

CHAPTER 38.

LICENSING.

12 of 1949.
10 of 1950.

AN ORDINANCE TO CONSOLIDATE AND AMEND THE LAW AS
TO LICENSING.

[31st December, 1949.]

Part I.

PRELIMINARY.

Short title.

1. This Ordinance may be cited as the Licensing Ordinance.

Interpreta-
tion.

2. In this Ordinance unless the context otherwise requires:

“Auctioneer” means any person selling by public auction any goods, chattels or land whether in lots or otherwise.

“Billiard table licence” means a licence to keep and maintain billiard or bagatelle tables for hire on the premises and on the days and between the hours specified in the licence.

“Cigarette” includes cut tobacco rolled up in paper, tobacco leaf or other material in such form as to be capable of immediate use for smoking.

“Club” means a society of persons associated together for social intercourse or for the promotion of politics, sport, art, science or literature or similar purposes.

“Club licence” means a licence for the sale of intoxicating liquor to members of a club and to the guests of such members only on the premises of the club but the holder thereof shall not be restricted to the hours specified in section 35 hereof.

“Intoxicating liquor” means spirits, wine, beer, porter, cider, perry, and any fermented distilled or spirituous liquor which cannot, according to any law for the time being in force, be sold without a licence.

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

"Licensed premises" means premises in respect of which a licence has been granted and is in force.

"Licensing authority" means the officer in charge of the Treasury in the Colony and, in the Dependencies, the Administrative Officer in South Georgia.

"Packet licence" means a licence to the master of the vessel therein mentioned to sell any intoxicating liquor during a voyage to any passenger, subject, in the case of voyages directly from and to places within the Colony, to the proviso that no intoxicating liquor on which the proper duties of Customs have not been paid shall be sold.

"Publican's retail licence" means a licence for the sale of any intoxicating liquor in any quantity less than two gallons for consumption on or off licensed premises.

"Still" means any apparatus susceptible of being used for the manufacture or rectifying of spirits and includes any part of such apparatus.

"Tobacco" includes cigarettes, cigars, cigarillos, smoking mixtures and snuff.

"Wholesale licence" means a licence for the sale of any intoxicating liquor for consumption off the licensed premises.

3. ~~(1) The licensing authority may, subject as hereinafter~~ ^{Kinds of} mentioned, grant the following licences upon payment of the ^{licences.} fees respectively set out against them:

	£	s	d	
Publican's retail	15	0	0	Fees.
Billiard table (each table) .. .	2	10	0	
Packet.. .. .	5	0	0	
Wholesale	30	0	0	
Club	10	0	0	
Tobacco (for Stanley and within fifteen miles thereof by land or sea)	3	0	0	
Tobacco (outside the above limit) ..	1	10	0	
Auctioneer	5	0	0	
„ (occasional)	1	0	0	

4/1971

Restaurant

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Duration.

(2) (a) Packet, wholesale, tobacconist's, club, and auctioneer's licences (other than an auctioneer's occasional licence) shall be in force for twelve months and publican's retail^{restaurant} and billiard table licences shall be in force for six months.

(b) An auctioneer's occasional licence shall be in force only for the day of the particular auction in respect of which it is granted.

Form.

(3) All licences shall be in such form, contain such particulars and be subject to such conditions as the licensing authority may deem appropriate.

Part II.

INTOXICATING LIQUOR LICENCES.

Licences
already held
to be subject
to this
Ordinance.

4. All licences held at the commencement of this Ordinance, and all persons holding a licence and all premises in respect of which a licence shall be held at the commencement of this Ordinance, shall, except where otherwise specially provided, be under and subject to the provisions of this Ordinance.

Ordinance
not to apply
in certain
cases.

5. Nothing in this Ordinance shall apply to any person selling any spirituous or distilled perfume *bona fide* as perfumery, or to the prescription or administration of any intoxicating liquor as medicine or for medicinal purposes by or under the direction of any registered medical practitioner, or to any person who holds a licence as auctioneer selling intoxicating liquor at public auction in quantities of not less than two gallons at any one time.

No intoxi-
cating
liquor to
be sold with-
out licence.

6. No person shall sell or expose for sale any intoxicating liquor without being duly licensed to sell the same, or at any place where he is not duly authorised to sell the same, and any person who shall (except as the agent or servant of a licensed person, and then only in accordance with such person's licence) sell any intoxicating liquor without a licence authorising such sale shall commit an offence and be liable to forfeit all intoxicating liquor and the containers in his possession.

7. (1) Any person applying for a new publican's retail or packet licence shall advertise notice of his application, setting out the name and address of the applicant, the type of licence for which he intends to apply, the premises in respect of which the application is made and the date of application, in the *Gazette*, and on the official notice board in Stanley, and in a paper circulating in the Colony not less than twenty-one days before making the application.

^{restaurant}
Application 4/1971
for new
publican's
retail or
packet
licence.

(2) The licensing authority may on the requirements of subsection (1) hereof having been complied with grant a licence provided that no objection as provided for in section 8 shall have been upheld by the justices under section 9 hereof.

8. Objection to the grant or renewal of a licence may be taken on the ground that the applicant is of bad character or of drunken habits, or has within the preceding year forfeited a licence, or within the preceding three years been convicted of selling intoxicating liquor without a licence, or that the premises are not structurally suitable to the class of licence which is required, or that the premises are in the immediate vicinity of a place of worship, hospital or school, or that the premises are not maintained to the required standard, or that there are sufficient licensed premises to supply the needs of the neighbourhood.

Objections.

9. (1) Notice of any objection to the grant or renewal of a licence stating the ground thereof shall be given to the magistrate, the licensing authority and the applicant within twenty-one days of publication of the notice in the *Gazette* as provided in section 7 (1) hereof.

Notices and
hearing of
objections.

(2) Objections to the grant or renewal of licences shall be heard and determined by the magistrate sitting with not less than two nor more than four justices within seven days of the receipt of the notice of objection or within the said period of twenty-one days whichever shall be the later: Provided that no justice holding or interested in a licence under this Ordinance shall adjudicate.

(3) When an objection to the grant of a licence is upheld by the justices an applicant shall not, nor shall any person when the objection is on the ground of the unsuitability or otherwise of the premises, apply for the grant or renewal of a licence within twelve months of the date of such decision.

Appeals.

4/1971

10. (1) Any person who thinks himself aggrieved by the refusal of the justices to grant or renew a publican's retail ^{restaurant} or packet licence may appeal to the Supreme Court upon giving notice in writing to the magistrate of his intention to appeal and of the grounds thereof within five days of the decision of the justices.

(2) The order of the Supreme Court shall be final and conclusive.

(3) The Supreme Court may make such order as to costs or otherwise as it may deem fit and issue process for enforcing the order.

Renewal of licences.

11. All licences held at the commencement of this Ordinance or granted during its operation may be renewed without publication of the notices as required under section 7: Provided that any objection thereto is not upheld by the justices.

Special licences.

12. The magistrate may, at his discretion, grant on any special occasion to the holder of a publican's retail licence a special licence authorising such publican to keep his premises open during the hours specified on such special licence, and there shall be paid into the Treasury, on the issue of such special licence, the following fees:

In respect of a licence authorising premises to be kept open during any period prohibited under section 35:

- (a) between midday and midnight, each and any hour or part of an hour, ~~five shillings~~ ²³⁻⁰⁰; and
- (b) after midnight, each and any hour or part of an hour, ~~ten shillings~~ ²⁵⁻⁰⁰.

15/1978

Occasional licence.

13. The magistrate may, at his discretion, grant to any person an occasional licence for the sale of intoxicating liquor at such place, in such quantities, and for such period of time not exceeding three consecutive days, as may be specified in such licence, and on the issue of any such licence there shall be paid into the Treasury a fee at the rate of ~~ten shillings~~ ²²⁻⁰⁰ per diem in respect of any place within three miles of a public house, and ~~five shillings~~ ²¹⁻⁰⁰ per diem in respect of any other place.

15/1978

Provided that no such licence shall be granted except with the consent of the occupier of the place specified in such licence.

14. Every licensed person shall cause to be painted or fixed, and shall keep painted or fixed on the front of the premises in respect of which his licence is granted, in a conspicuous place, and in letters at least three inches in height, his name, with the addition after the name of the word "licensed" and of words sufficient to express the business for which his licence has been granted, and no person shall have any words or letters on his premises importing that he is licensed in any way other than that in which he is in fact duly licensed. Every licensed person who acts in contravention or, who fails to comply with the provisions of this section shall commit an offence.

Name of licensed person to be affixed to premises.

15. Any person licensed to sell intoxicating liquor by retail in Stanley or in any town, who shall directly or indirectly keep a store, or sell or barter goods on the premises for which a retail licence has been granted under this Ordinance, shall commit an offence and be liable to forfeit his licence: Provided that this section shall not apply in the case of a licensed person supplying meals or provisions to be consumed on the licensed premises or selling tobacco under licence.

Retail dealers not to keep a store.

16. Any constable may enter upon any premises where intoxicating liquor is kept or stored for the purposes of sale and take samples of any such liquor to be tested, and any person refusing to furnish liquor required with this object, or who may interfere with, impede, resist or obstruct the officer in the discharge of his duty shall commit an offence.

Samples of intoxicating liquor may be taken for test purposes.

17. Every holder of a publican's retail licence shall thoroughly cleanse and disinfect all the rooms, passages, stairs, floors, walls, ceilings, closets, cesspools and drains of the licensed premises to the satisfaction of and as required by or in accordance with the directions of any inspector.

Sanitary precautions.

18. (1) Any licensed person who shall permit any part of the licensed premises or the appurtenances thereto to be used or occupied for the purposes of singing, dancing or theatrical entertainment without a licence provided for in subsection (2) hereof shall commit an offence and shall be liable to forfeit his licence.

Dancing, etc. on licensed premises.

(2) The magistrate may at his discretion grant to any licensed person a licence permitting such person to use a specified part of licensed premises or the appurtenances thereof (but not the whole) for the purposes of singing, dancing or theatrical entertainment on a day and within stated hours upon payment of a licence fee of five shillings.

Liability to
revocation of
licence on
conviction.

19. Any person holding a wholesale licence or transfer thereof who shall sell or suffer to be sold any intoxicating liquor for consumption on the licensed premises, and any person holding a publican's retail licence or transfer thereof who shall sell or suffer to be sold on the licensed premises to any person at one time intoxicating liquor amounting to or exceeding two gallons, or be convicted of any offence against the law for the proper regulation and good order of the licensed premises occupied by him or against the conditions of his licence, shall in addition to any penalty on account of such offence be liable to forfeit his licence: Provided that any person holding both wholesale and retail licences may sell intoxicating liquor either by wholesale or retail on the same premises.

Penalty for
paying
wages in
licensed
premises.

20. Any master employing journeymen, workmen, servants or labourers, who shall pay or cause any payment to be made to any such journeymen, workmen, servants or labourers in any licensed premises or in any house in which intoxicating liquor is sold shall commit an offence: Provided always that nothing herein contained shall extend to any licensed person paying his own journeymen, workmen, servants or labourers employed solely in his business as licensed person in his licensed house.

No debts for
intoxicating
liquor re-
coverable.

21. No licensed person shall recover any debt or demand on account of any intoxicating liquor supplied by him to any person for consumption on the premises; but such licensed person may sue for and recover the value of any intoxicating liquor supplied in moderate quantity with meals to any person *bona fide* lodging in his house.

Liquor to be
sold for
money only.

22. (1) Any licensed person who shall receive in payment or as a pledge for any intoxicating liquor or entertainment supplied in or from his licensed premises anything except current money, shall commit an offence. The person to whom

belongs anything given as a pledge as aforesaid shall have the same remedy for recovering such pledge or the value thereof as if it had never been pledged.

(2) No licensed person shall receive payment in advance for any intoxicating liquor to be supplied; and any payment so made in advance may be recovered notwithstanding that any intoxicating liquor may have been supplied subsequently to such payment.

23. (1) Any person holding a publican's retail licence or a club licence who shall permit any person apparently under the age of 18 years to enter or remain in any bar in such licensed premises shall commit an offence and shall be liable to forfeit his licence.

Persons under 18 years not to enter bars or licensed premises.

(2) Any person under the age of 18 years who shall enter a bar in any premises in respect of which a publican's retail or club licence is held and anyone taking such person into such bar shall commit an offence.

24. Any person who sells or delivers any intoxicating liquor to any person apparently under the age of 18 years for consumption on or off licensed premises shall commit an offence.

Sale, etc. of intoxicating liquor to persons under the age of 18 years.

25. Any licensed person who knowingly harbours or suffers to remain on his premises any constable during any part of the time appointed for such constable being on duty, unless for the purpose of keeping or restoring order or in execution of his duty, or supplies any intoxicating liquor or refreshments, whether by way of gift or sale, to any constable on duty, unless by the authority of some superior officer of such constable, or bribes or attempts to bribe any constable shall commit an offence and shall be liable to forfeit his licence.

Harbouring constable.

26. Where it shall appear to a court that any person by excessive drinking of intoxicating liquor misspends, wastes or lessens his or her estate, or greatly injures his or her health, or endangers or interrupts the peace and happiness of his or her family, the magistrate or any two justices may by writing under their hands, forbid any licensed person to sell to him or her any intoxicating liquor for a period not exceeding one year.

Supply of intoxicating liquor to drunkards prohibited.

Prohibition
renewable.

27. The magistrate or any two justices may renew any such prohibition as aforesaid as to all such persons as have not in their opinion reformed within the period specified, and if any licensed person shall during any period of prohibition, after service of a copy thereof upon him or with a knowledge thereof in other manner acquired, sell to any such prohibited person any intoxicating liquor he shall commit an offence.

Penalties.

28 Any person

- (a) against whom an order of prohibition has been made under section 26 or renewed under section 27 of this Ordinance who shall, within the currency of such order or any renewal thereof, be in any place where intoxicating liquor is sold by retail; or
- (b) who, being the holder of any retail liquor licence, shall suffer any such prohibited person to be in the place so licensed; or
- (c) who sells, supplies or distributes intoxicating liquor or authorises such sale, supply or distribution to any such prohibited person, shall commit an offence:

Provided that the magistrate hearing a charge under this section upon being satisfied that the person charged did not wilfully contravene the provisions of this section, or used every effort to prevent a prohibited person from being or remaining on his premises and immediately gave information thereof to the police, may dismiss the charge against such person.

Drunkard
may not pro-
cure liquor.

29. When any person against whom a prohibition order has been made or renewed under section 26 or 27 of this Ordinance shall—

- (a) send or in any way influence any person to procure him intoxicating liquor; or
- (b) be found in possession of any intoxicating liquor; or
- (c) be found drunk in Stanley; or

he shall commit an offence.

Sales by
auction for-
bidden on
licensed
premises.

Penalty for
permitting
gaming.

30. Any licensed person who shall permit any sale by auction to be made on his premises shall commit an offence.

31. Any licensed person who suffers any unlawful game or any raffle, lottery or betting to be carried on in his premises,

(d) be found under the influence of intoxicating liquor.

6/1968

or opens, keeps or uses or suffers his premises to be opened, kept or used for the purpose of fighting or baiting any dog, cock or other kind of animal whether of domestic or wild nature, shall commit an offence. The penalty shall be irrespective of and in addition to any other penalties to which any person may be liable under any law relating to gaming or cruelty to animals.

32. Any licensed person who permits his premises to be used as a brothel shall commit an offence, and upon conviction therefor shall forfeit his licence and be permanently disqualified from holding any licence for the sale of intoxicating liquor:

Forfeiture of licence for permitting house to be a brothel.

Provided that the Governor in Council, if he considers that for special reasons justice so requires, may direct that the person convicted shall not be so disqualified or that the disqualification shall cease to have effect at the expiration of such period as the Governor in Council shall specify.

10 of 1950.

33. Any licensed person may refuse to admit to and may turn out of the premises in respect of which his licence is granted any person who is drunken or who is violent, quarrelsome or disorderly, whether drunken or not, and any person whose presence on his premises would subject him to a penalty under this Ordinance, and may refuse to serve any such person with liquor if demanded only as a pretext for remaining on the premises.

Power to exclude persons from premises and to refuse liquor.

34. Any person who, upon being requested by a licensed person or his agent or servant or any constable to quit such premises, refuses or fails to do so, shall commit an offence, and any constable shall on the demand of such licensed person, his agent or servant, expel or assist in expelling every such person from such premises and may use such force as may be required for that purpose.

Penalty for refusing to quit premises on demand.

35. All premises in which intoxicating liquors are sold by retail shall be open for the following hours only:

Permitted hours for sale of liquor.

On weekdays from 10 a.m. until 1 p.m. and from 5.30 p.m. until 10 p.m.

On Sundays, Christmas Day and Good Friday from 12 noon until 1 p.m.:

Provided that it shall be lawful for the Governor by Order in Council to vary the said hours.

Sale of liquor
at unauthor-
ised times.

10 of 1950.

36. Any person who, during the time at which licensed premises are directed to be closed by or in pursuance of this Ordinance, sells or exposes for sale on such premises any intoxicating liquor, or opens, or keeps open such premises for the sale of intoxicating liquor, or allows any intoxicating liquor, although purchased before the hours of closing, to be consumed on such premises by any person other than one *bona fide* lodging therein, or during such aforesaid time allows any one, other than as aforesaid, to play at billiards or bagatelle, or any other game on such premises, and any person other than one *bona fide* lodging in such premises who shall consume any intoxicating liquor or play any game as aforesaid during such time, shall commit an offence.

Occupier of
unlicensed
premises
liable for the
sale of
intoxicating
liquor.

Seller liable
for drinking
on premises
contrary to
licence.

37. The occupier of any unlicensed premises on which any intoxicating liquor is sold, or, if such premises are occupied by more than one person, every occupier thereof shall, if he was privy or consenting to the sale, commit an offence.

38. (1) If any purchaser of any intoxicating liquor from a person who is not licensed to sell the same to be drunk on the premises, drinks such liquor on the premises where the same is sold, the seller of such liquor shall, if it shall appear that the drinking was with his privity and consent, commit an offence.

(2) For the purposes of this section the expression "premises where the same is sold" shall include premises adjoining or near the premises where the liquor is sold, if belonging to the seller, or under his control, or used by his permission.

Evasion of
law as to
drinking on
premises
contrary to
licence.

39. (1) If any person having a licence to sell intoxicating liquor, not to be drunk on the premises, himself takes or carries, or employs or suffers any other person to take or carry any such liquor out of, or from the premises of such licensed person, for the purpose of being sold on his account, or for his benefit or profit, and of being drunk or consumed in any other house, or in any tent, shed or other building of any kind whatever, belonging to such licensed person, or hired, used or occupied by him, or on or in any place, whether enclosed or not, and whether or not a public thoroughfare, such liquor shall be deemed to have been consumed by the purchasers thereof on the premises of such licensed person with his privity and consent, and such licensed person shall commit an offence.

(2) In any proceeding under this section it shall not be necessary to prove that the premises, or place or places to which such liquor is taken to be drunk, belonged to or were hired, used or occupied by the seller, if proof is given to the satisfaction of the Court, that such liquor was taken to be consumed thereon or therein, with intent to evade the conditions of his licence.

40. (1) Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises and any unlicensed premises which are used for public entertainment or resort, or as a refreshment house, shall commit an offence. Penalty on internal communication with unlicensed premises.

(2) Any holder of a licence convicted under this section shall in addition to a penalty, be liable to forfeit his licence.

41. (1) No bar, beyond the number stated on a publican's licence shall be opened or used in or upon the licensed premises, except with the consent of the magistrate, which consent shall be endorsed on the licence. No bars beyond the number licensed to be used.

(2) Any person who shall open or use any additional bar for the sale of intoxicating liquors, or shall knowingly permit the same to be opened or used for such sale, without such consent and endorsement as aforesaid and without having paid a licence fee at the rate of ~~£5~~^{£10-00} per annum for each additional bar, shall be deemed to have been guilty of selling without a licence. 15/1978

42. Any person operating or controlling a club or taking an active interest therein or being a member official or servant thereof who shall sell or cause to be sold any intoxicating liquor on any premises occupied by the club, whether permanently or temporarily, without first obtaining a club licence shall commit an offence. Club not to sell liquor without licence.

43. In any proceedings relative to an offence under this Ordinance it shall not be necessary, when the sale or consumption of intoxicating liquor is involved, for the prosecution to prove that any money actually passed or liquor was actually consumed. The Court may be satisfied by evidence that a transaction in the nature of a sale actually took place, or that consumption of intoxicating liquor was about to take place, and proof of the consumption or intended consumption Proof in proceedings for illegal sale of intoxicating liquor.

of intoxicating liquor on premises to which a licence is attached by some person, other than the occupier of or a servant in such premises, shall be evidence that the liquor was sold to the person consuming, or being about to consume or carrying away the same by or on behalf of the holder of the licence.

Unlawful
sale of
intoxicating
liquor
provable by
purchaser
thereof.

44. The evidence of any person shall be admitted in proof of unlawful sale of intoxicating liquor, although he may have himself purchased the same, and such evidence shall be sufficient to support a conviction for such offence.

Persons
deemed un-
licensed if
not pro-
ducing
licence.

45. (1) In all proceedings against any person for selling or allowing to be sold any intoxicating liquor without a licence, such person may be deemed to be unlicensed, unless he shall at the hearing of the case produce his licence.

(2) The fact of any person, not being a licensed person, keeping up any sign, writing, painting or other mark in or near to his house or premises, or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or are licensed for the sale of intoxicating liquor, or that any is sold or served therein, or of there being on such premises more intoxicating liquor than is reasonably required for the use of the persons residing therein, shall be *prima facie* evidence of the unlawful sale of such liquor by such person.

Penalty for
permitting
drunkenness.

46. (1) Any licensed person who permits drunkenness or any violent quarrelsome, or riotous conduct to take place on his premises, or sells any intoxicating liquor to any person already in a state of intoxication, or by any means encourages and incites any person to drink shall commit an offence.

(2) Any person who is drunken, violent, quarrelsome or disorderly and refuses or fails to quit licensed premises in pursuance of a request by the licensed person his servant or agent so to do shall commit an offence.

Protection of
property of
guests.

47. (1) Every house for which a publican's licence shall be granted shall be considered as a common inn, and no goods or chattels whatsoever *bona fide* the property of any lodger or stranger, and being in such licensed house or the appurtenances thereof, or any place used and occupied therewith in the ordinary course of resort at such licensed house, shall be subject to be distrained or seized for or in respect of any claim

for rent for such licensed house or appurtenances or in respect of any other claim whatsoever against the said house or appurtenances or the owner or occupier thereof.

(2) If any such goods or chattels shall be distrained or seized for rent, or in respect of any other claim, contrary to the provisions hereof, the magistrate, or any two justices may inquire into any complaint made in respect thereof in a summary manner and order such goods or chattels to be restored to the owner thereof, and order the payment of such reasonable costs as shall be incurred by such proceedings.

48. No publican shall be liable to make good to a guest any loss of, or injury to, goods or property brought to his licensed premises to a greater amount than £30, unless

Limitation of liability for property of guest.

- (a) the goods or property shall have been stolen, lost, or injured through the wilful act, default, or neglect of such licensee or his servant in his employ; or
- (b) the goods or property shall have been deposited expressly for safe custody with such licensee:

Provided always that in the case of such deposit the licensee may require as a condition of his liability that such goods or property shall be deposited in a box or other receptacle, fastened and sealed by the person depositing the same.

49. Every licensed publican who fails to provide suitable accommodation, with bed and board, for at least one traveller shall commit an offence.

To provide accommodation for at least one traveller.

50. (1) No publican's retail licence shall be granted to any person until an accurate description of the premises in writing, with a diagram or plan of the same attached thereto, shall have been furnished by the applicant, and approved by the magistrate, and ~~in the case of premises in Stanley, by the Stanley Town Council, and in the case of premises not in Stanley~~ by the Board of Health and should the description so furnished by such applicant be found to be false or inaccurate in any material fact the party making such false or inaccurate statement shall commit an offence and forfeit any licence which may have been granted to him by reason of such false or inaccurate description.

Accurate description of premises to be given.

10/1973

(2) The description given by the applicant shall in all cases be endorsed on or embodied in the licence.

Removal and
alteration of
premises.

51. (1) Any person holding a publican's retail licence who shall remove from the premises described in the licence to any other premises, or make any structural alteration which gives increased facilities for drinking or conceals from observation any part of the premises used for drinking, or which affects the communication between the part of the premises where intoxicating liquor is sold and any other part of the premises or any street or public way, without the approval of the magistrate and the Board of Health or Stanley Town Council, as the case may be, shall forfeit his licence unless he shall return to the premises described in the licence or restore the premises to their original condition within a time fixed by the magistrate.

(2) Objections to the removal of a publican's retail licence may be made in the manner and on the grounds herein provided in respect of objections to the grant of a licence.

Transfer of
retail
licences.

52. No publican's retail licence shall be transferred to any person except with the consent in writing of the magistrate, and on the production by the person to whom the licence is proposed to be transferred of a certificate of good character and fitness signed by two justices not holding licences under this part of this Ordinance.

Approval of
managers
and agents.

53. Any person holding a publican's retail licence who employs another person as his manager or agent without the approval of the magistrate first obtained and endorsed on the licence and any person so acting without such approval and endorsement shall commit an offence.

Provision in
case of the
death of
licensee.

54. In the case of the death of any person holding a publican's retail licence, his widow, or any executor or administrator, or person appointed by them may, subject to the approval of the magistrate endorsed by him on the licence in writing carry on the business of the deceased on the licensed premises until the expiration of the licence.

Governor or
justices may
order
licensed
houses to be
closed.

55. The Governor, the magistrate, or any two justices of the peace, may when any riot, tumult, breach of the peace or disorderly conduct shall happen, or be expected to take place, order any person holding a publican's retail licence, or transfer

thereof, to close his house when and for so long as the Governor, the magistrate, or the justices shall direct, and if any such licensed person shall keep his house open during such time he shall commit an offence.

56. (1) If upon information given on oath it appears to any justice that there is reasonable cause for suspecting that any intoxicating liquor is kept for the purpose of sale or is being or has been sold by any person not duly licensed in that behalf or by any person in any house building vessel or boat not specified in his licence or in any manner not authorised by his licence, such justice may by warrant under his hand directed to any constable or constables or other officer of police authorise such officer to enter and search such premises, and by the said warrant may, if he thinks fit, specially authorise such officer to enter and search such premises at any time of the day or night, and moreover if he thinks fit, may specially authorise such officer, with or without assistance, to break open or otherwise use force in order to effect an entry to such premises.

Searching
unlicensed
premises.

10 of 1950.

(2) If, upon search under this section, any intoxicating liquor or any vessels used for holding or measuring the same is found, it shall be lawful for the officer executing the warrant to take possession of and secure such liquor or vessel; and he may apprehend and bring before a magistrate or any two justices not only the person in whose premises the same are found, but also every other person found in such premises who appears to have been employed or to have assisted in the selling of such liquor, and unless it be made to appear to such magistrate or justices that such liquor was not on the premises for the purpose of being illegally sold and was not illegally sold the person in whose premises such liquor is found and every person so appearing to have been employed or to have assisted in the selling thereof in such premises shall be guilty of an offence.

(3) Any intoxicating liquor found on any search under this section, together with any vessels used for holding or measuring the same, shall, upon any conviction in respect thereof, be forfeited to the use of His Majesty.

(4) Every warrant issued under this section shall remain in force for one month from the day of the date thereof, and it shall be no defence to any charge under

subsection (1) that the intoxicating liquor found on the premises was deposited or brought thereon after the issue of the warrant.

Constables
may stop
any person
removing
intoxicating
liquor.

57. Any person who shall knowingly remove or convey any intoxicating liquor for the purpose of being or that shall have been illegally sold shall commit an offence. It shall be lawful for any constable to stop any person conveying in any manner any intoxicating liquor, and if such person shall not upon request satisfy the constable that such liquor has not been illegally removed or sold as aforesaid, to detain and convey such person and liquor, together with the packages, before the magistrate or any two justices, and to seize and take into his possession the horse, cart, boat, vessel or other conveyance used in removing the same; and if such person shall not satisfy the magistrate or justices that such liquor had not been illegally removed or sold as aforesaid, they may declare the same to be forfeited to His Majesty, as well as the horse, cart, boat, vessel or other conveyance, if any, used in removing the same.

Forfeiture of
licence for
felony, etc.

58. Any licensed person convicted of felony, perjury, or infamous offence, shall forfeit his licence. If convicted of a misdemeanour he shall be liable to forfeit his licence.

No licensed
person to
act as a
justice.

59. Any justice holding a licence under this Ordinance who shall act as a justice under any of the provisions of this Ordinance shall commit an offence.

Adulterating
liquor.

60. Any licensed person who shall mix, or suffer to be mixed with any intoxicating liquor any unwholesome ingredient, or shall receive or have in his possession any unwholesome ingredient, with intent to mix the same with any intoxicating liquor, shall commit an offence and be liable to forfeit his licence, and all such unwholesome liquor and ingredients.

Continuance
of forfeited
licence by
owners of
premises in
certain cases.

61. Where any licensed person is convicted of any offence, and in consequence either becomes personally disqualified, or has his licence forfeited, the magistrate on the application by or on behalf of the owner of the premises in respect of which the licence was granted (where the owner is not the occupier) and upon being satisfied that such owner was not privy to nor a consenting party to the act of the tenant, and

that he has legal power to eject the tenant of such premises, may by order authorise an agent to carry on the business of such premises until the end of the period for which such licence was granted, in the same manner as if such licence had been formally transferred to such agent.

62. Any licensed person who shall sell by wholesale or retail any spirits of less strength than thirty underproof shall commit an offence. Strength of spirits.

63. Any owner, lessee, manager, or agent in charge of a station may, without a licence, sell intoxicating liquor to shepherds and other employees *bona fide* in his own employment, provided such station be at a distance of not less than six miles from Stanley, or any other town, and provided that such liquor shall have been properly imported into the Colony and the requisite duty has been paid thereon. Any owner, lessee, manager or agent selling intoxicating liquor to other than his own employees shall commit an offence. Supply of intoxicating liquor without licence by owner of stations to their employees under certain conditions.

64. (1) No person shall import or have in his possession a still without having first received the written permission of the Colonial Secretary. Still illegal without permission.

(2) Any officer of Customs or constable may enter into and search without warrant any buildings, premises, vessel or boat where there is reasonable cause to suspect that an illicit still may be found and to make such examination or inquiry as may be proper to ascertain whether any offence against this Ordinance has been committed.

(3) Any person unlawfully importing a still into the Colony or colonial waters shall commit an offence.

(4) Any person found unlawfully in possession of, making, erecting, concealing, or using a still shall be guilty of an offence.

65. The Chief Constable and all constables shall be inspectors of licensed premises under this Ordinance, and it shall be their duty to enforce and superintend the carrying out of this Ordinance in every respect. Constables to be *ex officio* inspectors.

66. Any inspector may at all times during business hours, and after such hours for reasonable cause, enter on any premises licensed under this Ordinance, and may examine every room and part of such premises, and take an account of Inspectors may enter premises and search for adulterated drink.

Penalty for obstructing inspector.

all intoxicating liquor therein, and may demand, select, and obtain any samples of such liquor which may be in such house or premises, and on paying, or tendering payment for such samples may remove the same for the purpose of analysis or otherwise. If any licensed or other person in charge of the premises refuses or fails to admit any inspector demanding to enter in pursuance of this section, or refuses to permit any inspector to select or obtain such samples, or refuses or fails to furnish him with such light or assistance as he may require, or obstructs such inspector, or causes or permits him to be obstructed or delayed in the discharge of his duty, such licensed or other person shall commit an offence.

Commencement of prosecutions.

67. All prosecutions under this Ordinance shall be commenced within six calendar months after the alleged offence.

Application forfeitures.

68. All forfeitures shall be sold or otherwise disposed of in such manner as the magistrate or justices making the order may direct, and the proceeds of such sale or disposal shall be paid into the Treasury for the use of the Government.

Penalties.

69. (1) Any person who commits an offence against this Part of this Ordinance shall in addition to any penalty otherwise provided, be liable—

- (a) to a fine not exceeding £20 or to imprisonment for a period not exceeding three months; and
- (b) for a second offence, to a fine not exceeding £50 or to imprisonment for a period not exceeding six months; and
- (c) for a third or subsequent offence, to both such last-mentioned fine and imprisonment.

(2) If a person convicted is the holder of a licence the Court may order that particulars of the conviction be endorsed on the licence.

Part III.

BILLIARD TABLE LICENCES.

Application for grant of a billiard table licence.

70. Any person applying for a new billiard table licence shall advertise such application in the manner prescribed in section 7 (1) and such application shall be subject to the objections contained in section 8. Objections shall be heard in the manner laid down in section 9.

71. The magistrate may, at his discretion, grant on any special occasion to the holder of a billiard table licence a special licence, authorising such licensee to keep his premises open during the hours specified on such special licence, and there shall be paid into the Treasury, on the issue of such special licence, the following fees:

Special
billiard
licence.

In respect of a licence authorising premises to be kept open during any period not specified in the licence—

- (a) between midday and midnight, any hour or part of an hour, ~~two~~ ²¹⁻⁰⁰ shillings; and
- (b) after midnight, any hour or part of an hour, ~~four~~ ²²⁻⁰⁰ shillings.

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72. Any person who shall permit or allow a billiard or bagatelle table to be used for hire on any premises for which a billiard table licence has not been obtained shall commit an offence, and shall be liable to the penalties provided for in section 69.

Penalty for
unlawful hire
of billiard
table.

Part IV.

AUCTIONEERS.

73. (1) No person shall carry on the business of an auctioneer before he has applied for and been granted a licence so to do by the licensing authority.

Grant of
licence.

(2) An auctioneer's licence shall be renewed on the 1st day of January in each year.

(3) The licensing authority may grant an occasional licence to conduct a sale by public auction on a date specified on the licence.

Occasional
licence.

74. Any person who carries on the business of an auctioneer or who sells any goods or chattels or land by public auction without a licence as required under section 73 or who does not comply with the provisions hereof and the conditions of the licence shall commit an offence and be liable on summary conviction to a fine not exceeding £100.

Penalty on
sale, etc.,
without
licence.

Payment of
2½ per cent.
of proceeds
of sale into
Treasury.

75. (1) An auctioneer shall retain from all proceeds of any sale by auction of any goods, chattels or land (other than agricultural implements and live animals) an amount equal to 2½ per cent. of the gross proceeds of such sale and shall within seven days from the date of such sale pay such sum into the Colonial Treasury.

Provided that the said sum shall not be deducted when any lot is bought in under the reserve price and the auctioneer shall publicly state that the lot was bought in and the licensing authority is so satisfied.

(2) The sum provided for under subsection (1) hereof shall be recoverable from the auctioneer as a personal debt due from him to Government.

Auctioneer
to furnish
Colonial
Secretary
with inform-
ation as to
sale.

76. The auctioneer shall within seven days of any public auction render to the Colonial Secretary a true and complete account in writing of the price at which each lot or article was sold and shall furnish such information relative to the auction as the Colonial Secretary may require.

No auction
on board
vessel with-
out permis-
sion.

77. No auction shall be held on board any vessel without the written permission of the Colonial Secretary unless the vessel be attached to a wharf or hulk and the public have full access thereto by jetty or gangway.

This part not
applicable to
Government
officials or
person acting
under Order
of Court.

78. This Part of this Ordinance shall not apply to an official acting on Government instructions or to a person selling under order of any court.

Part V.

TOBACCO LICENCES.

Penalty on
sale without
licence.

79. Any person who shall directly or indirectly sell tobacco without first obtaining a licence from the licensing authority authorising him so to do shall commit an offence

and shall be liable to a penalty not exceeding £10 for each offence.

80. The licensing authority may, at his discretion, grant to any person an occasional licence for the sale of tobacco at such place, in such quantities and for such period of time, not exceeding three consecutive days, as may be specified in the licence and there shall be paid a fee of ~~2s. 6d.~~ ^{15/1978} 1/- ^{Occasional licence.} a day in respect of such licence.

81. (1) If any person sells to a person apparently under the age of 16 years any cigarettes or cigarette papers (whether for his own use or not) or tobacco, he shall be liable in the case of a first offence to a fine not exceeding £2, and in the case of a second offence to a fine not exceeding £5, and in the case of a third or subsequent offence to a fine not exceeding £10. ^{Penalty for selling tobacco to children and young persons.}

(2) A constable shall seize any cigarette or cigarette papers in the possession of any person apparently under the age of 16 whom he finds smoking in any street or public place, and any cigarettes or cigarette papers so seized shall be disposed of in such manner as the Chief Constable may direct. Every constable is hereby authorised to search any boy found smoking. Any girl found smoking may be conducted to and searched by the Gaol Matron. ^{Forfeiture of tobacco.} ^{Search.}

82. (1) If a court is satisfied that any automatic machine for the sale of cigarettes kept on any premises is being extensively used by children or young persons, the court may order the owner of the machine or the person on whose premises the machine is kept to take such precautions to prevent the machine being so used as may be specified in the order, or, to remove the machine within such time as may be specified in the order: Provided that any person aggrieved by such an order may appeal against it to the Judge in Chambers. ^{Provision as to automatic machines for the sale of tobacco.}

(2) If any person against whom any such order has been made fails to comply with the order, he shall be liable on summary conviction to a fine not exceeding £5, and to a further fine not exceeding £1 for each day during which the offence continues.

Part VI.**GENERAL.**

Powers of
Governor in
Council to
make regu-
lations.

83. The Governor in Council may from time to time make, alter, annul and revoke regulations for the more effective carrying out of the purposes of this Ordinance, and may impose penalties for the breach of any such regulations.