

No. of 2018

**VIRGIN ISLANDS**  
**LIQUOR LICENCES ACT, 2018**  
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No. of 2018

Liquor Licences Act, 2018

Virgin  
Islands

I ASSENT

Governor

, 2018

**VIRGIN ISLANDS**

No. of 2018

An Act to regulate the sale of liquor, to provide for a Liquor License Board and to provide for other related and connected matters.

[Gazetted , 2018]

ENACTED by the Legislature of the Virgin Islands as follows:

**PART I**

**PRELIMINARY**

1. This Act may be cited as the Liquor Licences Act, 2018. Short title.
2. In this Act, unless the context otherwise requires Interpretation.

“Appeal Tribunal” means the Appeal Tribunal established under section 59;

“bar” means a building or premises where the predominant activity at the licensed times is for the sale, supply and consumption of liquor;

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

“Board” means the Liquor License Board appointed under section 4;

“Financial Secretary” means the person for the time being performing the duties of Financial Secretary of the Virgin Islands and includes any person acting under his or her instructions;

“gallon” means an imperial gallon;

“hotel” means any building or group of buildings (including all structures appurtenant thereto or within the curtilage thereof) used or intended to be used for the accommodation of guests for gain or reward and containing, or intended to contain when complete, not less than three bedrooms for the accommodation of such guests;

“licence” means any licence granted under this Act;

“licensed” means the person to whom a licence is issued and the premises or vehicle in respect of which a licence is granted under this Act;

“licensed premises” means premises in respect of which a licence has been granted to a person where liquor may be sold, supplied, offered for sale or exposed for sale;

“Licensing days” means days appointed by the Board to be held under this Act for licensing purposes;

“liquor” includes spirits, rum, wine, porter, cider, perry and any fermented, distilled or spirituous liquor;

“members club” means a club where all the property, funds and assets belong jointly to the members, whether such are vested in trustees for the members or otherwise;

“Minister” means the Minister charged with responsibility for Finance;

"nightclub" means licensed premises in respect of which the primary business is the provision of night time entertainment, usually where music, dancing or other reputable entertainment is provided and members of the public gain access whether or not by purchase of a ticket for one period of permitted hours;

“person” includes any company or association or body of persons, corporate or unincorporate;

“police officer” means a member of the Royal Virgin Islands Police Force;

“Register” means the Liquor licence Register established and kept under section 17;

“renewal of licence” means renewal of a licence that shall have been in force in respect of the same premises and in favour of the same person up to the day on which such renewal commences;

“restaurant” means a building or premises in which meals are regularly supplied on sale to the public for consumption on the premises;

“retail” means the trade of selling liquor for consumption off the licensed premises; and

“sale” includes exchange, barter, offering or exposing for sale.

3. The provisions of this Act shall not apply to a medical practitioner, dentist, optician, chemist or druggist registered under the provisions of the Medical Act or any other enactments with respect to any liquor which may be used in preparing or dispensing medicine.

Non-Applicability.

## PART II

### LICENSING BOARD

4.(1) There is established by this Act a Licensing Board (in this Act referred to as the “Board”).

Establishment of Licensing Board.

(2) The provisions of Schedule 1 shall have effect with respect to the constitution and procedure of the Board and otherwise in relation thereto.

5. The functions of the Board are to

Functions of Board.

- (a) receive, consider and determine applications for liquor licences or renewal of liquor licences;
- (b) maintain a register containing a record of liquor licences issued to persons;
- (c) advise the Minister on any policy matters, including the total number of licences granted, matters related to this Act and its administration and any other related legislation;
- (d) make recommendations to the Minister on any matter including policy matters related to this Act and its administration and any other related legislation;
- (e) to assist the Minister in the formulation of policies and strategies relating to this Act and its administration and any

other related legislation; and

- (f) do or cause to be done such other things as the Board considers expedient or necessary for the performance of its functions.

Annual report

- 6. (1) The Board shall within six months of the end of each year, prepare and deliver to the Minister a report of the activities of the Board, including its financial report, and the Minister shall make available such report to Cabinet.

(2) A report made available to the Minister and Cabinet under subsection (1), shall be laid on the table of the House of Assembly before the end of the year immediately following the year to which the annual report relates.

### PART III

### INSPECTORS

Inspectors

- 7. For the purposes of this Act, the Minister shall designate suitable public officers to act as Inspectors, on such terms and conditions as the Minister may determine, including the period of tenure of the public officer.

Duties of Inspectors

- 8. The duties of an Inspector may include, *inter alia*
  - (a) entering and inspecting premises where a notice of application is made for a liquor licence;
  - (b) entering and inspecting premises where liquor is sold;
  - (c) making enquiries to ascertain whether the provisions of this Act are being complied with; and
  - (d) any other functions as may be deemed necessary for the purposes of this Act.

Identification

- 9. An inspector shall be issued with a form of identification signed by the Minister, and upon entering any licensed premises shall produce such form of identification to the holder of a licence, his or her agent or servant.

Assistance to be rendered by the Police

- 10. (1) It shall be the duty of a police officer to assist in the enforcement of this Act, and as soon as reasonably possible report any enforcement steps taken to the Board.



(2) A police officer shall in relation to the duties assigned to an Inspector have the same powers, authorities and privileges as are given by law to the Inspectors.

**PART IV**

**LICENCES GENERALLY**

**11.** (1) Except as permitted by this Act or in accordance with the terms of a licence granted under this Act, it shall not be lawful for a person to sell any liquor by wholesale or retail in the Virgin Islands except by persons licensed to do so or by persons acting on behalf of a licensed person in the course of their immediate employment.

Liquor not to be sold without licence.

- (2) A person who
  - (a) personally or through his or her agent or servant sells liquor without being licensed to do so at the time of such sale; or
  - (b) fails to comply with the terms and conditions of his or her licence

commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding six months.

(3) In any proceedings under this section the onus shall be on the defendant to prove that he or she is licensed under this Act.

**12.** (1) The following kinds of licence may be granted under this Act;

Description of licence.

- (a) a small dealers retail licence which shall entitle the holder to sell liquor in quantities not exceeding two gallons only in and upon the premises in respect of which the licence is granted, and for consumption off such premises;
- (b) a retail licence which shall entitle the holder of the licence to sell liquor in quantities not exceeding ten gallons only in and upon the premises in respect of which the licence is granted, and for consumption off such premises;

- (c) a wholesale licence, which shall entitle the holder of the licence to sell on the premises named in the licence granted, liquor of every description in quantities of not less than five-sixth of a gallon at a time, to be consumed off the premises of the person selling same;
- (d) a night club licence which shall entitle the holder of the licence to sell liquor in and upon the premises in respect of which the licence is granted and for consumption on such premises;
- (e) a members club licence which shall entitle the holder of the licence to sell liquor for consumption on or off such premises to members of such club or visitors or guests of such members;
- (f) a hotel licence which shall entitle the holder to sell liquor on the premises in respect of which the licence is granted for consumption on such premises;
- (g) a restaurant licence which shall entitle the holder of the licence to sell liquor in or upon the premises named in the licence granted and for consumption on or off the premises;
- (h) a bar licence which shall entitle the holder of the licence to sell liquor in or upon the premises named in the licence granted and for consumption on or off the premises;
- (i) a beer licence, which shall entitle the holder of the licence to sell beer for consumption on or off the premises; and
- (j) an events licence which shall be a one off licence for special events which shall entitle the holder of the licence to sell liquor at such time, place or premises as may be stipulated in the licence.

(2) For the purposes of this section a special event includes any entertainment, show, race, festivity, meeting, athletic or other sports and at any other social meeting or gathering where refreshments, including liquor are likely to be sold for such period and subject to such conditions as may be set out in the licence.

**13.** (1) Liquor shall not be manufactured on a large scale for sale on any premises or place unless the owner shall have paid a fee for a stills licence in the sum prescribed in Schedule 4. Stills licence.

(2) Except as provided in sub section (1), no licence under this Act shall be granted in respect of any premises or place where liquor is manufactured.

**14.** (1) A licence granted under this Act shall authorise the holder to sell liquor according to its tenor and not otherwise and any licensed person selling liquor otherwise than in accordance with the tenor of his or her licence shall, in respect of any such sale be deemed to be unlicensed for all intents and purposes.

Authority conferred by licences.

(2) Subject to the provisions of this Act, a person may apply for and hold all or any one or more licences provided for under this Act.

**15.** When a person supplies another person with food, aerated or other drink and liquor, and receives payment, the presumption that such supply of liquor was in pursuance of a contract of sale, shall not be rebutted by any suggestion, allegation or pretence that the payment was in respect of the food, aerated or other drink only.

Presumption of sale on supply of liquor.

**16.** For each licence applied for and granted under this Act there shall be paid the respective fee as set out in Schedule 4.

Fees for licence.

**17.** (1) The Board shall keep a register to be known as the Liquor License Register, which shall be maintained in such form as may be prescribed by the Board, including in an electronic form.

Register.

(2) The Register shall contain particulars of all licences granted including,

- (a) the name of the owner of the premises;
- (b) the names and addresses of all persons licensed under this Act;
- (c) the premises for which the licence is granted;
- (d) the date the license is issued; and
- (e) such other particulars as the Board considers appropriate.

(3) The Board shall cause to be entered in the register of licences, on such form as may be prescribed by the Board, notice of any conviction of a licensed person and notice of any disqualification imposed upon such person under the provisions of this Act.

(4) The Register shall be kept at such place as the Board may from time to time determine which

- (a) shall be open to inspection and search by the public during regular office hours; and
- (b) upon payment of the prescribed fee by a person, copies of pages of the Register may be made.

(5) A person licensed under this Act shall notify the Board in writing of any change in the information provided to the Board at the time of Licensing and shall furnish the relevant current information as soon as practicable.

(6) The Board shall publish annually, the names of Liquor Licence holders, in the *Gazette* and in such other manner as the Board may determine.

## PART V

### PROCEDURE FOR OBTAINING LICENCES

Licensing days.

**18.** (1) For the purposes of this Act the Board shall meet at such times as may be required during the year, which days shall be referred to as licensing days, for the purpose of hearing and considering applications for licences for the sale of liquor.

(2) The Secretary of the Board shall notify the public of such licensing days by public advertisement in the *Gazette* and in at least one local newspaper at least three months before the licensing day.

Notice of application for licence.

**19.** (1) With the exception of a special events licence, a person who wishes to obtain a license or licenses for the sale of liquor shall at least sixty days prior to a licensing day serve on the Board, on the Commissioner of Police and the Commissioner of Inland Revenue a notice in writing of his or her intention to make such application and shall cause such notice to be published in a newspaper in the Virgin Islands.

(2) A notice shall be in the form set forth in Schedule 5 and shall specify the description of the licence for which such person intends to apply, the situation and description of the premises in respect of which he or she intends to apply and the licensing days on which he or she intends to apply.

(3) An application made under subsection (2) may be submitted to the Board electronically.

(4) For the purposes of this Act a person may apply on a licensing day for one or more licence provided for under this Act.

(5) The Board shall sit to hear applications for the grant of special events licence at such place and on such date as may be necessary.

(6) An application for a special events licence shall be made at least ten days before the date of a special event.

**20.** (1) It shall be lawful for an Inspector after service of a notice as provided for in section 19, to enter the premises in respect of which such notice is given and inspect the premises.

Inspection of premises.

(2) A person who either personally or by any person in his or her employ or acting with his or her consent fails to admit an Inspector who demands entry to the premises under subsection (1), commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or in default of payment of the fine to imprisonment for a term not exceeding six months.

**21.** (1) No premises shall be licensed under this Act unless the person applying for such licence produces evidence that the appropriate planning permission, fire safety certificates and other information as may be deemed necessary by the Board have been obtained.

Requirements of premises.

(2) The cost of obtaining such evidence under subsection (1) shall be borne by the applicant.

(3) In addition to the requirements under subsection (1) a night club Licence shall not be granted or renewed in respect of any premises unless the Board is satisfied of the following

(a) that there is on such premises an authorised security officer;

(b) proper and adequate lighting inside and outside of the premises is maintained for the safety of persons entering and leaving the premises;

(c) that there shall be installed proper security cameras operating at all times with images being retained for a period of thirty days and can be made available to a police officer upon request;

(d) an incident log book of all disorderly conduct on the premises maintained by the license holder and kept on the premises; and

(e) any other conditions as may be determined by the Board.

**22.** A person applying for a licence shall appear before the Board on a licensing day, and the Board shall hear any objection which may be made by the Commissioner of Police, the Commissioner of Inland Revenue or any other person to the granting of the licence.

Hearing of application.

Issue of licence by the Board.

**23.** (1) Where the Board considers that a licence should be granted, it shall grant to the applicant a certificate specifying the particular licence to be granted and the situation of the premises in respect of which the licence shall be granted.

(2) The Board shall forward a copy of the certificate granted under subsection (1) to the Commissioner of Inland Revenue.

(3) Upon production of the certificate and on payment of the required fee as prescribed by this Act the Financial Secretary shall grant to the person named in the certificate a licence of the kind and in the relevant form as specified in Schedule 6.

(4) A person who fails to pay the fee payable under subsection (3) within fourteen days of the day on which the certificate was granted by the Board shall pay in addition to the fee, a penalty of twenty per cent of the fee.

(5) The licence granted in sub-section (3) shall be sufficient authority for the person named in the licence to sell liquor on the premises and in the manner prescribed.

Duration of licence.

**24.** A licence granted under this Act shall be in force for a period of one year from the date of issue.

Licence not to be granted to minors.

**25.** A licence under this Act shall not be granted to a person under the age of twenty one years.

Grounds for refusal of application.

**26.** An application for a licence under this Act may be refused on any one of the following grounds;

- (a) in the case of premises not already licensed, if it is unfit for the purpose of the licence for which the application is made, or in the opinion of the Board undesirable to be licensed;
- (b) the applicant is a person of bad character;
- (c) the applicant, having been within the preceding five years the holder of a licence in any part of the Virgin Islands, has allowed the licensed premises to become a nuisance to the neighbourhood;
- (d) the premises for which the application is made are so situated that they cannot be kept under effective police control, or are likely to be a nuisance to the neighbourhood;
- (e) the applicant has neglected to comply with the provisions

of this Act in making his or her application;

- (f) there are sufficient number of premises already licensed to meet the needs of the neighbourhood;
- (g) the applicant is already the holder of, or the applicant for, a licence within three miles of the place in respect of which the application is under consideration;
- (h) a licence previously held by the applicant in respect of premises under his or her own management or immediate supervision has been endorsed or forfeited under the provisions of this Act or of a repealed Liquor Licence Act relating to the endorsing or forfeiture of licences;
- (i) the applicant is a person who has not attained the age of twenty one;
- (j) the premises do not comply with the provisions of section 21.

**27. (1)** At least sixty days before the expiration of a licence granted under this Act the holder of the licence may serve on the Board a notice in writing of his or her intention to renew such licence and the licensing day on which he or she intends to apply.

Application for renewal of a licence.

(2) The following provisions shall have effect with respect to an application under subsection (1) -

- (a) the applicant need not attend in person unless he or she is required by the Board to attend;
- (b) the Board shall not entertain any objection to the renewal of such licence or take any evidence with respect to the renewal of such licence, unless written notice of an intention to object has been served on the holder of the licence and on the Board seven days at least before the licensing day;
- (c) if the applicant raises objection to the notice served on him or her under this section, and the Board on such objection raised finds the notice defective in form or substance, or that it is served out of time, it shall be lawful for the Board to adjourn the session on a licensing day to any convenient

day not being less than seven days from such adjournment, in order to allow a fresh notice to be served on the applicant within a time ordered by the Board.

Issue of licence on renewal.

**28.** After considering the application for the renewal of a licence the Board shall, unless cause be shown to the contrary, grant to the applicant a certificate authorizing the renewal of the licence, and on production of the certificate and the expired licence and upon payment of the required fee in respect of such licence, the Financial Secretary shall issue to the person a licence authorizing the renewal.

License authorising relocation.

**29. (1)** A holder of a licence who wishes to be relocated to some other premises than the premises mentioned in his or her licence shall before the expiration of his or her licence apply to the Board, and the Board upon being satisfied of the fitness of the premises to which such holder wishes to be relocated, may grant a licence authorising the relocation.

(2) In satisfying the Board of fitness of the premises under sub-section (1) the holder of a licence who wishes to relocate shall provide evidence that the appropriate planning permission, fire safety certificates and other information as may be deemed necessary by the Board, have been obtained.

(3) In granting a licence authorizing relocation of premises the Board shall endorse on the licence the description of such premises to which such relocation is authorised and thereupon such premises shall become the licensed premises of the holder of such licence.

Penalty for permitting premises to be used for offences against the Drugs (Prevention of Misuse) Act.  
CAP 178

**30. (1)** A licensed person who permits his or her premises to be used for the commission of any offence under the Drugs (Prevention of Misuse) Act commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or in default of payment of the fine to imprisonment for a term not exceeding twelve months.

(2) Subject to subsection (1) and notwithstanding any other provisions in this Act in addition to the penalty the Court before whom the case is heard may order that the licence be revoked forthwith and that the licensed person be disqualified from holding a licence at such premises or anywhere within the Virgin Islands for such period not exceeding five years as the Court may determine.

(3) For the purposes of this section where the licence holder is a body corporate if any director, secretary or officer of the body corporate or any manager or person in charge of such licensed premises permits the commission of an offence under the Drugs (Prevention of Misuse) Act on such premises then both such person and the body corporate commits an offence and is liable to the penalties under subsection (1).



## PART VI

### ILLICIT SALES

**31. (1)** A person who sells, offers, exposes or keeps for sale any liquor without being licensed or permitted to do so under this Act or at any place where or during any hours when he or she is not authorised by his or her licence to do so commits an offence and is liable

Prohibition of sale of liquor without a licence.

- (a) on a first conviction to the administrative penalty as specified in Schedule 3;
- (b) on a second or subsequent conviction to the administrative penalty as specified in Schedule 3, and he or she may in addition to the administrative penalty be disqualified from holding a licence for the sale of liquor for such term as the Board thinks fit.

(2) Where a person who commits an offence under

- (a) subsection (1) (a) fails to pay the administrative penalty imposed in the time specified he or she shall be proceeded against in Court and if convicted shall be liable to a fine not exceeding five thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding six months;
- (b) subsection (1) (b) fails to pay the administrative penalty imposed in the time specified he or she shall be proceeded against in Court and if convicted shall be liable to a fine not exceeding ten thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding six months.

(3) In the case of a conviction for an offence under this section the Court may if it thinks expedient so to do, declare liquor found in the possession of the offender, and the vessels containing such liquor to be forfeited.

**32.** The occupier of an unlicensed premises in which any liquor is sold, or where such premises are occupied by more than one person every occupier of the premises shall if it is proven that he or she was privy or consenting to the sale, shall be liable to penalties imposed upon persons for the sale of liquor without a licence under section 31.

Occupier of unlicensed premises liable for sale.

Truck system  
unlawful.

**33. (1)** It shall not be lawful to barter, truck, charge, substitute for money, give or deliver in payment or part payment for wages any liquor.

(2) Any barter, truck, charge, substitution, gift or delivery of any liquor contrary to this section shall be deemed a sale of liquor without a licence under section 31.

Penalty for  
supplying liquor  
to be unlawfully  
retailed.

**34.** A person who knowingly sells, delivers or causes to be sold or delivered, directly or indirectly, any liquor to any person to the end that the liquor may be unlawfully sold or consumed in any part of the Virgin Islands, shall be liable to the same penalty as if he or she had sold such liquor without a licence under section 31.

Sale of liquor to  
children and  
young persons.

**35. (1)** A holder of a licence or his or her agent or servant who

(a) knowingly sells or delivers or allows any person to sell or deliver any liquor to any person under the age of eighteen years;

(b) allows a person under the age of eighteen years to enter or remain in a licensed premises during the permitted hours for that licence unless he or she is accompanied by or in the responsible care of a responsible adult,

commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding six months for the first offence and for a second and any subsequent offence to a fine not exceeding two thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding one year imprisonment.

(2) A person who

(a) purchases or obtains liquor for a person under the age of eighteen years;

(b) request that a person under the age of eighteen purchases liquor on his or her behalf

commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding six months.

(3) It shall be a defence to any charge under this section for the person charged to prove that when the liquor was sold or supplied, the person had shown

a document of identification to the person selling or supplying the liquor showing that he or she was eighteen years or older.

(4) The holder of a licence or his or her agent or servant, may refuse to sell or supply liquor to a person unless the person satisfies the holder of the licence, his or her agent or servant of his or her age by showing a document of identification.

(5) For the purposes of this section “document of identification” means a valid driver’s licence, passport or any other valid form of identification issued by the government of the Virgin Islands that

- (a) contains a photograph that could be reasonably be taken of the person; and
- (b) indicates that the person to whom the document was issued is eighteen years old or older.

## PART VII

### REGULATION OF LICENSED PREMISES

**36. (1)** A holder of a licence to sell liquor shall display his or her licence in a prominent or conspicuous place on the premises in respect of which the licence is granted. Licence to be displayed on premises.

(2) A person who fails to comply with the requirements of subsection (1) commits an offence and is liable on summary conviction to a penalty not exceeding one hundred dollars for each day on which such failure continues.

**37.** A person who uses an open or uncovered light of any description when throwing up or drawing off liquor in any cellar, room or place where liquor is kept or stored, commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or in default of payment of the fine to a term of imprisonment not exceeding six months. Penalty for using uncovered lights etc.

**38. (1)** A person holding a licence granted by the Board shall place and fix a sign, which may include an electronic sign, on his or her premises and shall be publicly visible and legible, with his or her name or where the trade is carried on by a company or firm, the name or style of the company or firm and after the name the word "licensed" adding the words necessary to express the trade for which the licence has been granted. Sign board to be affixed to premises.

(2) For the purposes of this Act electronic signs shall be prohibited in residential areas.

(3) Where a person fails to place and fix such a sign on his or her licensed premises, he or she commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars for each and every day during which such neglect continues.

## PART VIII

### ADULTERATION

Penalty for  
adulteration of  
liquor.

- 39. (1)** A person who
- (a) unlawfully mixes or causes to be mixed with any liquor sold or exposed by him or her
    - (i) any deleterious ingredient that is to say any of the ingredients specified in Schedule 7;
    - (ii) any ingredient deleterious to health;
  - (b) knowingly sells or keeps or exposes for sale any liquor mixed with any deleterious ingredient (in this Act referred to as adulterated liquor); or
  - (c) being a licensed person has in his or her possession any adulterated liquor knowing it to be adulterated or any deleterious ingredient specified in Schedule 7, or added to such Schedule, for the possession of which he or she is unable to account to the reasonable satisfaction of the Court,

commits an offence and is liable on summary conviction for the first offence to a fine not exceeding ten thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding five years and for a second or any subsequent offence to a fine not exceeding twenty thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding ten years and in either case all adulterated liquor in his or her possession with the vessels containing it shall be forfeited.

(2) A person convicted for an offence under this section may, by order of the Court be disqualified from holding a licence for the sale of liquor for such term as the Court may think fit.

## PART IX

### HOURS OF OPENING AND CLOSING

**40.** (1) The hours of opening and closing in respect of the sale or supply of liquor in or upon premises licensed under this Act shall be as specified in Schedule 8. Opening Hours.

(2) For the removal of doubt this section does not affect the operating hours of businesses under any other enactment.

(3) Notwithstanding subsection (1), it shall be lawful for the Board on an application made in writing to grant a special licence to keep any premises open until after the prescribed hour on any special occasion on such day or days and for such times as may be specified in the licence.

(4) A special licence under subsection (3) shall only apply for the day or days and premises for which it is granted and the proof of any such special licence in any proceedings taken for an offence against this law shall be on the defendant.

(5) A person who fails to comply with the provisions of this section and section 41 commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars and for any subsequent offence to a fine not exceeding five thousand dollars.

Prohibitions  
during hours of  
closing.

- 41.** Except during the permitted hours under this Act,
- (a) a licensed holder shall not personally or by his or her servant or agent
    - (i) sell liquor in the licensed premises; or
    - (ii) permit the consumption of liquor in the licensed premises;
  - (b) a person shall not purchase liquor in the licensed premises;
  - (c) a person shall not consume liquor in the licensed premises;  
or
  - (d) a person shall not take liquor from the licensed premises.

Penalty for persons found on premises during closing hours.

**42.** Where during any period during which any premises are required under the provisions of this Act to be closed and any person is found on such premises, he or she unless the Court is satisfied that his or her presence on such premises was not in contravention of the provisions of this Act with respect to the closing of licensed premises, commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars.

## **PART X**

### **PROVISIONS FOR PRESERVING ORDER**

Penalties for permitting drunkenness, keeping disorderly house, permitting gaming etc.

**43. (1)** The holder of a licence shall not permit drunkenness or any violent, quarrelsome or riotous conduct to take place in his or her licensed premises.

**(2)** Where a licensed person

- (a)** permits drunkenness or any violent, quarrelsome or riotous conduct to take place on his or her licensed premises;
- (b)** sells any liquor to any drunken person;
- (c)** knowingly permits his or her premises to be the habitual resort or place of meeting of reputed prostitutes, whether the object of their so resorting or meeting is for or not for prostitution, if he or she allows them to remain there longer than is necessary for the purpose of obtaining a reasonable refreshment;
- (d)** supplies any liquor, whether by way of gift or sale, to any police officer or Inspector on duty, unless by authority of some superior officer;
- (e)** bribes or attempts to bribe any police officer or Inspector;  
or
- (f)** suffers any gaming or unlawful games to be carried on in his or her premises;

he or she commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding six months.

(3) Where a licensed person is charged under subsection (2) (a) with permitting drunkenness, and it is proved that any person was drunk on the licensed premises, the burden of proving that the licensed person and the persons employed by the licensed person took all reasonable steps for preventing drunkenness in the premises shall lie upon the licensed person.

**44.** Where a licensed person permits his or her premises to be a brothel or as the habitual resort or place of meeting of reputed prostitutes whose object is to attract or solicit prostitution services, he or she commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding two years and he or she shall be disqualified indefinitely from holding any licence for the sale of liquor.

Penalty for permitting premises to be a brothel.

**45. (1)** A licensed person may refuse to admit to and may expel from the licensed premises, any person who is drunken, violent, quarrelsome, or disorderly, or whose presence in his or her premises would subject the licensed person to a penalty under this Act.

Power to exclude drunkards from licensed premises.

(2) A person who upon being requested in pursuance of this section by a licensed person, or his or her agent or servant or any police officer to leave the premises, and refuses or fails to do so commits an offence and is liable to an administrative penalty as specified in Schedule 3.

(3) Where a person who commits an offence under subsection (2) fails to pay the administrative penalty imposed in the time specified he or she shall be proceeded against in Court and if convicted shall be liable to a fine not exceeding one thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding three months.

(4) A police officer shall on the request of a licensed person or his or her agent or servant, help to expel any person liable to be expelled from the premises under this section and may use reasonable force as may be required for the purpose.

## PART XI

### ENTRY ON PREMISES

**46. (1)** An Inspector may for the purpose of preventing or detecting the violation of any of the provisions of this Act at any time enter licensed premises.

Inspector may enter licensed premises for enforcement of Act.

(2) An Inspector may as often as he or she thinks fit at any time during

which a licensed premises may legally be open, visit and enter such premises and inspect, open, gauge, test and examine all and any casks, vessels and packages on such premises, containing or which he or she may supposed to contain such liquor, and take account of all liquor on such premises.

(3) A person who either personally or by any person in his or her employment or acting with his or her consent, refuses or fails to admit an Inspector who demands entry in pursuance of this section, commits an offence and is liable to an administrative penalty specified in Schedule 3.

(4) Where a person who commits an offence under subsection (3) fails to pay the administrative penalty imposed in the time specified he or she shall be proceeded against in Court and if convicted shall be liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding three months.

Procuring  
samples of liquor

**47.** (1) An Inspector may procure samples of liquor from a person selling, keeping or exposing the liquor for sale.

(2) For the purposes of this section and section 48 a person selling, keeping or exposing liquor for sale shall be referred to as a vendor.

(3) An Inspector may procure samples of liquor from a vendor either by purchasing it or by requiring the vendor to show and allow him or her to inspect the vessels in which any liquor in the possession of the vendor is stored and the place of storage, and the vendor shall give the Inspector samples of liquor on payment or tender of the value of such samples.

(4) Where a vendor, his or her agent or servant, when required in pursuance of this section,

- (a) refuses or fails to admit an Inspector;
- (b) refuses or wilfully omits to show any of the vessels in which liquor is stored, or the place of the storage of the liquor,
- (c) refuses to permit the Inspector to inspect the liquor;
- (d) refuses to give any samples of the liquor,
- (d) interrupts or obstructs any Inspector while in the execution of his or her duties,

he or she commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment of the fine to a term of



imprisonment not exceeding six months.

**48.** (1) Where an Inspector procures samples of liquor under the provisions of this Act he or she shall cause the sample to be analysed by such person as the Board may from time to time appoint to analyse samples.

Analysing of samples of liquor.

(2) Subject to subsection (1), reasonable notice shall be given by the Inspector procuring the samples, to the vendor by whom such samples were furnished, to enable the vendor, if he or she so desires, to attend at the time when the samples are opened for analysis.

(3) A vendor may require the Inspector procuring the samples under section 47, to annex the vendor's name and address in his or her presence to every vessel containing samples for analysis, and the vessel containing such samples and the name and addresses annexed to the vessel shall be sealed in such manner that the vessel cannot be opened, or the name and address taken off unless such seals are broken.

(4) Any expense incurred in analysing any liquor of a vendor in pursuance of this section shall, if such vendor is convicted of an offence under section 39, be deemed to be a portion of the costs of the proceedings against the vendor and shall be paid by the vendor.

**49.** (1) A licensed person shall when required to by an Inspector point out to such Inspector all liquor on his or her licensed premises.

Licensed persons to point out liquor to Inspector

(2) A licensed person who acts in contravention of subsection (1) commits an offence and is liable to an administrative penalty as specified in Schedule 3.

(3) Where a person who commits an offence under subsection (2) fails to pay the administrative penalty imposed in the time specified he or she shall be proceeded against in Court and if convicted shall be liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding three months.

**50.** (1) A Magistrate, if satisfied by information on oath that there is reasonable grounds to believe that any liquor is

Search warrant for detection of liquor sold or kept contrary to law.

- (a) sold;
- (b) exposed;
- (c) kept for sale; or
- (d) unlawfully concealed

at any place in the Territory, whether in a building or not, in which such liquor is not authorised to be sold, he or she may in his or her discretion grant a warrant under his or her hand, by virtue where it shall be lawful for a police officer, at any time or times within one month from the date the warrant is issued, to enter the place named in the warrant.

(2) A police officer who obtains a warrant under subsection (1) may enter the place named in the warrant by force, if need be, and search the place for liquor and seize and remove any liquor found or vessels containing such liquor found in the place, which the police officer has reasonable grounds for supposing to be in the place for the purpose of unlawful sale at that or any other place.

(3) A person who either personally or by any other person in his or her employment, or acting with his or her consent, refuses or fails to permit a police officer demanding to enter in pursuance of this section into any premises or place occupied by or under the control of such person commits an offence and is liable to an administrative penalty as specified in Schedule 3.

(4) Where a person who commits an offence under subsection (3) fails to pay the administrative penalty imposed in the time specified he or she shall be proceeded against in Court and if convicted shall be liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding three months.

(5) When a police officer enters any premises in pursuance of this section and seizes and removes such liquor, any person found at the time on the premises shall, until the contrary is proven, be deemed to have been on such premises for the purpose of illegally dealing in liquor and commits an offence and is liable to an administrative penalty as specified in Schedule 3.

(6) Where a person who commits an offence under subsection (5) fails to pay the administrative penalty imposed in the time specified he or she shall be proceeded against in Court and if convicted shall be liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding three months.

**51. (1)** A police officer of the rank of Superintendent or above, in event of a riot, tumult or civil unrest happening or is expected to happen, may order every licensed person whose licensed premises are in or near the place where such riot, tumult or civil unrest happens or is expected to happen, to close such premises for such time as may be specified by the police officer of the rank of Superintendent or above for the preservation of public peace.

Police to close premises in case of riot.

(2) Where a person keeps open his or her premises for the sale of liquor in contravention of an order under subsection (1), it shall be lawful for any person, acting by order of a police officer of the rank of Superintendent or above,

to use such force as may be necessary for the purpose of closing such premises and the person so keeping open his or her premises commits an offence and is liable to an administrative penalty as specified in Schedule 3.

(3) Where a person who commits an offence under subsection (2) fails to pay the administrative penalty imposed in the time specified he or she shall be proceeded against in Court and if convicted shall be liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding three months.

## **PART XII**

### **REPEATED CONVICTIONS**

**52.** (1) Where a licensed person whose licence is recorded with two convictions for offences committed by him or her against this Act and is convicted of any other offence against this Act, a Magistrate may order

Forfeiture of licence on third conviction.

- (a) that the licence of such person be forfeited and that he or she be disqualified from holding a licence for a period not exceeding ten years from the date of the third conviction; and
- (b) that the premises in respect of which his or her licence was granted be disqualified from receiving any licence for a term not exceeding five years from the date of the third conviction.

(2) Nothing in this section shall be construed as intending to limit or effect any liability or disqualification to which any person may be subject under any other section of this Act.

## **PART XIII**

### **ADMINISTRATIVE PENALTIES**

**53.** (1) The Board may, subject to subsection (2), impose an administrative penalty on a person who fails to comply with a requirement imposed by this Act.

Administrative penalties.

(2) The Board shall not impose a penalty if it is satisfied that the person took all reasonable steps and exercised due diligence to ensure that the requirement would be complied with.

(3) The Board, in deciding whether to impose a penalty on a person under subsection (1), shall take into account the matters specified in section 56.

(4) A person who commits the offences outlined in Column 2 of Schedule 3 is liable to the administrative penalties prescribed in Column 3 of Schedule 3.

(5) The Board may recover a penalty imposed by virtue of this section in civil proceedings as a debt.

(6) A penalty imposed by virtue of this section shall be paid into the Consolidated Fund.

Procedure to be followed by Board.

**54.** (1) The Board shall, before imposing an administrative penalty under this Act, give written notice to the person stating

- (a) the intention to impose and the reason for the intention to impose the penalty;
- (b) the amount of the proposed penalty; and
- (c) the entitlement of the person to make representation to the Board in accordance with subsection (3).

(2) The penalty notice shall inform the person that if he or she does not wish to be prosecuted for the alleged offence in Court, he or she may pay to the Board within the time specified the amount of the administrative penalty as specified for the offence.

(3) Where a person receives a penalty notice, that person shall, within twenty-one days from the date of the notice, make representation to the Board as to why he or she should not be required to pay the penalty.

(4) The Board may at any time prior to the issuing of a penalty notice under subsection (1), withdraw the notice and substitute a new notice stating a different penalty.

(5) The Board shall notify the person of its decision under subsection (4) and, where it varies the penalty, of the further steps (if any) it has taken in relation to the person.

(6) Before imposing an administrative penalty on a person, the Board shall consider any representations received under subsection (3).

(7) Subject to subsection (8), a person that receives a penalty notice shall pay the penalty stated in the notice to the Board within such period as the Board may determine.

(8) The Board may agree to the payment of an administrative penalty in installments over such period of time as it considers appropriate.

**55. (1)** The Board shall not issue a penalty notice to a person with respect to a contravention after the end of the period of two years commencing on the date that the Board first knew of the contravention. Limitation period.

(2) For the purposes of subsection (1), the Board is deemed to know of a contravention if it has information from which the contravention can reasonably be inferred.

**56.** In determining the administrative penalty to be imposed on a person, the Board Determination of appropriate penalty.

(a) shall take into account the following matters:

- (i) the nature and seriousness of the contravention;
- (iii) whether the person has previously contravened the Act;
- (iv) whether the contravention was caused by the negligence of the person; and
- (iv) the ability of the person to pay the penalty, including any gain resulting to the person as a result of the contravention; and

(b) may take into account such other matters as it considers appropriate.

**57.** A person who receives a penalty notice and fails to pay the administrative penalty as provided in Schedule 3 within the time specified in the notice shall be deemed to have declined to be dealt with under the provisions of this part and shall be proceeded against in Court and if convicted shall be liable to the court penalties as specified in this Act. Failure to pay administrative penalty.

**58.** In any proceedings a certificate that payment of an administrative penalty was or was not made to the Board by the date specified in the notice shall, if the certificate purports to be signed by the Secretary of the Board to be sufficient evidence of the facts stated, unless the contrary is proven. Certificate of payment or non-payment of administrative penalty.

## PART XIV

### APPEALS PROCESS

Appeals  
Tribunal.

**59.** (1) There is established by this Act an Appeal Tribunal which shall perform the function of hearing appeals from any decision of the Board.

(2) The provisions of Schedule 2 have effect with respect to the constitution and procedure of the Appeal Tribunal and otherwise in relation thereto.

Appeal to  
Tribunal.

**60.** (1) A person aggrieved by any decision of the Board may, within fourteen days of receiving written notice of the decision, appeal to the Appeal Tribunal in the manner prescribed.

(2) An appeal of a decision of the Board to impose an administrative penalty shall not operate as a stay on the obligation of the person to pay the penalty.

(3) An appeal under subsection (1) shall set out

- (a) the decision being appealed against;
- (b) the name and address of the appellant;
- (c) concisely the grounds on which the appellant wishes to appeal against the decision.

Procedure of  
Appeal Tribunal.

**61.** (1) In hearing an appeal the Appeal Tribunal shall

- (a) have regard to any documentary or other evidence which the Board has relied upon in arriving at its decision;
- (b) have regard to the decision of the Board and the reasons for the decision;
- (c) have regard to any documentary or other evidence provided by the appellant;
- (d) allow the appellant and the Board, if any of them wishes to do so, to be represented by a legal practitioner or other representative of choice.

Decision of  
Appeal Tribunal

**62.** The Appeal Tribunal may after hearing an appeal

- (a) affirm the decision appealed against;
- (b) vary the decision appealed against; or
- (b) set aside the decision appealed against and remit the matter concerned for reconsideration by the Board in accordance with such direction as the Tribunal may consider fit and specify.

(2) As soon as reasonably practicable after the decision of the Appeal Tribunal, the Secretary of the Appeal Tribunal shall send to the appellant, the Board and the Minister, written notification of the determination of the appeal together with reasons for the determination.

**63.** Where the Board refuses to grant a certificate for the renewal of a licence required under section 26 and an appeal against such refusal is made and such licence expires before the appeal is determined the Licensing Board may if it thinks fit permit the person whose licence is refused to carry on his or her business during the pendency of the appeal upon such conditions as it thinks just.

Permission to sell while appeal is pending.

**64.** Nothing in this Act shall affect the right of a person to appeal a decision of the Board before the High Court.

Appeal before High Court.

## PART XVI

### MISCELLANEOUS

**65.** All goods or items forfeited under this Act shall be sold or otherwise disposed of as the Court may in its discretion direct, and the proceeds shall be paid into the Consolidated Fund.

Application of penalties.

Proof of sale or consumption of liquor.

**66.** (1) In proving the sale or consumption of liquor under this Act whether in respect of a licensed or unlicensed premises, it shall not be necessary to prove that any money actually passed, or that any liquor was actually consumed, if the Court hearing the case is satisfied that any transaction in the nature of a sale actually took place, or that any consumption of liquor was about to take place or had taken place.

(2) Proof of consumption or intended consumption of liquor on any premises whether licensed or unlicensed, by some person other than the owner or occupier of, or an agent or servant employed on, such premises shall be evidence that such liquor was sold in or on such premises by or on behalf of the holder of the licence, where such premises are licensed, or by or on behalf of the owner or

occupier of the unlicensed premises, where such premises are unlicensed.

Service of notice.

**67.** Any notice or other document required or authorised to be given or served under this Act or under any regulation, order, direction or other instrument made under this Act may be served on or given to the person concerned

- (a) by delivering it to that person;
- (b) by leaving it at the usual or last known place of abode of that person;
- (c) by sending it by registered mail addressed to that person at his or her usual or last known place of abode or business or, where an address for service has been given by that person, to that address;
- (d) in the case of a body corporate, or unincorporated body, by delivering it to the secretary or other officer of that body at its registered or principal office in the Territory, or by sending by registered mail addressed to the secretary or other officer of that body at that office;
- (e) where a facsimile number has been provided by a person, by a facsimile transmission which provides confirmation of receipt; or
- (f) where an email address has been provided by a person, by forwarding the document or notice by email.

Production of licence.

**68.** (1) A holder of a licence under this Act shall either personally or by his or her agent or servant produce such licence within forty eight hours after the production of the licence is demanded by a Magistrate, Inspector or police officer and he or she shall deliver the licence to be read and examined.

(2) A person who fails to comply with the provisions of this section commits an offence and is liable to an administrative penalty as specified in Schedule 3.

(3) Where a person who commits an offence under subsection (2) fails to pay the administrative penalty imposed in the time specified he or she shall be proceeded against in Court and if convicted shall be liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding three months.



- 69.** Cabinet may, by Order published in the *Gazette*, and after consultation with the Board, amend the Schedules to this Act in such manner as it considers necessary. Amendment of Schedules.
- 70.** (1) The Minister may make regulations generally for the better carrying out of the objects and purposes of this Act. Regulations.
- 71.** The Liquor Licence Act is repealed. Repeal. CAP 106
- 72.** (1) A licence in force granted under the Liquor Licence Ordinance Cap 106 immediately before the commencement of this Act shall continue in force and be subject to the permitted hours and the sums payable made under this Act until its expiry. Transitional provision.
- (2) Where an application for the renewal of a licence or relocation of premises has been made prior to the commencement of this Act but not completed up on the commencement of this Act, such application shall be dealt with and finalised as if made under this Act.

## SCHEDULE 1

[Section 4(2)]

### CONSTITUTION AND PROCEDURE OF THE BOARD

Membership of Board and gazetting of membership.	<p><b>1.(1)</b> The Board shall consist of the following members;</p> <ul style="list-style-type: none"><li>(a) a legal practitioner with at least five years' standing;</li><li>(b) a representative of the Chamber of Commerce and Hotel Association;</li><li>(c) a representative of the Ministry of Finance nominated by the Minister of Finance;</li><li>(d) a person possessing a social work background or representing the religious community;</li><li>(e) a senior member of the police force.</li></ul> <p>(2) The names of all members of the Board as first constituted, and every change in the membership of the Board shall be published in the <i>Gazette</i>.</p>
Tenure of office.	<p><b>2.</b> A member of the Board shall hold office for a period not exceeding three years, but is eligible for re-appointment.</p>
Remuneration.	<p><b>3.</b> The members of the Board shall be paid such remuneration as may be prescribed by the Minister and such remuneration shall be charged on the Consolidated Fund.</p>
Chairperson.	<p><b>4.</b> The Minister shall appoint one of the members of the Board to be the Chairperson and another to be the Deputy Chairperson of the Board.</p>
Resignation.	<p><b>5. (1)</b> The Chairperson may at any time resign from the Board by notice in writing addressed to the Minister.</p> <p>(2) A member of the Board, other than the Chairperson, may at any time resign from the Board by notice in writing addressed to the Minister and transmitted through the Chairperson.</p>
Filing of Vacancy.	<p><b>6.</b> If any vacancy occurs in the membership of the Board, such vacancy shall be filled by the appointment of a new member, who shall hold office for the remainder of the period for which the previous member was appointed.</p>

**7.** (1) The Minister shall designate a suitable public officer to act as Secretary to the Board and on such terms and conditions as the Minister may determine, including the period of tenure of the public officer. Secretary to the Board.

(2) There shall be a Secretary to the Board who shall be responsible for

- (a) keeping a record of the proceedings of the Board;
- (b) issuing correspondences as directed by the Board; and
- (c) performing such other duties as the Board may direct.

(3) The Secretary shall at all times devote adequate time to the work of the Board in order to ensure the efficient and effective transaction of the business of the Board.

**8.(1)** The Chairperson shall preside at all meetings of the Board and in his or her absence the Deputy Chairperson shall preside. Meetings of the Board.

(2) In the absence of both the Chairperson and the Deputy Chairperson, the members present shall elect one of the members present to preside.

(3) The quorum of the Board at any meeting shall be three persons.

(4) The Board shall meet as and when necessary for the transaction of its business and such meetings shall be held at a time and a place the Chairperson may determine.

(5) Three or more members of the Board may submit a petition in writing to the Chairperson requesting special meeting of the Board and the Chairperson upon receipt of such petition shall convene a special meeting of the Board.

(6) The decisions of the Board shall be by a majority vote of the members present and in the event of a tie the Chairperson or in his or her absence, the member presiding at a meeting shall have a casting vote.

(7) The Board shall cause proper records of its proceedings to be kept and maintained in proper form by the Secretary.

(8) The proceedings of the Board shall not be invalid by reason only of the existence of a vacancy amongst the members of the Board or by any defect in the appointment of any member of the Board.

**9.** In the event of the temporary incapacity of a member, whether by reason of illness or other sufficient cause, or the temporary absence from the Incapacity of members.

Territory of any member, the Minister may appoint some other person to act as a temporary member for so long as the incapacity or absence continues.

Disclosure of interest.

**10. (1)** Where a matter is to be decided by the Board at a meeting, any member present at the meeting who has an interest in the matter shall, at that meeting disclose the nature of the interest in advance of any consideration of the matter.

(2) Where a member discloses an interest under this section

(a) the disclosure shall be recorded in the minutes of the meetings; and

(b) the member shall not, unless the Board otherwise determines

(i) be present during any deliberations by the Board on that matter; or

(ii) take part in any decision of the Board relating to the matter.

(3) A member who fails to declare an interest as required under subsection (1) or in making a declaration provides a false or misleading statement in the declaration shall be liable to be removed from office.

Members not personally liable.

**11.** No member of the Board shall be personally liable for any act or default done or omitted to be done in good faith in the performance of his or her or the Boards functions under this Act.

Seal of the Board.

**12. (1)** The Board shall have and use as occasion may require a Seal, having a device or impression with the inscription "The Liquor Licence Board".

(2) The Seal of the Board shall be kept in the custody of the Secretary, and shall be affixed to all documents issued by the Board.

(3) The seal shall be authenticated by the signatures of the Chairperson and the Secretary, or such other member authorised to do so by the Board.

Board to prescribe its own procedure.

**13.** Subject to the provisions of this Act, the Board may prescribe its own procedure.

## SCHEDULE 2

[Section 59(2)]

### CONSTITUTION AND PROCEDURE OF THE TRIBUNAL

- 1. (1)** The Tribunal shall consist of the following persons; Constitution and membership.
- (a) the Financial Secretary or his or her representative;
  - (b) a legal practitioner with at least ten years' experience;
  - (c) a person with knowledge, experience and expertise in medical practice;
  - (d) a person with knowledge, experience and expertise in social work; and
  - (e) a person representing the religious community or any other fit and proper person.
- (2) The names of all members of the Tribunal as first constituted, and every change in the membership of the Tribunal shall be published in the *Gazette*.
- 2.** The tenure of office of a member shall, subject to this Schedule, be a period not exceeding two years, but such member shall be eligible for re-appointment. Tenure of office.
- 3.** For each sitting of the Tribunal the members, shall be paid such remuneration as may be prescribed by the Minister, and such remuneration shall be charged on the Consolidated Fund. Remuneration.
- 4.** The Minister shall appoint one of the members of the Tribunal to be the Chairperson and another to be the Deputy Chairperson of the Tribunal. Chairperson and Deputy Chairperson
- 5.** A member of the Tribunal may resign from his or her office at any time by notice in writing to the Minister. Resignation.
- 6.** The Minister may remove from office any member of the Tribunal for inability, misbehaviour or on the ground of any employment or interest which is incompatible with the functions of a member of the Tribunal. Removal from office.
- 7. (1)** The Minister shall designate a secretary to the Tribunal and such other officers as may be necessary to provide assistance to the Tribunal. Staff of the Tribunal.
- (2) The Secretary to the Tribunal shall

- (a) be responsible for receiving notices of appeal and other documentation which the Appeal Tribunal has authority to receive and deal with;
- (b) be responsible for ensuring that appeals received by the Appeal Tribunal are in compliance with the provisions of this Act and the Regulations;
- (c) be responsible for sending out notices and other correspondences to parties to an appeal; and
- (d) perform such other duties as the Appeal Tribunal may direct from time to time.

(3) The acts of the Appeal Tribunal shall be authenticated by the signature of the Chairperson or Secretary of the Tribunal

Filling of vacancies.

**8.** If any vacancy occurs in the membership of the Tribunal such vacancy shall be filled by the appointment of another member who shall hold office for the remainder of the period for which the previous member was appointed and the appointment shall be made in the same manner and from the same category of persons as the appointment of the previous member.

Meeting of Tribunal.

**9. (1)** The Tribunal shall meet at such times as may be necessary or expedient for the transaction of business and hearing of appeals, and such meetings shall be held at such places and times and on such days as the Tribunal determines.

(2) The Chairperson, or in his or her absence the Deputy Chairperson shall preside at meetings of the Tribunal.

(3) If, at any meeting of the Tribunal, the Chairperson and Deputy Chairperson are absent, the members present shall elect one of the members present to preside.

(4) The quorum of the Tribunal shall be three members.

(5) The decisions of the Tribunal shall be by a majority of votes of members present and voting, and in the event of an equality of votes, the Chairperson shall have a casting vote in addition to his or her own original vote.

Declaration of interest.

**10. (1)** It shall be the duty of a member of the Tribunal who is in any way directly or indirectly interested in a matter coming before the Tribunal to declare

the nature of his or her interest in the matter as soon as it is practicable for him or her to do so, and he or she shall remove himself or herself from any meeting of the Tribunal on that matter, and take no part directly or indirectly in any decision, deliberation, discussion, consideration or similar activity of the Tribunal on that matter.

(2) Where the Tribunal lacks a quorum in relation to an appeal owing to the number of members, who have declared an interest in that appeal, the Minister shall, for the purposes of that appeal, revoke the appointment of those members and appoint other persons in their stead.

(3) A member who fails to declare an interest as required under subsection (1) or in making a declaration provides a false or misleading statement in the declaration shall be liable to be removed from office.

**11.** The validity of any proceedings of the Tribunal shall not be affected by any vacancy amongst the members or by any defect in the appointment of a member. Validity of proceedings.

**12.** No member of the Tribunal shall be personally liable for any act or default done or omitted to be done in good faith in the performance of his or her or the Tribunal's functions under this Act. Members not personally liable.

**13.** Subject to this Schedule, the Tribunal shall have power to regulate its own proceedings. Regulating proceedings.

### SCHEDULE 3

[Sections 31(1) (a) (b), 45(2), 46(3),  
49(2),50(3), 50(5), 51(2), 68(2)]

#### ADMINISTRATIVE PENALTIES

Section of Act Breached	Type of Breach	Administrative Penalty
Section 31(1) (a)	Sale of liquor without a licence-	
Section 31(1)(b)	first conviction	\$2,000.00
	second conviction	\$5,000.00
Section 45(2)	Refusing to leave premises when requested to do so.	\$250.00
Section 46(3)	Refusing to admit Inspector to enter on premises.	\$500.00
Section 49(2)	Refusal to point out liquor to Inspector	\$500.00
Section 50(3)	Refusal to allow police officer to enter to carry out a search warrant to detect liquor sold or kept contrary to the law.	\$500.00
Section 50(5)	Illegally dealing in liquor	\$500.00
Section 51(2)	Keeping premises for the sale of liquor in contravention of order to close	\$500.00
Section 68(2)	Failure to produce licence for inspection	\$500.00



## SCHEDULE 4

[Section 16]

Type of Licence	Fee
Small Dealer Retail Licence	\$ 600.00
Retail Licence	\$1,000.00
Wholesale Licence	\$2,500.00
Night Club Licence	\$1,000.00
Hotels (with less than 10 rooms)	\$250.00
Hotels (with 10 to 25 rooms)	\$500.00
Hotels (with 25 to 50 rooms)	\$750.00
Hotels (with more than 50 rooms)	\$1000.00
Hotels (with stock beverages)	The Hotel fee based on the number of rooms and an additional fee of \$50.00 for stock beverages.
Hotels (Bars under the proprietorship of the Hotel)	
	The Hotel fee based on the number of rooms and an additional fee of \$150.00 for bars under the proprietorship of the Hotel.
Restaurant Licence	\$ 500.00
Bar Licence	\$ 300.00
Beer Licence	\$ 150.00

Special events Licence	50.00 ( 3 or more consecutive days at \$25.00 per day)
Stills Licence	\$ 250.00

**SCHEDULE 5**

[Section 19(2)]

*To: The Liquor Licence Board*

*and*

*The Commissioner of Police and  
the Commissioner of Inland  
Revenue*

I \_\_\_\_\_ now residing at \_\_\_\_\_ do hereby give notice  
that it is my intention to apply to the Liquor Licence Board on the \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_, for a \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ licence/s to  
sell liquor on my premises situated at \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed

**SCHEDULE 6**

[Section 23(3)]

**FORM A**

Liquor Licences Act.

Retail Licence.

\_\_\_\_\_ is hereby granted a retail licence to sell liquor in quantities not exceeding ten gallons on his/her premises situated at \_\_\_\_\_ between the hours provided in the Liquor Licences Act. This licence shall continue in force from the \_\_\_ day of \_\_\_\_\_ 20\_\_\_, to the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_ unless the same shall be forfeited under any of the provisions of the Liquor Licences Act or any amendment/s thereto.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_.

.....  
Chairperson of the Board

**FORM B**

Liquor Licences Act

Wholesale Licence.

\_\_\_\_\_ is hereby granted a wholesale licence to sell liquor to sell liquor in quantities of not less than five-sixth of a gallon at any one time on his or her premises situated at \_\_\_\_\_ between the hours provided in the Liquor Licence Act. This licence shall continue in force from the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, to the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_ unless the same shall have been forfeited under any of the provisions of the Liquor Licences Act or any amendment/s thereto.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_.

.....  
Chairperson of the Board

**FORM C**

Liquor Licences Act.

Night Club Licence.

\_\_\_\_\_ is hereby granted a night club licence to sell liquor by retail to be drunk or consumed on the said Night Club premises situate at \_\_\_\_\_ between the hours provided in the Liquor Licence Act. This licence shall continue in force from the \_\_\_ day of \_\_\_\_\_, 20\_\_ to the \_\_\_ day of \_\_\_\_\_, 20\_\_ unless the same shall have been forfeited under any of the provisions of the Liquor Licences Act or any amendment/s thereto.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

.....  
Chairperson of the Board

**FORM D**

Liquor Licences Act.

Members Club Licence.

\_\_\_\_\_ is hereby granted a Members club licence to sell liquor by retail to be drunk or consumed on or off the said Members Club premises situate at \_\_\_\_\_ between the hours provided in the Liquor Licence Act. This licence shall continue in force from the \_\_\_ day of \_\_\_\_\_, 20\_\_ to the \_\_\_ day of \_\_\_\_\_, 20\_\_ unless the same shall have been forfeited under any of the provisions of the Liquor Licences Act or any amendment/s thereto.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

.....  
Chairperson of the Board

**FORM E**

Liquor Licences Act.

Hotel Licence

\_\_\_\_\_ is hereby granted a hotel Licence to sell liquor to be drunk or consumed on his/her premises situate at \_\_\_\_\_ between the hours provided in the Liquor Licence Act . This licence shall continue in force from the \_\_\_\_\_ day of \_\_\_\_\_ , 20\_\_ to the \_\_\_\_\_ day of \_\_\_\_\_ , 20\_\_ unless the same shall have been forfeited under any of the provisions of the Liquor Licences Act, or any amendments thereto.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ , 20\_\_\_\_\_.

.....  
Chairperson of the Board

**FORM F**

Liquor Licences Act.

Restaurant Licence.

\_\_\_\_\_ is hereby granted a Restaurant licence to sell liquor to be drunk or consumed on or off his/her premises situated at \_\_\_\_\_ between the hours provided in the Liquor Licence Act . This licence shall continue in force from the \_\_\_\_\_ day of \_\_\_\_\_ , 20\_\_ to the \_\_\_\_\_ day of \_\_\_\_\_ , 20\_\_ unless the same shall have been forfeited under any of the provisions of the Liquor Licences Act, or any amendments thereto.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ , 20\_\_\_\_\_.

.....  
Chairperson of the Board

**FORM G**

Liquor Licences Act.

Bar Licence.

\_\_\_\_\_ is hereby granted a Bar licence to sell liquor to be drunk or consumed on or off his/her premises situate at\_\_\_\_\_ between the hours provided in the Liquor Licence Act . This licence shall continue in force from the \_\_\_\_ day of \_\_\_\_\_ , 20\_\_ to the \_\_\_\_ day of \_\_\_\_\_ , 20\_\_ unless the same shall have been forfeited under any of the provisions of the Liquor Licences Act, or any amendments thereto.

Dated this \_\_\_\_ day of \_\_\_\_\_ , 20\_\_\_\_.

.....  
Chairperson of the Board

**FORM H**

Liquor Licences Act.

Beer Licence.

\_\_\_\_\_ is hereby granted a Beer licence to sell liquor to be drunk or consumed on or off his/her premises situate at\_\_\_\_\_ . This licence shall continue in force from the \_\_\_\_ day of \_\_\_\_\_ , 20\_\_ to the \_\_\_\_ day of \_\_\_\_\_ , 20\_\_ unless the same shall have been forfeited under any of the provisions of the Liquor Licences Act, or any amendments thereto.

Dated this \_\_\_\_ day of \_\_\_\_\_ , 20\_\_\_\_.

.....  
Chairperson of the Board

**FORM I**

Liquor Licence Act

Events Licence

\_\_\_\_\_ is hereby granted an Events Licence to sell liquor to be drunk or consumed at \_\_\_\_\_ from \_\_\_\_ (a.m/p.m) to \_\_\_\_ (a.m/p.m) . This licence shall continue in force from the \_\_\_\_ day of \_\_\_\_\_ , 20\_\_ to the \_\_\_\_ day of \_\_\_\_\_ , 20\_\_ unless the same shall have been forfeited under any of the provisions of the Liquor Licences Act, or any amendments thereto.

Dated this \_\_\_\_ day of \_\_\_\_\_ , 20\_\_.

.....  
Chairperson of the Board

**FORM J**

Liquor Licences Act.

Still Licence.

\_\_\_\_\_ is hereby granted a Licence to manufacture rum or other liquor at his premises situated at \_\_\_\_\_ and to sell the same in quantities of not less than five-sixth of a gallon. This licence shall continue in force from the \_\_\_\_ day of \_\_\_\_\_ , 20\_\_ to the \_\_\_\_ day of \_\_\_\_\_ , 20\_\_.

Dated this \_\_\_\_ day of \_\_\_\_\_ , 20\_\_.

.....  
Chairperson of the Board



## SCHEDULE 7

[Section 39]

### DELETERIOUS INGREDIENTS

Coccolus Indius

Chloride of sodium- common salt

Copperas

Opium

Strychnine

Darnel Seed

Extract of logwood

Salt of Zinc or lead

Alum

Indian Hemp

Tobacco

and any extract or compound of the above ingredients.

## SCHEDULE 8

[Section 40(1)]

<b>Type of Licence</b>	<b>Daily</b>	<b>Good Friday</b>
Retail Licence	7:00 a.m - 12:00 midnight	6:00p.m - 12:00 midnight
Wholesale Licence	7:00 a.m - 12:00 midnight	6:00p.m - 12:00 midnight
Night club Licence	6:00 p.m - 4:00 a.m	6:00p.m - 4:00a.m
Members Club Licence	7:00 a.m- 2:00a.m	6:00p.m- 2:00a.m
Hotels	7:00a.m to 12 midnight	6:00p.m to 12 midnight
Restaurant Licence	7:00a.m- 12:00 midnight	6:00p.m- 12:00 midnight
Bar Licence	10:00a.m -12:00 midnight	6:00p.m - 2:00a.m

Passed by the House of Assembly this      day of                      , 2018.

Speaker.

Clerk of the House of Assembly.