PART 4 – ADDITIONAL REQUIREMENTS FOR LICENCE

35 Store area to be locked

- (1) A licensee shall at the commencement of the prohibited hours, lock the areas in his or her licensed premises where liquor is stored or dispensed and keep them locked during the prohibited hours.
- (2) Despite subsection (1), a licensee may:
 - (a) cause the areas referred to in subsection (1) to be opened not more than 15 minutes before or after the prescribed trading hours for any purpose other than the supply of liquor; and
 - (b) enter or permit other persons to enter those areas in good faith for the purpose of cleaning, repairing or servicing those areas.

36 No gaming on licensed premises

- (1) No gaming shall be allowed on any licensed premises.
- (2) Any person who contravenes this section commits an offence and upon conviction is liable to a fine not exceeding \$20,000 or to a term of imprisonment not exceeding 12 months or to both.

37 No Credit Sales

- (1) Any licensee who receives in payment or as a pledge for liquor supplied by him or her anything except legal tender or bank cheques at full nominal value commits an offence.
- (2) A licensee who sells liquor by the glass on credit except for payment received during the time of sale commits an offence and cannot recover the debt incurred.
- (3) A licensee who commits an offence under this section upon conviction is liable to a fine not exceeding \$20,000 or to a term of imprisonment not exceeding 12 months or to both.

PART 5 – CUSTOMER REGISTER

38 Customer register

- (1) A licensee shall maintain a customer register in the form approved by the Board for any sale or supply of liquor.
- (2) A customer register shall record:
 - (a) name of the customer;
 - (b) identification used by the customer;
 - (c) amount of liquor purchased by the customer;
 - (d) the type of liquor purchased by the customer; and
 - (e) date of purchase.
- (3) The licensee shall if requested by an authorised officer:
 - (a) make any customer register available for inspection; and
 - (b) allow an authorised officer to take copies of any such customer register or remove any such register from the premises.
- (4) The licensee shall ensure that the information recorded in the customer register is retained for at least 3 years from when the record was made.
- (5) A licensee who does not keep a customer register required under this Act commits an offence and upon conviction is liable to a fine not exceeding \$20,000 or to a term of imprisonment not exceeding 12 months or to both.
- (6) A licensee who fails to produce a Customer register to an authorised officer for examination upon request commits an offence and upon conviction is liable to a fine not exceeding \$20,000 or to a term of imprisonment not exceeding 12 months or to both.

PART 6 – PROHIBITION ON SALE OR SUPPLY OF LIQUOR TO A PERSON UNDER THE AGE OF 21 YEARS

39 Drinking age

Despite the Child Protection and Welfare Act 2016, for the purposes of this Act, a person shall be at least 21 years old before he or she can consume, purchase, sell, supply, carry or serve liquor on licensed premises or in a public place.

40 Sale of liquor to a person under the age of 21 years

- (1) The licensee or an employee may refuse to sell or supply liquor to any person unless such person satisfies the licensee or an employee of his or her age by showing a document of identification.
- (2) A licensee may, upon reasonable suspicion of a person being under the age of 21 years remove a person if:

- (a) no document of identification is provided upon request; or
 - (b) the document of identification provided confirms that the person is under the age of 21 years.
- (3) It shall be a defence to a prosecution for an offence under this section if the person charged proves that he or she reasonably believed that the other person had attained the age of 21 years.

PART 7 – PROHIBITION ON SALE OR SUPPLY OF LIQUOR WITHOUT A LICENCE

41 No sale or supply of liquor without a licence

- (1) No person shall sell or supply liquor without a licence.
- (2) A person commits an offence if he or she does not hold a valid licence or occupies an unlicensed premises and:
- (a) sells or exposes or keeps for sale any liquor from the premises; or
 - (b) allows any other person to sell or expose or keep for sale any liquor on the premises.
- (3) A person who commits an offence under this section upon conviction is liable to a fine not exceeding \$20,000 or to a term of imprisonment not exceeding 2 years or to both.

PART 8 - ORDER TO RESTRICT THE SALE, SUPPLY OR IMPORT OF CERTAIN ALCOHOL

42 Orders to restrict the sale, supply or import of certain alcohol

- (1) The Minister may, if it is necessary in the public interest and in consultation with the Board and the Department of Health, issue an Order to restrict:
- (a) the sale, supply or import of certain type of alcohol in the Republic; or
 - (b) the amount of alcohol being sold to customers on a per customer basis.
- (2) The Order for the restriction of sale, supply or import of certain alcohol shall be published in the Gazette.
- (3) All licensees shall ensure that the Order is displayed in a visible manner in their premises.

PART 9 – BANNING ORDERS

43 Banning orders

- (1) The Board may, by order in writing given to a person, prohibit the person from entering or remaining on the licensed premises specified in the order.
- (2) An application for an order under this section may be made by:

- (a) the Secretary;
 - (b) the Commissioner of Police;
 - (c) a licensee; or
 - (d) any other person (or class of persons) prescribed by the regulations.
- (3) The application shall be in the form approved by the Board.
- (4) The Board may make such an order under this section only if the Board is satisfied that the person who is the subject of the proposed order has repeatedly been intoxicated, violent, quarrelsome or disorderly on or in the immediate vicinity of licensed premises.
- (5) The regulations may prescribe other circumstances in which the Board is authorised to make an order under this section.
- (6) An order under this section shall specify a period not exceeding 6 months during which the order is in force.
- (7) In deciding whether to make an order under this section, the Board shall not take into consideration the person's race or ethnic or national origins.
- (8) A person who is the subject of an order under this section shall not enter or attempt to enter, or remain on, the licensed premises to which the order relates.
- (9) A person who contravenes subsection (8) commits an offence and upon conviction is liable to a fine not exceeding \$1,000 or to a term of imprisonment not exceeding 6 months.

PART 10 – ENFORCEMENT

44 Appointment of authorised officers

- (1) The Minister may on the recommendation of the Board by notice in the Gazette appoint authorised officers for the purpose of this Act.
- (2) An authorised officer appointed under subsection (1) shall be issued with an identification card duly signed by the Chairperson.
- (3) Any authorised officer appointed under this section except a member of the Police Force shall:
- (a) be issued with an identification card at the time of his or her appointment; and
 - (b) produce the identification card on request and if he or she fails to do so, he or she shall not exercise any powers under this Act.

45 Functions and powers of authorised officers

- (1) The functions of the authorised officer include:

- (a) monitoring compliance with the Act by licensed premises;
 - (b) monitoring the sale and supply of liquor in the Republic; and
 - (c) reporting to the Board any such breaches other than prosecution of offences under the Act.
- (2) A authorised officer has the power to enter any licensed premises at any reasonable time and may request to see the licence or any records to establish compliance with the Act.
- (3) Any person who wilfully delays admittance to or obstructs the entrance into any licensed premises of a licensing inspector under this section commits an offence.
- (4) A authorised officer may obtain a warrant from a Resident Magistrate if he or she has reasonable grounds to believe that an offence is being committed under this Act and:
- (a) seize and remove all liquor found on those premises or vessel containing liquor; and
 - (b) have all liquor found under subsection 4(a) kept in the custody of the Police Force pending investigation of the alleged offence.
- (5) Any liquor seized under subsection (4) shall within 14 days from the date of seizure, be returned to the person from whom the liquor was seized unless the person has been charged with the alleged offence.
- (6) Any liquor seized under subsection (4) that has not been returned for the reasons that the person has been charged and convicted for the alleged offence shall be disposed of by public auction.

PART 11 – OFFENCES AND PENALTIES

46 Carrying or exposing liquor for sale

- (1) A person shall not carry, store in bulk or expose liquor for sale without a licence and a licence for the premises.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment not less than 2 years or more than 5 years.
- (3) For the purposes of subsections (1) and (2), the burden of proving that the liquor was not carried, stored in bulk or exposed for sale is on the person alleged to have carried, stored in bulk or exposed for sale the liquor unless:
- (a) the vendor;
 - (b) the purchaser;
 - (c) the person to whom the liquor is to be delivered, -

is able to provide evidence that the liquor is carried, stored in bulk or exposed for sale only for the purposes of delivering to the purchaser.

47 Offer to purchase liquor other than from a licensed premises

- (1) A licensee shall not take or receive or cause or permit an employee or agent to take or receive an order for liquor elsewhere than at the licensed premises.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment not less than 2 years or more than 5 years.

48 Occupier or owner of unlicensed premises liable for prosecution for sale of liquor

- (1) An occupier or owner of an unlicensed premise shall not permit or knowingly allow the sale of liquor on the premises by any person including a tenant.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$100,000 or to a term of imprisonment not less than 2 years or more than 5 years.
- (3) For the purposes of this section, an owner of the unlicensed premises is deemed to have knowledge of the sale of liquor if:
 - (a) he or she has with sufficient inquiry would have established that persons including unknown person would be traveling to the premise at unusual times;
 - (b) he or she has been informed or has knowledge of the occupant or tenant being charged and convicted for an offence under this Act;
 - (c) he or she has allowed the occupant or tenant to occupy the premises as a residential or commercial purpose but not for sale of liquor.

49 Consumption of liquor prohibited in public places

- (1) A person shall not consume liquor:
 - (a) in a public place which includes a road or land owned or leased by the Republic; or
 - (b) in a doorway or entrance that gives access to premises to or from a public place.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

50 Licensees to retain control on sale and consumption of liquor

- (1) A licensee shall ensure that the business carried on the licensed premises is carried on in such a way that the licensee can exercise effective control over the sale and any consumption of liquor on the premises.

- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

51 Licensee to ensure responsible sale and service of liquor

- (1) A licensee shall not allow a person to sell or serve liquor on the licensed premises unless the person:
- (a) has successfully completed an approved course; or
 - (b) has been an employee of the licensee for, in total, less than 3 months and is:
 - (i) undertaking an approved course; or
 - (ii) formally enrolled in an approved course that is scheduled to start within 3 months from the day on which the person is permitted to serve the liquor.
- (2) An applicant for a liquor licence shall successfully complete an approved course, if the Board so directs.
- (3) In order to demonstrate compliance to subsection (1) or (2), a licensee shall:
- (a) keep such records on the licensed premises as the Board, by written notice served on the licensee, may from time to time require; or
 - (b) produce all or any of those records to the Board or an authorised officer on demand.
- (4) The Board may exempt the holder of a special event licence from the requirements of this section if satisfied that it is not against the public interest to do so.
- (5) In this section:
- (a) '*approved course*' means a course of instruction or training in the service of liquor, approved by the Board;
 - (b) '*employee*' includes a person engaged under a contract for services.
- (6) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

52 Licensees to ensure seller and server of liquor meets the minimum age requirements

- (1) A licensee shall not allow a person to sell or serve liquor on the licensed premises if that person is under the age of 21`years.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

53 Sale and consumption of liquor not to cause undue annoyance, disturbance or disorderly conduct

- (1) A licensee shall ensure that the sale and consumption of liquor on the licensed premise does not:
- (a) cause undue annoyance or disturbance to:
 - (i) people living or working in the neighbourhood of the premises;
 - (ii) customers or clients of any business in the neighbourhood of the premises;
 - (iii) people conducting or attending religious services or attending a school in the neighbourhood of the premises; or
 - (iv) people lawfully on the premises;
 - (b) cause the occurrence of disorderly conduct:
 - (i) in the premises; or
 - (ii) in the neighborhood of the premises.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

54 Licensee not to alter area of licensed premises without approval

- (1) A licensee shall not alter the area of the licensed premises without the Board's approval.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

55 Licensee to notify the Board of alteration to designated area

- (1) A licensee shall:
- (a) give the Board written notice at least 30 days prior to altering the boundaries of an area designated under section 18; and
 - (b) give the Board such information about the proposed alteration as the Board may require.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

56 Licensee to notify the Board of change

- (1) Whenever there is a change of a kind specified by the Board in writing, served on the licensee, takes place in the situation existing in relation to that

licensee, the licensee shall in an approved form provided by the Board, notify the Board of change within 14 days after such change has taken place.

- (2) The Board may require a licensee to supply the Board with such further particulars of a change in situation as the Board considers necessary.

57 Licence to be produced on demand

- (1) A licensee shall produce the licensee's liquor licence to the authorised officer upon demand.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years

58 Licence to be displayed

- (1) A licensee shall display the licensee's liquor licence in a conspicuous position on the licensed premises.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

59 Authority to act as licensee to be displayed

- (1) The holder of an authority to act as a licensee shall display the authority in a conspicuous position on the licensed premises.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

60 Special event licence to be displayed

- (1) The holder of a special event licence shall display the licence in a conspicuous position on the licensee's premises during the time when the liquor may be sold on those premises under the authority of the licence.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

61 Liquor restriction order to be displayed on licensed premises

- (1) A licensee shall display in a conspicuous position on the licensed premises any liquor restrictions order made by the Board in respect of the premises or any part of the premises.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

62 Licensee to display notice prohibiting or restricting entry of any person under the age of 21 years

- (1) A licensee shall ensure that there is displayed in a conspicuous position at the entrance to any part of the licensed premises a notice approved by the Board giving notice of the prohibition or restriction of entry of any person under the age of 21 years.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

63 Licensee to prohibit or restrict the entry of young people to certain parts of licensed premises

- (1) A licensee shall ensure that a person under the age of 21 years does not enter or remain on any part of the licensed premises, except:
 - (a) to have a meal; and
 - (b) in the company of a responsible adult.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

64 Licensee to require certain people to leave licensed premises

- (1) A licensee shall require a person to leave the licensed premises if he or she is:
 - (a) acting in a violent, quarrelsome or disorderly manner; or
 - (b) using disgusting, profane or foul language.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

65 Liquor not to be consumed on off licensed premises

- (1) The holder of an off licensed premise shall not allow liquor purchased on the licensed premises to be consumed on those premises.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

66 Liquor not to be removed from on licensed premises

- (1) The holder of on licensed premises shall not allow liquor purchased on the licensed premises to be taken off those premises to be consumed elsewhere.

- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

67 Licensee to restrict people on licensed premises outside prescribed trading hours

- (1) A licensee shall not allow a person to enter or remain on any part of a licensed premises where liquor is normally sold at any time between:

(a) 15 minutes after the prescribed trading hours when the sale of liquor on the premises under the authority of a liquor licence ceased; and

(b) next time when liquor may be sold during the prescribed trading hours on the premises under the authority of a liquor licence.

- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

- (3) Subsection (1) does not apply to:

(a) the licensee;

(b) a member of the licensee's family;

(c) a resident of the licensed premises;

(d) an employee of the licensee; or

(e) a person required to be on the premises in the course of employment.

68 Licensee to notify the Board of prolonged absence from licensed premises

- (1) A licensee shall not be absent from the licensed premises for a period of more than 14 days unless before the absence the licensee gives the Board written notice specifying:

(a) period during which the licensee will be absent; and

(b) the name and address of the person who will be in charge of the premises during the licensee's absence, being a person who is above the age of 18 years old.

- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

69 Licensee not to hinder an authorised officer

- (1) A licensee shall not:

(a) hinder an authorised officer from carrying out the authorised officer's duties under this Act;

- (b) fail to comply with a reasonable requirement of an authorised officer made in accordance with this Act; or
 - (c) fail to provide an authorised officer with reasonable assistance in the exercise of any power under the Act.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

70 Prohibited or restricted advertising or promotion

- (1) The Board may serve a notice on a licensee that prohibits or restricts the advertising or promotion of the sale of liquor by the licensee if, in the opinion of the Board:
- (a) advertising or promotion, or the proposed advertising or promotion is likely to encourage irresponsible consumption of liquor; or
 - (b) it is otherwise in the public interest to do so.
- (2) A licensee on whom the notice is served under subsection (1) shall comply with the notice.
- (3) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

71 False applications

- (1) A person shall not knowingly make a false or misleading statement in an application made for the purpose of the Act.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

72 Liquor not to be sold or served by person who is intoxicated

- (1) A person shall not sell or serve liquor on licensed premises if he or she is intoxicated.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.
- (3) A licensee commits an offence if a person authorised by the licensee to sell or serve liquor on the licensed premises sells or serves liquor whilst intoxicated.
- (4) Any licensee who contravenes subsection (3) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

73 Liquor not to be sold or served to a person under the age of 21 years

- (1) A person shall not sell or serve liquor to a person under the age of 21 years on licensed premises.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.
- (3) A licensee commits an offence if a person authorised by the licensee sell or serve liquor on the licensed premises sells or serves liquor to a person under the age of 21 years old.
- (4) A licensee who contravenes subsection (2) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

74 Liquor not to be supplied to a person under the age of 21 years on licensed premises

- (1) A person shall not supply liquor to a person under the age of 21 years on licensed premises
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

75 Person under the age of 21 years not to enter certain part of licensed premises

- (1) A person under the age of 21 years shall not enter or remain on any part of a licensed premises where a notice specifying the prohibition is displayed in accordance with section 41, except:
 - (a) to have a meal; and
 - (b) in the company of a responsible adult.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

76 Person under the age of 21 years not to produce false evidence of identity

- (1) A person under the age of 21 years shall not use a false document in order to, or attempt to do, anything that a person under the age is prohibited from doing by or under this Act.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

77 Liquor not to be purchased by a person under the age of 21 years

- (1) A person shall not send a person under the age of 21 years:

- (a) to purchase liquor;
- (b) collect liquor from a licensed premises.

(2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

78 Person under the age of 21 years not be given possession or charge of liquor on licensed premises

(1) A licensee or person acting on behalf of a licensee, shall not give a person under the age of 21 years possession or control of liquor on the licensed premises or allow a person under the age of 21 years to have or retain possession or control of liquor on the licensed premises.

(2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

79 Person under the age of 21 years not to consume liquor on licensed premises

(1) A person under the age of 21 years shall not consume liquor on licensed premises.

(2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

80 Person not to have possession or control of liquor on licensed premises

(1) A person under the age of 21 years shall not have possession or control of liquor on licensed premises

(2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

81 Liquor not to be sold or served to intoxicated person

(1) A person shall not sell, supply or serve liquor on licensed premises to a person who is intoxicated.

(2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

(3) A licensee commits an offence if a person authorised by the licensee to sell or serve liquor on the licensed premises sells or serve liquor to a person who is intoxicated.

(4) A licensee who contravenes subsection (3) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

82 Licensee to prevent offences on licensed premises

- (1) A licensee who knows or has reason to believe that an offence under this Act is being, or is about to be, committed on the licensed premises shall take reasonable action to prevent the commission of the offence.
- (2) A licensee who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

83 Liquor not to be brought onto licensed premises

- (1) A person shall not bring liquor onto licensed premises without the consent of the licensee.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

84 Prohibited behavior and language

- (1) A person shall not, on licensed premises;
 - (a) act in a violent, quarrelsome or disorderly manner; or
 - (b) use disgusting, profane or foul language.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

85 Person to leave licensed premises when required to do so

- (1) A person shall leave licensed premises when required to do so by:
 - (a) the licensee or person acting with the authority of the licensee; or
 - (b) a police officeracting in accordance with this Act.
- (2) A person who has:
 - (a) left licensed premises according to subsection (1);
 - (b) has been removed from licensed premises by the police officer acting in accordance with this Act, -shall not reenter or attempt to reenter those premises within the period of 24 hours immediately after leaving or being removed from the premises.
- (3) A person who contravenes subsections (1) and (2) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of not less than 2 years or more than 5 years.

- (4) A police officer may:
- (a) arrest without a warrant a person whom the police officer reasonably believes is committing or has committed, an offence under subsections (1) or (2); and
 - (b) use such reasonable force as may be necessary to remove from licensed premises or the vicinity of the licensed premises a person whom the police officer reasonably believes is committing, or has committed, an offence under subsections (1) or (2).

86 Licensee does not maintain clean and sanitary conditions

- (1) A licensee commits an offence if he or she:
- (a) fails to keep any sanitary appliances provided for use by his or her patrons in good sanitary conditions;
 - (b) fails to keep his or her licensed premises in a clean and sanitary conditions;
- (2) A person who commits an offence under this section is liable on conviction to a fine not exceeding \$20,000 or to a term of imprisonment not exceeding 12 months or to both.

87 Adulterated Liquor

- (1) Any person who adulterates liquor commits an offence.
- (2) Any person who supplies or offers by display or otherwise to supply any adulterated liquor commits an offence.
- (3) Upon conviction of a person under this section, the court shall dispose of the liquor to which the offence relates and any vessels containing that liquor in such manner as the court deems necessary.

88 Offence by corporation

If a corporation commits an offence under this Act, a person who at the time of the commission of the offence was a director, chief executive officer, manager, secretary, or other similar officer of the corporation or was purporting to act in any such capacity or was in any manner or to any extent responsible for the management of any of the affairs of the corporation or was assisting in such management:

- (a) may be charged jointly or severally in the same proceedings with the corporation; and
- (b) if the corporation is found guilty of the offence, shall be deemed to be guilty of that offence unless, having regard to the nature of the person's function in that capacity and to all circumstances, the person proves:
 - (i) that the offence was committed without the person's knowledge, consent or connivance; and

- (ii) that the person had taken all reasonable precautions and exercised due diligence to prevent the commission of the offence.

89 General Penalty

- (1) A licensee who commits an offence under this Act for which no express penalty is provided is liable on conviction to a penalty of up to \$15,000 or to imprisonment for twelve months or both.
- (2) Any other person who is not a licensee under this Act and commits an offence under this Act for which no express penalty is provided shall be liable to a penalty of up to \$20,000 or to imprisonment for two months, or both.

PART 12 – MISCELLANEOUS

90 Notices in writing

Where this Act provides for a notice to be given or an application to be made before the hearing of a matter, that notice or application shall be in writing.

91 Closed days

Any sale or supply of liquor in any of the following days is prohibited:

- (a) Good Friday;
- (b) Christmas Day;
- (c) Sunday; or
- (d) any other day or portion of a day specified for the purposes of this section by the Cabinet by notice in the Gazette.

92 Liability for acts of employees and agents

If any person would be liable under this Act to any punishment or penalty for an act, omission, neglect or default, that person shall be liable to the same punishment or penalty for every such act, omission, neglect or default of any employee or agent of the person's, or of the employee of the agent, if the act, omission, neglect or default was committed:

- (a) by that person's employee in the course of the employee's employment;
- (b) by the agent when acting on behalf of that person; or
- (c) by the employee of the agent in the course of the employee's employment by the agent or otherwise on behalf of the agent acting on behalf of that person,

unless, having regard to the nature of the person's function in that capacity and to all circumstances, the person proves:

- (i) that the offence was committed without the person's knowledge, consent or connivance; and

- (ii) that he had taken all reasonable precautions and exercised due diligence to prevent the commission of the offence.

93 Protection of Board

The Chairperson, Board members, Secretary, an authorised officer or any other person appointed and acting on behalf of the Board or otherwise under this Act is not personally liable for any act done or omitted in good faith in the exercise or performance of the functions, powers or duties of the Board or in exercise or performance of any functions, powers or duties under this Act.

94 Evidence

- (1) In any proceedings under this Act, evidence of delivery or supply of liquor is evidence of a sale of the liquor.
- (2) In proceedings for an offence under this Act, an apparently genuine document purporting to be a certificate signed by the Board certifying a matter relating to an approval or authorisation under this Act is, in the absence of proof to the contrary, proof of the matters so certified.

95 Jurisdiction of the court

The District Court shall have jurisdiction to hear and determine all offences under this Act and, shall have power to impose the penalty or punishment in respect of the offences under this Act.

96 Regulations

The Cabinet may make regulations prescribing all matters which are necessary or convenient to be prescribed for giving effect to this Act.

PART 13 – REPEAL, SAVINGS AND TRANSITIONAL

97 Repeal of Act

The *Liquor Act 1967* is repealed by the provisions of this Act.

98 Savings and transitional provisions

- (1) Despite the repeal of the *Liquor Act 1967*, all appointments, licences, fees, permits and decisions under the Act remain in force.
- (2) Every licence of the following class under the *Liquor Act 1967* immediately before the commencement of this Act shall be deemed for the purposes of this Act to be an:
 - (a) on- licenced premises:
 - (i) tavern licences; and
 - (ii) restaurant licences;
 - (b) off-licenced premises;

(c) Liquor Retailers' Licences.

- (3) Any proceedings instituted or action begun under the repealed Act before the commencement of this Act which has not been determined before the commencement of this Act continues until it has been determined.