

CHAPTER 144

LIQUOR

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CHAPTER 144

LIQUOR

AN ACT TO AMEND AND CONSOLIDATE THE LAW RELATING TO LIQUOR AND FOR OTHER PURPOSES CONNECTED THEREWITH

[1st January 1970.]

14 of 1969
14 of 1974
8 of 1978
31 of 1978
LN 46A of 1978
LN 88 of 1978
7 of 1981
LN 67 of 1981
15 of 1988
6 of 1992

PART I

PRELIMINARY

1. This Act may be cited as the Liquor Act

Short title

2. In this Act, unless the context otherwise requires-"bar" means any room in which liquor is kept and in which, or through any opening in which, liquor is directly served to customers;

Interpretation
31 of 1978, s. 2
LN 46A of 1978
7 of 1981, Sch. 8
6 of 1992, s. 2

"beer" includes ale, porter, lager beer, cider and perry;

"Board" and "Liquor Licensing Board" means a Liquor Licensing Board established under section 17;

"club licence" includes a club full licence and a club beer licence;

"discriminatory practice" means discrimination on the grounds of colour, race or ethnic or national origins, or religion, and in particular includes the refusal or neglect to afford a person access to any premises or part of such premises, or to any services or facilities available there, in like manner and on the like terms in and on which such access, facilities or services are available to other members of the public resorting thereto;

"game of chance" has the meaning ascribed to that expression by the Gaming and Lotteries Act;

Cap. 139

"health officer" means any medical or other officer whom the Permanent Secretary, Ministry of Health and Medical Services may appoint to be a health officer in any province for the purposes of this Act, and shall include the Permanent Secretary, Ministry of Health and Medical Services;

"licence" means a licence for the sale of liquor granted under this Act;

"licensed premises" means any premises or place in respect of which a licence, other than a club licence, has been granted;

"licensee" means a person to whom a licence has been granted;

"licensing authority" means in respect of any licence, other than a temporary packet licence, the Liquor Licensing Board having jurisdiction under this Act in respect of the grant, removal, renewal or transfer of such licence;

"licensing officer" in relation to any province means any person appointed by the Provincial Executive to discharge the functions conferred on a licensing officer by this Act;

"liquor" means any wine, spirits, beer, or any liquid containing alcohol ordinarily used or fit for use as a beverage, or any other liquid which the Minister may by notice declare to be liquor for the purposes of this Act, but does not include any alcohol or spirits the importation of which is restricted under section 34 of the Customs and Excise Act;

[Cap. 121](#)

"local authority" means an Area Council or similar body;

"occasional licence" includes an occasional full licence and an occasional beer licence;

"packet licence" includes a temporary packet licence;

"publican's licence" includes a publican's full licence and a publican's beer licence;

"registered pharmacist" means a pharmacist registered under the Pharmacy and Poisons Act;

[Cap. 105](#)

"retail licence" includes a retail full licence and a retail beer licence;

"sale" includes every method of disposition for valuable consideration including barter; and includes the disposition by an agent for sale on consignment; and also includes offering or attempting to sell, or receiving or having in possession for sale, or exposing for sale, or sending or delivery for sale, and also includes disposal by way of raffle, lottery, or other game of chance;

"spirituous liquor" means liquor manufactured by any process of distillation;

"table meal" means a meal eaten by a person seated at a table or at a counter or other structure which serves the purpose of a table and is not used for the service of refreshments for consumption by persons not seated at a table or

structure serving the purpose of a table;

"temporary packet licence" means a packet licence valid for not more than one month issued under section 21;

"town area" means the area known as Honiara (the boundaries of which are delineated on Plan 1981 deposited in the office of the Commissioner of Lands); and references to the Provincial Executive, in relation to that area, are references to the Municipal Authority.

PART II

SALES OF LIQUOR

3.-(1) Subject to the provisions of this Act, no person shall sell liquor unless he has first obtained a licence so to do under this Act. The following kinds of licences for the sale of liquor may be granted, as hereinafter provided-

Categories of licence
15 of 1988, Sched

- (a) a retail full licence;
- (b) a retail beer licence;
- (c) a wholesale licence;
- (d) a packet licence;
- (e) a temporary packet licence;
- (f) a publican's full licence;
- (g) a publican's beer licence;
- (h) a residential licence;
- (i) a restaurant licence;
- (j) a residential and restaurant licence;
- (k) an occasional full licence;
- (l) an occasional beer licence;

(m) a club full licence;

(n) a club beer licence;

(o) a night-club full licence;

(2) Every licence, except a club licence, an occasional licence or a temporary packet licence, shall be for a period not exceeding one year and shall expire on the thirty-first day of December in the year in which it is granted.

(3) The fees payable in respect of the issue of licences shall be the fees specified in Schedule A. Schedule A

(4) Licences granted under this Act shall be in the forms respectively specified in Schedule B. Schedule B

4. Subject to the provisions of this Act, a retail licence shall authorise the licensee to sell and deliver, in unbroken containers, from the premises therein specified-

(a) in the case of a retail full licence, any liquor;

(b) in the case of a retail beer licence, beer,

such liquor or beer,

as the case may be, not to be intended for consumption, or to be permitted to be consumed, upon the premises in respect of which the licence is granted.

5.-(1) The holder of a retail licence may only keep his premises open for the sale of liquor, and may only sell liquor, under the provisions of such licence on week-days other than Good Friday and Christmas Day between the hours of eight in the forenoon and six in the evening.

Hours of sale under retail
licence
15 of 1988, Sched

(2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and shall be liable to a fine of three hundred dollars. Every separate sale of liquor in violation of this section shall be deemed a separate offence.

6.-(1) Subject to the provisions of this Act, a wholesale licence shall authorise the Wholesale licence

licensee to sell and deliver, in unbroken containers, at premises the address of which shall be specified therein-

(a) any spirituous liquor of one trade description in quantities of not less than one gallon;

(b) wine or beer of one trade description, whether in cask or sealed bottles or cans of such number that the total liquid content thereof is not less than nine gallons,

to the holder of a licence for the purposes of resale by such holder.

(2) A wholesale licence may, subject to such additional fee as may be prescribed, be granted so as to apply to more premises than one, and in any such case the addresses of all the premises shall be specified therein.

(3) For the purposes of this section, "premises" means premises of whatever description, other than a private warehouse (as defined in section 2 of the Customs and Excise Act) which are occupied by the licensee and which are in the same province.

Cap. 121

7.-(1) Subject to the provisions of this Act, a packet licence shall authorise the master of the vessel therein mentioned, being a vessel by which passengers are conveyed from any place in the Solomon Islands to any other place in or out thereof, to sell and dispose of liquor, for consumption during her passage between such places, to any passengers on board such vessel, and may specify the amount of liquor that may be carried on such vessel at any one time for the sale by the licensee to passengers:

Packet licence
LN 46A of 1978
15 of 1988, Sched

Provided that no licence shall be necessary to authorise the granting of allowances of liquor to the crew of such vessel, or to authorise the sale of liquor to passengers on board such ocean-going vessels as the Minister may from time to time by order exempt from the provisions of this section.

(2) The Minister may by order from time to time restrict to certain classes of vessels the grant of packet licences, and may vary or revoke any such order.

(3) The following provisions shall apply to any vessel in respect of which a packet licence has been granted:-

(a) no liquor shall be sold, supplied or given on board any such vessel, by any person, to a passenger already in a state of intoxication;

(b) no liquor shall be sold, supplied or given on board any such vessel, by any person, to any member of the crew of such vessel, without the written authority of the master.

(4) Any person committing a breach of subsection (3) shall be guilty of an offence and shall be liable to a fine of one hundred dollars and, if the offence is committed by any servant of the licensee, the licensee shall be guilty of the like offence and shall be liable to the like fine.

8.-(1) A vessel shall not carry any liquor on board for transport between one place in Solomon Islands and another unless such liquor-

Conditions for carriage of
liquor on vessels
LN 46A of 1978
15 of 1988, Sched

(a) has been included on a list of ship's stores; or

(b) is referred to in proper shipping notes and recorded on the manifest of such vessel, and contained in packages so marked as clearly to indicate the consignee and the fact that they contain liquor; or

(c) is liquor for personal consumption by the owner of such liquor and such owner is travelling on the vessel.

The owner or master of any vessel carrying liquor contrary to the provisions of this subsection and the shipper of any such liquor shall be guilty of an offence and shall be liable to a fine of four hundred dollars or to imprisonment for one year or to both such fine and such imprisonment and the court recording such conviction may order the forfeiture of any such liquor.

(2) The owner or master of any vessel shall upon demand, made by a Provincial Secretary or a police officer, or any other public officer authorised thereto in writing by a Provincial Secretary, produce for inspection all manifests and other documents relating to liquor on board such vessel, and any such Provincial Secretary police officer or other public officer may board and search any vessel if he has reasonable grounds for believing that an offence against this Act has been committed thereon. Any person failing to produce such manifests or documents on demand or obstructing such search shall be guilty of an offence and shall be liable to a fine of two hundred dollars.

9.-(1) Subject to the provisions of this Act, a publican's licence shall authorise the licensee to sell or dispose of in any quantity, on the premises therein specified-

Publican's licence
15 of 1988, Sched

(a) in the case of a publican's full licence, any liquor;

(b) in the case of a publican's beer licence, beer.

(2) The holder of a publican's licence shall keep the liquor in his bar and elsewhere on his licensed premises in such manner as to prevent easy unauthorised access thereto, and in default thereof, shall be guilty of an offence and shall be liable, for a first offence, to a fine of one hundred dollars, and, for a second or subsequent offence, to a fine of two hundred dollars.

(3) The holder of a publican's licence may also sell cigars, cigarettes, tobacco, snuff and matches on the premises to which the licence relates.

10.-(1) The holder of a publican's licence shall not keep his premises open for the sale of liquor, and shall not sell any liquor to be drunk or consumed in or upon the licensed premises except-

Hours of sale in case of
publican's licence

(a) on week-days other than Good Friday and Christmas Day, between the hours of ten in the forenoon and half past ten in the evening;

(b) on Sundays, Good Friday and Christmas Day, between the hours of twelve noon and half past two in the afternoon and between the hours of seven in the evening and ten in the evening.

(2) Notwithstanding anything contained in subsection (1), a holder of a publican's licence may, having obtained a permit from the licensing authority of the district in which the licensed premises are situated, and upon payment of the prescribed fee, sell liquor on any day during such further hours as may be specified by the licensing authority in the permit. The permit shall be subject to such conditions as the licensing authority may impose.

(3) The holder of a publican's licence shall not sell or deliver from his premises any liquor in unbroken containers, or any liquor not intended to be consumed upon the premises in respect of which the licence is granted, after nine o'clock in the evening on any day.

(4) Nothing in this section shall prohibit-

(a) the sale or supply of liquor for consumption on the licensed premises to any bona fide lodger;

(b) the supply of liquor for consumption on the licensed premises-

(i) to the bona fide guest of a bona fide lodger entertained by such lodger at his own expense;

(ii) to any person employed at the licensed premises for the purpose of the business carried on there by the licensee, if the liquor is supplied at the expense of the licensee or of the person carrying on or in charge of the business on the licensed premises, and,

if such liquor is not drunk at the bar of the licensed premises.

(5) Any licensee contravening the provisions of this section shall be guilty of an offence and shall be liable to the penalty specified in section 57(2). Every separate sale of liquor in contravention of this section shall be deemed a separate offence.

(6) Any person, not being a bona fide lodger, the bona fide guest of a bona fide lodger or a person employed at the licensed premises for the purposes of the business carried on there by the licensee, drinking liquor in any licensed premises, or found in the act of leaving the same with liquor in his possession, at any time not within the hours and days specified in subsection (1), shall be guilty of an offence and shall, for every such offence, be liable to a fine of one hundred and fifty dollars.

15 of 1988, Sched

(7) Any police officer may seize liquor found in the possession of any person in contravention of any of the provisions of this section and on conviction of the offender such liquor may be forfeited by order of the court recording such conviction.

11.-(1) Subject to the provision of this Act, a residential licence shall authorise the licensee to sell liquor to a bona fide lodger for consumption on the licensed premises by such lodger or by any bona fide guest of such lodger and to supply liquor for consumption on the licensed premises to any person employed on the licensed premises for the purposes of the business carried on there by the licensee, if the liquor is supplied at the expense of the licensee or the person carrying on or in charge of the business on the licensed premises.

Residential licence

(2) Any person, not being a bona fide lodger, the bona fide guest of a bona fide lodger, or a person employed at the licensed premises for the purposes of the business carried on there by the licensee, drinking liquor in the licensed premises, or found in the act of leaving the same with liquor in his possession, shall be guilty of an offence and shall, for every such offence, be liable to a fine of one hundred and fifty dollars.

15 of 1988, Sched

(3) A residential licence shall only be granted in respect of premises bona fide used or intended to be used for the purpose of providing lodging, or board and lodging, for reward and provided there shall be afforded in the premises, for lodgers thereat, adequate sitting accommodation in a room not used or to be used for sleeping accommodation, for the service of substantial refreshment or consumption of liquor.

(4) The holder of a residential licence may also sell cigars, cigarettes, tobacco, snuff and matches on the premises to which the licence relates.

12.-(1) Subject to the provisions of this Act, a restaurant licence shall authorise the licensee to sell liquor by retail to a person, and to supply liquor to an employee of the licensee, taking a table meal on the licensed premises and for consumption by such person or employee as an ancillary to his meal between the hours of ten in the forenoon and twelve midnight.

Restaurant licence

(2) Notwithstanding anything contained in subsection (1), a holder of a restaurant licence may, having obtained a permit from the licensing authority of the province in which the licensed premises are situated and upon payment of the prescribed fee, and subject to the conditions imposed by the licensing authority, sell liquor under subsection (1) on any day at such further hours as may be specified by the licensing authority in the permit.

(3) Any person, not being a person taking a table meal in the licensed premises, drinking liquor in the licensed premises or found in the act of leaving the same with liquor in his possession shall be guilty of an offence and shall be liable to a fine of one hundred and fifty dollars.

15 of 1988, Sched

(4) A restaurant licence shall only be granted in respect of premises structurally adapted and bona fide used, or intended to be used, for the purpose of providing habitually the customary main meal at midday or in the evening, or both, for persons frequenting the premises.

(5) The holder of a restaurant licence may also sell cigars, cigarettes, tobacco, snuff and matches on the premises to which the licence relates.

13. Subject to the provisions of this Act, a residential and restaurant licence shall authorise the licensee to sell liquor on premises falling within the provisions of sections 11(3) and 12(4) and subject to the condition that liquor shall not be sold otherwise than as authorised by a residential licence or a restaurant licence.

Residential and
restaurant licence

14. It shall be an implied condition of any licence granted under sections 11, 12 or 13 that suitable beverages other than liquor (including drinking water) shall be equally available for consumption in the licensed premises.

Availability of other
beverages

15.-(1) An occasional licence shall authorise the licensee, during such time and at any place therein specified at which any lawful amusement or entertainment is intended

Occasional licence

to be held, to sell and dispose of cigars, cigarettes, tobacco, snuff, matches and refreshments and-

(a) in the case of an occasional full licence, any liquor;

(b) in the case of an occasional beer licence, beer.

(2) An occasional licence may be granted for any period not exceeding seven days and shall be subject to such conditions as the licensing authority granting the licence may impose.

(3) An occasional licence may be granted by the licensing authority, without notice, on application made to it in writing and payment of the appropriate fee prescribed in Schedule A.

Schedule A

16. (1) A night-club full licence authorises the licensee to sell liquor, cigars, cigarettes, tobacco, snuff, matches and refreshments during the period of entertainment at the night-club.

Night-club full licence
15 of 1988, Sched

(2) A night-club full licence granted under this Act is, unless earlier suspended or cancelled, valid for a period of one year commencing on the date the licence is granted and is subject to such conditions as the licensing authority granting the licence may deem proper to impose.

(3) In this section "night-club" means premises used for music and dancing and other similar entertainment between the hours of 6 o'clock in the evening and 2 o'clock in the morning of the following day.

PART III

LIQUOR LICENSING BOARDS

17. (1) There is established in each province a Liquor Licensing Board which shall be the liquor licensing authority for that province.

Establishment and
constitution of Liquor
Licensing Boards
15 of 1988, Sched
6 of 1992, s. 3

(2) The Boards shall consist of a Magistrate to be appointed by the Premier acting in accordance with the advice of the Chief Magistrate who shall be Chairman and each of the following persons as members-

(a) a Church representative in that province;

(b) a woman representative in that province;

(c) a police officer in that province nominated by the officer in charge of the police force in that province;

(d) a representative of the business sector in that province; and

(e) two other members resident in that province;

(3) The members shall be appointed by the Premier of the province and hold office at the pleasure of the Premier for a period not exceeding one year commencing on the date they are appointed and are eligible for reappointment.

(4) A member of the Board may resign at any time by giving notice in writing to the Premier and the resignation shall take effect on the date specified in the notice or, if no date is specified, on the date the Premier receives the notice.

(5) Where the Chairman is unable to perform his functions as Chairman, the Premier may appoint one of the members to act as Chairman of the Board.

(6) At any meeting of the Board, the Chairman or in his absence the acting Chairman, and three members shall constitute a quorum.

(7) The Chairman of the Board shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(8) The procedure at each meeting of the Board shall be regulated by the Chairman or, in his absence, the acting Chairman.

(9) In this section, the expression-

"province" includes Honiara Town Council;

"Premier" includes the President of the Honiara Town Council.

18.-(1) It shall be the duty of each Board to hear applications for the grant, renewal, removal or transfer of licences, other than temporary packet licences, in accordance with the provisions of this Act.

Functions of Boards

(2) Subject to the provisions of this Act, a Board may in its discretion grant an

application for a licence or its renewal, removal or transfer, subject to such conditions as it may deem appropriate, or it may refuse any such application, and subject to section 34 a decision of a Board shall be final.

(3) A Board shall in the month of November in every year hear applications for licences or the renewal of licences and may sit at such times as the Chairman shall consider necessary to hear any application or to transact any other business within the powers of the Board.

(4) A Board may delegate to its Chairman its powers to grant an occasional licence or to grant a permit for the extension of the hours of sale under a publican's or restaurant licence.

19. (1) Applications for the grant, renewal, removal or transfer of licences in accordance with the provisions of this Act, shall be made to the Board established in respect of the province in which are situated the premises upon which the applicant proposes to sell liquor, except that in the case of an application for a packet licence the application shall be made to the Board appointed for the province in which the owner or agent of the vessel to which the application relates has his usual place of business.

Jurisdiction of Boards in
respect of licences
31 of 1978s. 2

(2) A Board before granting any licence shall be satisfied that the premises to which the application relates are fit and proper for the purpose of selling liquor, having regard to the type of licence applied for, that the parts of the premises on which liquor is to be stored or sold are sufficiently defined in the application, or delineated on a plan annexed thereto, and that the applicant is a proper person to hold a licence of the type for which application is made.

(3) In the case of a publican's licence, in addition to the matters specified in subsection (2), the Board shall be satisfied, before the licence is granted, that the premises concerned will have adequate ventilation and fire-fighting equipment and sufficient seating and adequate and proper sanitary arrangements to meet the reasonable needs of customers.

PART IV

PROCEDURE RELATING TO LICENCES

20.-(1) Save as otherwise provided in this Act, any person wishing to make an application for the grant, renewal, removal or transfer of a licence, shall apply to the Chairman of the licensing authority in the appropriate form prescribed in Schedule C:

Application for licence
14 of 1974, s. 2
31 of 1978, s. 2
7 of 1981, Sched. 8
Schedule C

Provided that it shall not be necessary to make application to the licensing authority

for the renewal of a retail licence or a wholesale licence unless objection to the renewal of such licence has been lodged by a police officer with the holder thereof before the month of November in the year immediately prior to that to which the renewal would relate.

(2) Save as otherwise provided in this Act, upon receipt of an application made under subsection (1), the Chairman of the licensing authority shall forthwith prepare a notice setting forth-

(a) the name of the applicant for a licence;

(b) the type of licence applied for;

(c) the premises in respect of which the application is made;

(d) the objections that may be lodged to such application and the manner in which such objections may be made; and

(e) the date and place of the meeting at which such application is to be considered.

(3) The Chairman of the licensing authority shall, not less than two months before a meeting of the licensing authority, cause a copy of each notice prepared under subsection (2) to be-

(a) posted in some conspicuous place at the public office of the Provincial Executive for the province in which the premises in respect of which the application is made are or are intended to be situated;

(b) published in the Gazette or any newspaper, news sheet, newsletter or other periodical published in Solomon Islands and circulating in such province;

(c) sent to every member of the licensing authority;

(d) sent to a health officer in such province;

(e) sent to the Commissioner of Police or to such police officer as the Commissioner of Police may have notified the Chairman of the licensing authority that he has appointed to receive it on his behalf;

(f) posted, in the case of an application relating to premises situated or intended to be situated in a town area, in a conspicuous place in each ward in that area;

(g) sent, in the case of an application relating to premises situated or intended to be situated in an area other than a town area, to the local authority of that area, together with sufficient additional copies to enable the local authority to comply with subsection (4):

Provided that for the purposes of paragraph (b), the copy published need not set forth the matters specified in subsection (2)(d):

Provided further that it shall not be necessary to comply with paragraphs (d), (f) and (g) in the case of an application for a packet licence.

(4) In any area other than a town area, upon receipt by a local authority of copies of a notice sent to it under subsection (3) (g), such local authority shall forthwith cause a copy of such notice to be posted in a conspicuous place in each village of the ward in which the premises in respect of which an application under subsection (1) is made are or are intended to be situated.

(5) In this section, "ward" means an electoral ward constituted under regulation 3 of the Local Government (Elections) Regulations.

(6) It shall be the duty of every health officer notified pursuant to subsection (3) (d) and of the Commissioner of Police or, as the case may be, of the police officer appointed under subsection (3) (e), before the hearing of an application made under subsection (1), to report as fully as possible to the licensing authority on all matters which may be relevant to the consideration of such application.

(7) No licence shall be invalid merely by reason of the fact that the provisions of this section have not in all respects been complied with.

21. Notwithstanding the provisions of section 20-

Exemption in respect of
temporary packet licence
and occasional licence

(a) an application for a temporary packet licence in respect of a ship not registered in Solomon Islands may be made at any time, without notice, to the Comptroller of Customs and Excise in the form prescribed in Form 3 in Schedule C, and in such case a temporary packet licence, valid for not more than one month, may be issued by the Comptroller of Customs and Excise, or any customs officer authorised by him in that behalf, (b) an application for an occasional licence may be granted by the licensing authority at any time, without notice, on application made to it in writing.

Schedule C
Schedule A

22.-(1) Where premises are about to be constructed or reconstructed for the purpose of being used for the sale of liquor for consumption on such premises, any person having an interest in the premises may apply to the Chairman of the licensing authority in the form prescribed in Form 4 in Schedule C, for an assurance that, on the completion of the construction or reconstruction, a licence of the type to be specified in the application will be granted in respect of such premises.

Assurance that licence
will be issued in certain
circumstances
Schedule C

(2) The provisions of section 20 shall apply *mutatis mutandis* to an application made under subsection (1), which shall be accompanied by a signed copy of the plans of the premises concerned.

(3) The licensing authority may, subject to payment of the appropriate fee prescribed in Schedule A and to such reasonable conditions as it may therein include, give to the applicant an assurance in the form prescribed in Form 3 in Schedule D that, on the completion of the premises, a licence of the type specified therein will be granted, or it may refuse to give such an assurance.

Schedule A
Schedule D

(4) Where such an assurance has been given by the licensing authority the Chairman shall, on any date, on being satisfied that the premises have been completed in accordance with the signed plans submitted under subsection (2) and that any conditions which may have been imposed in the assurance have been complied with, issue to the applicant a licence of the type specified in the assurance in respect of the premises:

Provided that any such assurance shall become ineffective and the Chairman shall not issue a licence if, between the date of giving of such assurance and the date of completion of the premises, the applicant-

(a) becomes a person who is unable to satisfy the licensing authority, if called upon to do so, that he is of good character and standing; or

(b) is convicted of an offence under this Act or any other Act at any time in force regulating the sale of liquor.

23.-(1) Every person making an application for a licence other than a temporary packet licence, or for the renewal, removal or transfer of a licence, shall, save as otherwise provided, appear in person or by counsel or a solicitor, or, with the permission of the licensing authority, by any other person, at the hearing of his application before the licensing authority, unless such appearance is expressly dispensed with by the licensing authority for any reason which it considers sufficient.

Hearing of application

(2) In the case of an application for a retail or wholesale licence, the licensing

authority, on being satisfied that the premises comply with the provisions of this Act and that no objection has been made, or appears to the licensing authority to exist, to the issue of the licence, shall grant its certificate for the issue of a licence without the personal appearance of the applicant or his representative:

Provided that the licensing authority at its discretion may, by notice in writing, require the applicant to appear personally in any particular case.

(3) A licensing authority may require the personal appearance before it of the manager of the premises to which an application relates and of any other person whose attendance it considers necessary.

(4) Where any licensing authority deems it necessary to take evidence respecting any question to be determined by it, such evidence shall be given on oath and the Chairman is hereby empowered to administer oaths.

(5) For the purposes of Parts XI and XII of the Penal Code (which relate to perjury and other offences relating to the administration of justice), all proceedings before a licensing authority shall be deemed to be judicial proceedings. Cap.26

(6) Every licensing authority shall keep records of all its proceedings and, in particular, of the purpose for which any application to it was made, and notes of the evidence given and of the arguments adduced and its decision thereon:

Provided that no decision of a licensing authority shall be quashed on appeal solely by reason of any omission or error in such record unless it appears that a substantial miscarriage of justice has thereby been occasioned.

24.-(1) Any person may lodge objection to an application for the grant, renewal, removal or transfer of a licence, other than a temporary packet licence or an occasional licence. Objections

(2) Every objection to an application shall incorporate the grounds thereof, shall be written and shall be made in duplicate to the Chairman of the licensing authority not less than ten days before the date fixed for the hearing of the application and the Chairman shall serve one copy thereof on the applicant, personally or by post, at least seven days before the hearing of the application. 8 of 1978, s. 2

(3) Any objector shall be entitled to appear before a licensing authority in person or to be represented by counsel or a solicitor, or, with the permission of the licensing authority, by any other person.

(4) Any one or more of the following objections may be made to an application for the grant of a licence, other than a club licence, a temporary packet licence or an occasional licence-

(a) that the applicant is of drunken or dissolute habits or is otherwise not a fit and proper person to hold the licence;

(b) that the applicant has, within the period of twelve months preceding the date of application, been convicted of an offence under this Act or any other Act at any time in force regulating the sale of liquor;

(c) that a licence issued to the applicant has, within the twelve months preceding the date of application, been cancelled;

(d) that the reasonable requirements of the neighbourhood do not justify the granting of the licence;

(e) that the premises in respect of which the application is made are in the immediate vicinity of a place of public worship, hospital or school;

(f) that the quiet and good order of the neighbourhood in which the premises in respect of which the application is made are situated will be disturbed if a licence be granted;

(g) that the premises in respect of which the application is made are dirty, insanitary or not in a proper state of repair or are not provided with adequate and proper sanitary arrangements or fall short of reasonable standards of hygiene and cleanliness; or

(h) any other objection (not being frivolous or vexatious) which appears to the licensing authority to be relevant.

(5) Any one or more of the following objections may be made to an application for the grant of a club licence-

(a) that the club occupies premises in respect of which, within the twelve months next preceding the formation of the club, a licence has been cancelled or the renewal of a licence has been refused;

(b) that the supply of liquor to the club is not under the control of the members or the committee of management or other governing body appointed by the members; or

(c) any objection specified in paragraphs (e), (f), (g) or (h) of subsection (4).

(6) Any one or more of the following objections may be made to an application for the renewal of a licence-

(a) that the conditions of the applicant's licence have not been satisfactorily fulfilled;

(b) that frequent breaches of the law have occurred on the licensed premises within the twelve months preceding the application;

(c) except in the case of a wholesale or retail licence, that the facilities for serving liquor are unsuitable;

(d) in the case of a publican's licence, a residential licence, a restaurant licence or a residential and restaurant licence, that the applicant has without reasonable excuse (the burden of proving which shall lie upon the applicant) during the term of his licence, carried out a discriminatory practice, or caused or permitted a discriminatory practice to be carried out upon the premises to which the licence relates;

(e) in the case of a club licence-

(i) that the club has ceased to exist; or

(ii) that it is not conducted in good faith as a club, or that it is kept or habitually used for any unlawful purpose; or

(iii) that there is frequent drunkenness on the club premises; or

(iv) that illegal sales of liquor have taken place on the club premises; or

(v) that persons who are not members are habitually admitted to the club merely for the purpose of obtaining liquor; or

(vi) that the supply of liquor to the club is not under the control of the members or the committee of management or other governing body appointed by the members; or

(vii) any objection specified in paragraphs (f) or (h) of subsection (4);

(f) except in the case of a wholesale or retail licence, that the premises to which the licence relates are not in a proper state of repair, or are not provided with adequate and proper sanitary arrangements, or fall short of reasonable standards of hygiene and cleanliness, or do not comply with the reasonable

requirements of the health officer, and the owner of the premises or the licensee refuses or is unable to give satisfactory guarantees that the necessary repairs will be carried out or due compliance effected, as the case may be, within the time specified by the licensing authority;

(g) in the case of a licence other than a club licence, any objection specified in paragraphs (a), (b), (c), (f) or (h) of subsection (4).

25. If the renewal of a licence is refused, the licensee shall, on payment of the proportionate part of the fee for the appropriate licence, be entitled to a licence of such description and for such period, not exceeding three months, as the licensing authority may deem necessary for the purpose of disposing of the liquor or apparatus on the premises, such period to commence on the day on which the renewal of licence was refused or on the day after the termination of the existing licence, whichever day is the later.

Temporary extension of licence where renewal is refused

26.-(1) A licensing authority may of its own motion take notice of any matter or thing which, in the opinion of the licensing authority, constitutes an objection to an application, whether or not any objection has been otherwise lodged.

Objection by licensing authority

(2) Where in respect of an application a licensing authority acts in pursuance of subsection (1), the licensing authority shall inform the applicant of the nature of the objection, and shall, if the applicant so requests, adjourn the hearing for such period, not being less than seven days, as the licensing authority deems necessary to enable the applicant to reply thereto.

27.-(1) If the licensing authority shall decide to grant an application, it shall issue to the applicant a certificate in the appropriate form prescribed in Schedule D, or to the like effect and shall cause lists of such certificates specifying the name of the applicant, the situation and sign or name of the premises and the description of those parts thereof to which the licence concerned is to apply, and the street or place where it is situated, and in the case of a packet licence, the name and description of the vessel to which it is to apply, to be transmitted to the licensing officer.

Certificate to issue to licensee and list to be transmitted to licensing officer
Schedule D

(2) A certificate issued under subsection (1) shall be presented by the applicant to the licensing officer who shall issue the licence accordingly.

28.-(1) Every certificate granted under this Act shall be void unless the sum (if any) required to be paid under this Act for the licence thereby authorised be so paid within twenty-eight days after the granting of such certificate.

Certificate to be void for non-payment of fee

(2) Notwithstanding default in presenting any such certificate, or in payment of the sum so required within due time, a Provincial Secretary may, if he shall see fit, upon a statement of the circumstances, direct the issue of the licence, for which such certificate shall have been granted, on payment of any sum not exceeding ten dollars in addition to the sum payable in respect of such licence.

29.-(1) Where a licensee sells or leases or otherwise disposes of the premises specified in his licence, he may apply in writing to the Chairman of the licensing authority for the temporary transfer of his licence to the purchaser or lessee or otherwise of such premises, and the Chairman may, if he thinks fit, by an endorsement on such licence, under his hand, specifying the name of the temporary licensee, grant a temporary transfer of such licence to be valid until the next meeting of the licensing authority, or, if the provisions of section 20 as to notice cannot be complied with before the next meeting, until the next meeting but one, or the expiration of the licence, whichever is the sooner.

Transfer of a licence to another person

(2) Where a licence has been temporarily transferred under subsection (1), the person to whom the same has been transferred shall forthwith make application to the licensing authority for the grant of the appropriate licence, and sections 20, 23, 24 and 26 shall apply *mutatis mutandis* to and in respect of such application:

Provided that no objection may be made in respect of such application unless it relates to paragraph (a) or paragraph (b) of subsection (3).

(3) The licensing authority shall grant to the applicant a licence of the type transferred unless the applicant-

(a) fails to satisfy the licensing authority, if called upon to do so, of his good character and standing; or

(b) has, within the period of twelve months preceding the date of application, been convicted of an offence under this Act or any other Act regulating the sale of liquor,

in which case the licensing authority shall not grant the applicant a licence and the applicant shall surrender the licence temporarily transferred to him.

(4) No fee shall be payable in respect of a licence granted under subsection (3) if, at the date of such grant, the licence which was temporarily transferred was valid for a period of more than six months.

30.-(1) The removal of a licence from one province to another shall not be lawful;

Removal of licence to other premises within

same province

but if a licensee shall desire to remove his licence from his licensed premises to any other premises in the same province he may apply in writing to the Chairman of the licensing authority for permission so to do after not less than thirty days notice of his intention to make such application has been given by the licensee by means of a notice affixed in a conspicuous place on the outside of the premises to which it is desired to remove the licence and at the office of the Provincial Executive.

(2) The provisions of sections 24 and 26 shall apply *mutatis mutandis* to applications under this section.

(3) The Chairman may, if he thinks fit, and after hearing any objections to the removal, either-

(a) by endorsement of the licence under his hand, remove the licence from the premises specified therein to the premises specified in the application, in which case the licence shall, for the period of its validity, be deemed to apply to the premises thereon so endorsed and may, subject to section 24 (6) be renewed as though it had originally been issued in respect of the premises thereon endorsed; or

(b) endorse upon the licence a temporary removal to be valid only until the next ordinary meeting of the licensing authority; or

(c) defer the application for consideration at a meeting of the licensing authority.

(4) Where a licence has been endorsed with a temporary removal under subsection (3) (b), the licensee shall, at the next meeting of the licensing authority, make application for the ratification of the removal, and the provisions of sections 20, 23, 24 and 26 shall apply *mutatis mutandis* to such application.

31. In the event of the death, bankruptcy or unsoundness of mind of a licensee, or in any similar event to which the Chairman of a licensing authority declares in writing that the provisions of this section should be applied, it shall be lawful, for the purposes of this Act, for the widow, executor, administrator, trustee or manager, as the case may be, or any other person approved by the Chairman, to carry on the business of the licensee without any transfer or grant of a licence, either personally or by an agent approved by the Chairman, until the next meeting of the licensing authority, or, if such meeting is held within fourteen days of such death, bankruptcy, unsoundness of mind or other event, the next meeting but one, or the expiration of the licence, whichever is the sooner.

Power to carry on business on death, bankruptcy, etc

32. Every person to whom a licence may have been temporarily transferred under section 29, and every person permitted to carry on a business without a transfer or grant of a licence in pursuance of section 31, shall possess all the rights and be liable to all the duties and obligations of the original licensee.

Transfer of rights and duties under sections 29 and 31

33. If the licensing authority refuses to grant any application it may order payment of a sum, to meet the reasonable costs and expenses of the opposing party, to be made to such party by the unsuccessful applicant. If the opposition to any application shall appear frivolous or malicious, the licensing authority may order payment of a sum, to meet the reasonable costs and expenses of the successful applicant, to be made to him by the opposing party. Any sum ordered to be paid may be recovered as a civil debt by the person to whom it is ordered to be paid from the person ordered to pay it.

Costs

34.-(1) Any applicant or objector who is aggrieved by the decision of a licensing authority may, if dissatisfied with such decision as being erroneous in point of law, or as being in excess of jurisdiction, apply in writing within one month from the date of such decision to the licensing authority to state and sign a special case setting forth the facts and the grounds of such decision for the opinion thereon of the High Court:

Appeal from decision of licensing authority on point of law

Provided that the period of one month may be extended by the licensing authority for good cause shown.

(2) Upon receiving an application under subsection (1), the licensing authority shall forthwith draw up a special case and transmit the same to the Registrar of the High Court, and thereafter such special case shall be heard and disposed of, *mutatis mutandis*, as though it were an appeal by case stated under Part IX of the Criminal Procedure Code Act:

Cap.7

Provided that the decision of the High Court in respect of such application shall be final and conclusive and shall not be questioned in any proceedings whatsoever.

(3) Where a licensee whose licence has not been renewed applies under subsection (1) to the licensing authority to state and sign a special case for the opinion of the High Court, his licence shall be deemed to have been renewed until the decision of the High court is made known.

PART V

SPECIAL PROVISIONS RELATING TO PUBLICAN'S, RESIDENTIAL AND RESTAURANT LICENCES

35. In this Part, unless the context otherwise requires, "residential licence" includes a residential and restaurant licence referred to in section 13.

Interpretation

36. If any female holder of a publican's or residential licence shall marry, the licence held by her shall confer upon her husband the same privileges, and shall impose on him the same duties, obligations and liabilities, as if such licence had been granted to him originally, unless he shall, within fourteen days after the celebration of the marriage, disclaim all interest in the licence by writing under his hand delivered to or served by registered post upon the licensing authority.

Provision on marriage of female licensee

37.-(1) Every holder of a publican's, residential or restaurant licence shall cause to be painted, and shall maintain so painted, in letters at least two inches high on the front of his premises, his name in full, followed-

Details of licence to be affixed to premises

(a) in the case of the holder of a full publican's licence, by the words-

"licensed to retail fermented and spirituous liquor";

(b) in the case of the holder of a publican's beer licence, by the words-

"licensed to retail beer only";

(c) in the case of the holder of a residential licence, by the words-

"licensed to retail fermented and spirituous liquor for consumption on the premises by a lodger and his guests";

(d) in the case of the holder of a restaurant licence, by the words-

"licensed to retail fermented and spirituous liquor for consumption on the premises with meals"; and

(e) in the case of the holder of a residential and restaurant licence, by the words-

"licensed to retail fermented and spirituous liquor for consumption on the premises by a lodger and his guests or with meals".

(2) Every licensee who fails to comply with the provisions of subsection (1) shall be guilty of an offence and shall be liable for a first offence to a fine of twenty dollars and for a subsequent offence to a fine of forty dollars.

15 of 1988, Sched

Licensee may sell
absconder's goods
7 of 1981, sch. 8

38.-(1) If any lodger shall leave any premises in respect of which a publican's or residential licence is in force without paying for his accommodation, the licensee of such premises may, after the expiration of three months from the date when such lodger left, apply to a Magistrate for an order to sell any goods, chattels and effects of such lodger which may have been left in the custody of the licensee; and the Magistrate, on being satisfied of the amount of such debt, may order a sale accordingly:

Provided that such sale shall not take place unless fourteen days' notice thereof has been given by publication of a notice at the public office of the Provincial Executive for the province in which such premises are situated and in the Gazette or a newspaper, newsletter or news sheet published in Solomon Islands and circulating in such province, giving shortly a description of the goods, chattels or effects intended to be sold, together with the name, where known, of the lodger who left the same.

(2) The proceeds of such sale shall be applied in the first place to the satisfaction of such debt and the expenses of the sale; and any excess that may be realised over and above the amount of such debt and expenses, shall be paid over to the Magistrate in trust for such person or persons as may thereafter be proved to the satisfaction of the Magistrate to be entitled thereto. Any such sum remaining unclaimed for more than two years may be paid into the Provincial Fund without prejudice to the rights of any person who may subsequently establish any right to receive such sum or any part thereof.

39. When a publican's or residential licence shall have been granted in respect of any premises, no goods or chattels whatsoever, being the bona fide property of any lodger putting up thereat, which shall be in such premises or its appurtenances or any place ordinarily used or occupied therewith, shall be liable to be distrained or seized for rent due in respect of such premises or appurtenances, or in respect of any other claims whatsoever against the same or the owner or the occupier thereof. If any such goods or chattels shall be distrained or seized, any Magistrate may summarily inquire into such matter upon the complaint of any person aggrieved by such distress or seizure, and may order any such goods or chattels so distrained or seized to be restored to their owner, and may award and enforce payment of reasonable costs of the proceedings against the person distraining or seizing such goods or chattels.

Indemnity from distress
of lodger's property

40. The liability of the holder of a publican's licence, who also provides board and lodging for gain or profit on his licensed premises or any place ordinarily used or occupied therewith, and of the holder of a residential licence, to make good to any lodger of his, any loss of, or injury to, goods or property brought to the licensed premises shall not exceed one hundred dollars in respect of any one article or two hundred dollars in the aggregate, except in the following cases, that is to say-

Limit of liability for loss of
or injury to lodger's
property

(a) where such goods or property shall have been stolen, lost or injured through the wilful act, default or neglect of the licensee or any servant in his employ; or

(b) where such goods or property shall have been deposited expressly for safe custody with the licensee:

Provided that, in the case of such deposit, it shall be lawful for the licensee, if he thinks fit, to 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.

41. If any holder of a publican's or residential licence shall refuse to receive for safe custody, as in section 40 mentioned, any goods or property of his lodger, or if any such lodger shall, through any default of the licensee, be unable to deposit such goods or property as aforesaid, such licensee shall not be entitled in respect of such goods or property to any limitation of liability under that section.

Liability of holder of publican's or residential licence refusing to receive lodger's property for safe custody

42. Every holder of a publican's licence to whom section 40 applies and every holder of a residential licence shall cause at least one copy of that section, printed in plain type, to be exhibited in a conspicuous part of the hall or entrance to his licensed premises and in every bedroom, and he shall be entitled to the benefit of this Act in respect of only such goods or property as shall be brought to the premises while such copy shall be exhibited.

Section 40 to be exhibited in entrance to premises, and bedrooms

43. No holder of a publican's licence, who also provides board and lodging for gain or profit, or of a residential licence shall, if there be accommodation, refuse to receive any traveller as a lodger who is able and willing to pay for his accommodation, or to supply him with food and lodging, unless the traveller be intoxicated or a known disreputable person. Every such holder contravening this section shall be guilty of an offence and shall be liable to a fine of one hundred dollars.

Penalty on refusal to receive travellers
15 or 1988 Sched

44.-(1) The holder of a publican's licence, a residential licence or a restaurant licence shall not without reasonable excuse (the burden of proving which shall lie upon such holder) carry out a discriminatory practice, or cause or permit a discriminatory practice to be carried out, upon the premises to which the licence relates, and every such holder contravening this section shall be guilty of an offence and shall be liable to a fine of six hundred dollars or to imprisonment for eighteen months, or to both such fine and such imprisonment.

Penalty for discriminatory practice
LN 464 of 1978
15 of 1988, Sched

(2) A prosecution for an offence under subsection (1) shall not be commenced

without the prior consent in writing of the Director of Public Prosecutions

(3) Where the holder of any licence referred to in subsection (1) is convicted of an offence against that subsection, the court may-

(a) suspend for such time as it thinks fit or cancel the licence held by such holder; and

(b) disqualify the holder from holding any such licence during such period as it thinks fit.

PART VI

CLUBS

45.-(1) The secretary of any club, established for recreational and social purposes only, which occupies any premises habitually used for the purposes of such club and in which it is desired to supply liquor, or beer only, as the case may be, for consumption by members or their guests, may apply to the Chairman of the licensing authority for the club to be licensed.

Licensing of clubs

(2) An application made under the provisions of subsection (1) shall be accompanied by-

(a) an application for a club licence in the form prescribed in Form 6 in Schedule C, stating whether a licence is desired for the sale of liquor or only for the sale of beer, signed by the secretary of the club and setting out the name and objects of the club and the address of the premises of the club to which the licence is intended to apply;

Schedule C

(b) a list containing the names and addresses of the officials and committee of management or other governing body of the club; and

(c) a copy of the rules of the club.

(3) Upon receipt of an application made under subsection (2), the Chairman of the licensing authority shall forthwith prepare a notice setting forth-

(a) the name and objects of the club in respect of which the application is made;

(b) the address of the premises of the club;

(c) the objections that may be lodged to the application and the manner in which objections may be made; and

(d) the date and place at which such application is to be considered.

(4) The provisions of section 20 (3), (4), (5) and (6) shall apply *mutatis mutandis* in respect of an application for a club licence as they apply to applications for other licences.

(5) (a) In the event of an application for a club licence being granted by the licensing authority, the secretary of the club to which the licence is granted shall forthwith furnish the Commissioner of Police with a copy of the Rules of the club.

31 of 1978, s. 2

(b) In the event of the amendment by a club of its rules, the secretary of such club shall forthwith furnish the Chairman of the licensing authority and the Commissioner of Police with a copy of such amendment.

(c) Any club secretary who fails to comply with the provisions of paragraphs (a) and (b) of this subsection shall be guilty of an offence and shall be liable to a fine of twenty-five dollars.

(6) Subject to the provisions of this Act, a club licence shall be issued for a period of one year from the date thereof.

(7) The secretary of a licensed club desiring to obtain a renewal of such club licence shall, not less than three months before the expiry of such licence, make application for such renewal in the same manner as that provided for the making of an original application for a club licence:

Provided that on any application for renewal of a club licence the requirement as to the annexation of a copy of the rules may be dispensed with.

46.-(1) A licensed club may supply and sell to members and members' wives on the club premises either beer only or any liquor, as shall be specified in the licence granted to such club.

Effect of club licence

(2) The granting of a licence to a club under this Act shall not constitute the club premises licensed premises or authorise any sale of liquor therein which would otherwise be illegal.

47.-(1) If any liquor is sold on the premises of a licensed club to any person other than a member or the wife of a member, or if any liquor is sold or supplied on the premises of an unlicensed club, the person supplying or selling such liquor, and every person authorising the sale or supply of such liquor, shall be guilty of an offence and shall be liable to a fine of three hundred dollars.

Illegal sales on club premises
15 of 1988, Sched

(2) Liquor shall not be supplied after nine o'clock in the evening on any day in a licensed club for consumption off the premises, and any person who supplies or obtains liquor in contravention of this subsection shall be guilty of an offence and shall be liable to a fine of one hundred dollars.

48.-(1) There shall be kept by every licensed club-

Books and lists to be kept by licensed clubs

(a) a register book of members, setting out the name and address of each of the club's members and

(b) a visitors' book, setting out the name and address of all visitors to the club and the name of the member of the club introducing any such visitor.

(2) From the books referred to in subsection (1) the secretary of every licensed club shall at the beginning of every year prepare the following lists-

(a) a list of members, excluding temporary members;

(b) a list of temporary members admitted to the club during such year; and

(c) a list of visitors introduced into the club during such year.

(3) The lists referred to in subsection (2) shall be kept up to date and shall be available for inspection by a police officer at all reasonable times during the day or night.

(4) Any club secretary who fails to keep the lists specified in subsection (2) and any person obstructing a police officer acting in exercise of the power conferred by subsection (3) shall be guilty of an offence and shall be liable to a fine of seventy-five dollars.

15 of 1988, Sched

(5) For the purposes of this section and Schedule A, a temporary member means a person admitted to membership of a club for any period not exceeding seven days.

49.-(1) Where a club has been licensed in pursuance of this Act, a Magistrate's

Cancellation of club's licence

Court, on a complaint in writing by the Commissioner of Police or the police officer commanding the police in the province or the local authority of the area, in which such club is situated, may make an order directing that the licence of such club be cancelled on any of the following grounds, namely-

- (a) that the club has ceased to exist; or
- (b) that it is not conducted in good faith as a club, or that it is kept or habitually used for any unlawful purpose; or
- (c) that there is frequent drunkenness on the club premises; or
- (d) that illegal sales of liquor have taken place on the club premises; or
- (e) that persons who are not members have habitually been admitted to the club merely for the purpose of obtaining liquor; or
- (f) that the club occupies premises in respect of which, within twelve months next preceding the formation of the club, a licence has been cancelled or the renewal of a licence has been refused; or
- (g) that the supply of liquor to the club is not under the control of the members or the committee of management or other governing body appointed by the members.

(2) For the purpose of determining whether a club is conducted in good faith as a club, the court shall have regard to the nature of the premises occupied by the club.

(3) If the court grants a summons on complaint, the summons shall be served on the secretary and on such other person (if any) as the court may direct.

(4) Where the court makes an order for the cancellation of the licence, the court may by that order further direct that the premises occupied by the club shall not be used for the purpose of any club licensed under this Act for a specified period, which may extend to twelve months in case of a first order, or, in the case of a second or subsequent order, to five years:

Provided that any such direction may, for good cause shown, be subsequently discharged or varied by the court.

PART VII

DISTILLATION OF LIQUOR

50. (1) The Minister may, on application by a person and subject to such conditions as the Minister may deem fit to impose, grant approval in writing to the person to brew or distil liquor in Solomon Islands.

Restriction on making
liquor
15 of 1988, *Sched*

(2) A person who, without the written approval of the Minister-

(a) imports into or sets up in Solomon Islands any still or any machinery, implement or utensil used or intended to be used for brewing or distilling liquor;

(b) has on his premises or in his possession or custody any still, still-head, worm, machinery implement or utensil used or intended to be used for brewing or distilling liquor;

(c) makes or assists in making liquor; or

(d) supplies any material for making or working any still,

is guilty of an offence and liable to a fine of one thousand two hundred dollars or to imprisonment for three years or to both such fine and imprisonment

51. (1) Where a police officer believes on reasonable grounds that a premises is being used without the written approval of the Minister for brewing or distilling liquor, the police officer may enter upon the premises and seize-

Seizure of forbidden
articles
15 of 1988, *Sched*

(a) any article, machinery, material, implement or utensil which appears to the police officer as being for use in connection with the brewing or distilling of the liquor; and

(b) any liquor which appears to the police officer to have been brewed or distilled on the premises.

(2) In the exercise of the powers conferred by subsection (1) a police officer may break open doors and use such other force as may be necessary to effect the entry and make the seizure by this section authorised.

(3) Any person who shall obstruct or resist any police officer in the exercise of any power conferred upon him by this section, shall be guilty of an offence and shall be liable to a fine of four hundred dollars, or to imprisonment for one year or to both such fine and such imprisonment.

52. Any still, still-head, worm or other machinery, implements or utensils, imported into or used in Solomon Islands, and all liquor brewed or distilled therein contrary to the provisions of this Part shall be forfeited by a court on the conviction for any offence under this Part of the owner or any person found in possession thereof.

Forfeiture
LN 46A of 1978
15 of 1988, Sched

PART VIII

CANCELLATION OF LICENCE.

53.-(1) It shall be the duty of the health officers in every province to report to the Chairman of the licensing authority any licensed premises which are deficient in accommodation or sanitary or drainage requirements, or are in bad repair or which fall short of reasonable standards of hygiene and cleanliness.

Duties of health officers

(2) A health officer may enter and inspect any licensed premises for the purpose of ascertaining whether a report under subsection (1) is required.

54.-(1) It shall be the duty of every police officer in any province to report in writing to the Chairman of the licensing authority every case in which a licensee is of drunken habits or keeps a disorderly house, or commits any breach of any of the provisions of this Act or of his licence.

Duties of police officers
7 of 1981, Sched. 8

(2) Any police officer of or above the rank of Sergeant may without written authority enter and inspect any licensed premises for the purpose of ascertaining whether a report under subsection (1) is required.

55. Any person who resists or obstructs a health officer or police officer in the exercise of his duty under section 53 or section 54, as the case may be, shall be guilty of an offence and shall be liable for a first offence to a fine of one hundred dollars and for a second or any subsequent offence to a fine of two hundred dollars.

Resisting or obstructing
health officers or police
officers
15 of 1988, Sched

56.-(1) Upon receipt of a report made under section 53 or section 54 the Chairman of the licensing authority shall-

Cancellation of licences
7 of 1981, Sched. 8

(a) send, by registered post, a copy of the report to the licensee concerned therewith, informing him that at a meeting of the licensing authority to be held on a date to be specified, but not less than thirty days therefrom, the report will be considered by the licensing authority;

(b) send a copy of the report to every member of the licensing authority and

the police officer commanding the police in the province;

(c) inform the health officer or the police officer submitting the report, as the case may be, of the date upon which the licensing authority will consider the report, and require him to attend on such date.

(2) Any licensee concerning whom a report is to be considered may appear before the licensing authority in person or by counsel or a solicitor, or, with the permission of the licensing authority, by any other person.

(3) The provisions of subsections (3), (4), (5) and (6) of section 23 shall apply *mutatis mutandis* to proceedings before the licensing authority on the consideration of a report as aforesaid.

(4) The licensing authority, having duly considered the report and having heard the licensee, if he appears, may, if it thinks fit, cancel the licence of the licensee reported upon, or it may make such an order in respect of such licence or the licensed premises specified therein as, in the opinion of the licensing authority, is necessary.

(5) Any person aggrieved by the decision of the licensing authority upon any such report may within thirty days appeal against the decision to the High Court, and the judgment of the High Court on such appeal shall be final and conclusive, and shall not be questioned in any proceedings whatsoever.

(6) Where a licensee whose licence has been cancelled under subsection (4) appeals to the High Court under subsection (5), his licence shall not be deemed to be cancelled until the decision of the High Court is made known.

(7) The High Court, on an appeal under this section, may confirm or reverse the decision of the licensing authority.

(8) If a licence is cancelled and no appeal is filed by the licensee against the cancellation, or if such appeal is dismissed by the High Court, the licensee shall be entitled, on payment of the proportionate part of the fee for the appropriate licence, to a licence of such description and for such period not exceeding three months as the licensing authority may deem necessary for the purpose of disposing of the liquor or apparatus on the premises, such licence to run from the date of the decision of the licensing authority or of the High Court, as the case may be.

PART IX

MISCELLANEOUS PROVISIONS AND PENALTIES

Prohibition of
unauthorised sale of
liquor
15 of 1988, Sched

57.-(1) Any person who sells liquor without holding a licence authorising the sale thereof shall be guilty of an offence and shall be liable-

(a) for a first offence to a fine of two hundred dollars, and

(b) for a second or subsequent offence to a fine of four hundred dollars or to imprisonment for one year or to both such fine and such imprisonment,

and upon conviction under this subsection, the offender shall forfeit all liquor found in his possession, custody or control, together with the vessels containing such liquor, unless the court for special reasons thinks fit to order that only part or none of such liquor be forfeited. In the case of a second or subsequent offence the offender shall be declared after conviction to be, and shall thereupon be disqualified for holding a licence of any description for the sale of liquor for a period of twelve months from the date of such conviction:

Provided that nothing in this subsection shall apply to a registered pharmacist supplying liquor in quantities not exceeding six ounces on the prescription of a person registered as a medical practitioner under the Medical and Dental Practitioners Act.

Cap 102.

(2) Any licensee who sells liquor otherwise than as authorised by, or otherwise than in accordance with the terms and conditions of, his licence, shall be guilty of an offence and where no other penalty is expressly provided in relation to such offence, shall be liable-

(a) for a first offence to a fine of one hundred and fifty dollars, and

(b) for a second or subsequent offence to a fine of three hundred dollars or to imprisonment for nine months or to both such fine and such imprisonment,

and in addition to any penalty imposed under this subsection, it shall be lawful for the court to order forfeiture of all liquor found in the possession, custody or control of the person convicted together with the vessels containing such liquor.

58. Notwithstanding anything in this Act contained, it shall be lawful for an auctioneer to sell liquor without any licence-

Exemption of auctioneers
7 of 1981, Sched. 8

(a) when an auction is held by direction of the Provincial Executive or of a court;
or

(b) on the occasion of the sale of the personal effects of any person, such liquor being part of the personal property of such person:

Provided that in the last-mentioned case the auctioneer shall first obtain a written permit from the licensing officer for the province in which the auction is to be held, setting out the name of the owner of the liquor, the quantity and kind to be sold and the premises on which the sale is to take place. No such permit shall be issued until the auctioneer has made and forwarded to the licensing officer a statutory declaration that the liquor is the personal property of the person whose effects are to be sold.

59.-(1) Any police officer may seize and take away, and may convey to the nearest Magistrate, all liquor which he may reasonably suspect to be carried about, offered or exposed, for sale in any street, road, footpath, booth, tent, store, shed or vessel, or in any other place whatsoever, by any person not holding a licence to sell the same therein respectively; and may also seize every vessel containing or used for drinking or measuring the same, and every cart, dray, or motor or other vehicle, and every horse or animal carrying or drawing the same, and every vessel conveying the same.

Liquor carried about for
sale to be seized and
forfeited
15 of 1988, Sched

(2) Any person carrying about, offering or exposing for sale, any liquor without a licence shall be guilty of an offence and shall be liable-

(a) for a first offence to a fine of two hundred dollars, and

(b) for a second or subsequent offence to a fine of four hundred dollars or to imprisonment for one year or to both such fine and such imprisonment,

and upon conviction under this subsection, all such liquor together with the vessels containing the same shall be forfeited unless the court for special reasons thinks fit to order that only part or none of such liquor shall be forfeited; and in addition, it shall be lawful for the court to order forfeiture of any cart, dray, or motor or other vehicle, and any horse or animal carrying or drawing the same and every vessel conveying the same. In the case of a second or subsequent offence the offender shall be declared after conviction to be, and shall thereupon be, disqualified for holding a licence of any description for the sale of liquor for a period of twelve months from the date of such conviction.

(3) Whenever any liquor referred to in subsection (1) shall be carried from one place to another, the burden of proving that the same was not so carried for sale shall rest upon the person so carrying it.

60. Every person not holding a licence on whose premises any sign, writing, painting or other mark shall be exhibited, which may imply or give reasonable cause for believing that such premises are licensed for the sale of liquor, or that liquors are sold or supplied therein, shall be guilty of an offence and shall be liable to a fine of one hundred dollars.

Sign on unlicensed
premises
15 of 1988, Sched

61.-(1) Upon complaint on oath before a Magistrate that the complainant suspects and believes any liquor to have been sold at or in some place not licensed for such purpose, to be specified in such complaint, and upon reasonable grounds being shown for such suspicion and belief, such Magistrate may issue a warrant to any police officer to enter and search such place.

Liquor in unlicensed premises suspected to be for sale may be seized

(2) A police officer acting under a warrant issued under subsection (1) may break open any doors into the place the subject of the warrant which are not opened within a reasonable time after demand, and may seize all liquor which he shall then and there find and every vessel in which the same shall be. The Magistrate may thereupon issue a summons calling upon the occupier of such place to appear before the court to show how, and for what purpose he became possessed of such liquor. Upon his so appearing, or if after being so summoned, he shall fail to appear, the court shall inquire into the matter, and if it shall be satisfied by reasonable proof that any liquor was in such place for the purpose of being illegally sold, the court may adjudge the same, and also every such vessel, to be forfeited; and the same shall be sold and the proceeds of the sale, after payment thereout of any costs awarded by the court, shall be paid into the Provincial fund.

7 of 1981, Sched

(3) Forfeiture under subsection (2) shall not exempt the occupier of the place in which liquor is found under this section from being proceeded against for selling liquor without a licence under subsection (1) of section. 57.

62. Any licensee who shall sell or employ any person to sell any liquor in any premises, vehicle or vessel, or in any place whatsoever, not being within the premises, vessel or place in which such licensee is authorised to sell liquor by his licence, or shall permit any person to sell liquor on the licensed premises of such licensee otherwise than as his servant or agent, shall be guilty of an offence and shall be liable to the penalty specified in subsection (2) of section 57.

Penalty for allowing unlicensed sale

63.-(1) No person owning or managing a shop which is not licensed under this Act to sell liquor, or which is only licensed to sell beer, shall-

Liquor in shops

(a) store, or keep or permit to be stored or kept, any liquor, or, if the shop is only licensed to sell beer, any liquor other than beer, as the case may be, in any part of such shop, or in any adjoining building, to which the public normally has access;

(b) store or keep or permit to be stored or kept any liquor, or, if the shop is only licensed to sell beer, any liquor other than beer, as the case may be, in excess of his own personal requirements in any other part of such shop or adjoining building.

(2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence and shall be liable to a fine of one hundred dollars.

(3) Any police officer may at all reasonable times in the day or the night, enter any shop or adjoining building in the possession or control of any person owning or managing such shop, and-

(a) if any liquor or, if the shop is licensed to sell beer, any liquor other than beer, is found in any part of such shop or building to which the public normally has access; or

(b) if any liquor, or, if the shop is licensed to sell beer, any liquor other than beer, in excess of the personal requirements of any person owning or managing such shop is found in any other part of such shop or building,

such liquor may be brought before a Magistrate and may be forfeited upon the conviction of any person for an offence under this section.

(4) The power to act under subsection. (3) shall only be exercised without a warrant if the officer so acting has reasonable cause to believe that the delay occasioned in obtaining a search warrant would seriously hinder him in the performance of his duties and would tend to defeat the purpose of that subsection.

64.-(1) Any licensee who, in the case of a publican's, residential or residential and restaurant licence, shall knowingly suffer or permit the consumption of any liquor by any person other than a bona fide lodger, the bona fide guest of a bona fide lodger or a person employed at the licensed premises for the purposes of the business carried on there by the licensee, in any place within the curtilage of his licensed premises, not being a place which is part of the licensed premises as described and defined in the licence, shall be guilty of an offence and shall be liable to a fine of two hundred dollars.

Penalty for unauthorised
consumption in vicinity of
licensed premises
15 of 1988, Sched

(2) If any person purchases any liquor from a licensee whose licence does not authorise the sale of that liquor for consumption on the licensed premises, and drinks the liquor in any adjoining or near place or premises, which belong to the licensee or which is or are under his control or used by his permission or on any highway or public place adjoining or near the licensed premises and it appears to the court that the drinking was with the privity or consent of the licensee, the licensee shall be guilty of an offence and shall be liable to a fine of two hundred dollars.

(3) Any person found consuming liquor in any place in which such consumption is contrary to the provisions of subsection (1) or subsection (2) who, upon being requested by the licensee, his servant or any police officer to quit such place, refuses or fails so to do, may be expelled from such place with any reasonable degree of force

required for that purpose and shall be guilty of an offence and shall be liable to a fine of twenty-five dollars.

(4) If a licensee whose licence does not authorise the sale of liquor to be consumed on his premises himself takes or carries, or employs or suffers any other person to take or carry, any liquor out of or from his premises for the purpose of being sold on his account, or for his benefit or profit, and of being drunk or consumed in any place whatsoever (whether enclosed or not, and whether or not a public place) other than the licensed premises, with intent to evade the conditions of the licence, the licensee shall be guilty of an offence and shall be liable to the penalty specified in subsection (2) of section 57; and if the place is any house, tent, shed or other building of any kind whatever belonging to the licensee or hired, used or occupied by him, the licensee shall be deemed, unless the contrary is proved, to have intended to evade the conditions of the licence.

65. Any person found consuming liquor in any street, thoroughfare or place being part of any town area to which the public has access, whether upon payment or otherwise, not being part of any licensed premises, shall be guilty of an offence and shall be liable to a fine of two hundred dollars.

Liquor not to be
consumed in certain
public places
15 of 1988, Sched

66.-(1) Any person who consumes liquor in a motor vehicle-

Consumption of liquor in
vehicles prohibited
15 of 1988, Sched

(a) when it is being driven on a road or other public place; or

(b) when it is at rest or parked on a road or other public place,

is guilty of an offence.

(2) Where any person is found guilty of any offence referred to in subsection (1), the driver or the person in charge, as the case may be, at the time of the commission of the offence shall, in the absence of a reasonable excuse be treated as being also in contravention of this section and guilty of an offence.

(3) Any person who is guilty of an offence under this section shall be liable to a fine of one thousand dollars or to imprisonment for twelve months or to both such fine and imprisonment.

(4) In this section, the expressions "motor vehicle" and "road" shall have the meanings assigned to them in the Traffic Act

Cap.131

67.-(1) Any licensee who shall knowingly suffer or permit any common prostitutes, thieves, drunken or disorderly persons, or persons of notoriously bad character, to assemble or continue upon his licensed premises or the appurtenances thereto, shall be guilty of an offence and shall be liable to a fine of one hundred and fifty dollars.

Disorderly persons not to be permitted to continue on licensed premises
15 of 1988, Sched

(2) If any licensee is convicted of an offence contrary to section 155 of the Penal Code (which relates to the keeping of brothels), his licence shall be cancelled by order of the court recording the conviction and he shall be disqualified for holding a licence for a period of two years.

Cap.26

68. If any licensee or his servant supplies liquor to any person who is at the time in a state of intoxication, such licensee shall be guilty of an offence and shall be liable, for a first offence, to a fine of twenty-five dollars and, for a second or subsequent offence, to a fine of three hundred dollars.

Penalty for supplying liquor to intoxicated persons
15 of 1988, Sched

69.-(1) Notwithstanding anything contained in section 43, any licensee under this Act may refuse to admit into, and may turn out of his licensed premises, any person who is drunk, violent, quarrelsome, disorderly or who is using profane or foul language, or any person who is suffering from any infectious disease, or whose presence on his premises would subject the licensee to a penalty under this Act.

Exclusion of drunkards and others from licensed premises
15 of 1988, Sched

(2) Any such person as is referred to in subsection (1) who, upon being requested in pursuance of this section by such licensee, his agent or servant, or by any police officer, to quit such premises, refuses or fails so to do, shall be guilty of an offence and shall be liable to a fine of two hundred dollars, or, in default of payment, to imprisonment for six months.

(3) It shall be the duty of a police officer, on the demand of a licensee or his agent or servant, to expel or assist in expelling from the licensed premises every such person as is referred to in subsection (1) and, in so doing such police officer may use any reasonable degree of force required for that purpose.

(4) Any licensee who permits any drunkenness or any violent, quarrelsome or riotous conduct to take place on the premises to which his licence relates shall be guilty of an offence and shall be liable to a fine of one hundred and fifty dollars.

70. Every licensee who makes or seeks to enforce any rules regulating dress in his licensed premises shall cause at least one copy of such rules to be exhibited in a

Rules of dress in licensed premises to be exhibited
15 of 1988, Sched

conspicuous part of each room to which such rules apply, or of the entrance thereto; and any licensee who fails so to do shall be guilty of an offence and shall be liable to a fine of two hundred dollars.

71.-(1) A court may, upon the application of a police officer and upon proof that any person is of confirmed intemperate habits, by order to be filled as of record in the court, prohibit such person from having liquor in his possession or drinking any liquor for such period not exceeding twelve months, as shall be specified in the order.

Court may issue prohibition order
14 of 1974, s. 3
15 of 1988, Sched

(2) Any person in respect of whom an order has been made under subsection (1) who is found drinking any liquor or in possession of any liquor intended for his own consumption shall be guilty of an offence and shall be liable to a fine of one hundred dollars or to imprisonment for one month or to both such fine and such imprisonment.

72.-(1) Any person who knowingly sells or supplies, or any licensee who knowingly allows to be sold or supplied, to any person under the age of twenty-one years, any liquor for consumption on licensed premises or licensed club premises, shall be guilty of an offence and shall be liable to a fine of three hundred dollars or to imprisonment for nine months or to both such fine and such imprisonment.

Children and young persons
15 of 1988, Sched

(2) Any licensee who knowingly sells or supplies, or who allows to be sold or supplied, or any servant of his who knowingly sells or supplies, any liquor to any person under the age of twenty-one years, shall be guilty of an offence and shall be liable to a fine of three hundred dollars or to imprisonment for nine months or to both such fine and such imprisonment.

(3) Any person under the age of twenty-one years who shall consume any liquor in any licensed premises or licensed club premises, or who shall purchase or attempt to purchase any liquor in any licensed premises or licensed club premises, shall be guilty of an offence and shall be liable to a fine of two hundred dollars or imprisonment for one year.

(4) Any person who knowingly shall send a person under the age of twenty-one years, for the purpose of obtaining any liquor, to any licensed club or any licensed premises, shall be guilty of an offence and shall be liable to a fine of two hundred dollars.

(5) In this section "licensed club" means a club which holds a club licence, and "licensed club premises" means the premises of a licensed club.

73.-(1) Notwithstanding the provisions of any other written law, no licensee shall employ a person under the age of twenty-one years, or knowingly employ a person who has been convicted of an offence under this Act, or any other Act at any time in

Employment of persons under 21 or persons convicted of an offence in respect of liquor

force regulating the sale of liquor, to sell, control or supervise the sale of liquor or to have the custody or control of liquor on any licensed premises.

15 of 1988, Sched

(2) Any licensee who contravenes the provisions of this section shall be guilty of an offence and shall be liable to a fine of two hundred dollars.

(3) Notwithstanding the provisions of sections 2 and 46 (2), for the purpose of this section, the term "licensed premises" shall be deemed to include premises or a place in respect of which a club licence has been granted.

74. If any licensee permits any game of chance whatsoever to be played on his licensed premises, or if such licensee or any servant or person in charge of such premises connives at the playing of any such game therein, such licensee, servant or person and every person so playing shall be guilty of an offence and shall be liable for a first offence to a fine of one hundred and fifty dollars, and for a second or any subsequent offence to a fine of six hundred dollars.

Gaming prohibited on
licensed premises
15 of 1988, Sched

75. No licensee shall take or receive from any person in payment or pledge for any liquor supplied in or from his licensed premises any article or thing whatsoever except current coin, bank-notes or a cheque, promissory-note or order for money. Any person contravening the provisions of this section shall be guilty of an offence and shall be liable to a fine of one hundred dollars.

Penalty on taking goods
in pledge or as payment
for liquor
15 of 1988, Sched

76. If any licensee knowingly harbours, or permits to remain on his premises, any police officer during any part of the time appointed for such police officer to be on duty, unless for the purpose of keeping or restoring order, or in the execution of his duty, or supplies any liquor or refreshments, whether by way of gift or sale, to any police officer on duty (unless by the authority of a superior officer of such police officer), he shall be guilty of an offence and shall be liable for a first offence to a fine of three hundred dollars, and, for a second or any subsequent offence, to a fine of six hundred dollars.

Penalty for harbouring
police officers

77. Save as otherwise provided in this Act, any licensee who contravenes any of the terms or conditions of his licence shall be guilty of an offence and shall be liable to the penalty provided in subsection (2) of section 57.

Penalty for breach of
conditions of licence

78. Whenever any licence shall be lost or destroyed the person thereby licensed may apply to the licensing officer for a duplicate, and the licensing officer, on being satisfied that such licence has been lost or destroyed and has not been forfeited or transferred, and on payment of the appropriate fee prescribed in Schedule A, may grant a duplicate accordingly.

Duplicate licence may be
granted on proof of loss
of original licence
Schedule A

79. Every licensee shall, on demand, at the place or vessel for which the licence has been granted, produce his licence to any police officer or licensing officer and if any such licensee shall refuse or neglect to produce his licence on such demand, he shall be guilty of an offence and shall be liable to a fine of fifty dollars.

Penalty for non-production of licence
7 of 1981, Sched

80. If any licensee shall be convicted of any offence under sections 50, 51(3), 57(2), 62, 64, 68, 74, 76 or 77, the court recording such conviction may order the forfeiture of his licence and he shall thereupon be disqualified for holding a licence for a period of twelve months.

Forfeiture of licence on conviction

81. Every licensee who is convicted of an offence under this Act shall on being so required by the court convicting him produce his licence to the court, and the court may in its discretion endorse any such conviction on the licence and shall inform the Chairman of the licensing authority.

Endorsement of conviction on licence

82.-(1) The Minister may, whenever it may seem to him expedient to do so, by order, direct that all or any licensed premises, or that all or any of the bars therein, shall be closed, or that no liquor shall be sold on any such premises, on such day or days and for such times as may be mentioned in such order.

Minister may order closure of bars
LN 40 A of 1978
15 of 1988, Sched

(2) Any licensee who contravenes an order under this section shall be guilty of an offence and shall be liable to a fine of six hundred dollars.

83.-(1) When any riot or tumult occurs or is expected to occur in any place, any Magistrate, or any police officer of or above the rank of Inspector may order any licensed premises in or near such place to be closed for such time as such Magistrate or police officer may order, and any person carrying out such order may use such force as may be necessary for closing such licensed premises.

Closure of licensed premises in case of riot
15 of 1988, Sched

(2) Any person resisting or obstructing the execution of an order made under subsection (1), and any licensee failing to comply with any such order, shall be guilty of an offence and shall be liable to a fine of six hundred dollars.

84.-(1) Any police officer may, for the purpose of preventing or detecting the violation of any of the provisions of this Act, at all times enter on any licensed premises or the premises of any club licensed under Part VI.

Right of entry

(2) If any person by himself or by any person in his employ, or acting by his direction or with his consent, refuses or fails to admit any police officer in the execution of his duty demanding to enter in pursuance of this section, that person shall be guilty of an offence and shall be liable for a first offence to a fine of fifty dollars and for a second or subsequent offence to a fine of one hundred dollars.

(3) Any police officer may demand the name and address of any person found on licensed premises within the period when, under the provisions of this Act, they are required to be closed, and, if he has reasonable ground to suppose that the name and address is false, may require evidence of the correctness of such name and address and may, if such person fails upon such demand to give his name and address or satisfactory evidence of the correctness of such name and address, arrest him without warrant.

(4) Any person required by any such police officer to give his name and address who fails to give the same or gives a false name and address, or makes a false statement with respect to such name and address, shall be guilty of an offence and shall be liable to a fine of seventy-five dollars.

15 of 1988, Sched

85. In any proceedings under this Act, a certificate purporting to be signed by a registered pharmacist in the employment of the Government, stating the percentage of alcohol contained in any liquid submitted for his examination, shall be admissible in evidence, and in the absence of evidence to the contrary may be accepted by a court as proof of its contents.

Certificate of registered pharmacist

86. Where, in any proceedings for an offence under this Act, it is alleged that any liquid is liquor the onus of proving such allegation to be untrue shall, unless the court otherwise directs, rest on the defendant.

Onus of proof as to liquid alleged to be liquor

87. Any act done or omitted to be done by an employee of a licensee in contravention of any of the provisions of this Act shall be deemed to be the act or omission of the employer, and any proceedings for an offence arising out of such act or omission may be taken against both the employer and the employee.

Employer liable for acts or omissions of employee

88. The delivery of any liquor shall be prima facie evidence of sale within the meaning of this Act, so as to support a conviction, unless satisfactory proof to the contrary shall be adduced to the court hearing the case.

Delivery of liquor prima facie evidence of sale

89.-(1) The onus of proving that a person is licensed under this Act shall lie on that person.

Onus of proof

(2) Where any person shall be charged with an offence under this Act, and such offence shall have been prima facie established against him by the prosecutor, the onus of proving that he is covered by any of the exceptions provided in this Act shall lie on such person.

90. No licensee shall maintain any action for, or recover in any court, any debt or demand for any liquor drunk on the licensed premises of such licensee, or for any liquor sold or disposed of in any less quantity at one time than two gallons, unless such liquor has been lawfully sold or supplied by such licensee to a bona fide lodger on such premises or, under a restaurant or restaurant and residential licence, to a person for consumption with a table meal supplied at the same time.

Actions for price of liquor supplied

91. Whenever any complaint under this Act shall appear to the court to be frivolous or vexatious, the court may award as compensation any sum, not exceeding two hundred dollars, to be paid by the person complaining to the person complained against for his loss of time and expense.

Compensation against person making frivolous complaint
15 of 1988, Sched

92. Any liquor seized or forfeited under the provisions of this Act shall be disposed of as the court may direct and if ordered to be sold the proceeds of any such sale shall be paid into the Provincial fund.

Disposal of liquor seized
7 of 1961, Sched. 8

93. No person shall be convicted under this Act upon any proceedings which shall not have been commenced within six months after the commission of the offence charged.

Limitation

94. The Minister may from time to time, by order, amend any of the Schedules to this Act.

Schedules may be amended by order
LN 46A of 1978

SCHEDULE A

LN 67/1981

(Section 3)

Annual Fees

(with proportionate reduction for lesser period of not less than three months in the case of licenses other than club licences, occasional licences and temporary packet licences).

\$

On issue of retail full licence	300.00
On issue of retail beer licence	225.00
On issue of wholesale licence-	
(a) in respect of the first premises	300.00
(b) in respect of each additional premises	60.00
On issue of packet licence	225.00
On issue of temporary packet licence	30.00
On issue of publican's beer licence-	
(a) in respect of premises situated in a town area	300.00
(b) in respect of premises situated outside town areas	225.00
On issue of occasional full licence	\$22.50 plus \$7.50 per day or part thereof.
On issue of occasional beer licence.	\$15.00 plus \$7.50 per day or part thereof.
On grant of extension of hours for publican's or restaurant licence.	30.00
Transfer of retail or publican's licence	30.00
Removal of retail or publican's licence	30.00
On issue of restaurant licence-	
(a) in respect of premises situated in a town area	225.00
(b) in respect of premises situated outside town areas	150.00
On issue of residential licence-	
(a) in respect of premises situated in a town area	225.00
(b) in respect of premises situated outside town areas	150.00
On issue of residential and restaurant licence-	

(a) in respect of premises situated in a town area	225.00
(b) in respect of premises situated outside town areas	150.00
On issue of club full licence-	\$225 plus \$150 per member and 30¢ per temporary member during the preceding year.
On issue of club beer licence-	\$150 plus \$1.05 per member and 30¢ per temporary member during the preceding year.
On an assurance under section 22 that a licence will be granted-	A fee equal to 25 <i>per centum</i> of the fee for the licence sought.
On issue of a duplicate licence	7.50

SCHEDULE B.

(Section 3 (4))

FORMS OF LICENCES.

FORM 1

(Section 4)

THE LIQUOR ACT (Cap. 144)

*Retail Beer ** Licence.*
Full

In accordance with the certificate of the _____ Province Liquor Licensing Board, dated the
day of _____ 19____, and the prescribed fee having been paid, licence is hereby granted to
under the provisions of the Liquor of Act to sell _____ beer**
liquor
not to be consumed upon the premises to which this licence relates. This licence applies only to those
parts of the premises, situated _____
at _____, which are more particularly described in the Schedule here to and
occupied by _____

This licence shall expire on the 31st day of December, 19____, unless earlier cancelled.

Dated this _____ day of _____ 19____.

Licensing Officer

**Delete as necessary.

SCHEDULE.

Note.-The description of the premises in the Schedule must specify the number of rooms to which the licence relates and give sufficient particulars to enable the rooms to be identified.

FORM 2.

(Section 6)

THE LIQUOR ACT (Cap. 144)

Wholesale Licence.

In accordance with the certificate of the _____ Province Liquor Licensing Board,
dated the _____ day of _____ 19____,
and the prescribed fee having been paid, licence is hereby granted
to _____ of _____ under the provisions of the Liquor
of Act to sell on the premises described in the Schedule to this licence, in unbroken containers-

(a) any spirituous liquor of one trade description in quantities of not less than 1 gallon;

(b) wine or beer of one trade description in quantities of not less than 9 gallons,

to the holder of a licence for the purpose of retail by such holder, in accordance with the provisions of the
Liquor Act.

This licence shall expire on the 31st day of December, 19____, unless earlier cancelled.

Dated this _____ day of _____ 19____.

Licensing Officer.

SCHEDULE

(2)

(3)

FORM 3.

(Section 7)

THE LIQUOR ACT. (Cap. 144)

Packet Licence.

(Other than a Temporary Packet Licence).

In accordance with the certificate of the _____ Province Liquor Licensing Board,
dated the _____ day of _____ 19____, and the prescribed fee having been paid, licence is
hereby granted to _____
, the Master of the vessel _____, to retail liquor for consumption on board the said
vessel in accordance with the provisions of the Liquor Act.

This licence shall expire on the 31st day of December, 19____, unless earlier cancelled.

Dated this _____ day of _____ 19____.

Licensing Officer.

FORM 4.

(Sections 7 and 21)

THE LIQUOR ACT (Cap. 144)

Temporary Packet Licence.

In exercise of the powers conferred by the Liquor Act,

the Master of the vessel _____ an overseas vessel registered at _____
, and the prescribed fee having been paid, is hereby licensed to retail liquor for consumption on board
the said vessel for a period of one month from the date thereof, in accordance with the provisions of the
said Act.

Dated this _____ day of _____ 19 ____ .

Comptroller of Customs and Excise.

FORM 5.

(Section 9)

THE LIQUOR ACT (Cap. 144)

*Publican's Beer ** Licence.*
Full

In accordance with the certificate of the _____ Province Liquor Licensing Board,
dated the _____ day of _____ 19 _____, and the prescribed fee having been paid, licence is
hereby granted to _____ of _____, to sell
beer**
liquor
in any quantity on the premises hereinafter described, in accordance with the provisions of the Liquor
Act.

This licence applies only to those parts of the premises known
as _____, situated at _____, which are more particularly
described in the Schedule hereto and occupied by the
said _____.

This licence shall expire on the 31st day of December, 19 _____, unless earlier cancelled.

Dated this _____ day of _____ 19 _____.

Licensing Officer.

**Delete as necessary.

SCHEDULE

Note.-The description of the premises in the Schedule must specify the number of rooms or other places to which the licence relates and give sufficient particulars to enable such rooms or places to be identified.

FORM 6.

(Section II)

THE LIQUOR ACT (Cap. 144)

Residential Licence.

In accordance with the certificate of the _____ Province Liquor Licensing Board,
dated the _____ day of _____ 19____, and the prescribed fee having been paid, licence is
hereby granted _____
to _____ of _____, to sell liquor on the premises
described in the Schedule hereto in accordance with the provisions of the Liquor Act.

This licence shall expire on the 31st day of December, 19____, unless earlier cancelled.

Dated this _____ day of _____ 19____.

Licensing Officer.

SCHEDULE

FORM 7.

(Section 12)

THE LIQUOR ACT (Cap. 144)

Restaurant Licence:

In accordance with the certificate of the _____ Province Liquor Licensing Board,
dated the _____ day of _____ 19____, and the prescribed fee having been paid, licence is
hereby granted _____
to _____ of _____, to sell liquor on the premises
described in the Schedule hereto in accordance with the provisions of the Liquor Act.

This licence shall expire on the 31st day of December, 19____, unless earlier cancelled.

Dated this _____ day of _____ 19____.

Licensing Officer

SCHEDULE

FORM 8.

(Section 13)

THE LIQUOR ACT (Cap. 144)

Residential and Restaurant Licence.

In accordance with the certificate of the _____ Province Liquor Licensing Board,
dated the _____ day of _____ 19____, and the prescribed fee having been paid, licence is
hereby granted _____
to _____ of _____, to sell liquor on the premises
described in the Schedule hereto in accordance with the provisions of the Liquor Act.

This licence shall expire on the 31st day of December, 19____, unless earlier cancelled.

Dated this _____ day of _____ 19____.

Licensing Officer

SCHEDULE

FORM 9.

(Section 15)

THE LIQUOR ACT (Cap. 144)

Occasional Beer ** Licence.
Full

In accordance with the certificate of the _____ Province Liquor Licensing Board and
the prescribed fee having been paid, licence is hereby granted to _____ of _____
,
under the provisions of the Liquor Act to sell _____ beer** at _____,
_____ liquor
on the premises or place described in the Schedule hereto, on the**
day of _____ upon the occasion of**

Dated this day of 19 .

Licensing Officer

*Delete as necessary.

** Insert the date or dates.

***Insert reference to the occasion or event for which the licence is granted.

SCHEDULE

Note.-The description of the premises or place in the Schedule must specify the number and particulars of rooms or the parts of any place to which the licence relates and give sufficient particulars to enable such rooms or parts to be identified.

FORM 10.

(Part VI)

THE LIQUOR ACT (Cap. 144)

Club *Beer *** *Licence.*
Full

In accordance with the certificate of the _____ Province Liquor Licensing Board,
dated the _____ day of _____ 19____, and the prescribed fee having been paid, the
Committee** of the _____

Club is hereby authorised to sell _____ beer** on the premises of the said Club
liquor
situated at _____ in accordance with the provisions of the Liquor Act.

This licence shall expire on the first anniversary of the date of this licence.

Dated this _____ day of _____ 19____.

Licensing Officer.

*Delete as necessary.

** Delete if inappropriate and substitute a reference to the Secretary, or managing body, as may be appropriate.

SCHEDULE C.

(Sections 20, 21, 22, 30 and 45)

FORMS OF APPLICATIONS FOR LICENCES

FORM 1.

(Section 20 (1))

APPLICATION FOR A

**LICENCE.

I, _____ of _____ hereby apply to the
Province Liquor Licensing Board for the issue of a certificate authorising the issue of a

**Licence for the premises described in the Schedule hereto.

Dated this _____ day of _____ 19 ____.

Signature and Address of Applicant.

*Insert type of licence not being a Club, Packet or Temporary Packet licence.

SCHEDULE

Note.-The premises to be licensed should be described fully and delineated on a plan where appropriate. If the premises have a name this should be furnished.

FORM 2.

(Section 20 (1))

APPLICATION FOR A PACKET LICENCE**

I, _____ of _____ hereby apply to the
Province Liquor Licensing Board for the issue of a certificate authorising the issue of a Packet Licence for
the vessel (*describe the vessel*) registered at the Port of _____.

Agent**I am the _____ Owner of the said vessel and
Master

my address** _____ is.

my owner/agent's address _____

Dated this _____ day of _____ 19 _____.

Signature of Applicant.

*This form should not be used for an application for a temporary packet licence.

**Delete as necessary.

FORM 3.

(Section 21)

APPLICATION FOR A TEMPORARY PACKET LICENCE.

To the Comptroller of Customs and Excise.

I, _____ of _____ hereby apply for the issue of a
Temporary Packet Licence for the overseas vessel (*describe the vessel*) registered at the Port of _____

I am the _____ Master** of the said vessel and the _____ Owner's** address is
Owner Agent's

Dated this _____ day of _____ 19 ____ .

Signature of Applicant.

**Delete as necessary.

FORM 4.

(Section 22 (1))

APPLICATION FOR AN ASSURANCE THAT A LIQUOR LICENCE WILL BE GRANTED ON CONSTRUCTION OR RECONSTRUCTION.

I, _____ of _____ hereby apply to the Province Liquor Licensing Board for an assurance that on completion of the construction/reconstruction** of the premises described in the Schedule hereto, a Licence will be granted in respect of those premises subject to the provisions of the Liquor Act.

A signed copy of the plans of the premises is attached to this application.

Dated this _____ day of _____ 19 ____ .

Signature of Applicant.

*Delete as necessary.

SCHEDULE

Note.-The nature of the construction/reconstruction should be clearly detailed in this Schedule and the attached plans.

FORM 5.

(Section 30)

APPLICATION TO REMOVE A LICENCE TO OTHER PREMISES.

I, _____ of _____ hereby
apply to the _____ Province Liquor Licensing
Board for the removal of the Retail** Full* Licence
Publican's* Beer*
for the premises known _____

as _____ situated at _____ to the premises known as
situated at _____ in the same province.

I have given not less than thirty days notice of my intention to make this application in accordance with
section 30(1) of the Liquor Act.

Dated this _____ day of _____ 19 ____ .

Signature of Applicant.

*Delete as necessary.

FORM 6.

(Section 45(2))

APPLICATION FOR A CLUB FULL ** LICENCE.
BEER

I, _____ of _____ being the secretary of the
Club hereby apply for the issue of a Club Full* Licence for the said Club.
Beer

1. The name of the Club is-
2. The objects of the Club are-
3. The address of the premises of the club to which the licence is intended to apply is-
4. I attach hereto-
 - (a) a list of the names of the officials and committee of management/ governing body* and their addresses;
 - (b) a copy of the rules of the Club; and
 - (c) a copy of the plans of the premises to be licensed.

Dated this _____ day of _____ 19 ____ .

Signature of Secretary.

*Delete as necessary.

SCHEDULE D.

(Sections 22 and 27)

FORMS OF CERTIFICATES AND ASSURANCE.

FORM 1.

(Section 27 (1))

CERTIFICATE TO AUTHORISE THE ISSUE OF A LIQUOR LICENCE.

It is hereby certified that the
has authorised the issue of a

Province Liquor Licensing Board

Licence to
premises at

, upon payment of the prescribed fee, in respect of the
which are more particularly described in the Schedule hereto.

Dated this day of 19 .

*Chairman,
Province Liquor Licensing Board.*

SCHEDULE

Note.-The description of the premises in the Schedule should, where appropriate, specify the number of rooms or other places to which the licence relates and give sufficient particulars to enable such rooms or places to be identified.

FORM 2.

(Section 27(1))

CERTIFICATE TO AUTHORISE THE ISSUE OF A PACKET LICENCE.

It is hereby certified that the _____ Province Liquor Licensing Board has
authorised the issue, upon payment of the prescribed fee, of a packet licence to

Owner of _____
**Master of the vessel _____ registered at _____
Agent for _____

Dated this _____ day of _____ 19 ____ .

Chairman,
Province Liquor Licensing Board.

*Delete as necessary.

FORM 3.

(Section 22(3))

ASSURANCE THAT LIQUOR LICENCE WILL BE ISSUED.

of having satisfied the
Province Liquor Licensing Board that he has an interest in the premises being/to be**
constructed/reconstructed** at
for the purpose of being used for the sale of liquor to be consumed
therein, and having supplied the Board with a signed copy of the plans of the premises and paid the
prescribed fee, he is hereby assured that, on completion of the premises in accordance with his application
and the signed plans, and subject to the provisions of the Liquor Act and the conditions in the Schedule
hereto, he will be granted a Licence.

Chairman,

Province Liquor Licensing Board.

*Delete as necessary.

SCHEDULE.

(No Subsidiary Legislation.)