

CHAPTER 249

THE LICENSING (INTOXICATING LIQUOR) ACT

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LAWS OF ANTIGUA AND BARBUDA

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CAP. 249) *Licensing (Intoxicating Liquor)*

SCHEDULE J.
SCHEDULE K.
SCHEDULE L.
SCHEDULE M.

LICENSING (INTOXICATING LIQUOR)

(14th November, 1879.)

4/1879.
 12/1921.
 13/1925.
 3/1928.
 7/1947.
 18/1954.
 4/1956.
 15/1957.
 8/1959.
 11/1959.
 21/1961.
 2/1973.
 21/1973.
 10/1980.
 15/1985.
 18/1989.

1. This Act may be cited as the Licensing (Intoxicating Liquor) Act. **Short title.**

2. In this Act—

Interpretation.

"Comptroller of Customs" means the officer for the time being lawfully discharging the duties of Comptroller of Customs and includes any officer of the Customs department;

"clerk to the Licensing Magistrate" means the person for the time being holding the office of clerk to the Magistrate District "A";

"guest" means a person using any licensed hotel for lodging during the night;

"hotel" means any building or group of buildings (occupied together) for the accommodation for reward of guests and includes the curtilage thereof and all structures within such curtilage or occupied with or appurtenant to the said building or group of buildings;

"intoxicating liquor" means spirits, wine, beer, porter, cider, perry, and any fermented, distilled or spirituous liquor;

"Licensing Magistrate" means the person for the time being discharging the duties of Magistrate of District A in session at St. John's;

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

"licensed person" means a person holding a licence as defined under this Act;

"licensed premises" means premises in respect of which a licence as defined under this Act has been granted and is in force;

"new licence" means a licence granted at a licensing session in respect of premises not heretofore licensed for the sale of intoxicating liquors;

"owner of licensed premises" means the person for the time being entitled to receive, either on his own account or as mortgagee or other incumbrancer in possession, the rack rent of such premises;

"premises" includes any house, shop, tavern, or place in or at which liquor shall be sold, retailed, or consumed, and any yard or open or enclosed land appurtenant thereto, or used or occupied therewith;

"renewal of licence" means a licence granted at a Licensing Session by way of renewal;

"retail" means any sale of rum in less quantity than eighty gallons, of brandy gin or whisky in less quantity than twenty-five gallons, and of any other intoxicating liquor in less quantity than one dozen quarts or two dozen pint bottles;

"special session" means the session appointed to be held under this Act for licensing purposes;

"transfer of a licence" means a transfer made under the provisions of section 6;

"unlicensed premises" means premises in respect of which a licence as defined under this Act has not been granted, or is not in force.

PART II

GRANT, TRANSFER, AND RENEWAL OF LICENCES

3. On the fifth day of January, the fifth day of April, ^{Special session to receive application for licence.} the fifth day of July, and the fifth day of October in every year, or in the event of these dates falling on a Sunday or public holiday, then on the week day immediately preceding such date, the Licensing Magistrate shall hold a special session for the purpose of receiving and considering the applications of persons for licences and renewal of licences to sell intoxicating liquors, and of giving certificates as hereinafter provided, authorizing the granting of such licences, and may adjourn such session as may be necessary:

Provided that if all applications made at any such special session shall not be disposed of in one day, such session shall be adjourned from time to time to any convenient day:

Provided further that the Licensing Magistrate may, in his discretion, hold an extraordinary licensing session on any other date for the purpose of considering any application for a new licence under this Act, the urgency of which makes it advisable in his opinion that such extraordinary licensing session should be held.

4. No retail licence shall be granted for any premises ^{Limits within which licences may be granted in St. John's.} to the east of the street or alley in the City of St. John's called Corn Alley, and a straight line drawn north from the north end of Corn Alley aforesaid to the northern extremity of the City of St. John's, and drawn south from the south end of Corn Alley aforesaid to the southern extremity of the City of St. John's; but this provision shall prohibit the granting of any such licence for any premises on the eastern side of Corn Alley aforesaid, and opening on and in the said Alley.

Notice of intended application for licence to be given and advertised. Schedule A.

5. Every person intending to apply to the Licensing Magistrate for a certificate under this Act shall, not less than twenty-one days before he applies, give notice in writing of his intention in the form set out in Schedule A to the Licensing Magistrate and to the Magistrate of the district in which the premises in respect of which his application is to be made are situate, and to the Commissioner of Police, and shall also publish the same in one of the public newspapers on some day not more than four and not less than two weeks before the proposed application, and shall in such notice set forth his name and address, and a description of the licence or licences for which he intends to apply, and the situation of the premises in respect of which the application is to be made; and in the case of premises not theretofore licensed for the sale by retail of intoxicating liquors, such person shall also, within the space of twenty-eight days before such application is made, cause a like notice to be affixed and maintained between the hours of ten in the morning and five in the afternoon of two consecutive Sundays on the door of such premises; and on receipt of the notice the Licensing Magistrate shall cause a copy thereof to be affixed to the gate of the Court House and to be maintained thereon until after the day appointed for the special session aforesaid:

Provided that when application is to be made to the Licensing Magistrate for the grant of a certificate under this Act by way of renewal only, notice in pursuance of this section shall not be requisite.

Notice to be given of transfer of licence. Schedule C.

6. In case of the transfer of a licence the applicant shall, not less than fourteen days previous to his application, serve a notice in the form set out in Schedule C of his intention to transfer the same upon the Licensing Magistrate and the Magistrate of the district in which the premises in respect of which the application is to be made are situate and on the Commissioner of Police, and shall also advertise it as in the preceding section required. This notice shall be signed by the applicant or his authorized agent, and shall set forth the name of the person to whom it is intended that such licence shall be transferred, together with his place of residence, and his trade or calling during the six months preceding the time of serving such notice.

7. Where a licensed person applies for a renewal of his licence, the following provisions shall have effect— **Provisions for renewal of licence.**

(1) He need not attend in person at the special session, unless he is required by the Licensing Magistrate so to attend.

(2) The Licensing Magistrate shall not entertain any objection to the renewal of such licence, or take any evidence with respect to the renewal thereof, unless written notice of an intention to oppose such renewal has been served on the holder of the licence not less than seven days before such special session:

Provided that the Licensing Magistrate may, notwithstanding that no notice has been given, on an objection being made, adjourn the granting of any licence to a future day, and require the attendance of the holder of the licence on such day, when the case will be heard and the objection considered, as if the notice hereinbefore prescribed had been given.

(3) The Licensing Magistrate shall not receive any evidence with respect to the renewal of such licence which is not given on oath.

8. The Licensing Magistrate shall hear any objection to be made by the Commissioner of Police or any party against the granting of a licence or of a renewal of a licence to any person applying therefor, and may grant or refuse a certificate as hereinafter provided as he shall think fit. **Magistrate to hear objections and decide on application.**

9. Upon being satisfied as to the expediency of granting a licence or a renewal, the Licensing Magistrate may grant a certificate under his hand and seal addressed to the Comptroller of Customs in the form set out in Schedule B, specifying the particular licence which is to be granted to such person. **Certificate to be granted by Magistrate. Schedule B.**

10. On receipt of such certificate, the Comptroller of Customs shall grant to the person and for the premises named and specified in such certificate, a licence in the form set out in Schedules D, E, F, G, H and I respectively, according to the kind of licence specified in the Licensing Magistrate's certificate aforesaid as being allowed to be granted to such person. **Licences to be granted by Comptroller of Customs. Schedules D, E, F, G, H and I.**

Description of licences.

11. The following kinds of licence shall be granted under this Act:

Retail.

(1) (a) A retail licence, which shall authorize the person to whom it is granted to sell by retail on the premises named in the licence, in any quantity, any intoxicating liquor on which every duty thereon payable shall have been paid, and any such intoxicating liquor may be sold to be drunk, and may be drunk, on the premises in which the same is sold. Such licence shall be in the form set forth in Schedule D(1).

Schedule D(1).

(b) A retail licence, which shall authorise the person to whom it is granted to sell by retail on the premises named in the licence, in any quantity, beer but not any other intoxicating liquor, on which every duty thereon payable shall have been paid, and any such beer may be sold to be drunk, and may be drunk, on the premises in which the same is sold. Such licence shall be in the form set forth in Schedule D(2).

Schedule D(2).**Hotel licence. Schedule E.**

(2) (a) A hotel licence, in the form set out in Schedule E, which shall authorize the person to whom it is granted to sell by retail any intoxicating liquor, on which every duty payable thereon has been paid, to be consumed on the hotel premises, whether the person to whom such liquor is supplied is or is not a guest at such hotel.

No intoxicating liquor to be sold in any hotel not duly licensed.

(b) No intoxicating liquor shall be sold or exposed, offered or kept for sale, in any hotel which is not duly licensed in that behalf.

Premises to be suitable for use as hotel.

(c) No hotel licence shall be granted for any premises unless the Licensing Magistrate is satisfied that the said premises are designed and fitted out for use as a hotel.

Bottle licence.

(3) A bottle licence, which shall authorize the person to whom it is granted to sell on the premises named in the licence any intoxicating liquor, on which every duty payable thereon shall have been paid, in any quantity, to be sold and delivered at any one time, of not less of each sort of intoxicating liquor than one reputed pint contained in a closed

vessel. Such licence shall not authorize the sale of any intoxicating liquor to be drunk on the premises of the person selling the same, and such licence shall be in the form set forth in Schedule F.

Schedule F.

(4) (a) An importer's licence, which may be issued to any person who is not the holder of a retail licence, a hotel licence, a bottle licence, a tavern licence or a club licence, and which shall authorize the person to whom it is granted to sell intoxicating liquor imported by him in quantities of not less than five dozen reputed quart bottles, or twenty gallons in the wood, or (in the case of rum) not less than fifty gallons, all duty payable thereon having been paid.

Importer's licence.

(b) Every such licence shall be in the form given in Schedule G.

Schedule G.

(c) Parts II and IV shall not apply to any licence granted under this subsection.

(d) Every consignee of any such quantity of intoxicating liquor as is mentioned in this subsection shall be deemed to have imported the same for sale unless and until he shall have satisfied the Comptroller of Customs to the contrary.

(5) A tavern licence, which shall authorize the person to whom it is granted to sell by retail at any time between the hours of 8 o'clock in the morning and 11 o'clock in the evening on the premises named or described in the licence any intoxicating liquor, on which every duty payable thereon shall have been paid, to be consumed on the premises. Such licence shall be in the form set forth in Schedule H.

Tavern licence.

Schedule H.

(6) (a) A proprietary club licence, which shall authorize the secretary of any club, which the Licensing Magistrate is satisfied has not been formed for any illegal or immoral purpose but rather as a proprietary club, whether incorporated or not, to sell to *bonâ fide* members of the said club any intoxicating liquor, on which every duty payable thereon shall have been paid, for consumption on the club premises at such times as may be authorized by the committee of management of the said club. Such licence shall be in the form set forth in Schedule I.

Proprietary club licence.

Schedule I.

(b) No proprietary club licence shall be granted in respect of any premises or part thereof which the Licensing Magistrate is satisfied are either designed and fitted out for use as a hotel or are being used as or in conjunction with a hotel.

Occasional permit.

(7) It shall be lawful for the Commissioner of Police to authorize and grant a written permit—

(a) to any person to sell liquor by retail at any entertainment, show, race meeting, athletic or other sports; or at any other social meeting or gathering where refreshments are likely to be required, for such period of time not exceeding seven days, and subject to such conditions as may be set out in such written permit:

Provided that where the payment of a fee is required as a condition in such written permit, such fee shall not exceed the sum of twenty dollars;

(b) to any licensed person to keep open his premises for the sale of intoxicating liquor until 9 p.m. on any day other than a Sunday.

Rates payable on licences.

(8) The following fees shall be paid to the Comptroller of Customs in respect of licences granted under this Act, and such fees shall be paid (except in the case of an importer's licence) on the production of the licensing Magistrate's certificate and shall be for the quarter next ensuing—

- (a) On every retail licence
for any place within the
City of St. John's \$250.00 per quarter
- (b) On every retail licence
for any place beyond the
City of St. John's (except
the Island of Barbuda). \$125.00 per quarter
- (c) On every retail licence
for any place in the island
of Barbuda. \$45.00 per quarter
- (d) On every retail licence for
the sale of beer only, for

-
- any place within the City of St. John's. \$125.00 per quarter
- (e) On every retail licence for the sale of beer only, for any place beyond the City of St. John's (except the island of Barbuda). \$65.00 per quarter
- (f) On every retail licence for the sale of beer only, for any place in the island of Barbuda. \$25.00 per quarter
- (g) On every hotel licence where—
- (i) the hotel has 20 or less than 20 bedrooms \$600.00 per quarter
- (ii) the hotel has more than 20 but less than 51 bedrooms \$1200.00 per quarter
- (iii) the hotel has 51 or more than 51 bedrooms but less than 81 \$1800.00 per quarter
- (iv) the hotel has 81 or over 81 bedrooms \$2400.00 per quarter
- (h) On every bottle licence \$350.00 per quarter
- (i) On every importer's licence \$500.00 per quarter
- (j) On every tavern licence for any place within the City of St. John's \$200.00 per quarter
- (k) On every tavern licence for any place beyond the City of St. John (except the island of Barbuda) \$150.00 per quarter
- (l) On every tavern licence for any place in the island of Barbuda \$50.00 per quarter
- (m) On every proprietary club licence \$300.00 per quarter
- (n) Occasional licence \$25.00 in stamps

No licences to be granted to persons or premises disqualified under this Act.

12. No licence shall be granted to any person or in respect of any premises declared by or in pursuance of this Act to be disqualified persons or premises during the continuance of such disqualification. Any licence held by any person so disqualified, or attached to premises so disqualified, shall be void.

Forms of licence and renewal thereof.

13. The following regulations shall be made with respect to licences—

(1) Every licence granted after the commencement of this Act shall be in such form as may from time to time be prescribed by the Cabinet.

(2) A renewal of a licence may be made by an endorsement on the licence, or by the issue of a copy of the old licence, but in the latter case there shall be endorsed on such copy all convictions made within the previous five years which are endorsed on the old licence.

Procedure for removal of licence.

14. Licences may be removed from one place to another within Antigua and Barbuda, in the manner following—

(1) The application for an order sanctioning removal shall be made by the person desiring to be the holder of the licence when removed, and shall be made at the special licensing session or any adjournment thereof.

(2) Notice of the intended application shall be given in the same manner as notice is given of an application for the grant of a new licence.

(3) A copy of the notice shall be personally served upon the owner of the premises from which the licence is to be removed, and the holder of the licence unless he is the applicant.

(4) The Magistrate to whom the application is made shall not make an order sanctioning such removal unless he is satisfied that no objection to such removal is made by the owner of the premises to which the licence is attached, or by the holder of the licence, or by any other person whom

such Magistrate shall determine to have the right to object to such removal. Such order shall be in the form prescribed in Schedule J, and on receipt of it the Comptroller of Customs shall issue a new licence in terms of the order. **Schedule J.**

15. Every building or place except a licensed hotel or a proprietary club in which liquor is sold shall have internal communication throughout, and the premises shall be held together as one place of business, and if any such building or place shall be divided or partitioned off into separate places of business a licence shall be required for each separate building or place. **Licensed premises to have internal communication throughout.**

PART III

EXEMPTIONS

16. (1) An auctioneer may by virtue of a licence under the hand of the Comptroller of Customs in the form prescribed in Schedule L on the occasion of any sale of the furniture and effects of any person at a private dwelling-house, sell any spirits, spirituous liquors, wines, liqueurs, malt or other fermented liquors, being the private property of the owner of the furniture and effects, and for such licence no fee or sum shall be paid; but such licence shall be prepared by the auctioneer requiring the same, and shall specify particularly the name of the owner of the spirituous liquors, wines, liqueurs, malt or other fermented liquors, the quantity and kind to be sold, and the premises from which the same are or is intended to be sold, and before the granting of such licence the auctioneer shall make a declaration that the spirituous liquors, wines, liqueurs, malt or other fermented liquors, are to the best of his knowledge and belief the property of the person whose furniture and effects, and at whose premises such furniture and effects, are about to be sold, under the Abolition of Unnecessary Oaths Act, and shall be liable to the penalty thereby provided in the event of wilfully making any such declaration, false or untrue, in any particular. **Sale of intoxicating liquor by an auctioneer. Schedule L.**

Cap. 2.

(2) No licence shall be necessary for any sale of forfeited intoxicating liquor.

(3) Any person manufacturing rum may, without taking out any licence, sell any rum, if the quantity sold and delivered at any one time shall not be less than fifty gallons.

Cap. 330. (4) No licence shall be necessary to sell intoxicating liquors in any police canteen established in accordance with the provisions of section 65 of the Police Act;

Provided that such canteen be operated by or solely for the benefit of the Police Welfare Association.

PART IV

APPEAL FROM LICENSING MAGISTRATE

Constitution of
Licensing
Committee.

17. A board shall be formed to be called the "Licensing Committee" consisting of the Attorney-General, the Comptroller of Customs, the District Magistrates of Antigua and Barbuda and such other persons as the Governor-General may from time to time by warrant under his hand be pleased to appoint. This board shall sit (if there is any business to be brought before it) within the fifteen days immediately following any special licensing session or any adjournment thereof for the hearing of appeals against the decision of the Licensing Magistrate. At any meeting of the Licensing Committee three shall be a quorum and the senior member shall preside. The Clerk to the District Magistrate of St. John's shall be Clerk to the Committee.

Appeal to
Licensing
committee.

18. If any person feels aggrieved by any order made by the licensing Magistrate, the person so aggrieved may appeal therefrom to the Licensing Committee, subject to the conditions and regulations following—

(1) The appeal shall be to the next session of the Licensing Committee.

(2) The appellant shall, within seven days after the cause of appeal has arisen, give notice to the other party, and to the Clerk to the Licensing Magistrate of his intention to appeal and of the ground thereof.

(3) The appellant immediately after such notice, shall enter into a recognizance before the Licensing Magistrate

with two sufficient sureties, conditioned personally to try such appeal, and to abide the decision of the Licensing Committee thereon, and to pay such costs as may be awarded by the Committee, or shall give such other security by the deposit of money or otherwise as the Magistrate may allow.

19. The Licensing Committee may adjourn their sittings, and upon the hearing of any appeal may swear witnesses, confirm, reverse or modify the decision of the Licensing Magistrate, or remit the matter to the Licensing Magistrate, with the opinion of the Licensing Committee thereon, or make such other order in the matter as they think just. The Licensing Committee may also make such order as to costs to be paid by either party as they shall think just.

Power of
Committee.

20. Where the Licensing Magistrate refuses to renew a licence, and an appeal against such refusal is duly made and such licence expires before the appeal is determined the Licensing Committee may, if they shall think fit, by order under the hand of the Chairman permit the person whose licence is refused to carry on his business during the pendency of such appeal upon such conditions as they think just; and subject to such conditions, any person so permitted may, during the continuance of such order, carry on his business in the same manner as if the renewal of the licence had not been refused.

Provision for
permission to sell
during pendency
of appeal.

PART V

ILLICIT SALES

21. Any person who sells or offers for sale or keeps or exposes for sale wholesale or by retail any intoxicating liquor without being duly licensed to sell the same, or at any place where he is not authorized by his licence to sell the same, shall be liable to the following penalties:

Prohibition of
sale of
intoxicating
liquor without
licence.

(1) For the first offence he shall be liable to a penalty not exceeding three thousand dollars, or to imprisonment with or without hard labour for a term not exceeding one month.

(2) For the second offence he shall be liable to a penalty not exceeding five thousand dollars, or to imprisonment with

or without hard labour for a term not exceeding three months, and he may by order of the court by which he is tried be disqualified for any term not exceeding five years from holding any licence for the sale of intoxicating liquors.

(3) For the third and any subsequent offence he shall be liable to a penalty not exceeding five thousand dollars, or to imprisonment with or without hard labour for any term not exceeding six months, and he may by order of the court by which he is tried be disqualified for any term of years or for ever from holding any licence for the sale of intoxicating liquors.

In addition to any other penalty imposed by this section, any person convicted of a second or any subsequent offence under this section shall, if he be the holder of a licence forfeit such licence, and in the case of a conviction for any offence under this section the court may, if it thinks expedient to do so, declare all intoxicating liquor found in the possession of any such person as last aforesaid, and the vessels containing such liquor, to be forfeited.

Sale by heir,
k.c., on death,
&c., of licensed
person.

22. No penalty shall be incurred under the foregoing section by the heirs, executors, administrators and assigns of any licensed person who dies before the expiration of his licence, or by the trustee of any licensed person who is adjudged a bankrupt or whose affairs are liquidated by arrangement before the expiration of his licence in respect of the sale, exposure or keeping for sale of any intoxicating liquor, provided that such sale, exposure or keeping for sale be made on the premises specified on such licence, and take place prior to the special session then next ensuing, or (if such special session be holden within fourteen days next, after the death of the said person, or the appointment of a trustee in the case of his bankruptcy or the liquidation of his affairs by arrangement) take place prior to the special session holden next after such special session as aforesaid.

Occupier of
unlicensed
premises liable
for sale of liquor.

23. The occupier of any unlicensed premises on which any intoxicating liquor is sold, or if such premises are occupied by more than one person, every occupier thereof shall, if it be proved that he was privy or consenting to the sale, be subject to the penalties imposed upon persons for the sale of intoxicating liquors without a licence.

24. (1) The holder of a licence shall not sell or allow any other person to sell, and an employee of the holder of a licence shall not sell, intoxicating liquor to be consumed on licensed premises to a person apparently under the age of sixteen years.

Restriction on supply of intoxicating liquor to children on licensed premises.

(2) A person under the age of sixteen years shall not buy or attempt to buy in licensed premises intoxicating liquor to be consumed by him on the said premises.

(3) The holder of a licence, and the employee of the holder of a licence, shall not allow a person apparently under the age of sixteen years to consume intoxicating liquor in any licensed premises.

(4) No person shall buy or attempt to buy intoxicating liquor for consumption in any licensed premises by a person apparently under the age of sixteen years.

(5) If any person contravenes this section he shall be liable, on a first conviction to a fine not exceeding two hundred dollars, and on a subsequent conviction to a fine not exceeding four hundred dollars.

(6) Any conviction for an offence under this section shall, in the case of a licensed person, be recorded on the licence of the person convicted.

25. (1) Every person shall sell all intoxicating liquor which is sold by retail and not in cask or bottle, in measures marked according to the Imperial standard.

Sale to be by standard measure.

(2) Every person who acts or suffers any person under his control or in his employment to act in contravention of this section shall be liable to a penalty not exceeding for the first offence five hundred dollars, and for any subsequent offence one thousand dollars, and shall also be liable to forfeit the illegal measure in which the liquor was sold.

26. Every licensed person shall keep a book in which shall be recorded all sales of rum in quantities exceeding twelve reputed pints.

Licensed person to keep record of sales of rum.

Sales of rum of over twelve pints to be accompanied by sale note. Schedule K.

27. (1) No rum exceeding in volume twelve reputed pints may be removed at any time from any premises or place to any other premises or place by any person unless accompanied by a sale note in the form set out in Schedule K, signed by either the licensed person or his servant or agent supplying or selling such rum.

(2) If any person receive, without such sale note as in this section mentioned, any rum required to be accompanied by such sale note, he shall be guilty of an offence against this Act.

(3) All rum found to have been sent out, delivered or removed or in the course of being sent out, delivered or removed in contravention of this section, shall be forfeited, and every person in whose possession the same is found shall be guilty of an offence against this Act.

Penalty on internal communication between licensed premises and house of public resort.

28. (1) Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises, and any unlicensed premises which are used as a shop or for public entertainment or resort, shall be liable to a penalty not exceeding five hundred dollars for every day during which such communication remains open.

(2) In addition to any penalty imposed by this section any person convicted of any offence under this section shall, if he be the holder of a licence, forfeit such licence.

Names of licensed persons to be affixed to premises.

29. (1) Every licensed person or persons shall cause to be painted or fixed, and shall keep painted or fixed on the premises in respect of which such licence is granted, during the continuance of such licence, in a conspicuous place, his name or that of the firm, with the addition after the name of the description of licence which has been granted to him or them, in letters not less than three inches in length and one inch in width, and no person shall have any words or letters on his premises importing that he is the holder of a licence other than that actually granted to him.

(2) Every person who acts in contravention of the provisions of this section shall be liable to a penalty not exceeding

for the first offence five hundred dollars and for every subsequent offence one thousand dollars.

30. It shall not be lawful to barter, truck or change, or substitute for money or give or deliver in payment or part payment for wages any intoxicating liquor, and any barter, truck, change, substitution, gift, or delivery of such intoxicating liquor contrary to this section shall be deemed a sale of such liquor without a licence.

Prohibition of giving intoxicating liquor in payment of wages, &c.

31. Any person who, not being duly licensed to sell liquor, shall sell or deliver any liquor to any person under pretence of his paying for eating only, without any charge for the liquor, shall be considered to have sold liquor without a licence.

Evasion of law under pretence of paying for eating.

32. (1) Subject as hereinafter provided all licensed premises on which intoxicating liquors are sold, exposed or kept for sale by retail, except those premises in respect of which a hotel licence, a tavern licence or a club licence has been granted, shall be closed to the public during the whole of Good Friday, Christmas Day and every Sunday, and on all other days at six o'clock in the evening and shall not be opened before eight o'clock in the morning:

Hours of closing.

Provided that in the case of such premises situate within the limits of the City of Saint John's the hour of closing on Thursdays shall be one o'clock in the afternoon.

(2) All premises in respect of which tavern licences have been granted, other than any such premises situate within the terminal building of any aerodrome available for public use, shall be closed to the public during the whole of Good Friday, Christmas Day and every Sunday.

(3) The hours during which intoxicating liquor may be sold or supplied in any tavern or club shall be as follows—

- (i) in the case of premises in respect of which a tavern licence has been granted, the hours between eight o'clock in the morning and twelve o'clock midnight; and
- (ii) in the case of a club in accordance with the rules of the club.

(4) Any person who opens or keeps open any premises for the sale of intoxicating liquor during the time that such premises are required to be closed by or in pursuance of this section, or, during such time as aforesaid, allows any intoxicating liquor to be consumed on such premises or to be removed therefrom, shall be guilty of an offence against this Act.

Extended hours
permit.

33. (1) Notwithstanding the provisions of the preceding section, where in any particular case a licensed person applies for the hours of opening or closing his licensed premises to be extended it shall be lawful for the Commissioner of Police having regard to—

(a) the special type of service provided in the licensed premises;

(b) the standard of behaviour of persons resorting to or frequenting the licensed premises or their immediate vicinity;

(c) the class and requirements of the neighbourhood or district in which the licensed premises are situated; and

(d) the actual or probable effect on the general standard of conduct in that neighbourhood or district of extending the permitted hours of business of the licensed premises,

to grant written permission to the licensed person to open or close or open and close his licensed premises before or after the permitted hours of opening and closing for those premises.

(2) Every such permission shall be for a period of not more than one month in the first instance and may thereafter be for further periods of three months and shall in every case be subject to such conditions, limitations and restrictions as may be specified in such permission.

(3) Notwithstanding the provisions of subsection (2), any such permission may at any time, for good and sufficient reason, be revoked by the Commissioner of Police.

(4) Any licensed person dissatisfied with a refusal to extend the permitted hours for his licensed premises, or the revocation of any such permission or by any condition, limitation or restriction in a written permission granted in respect of his licensed premises may appeal to the Cabinet whose decision thereon shall be final.

34. Any duly qualified medical practitioner may, in case of illness requiring stimulant, give an order to any person authorizing such person to purchase intoxicating liquor during prohibited hours; and such order shall be addressed to the licensed person from whom such intoxicating liquor is to be purchased, and shall contain the name of the person authorized to purchase, the quantity and description of intoxicating liquor to be purchased, and the date, and shall be signed by the medical practitioner giving the order, who shall also make a copy of such order in his day book, and such order, together with the entry in the day book, shall be sufficient defence to any prosecution instituted under the foregoing section in respect of the purchase made under the authority of such order, but shall not act as an exemption from any other penalty under this Act or otherwise.

Sales after hours on order of medical practitioner.

35. If during any period during which any premises are required under the provisions of this Act to be closed, any person is found on such premises, he shall, unless he satisfies the court that he was an inmate, servant or a lodger on such premises, or that otherwise his presence on such premises was not in contravention of the provisions of this Act with respect to the closing of licensed premises, be liable to a penalty not exceeding one hundred dollars.

Penalty on person found on premises during closing hours.

36. (1) Any police officer may demand the name and address of any person found on any premises during the period during which they are required by the provisions of this Act to be closed, and if he has reasonable ground to suppose that the name or address given is false, may require evidence of the correctness of such name and address, and may, if such person fail upon such demand to give his name and address, or such evidence, apprehend him without warrant, and carry him as soon as practicable before a Magistrate.

Power of police officer in relation to person found on premises during closing hours.

(2) Any person required by a police officer under this section to give his name and address, who fails to give the same, or gives a false name or address, or gives false evidence with respect to such name or address, shall be liable to a penalty not exceeding two hundred and fifty dollars.

Penalty for obtaining liquor by false pretences during closing hours.

37. Every person who by falsely representing himself to be a lodger or by means of any other false pretence buys or obtains or attempts to buy or obtain at any premises any intoxicating liquor during the period during which such premises are closed in pursuance of this Act, shall be liable to a penalty not exceeding two hundred and fifty dollars.

PART VII

OFFENCES AGAINST PUBLIC ORDER

Penalty on person found drunk.

38. Every person found drunk in any highway or other public place, whether a building or not, or on any licensed premises, shall be liable to a penalty not exceeding twenty-five dollars, and on a second conviction within a period of twelve months shall be liable to a penalty not exceeding fifty dollars, and on a third or subsequent conviction within such period of twelve months be liable to a penalty not exceeding one hundred dollars.

Drunk and disorderly. Penalty on person found drunk when in charge of carriage, &c.

39. (1) Every person who in any highway or other public place, whether a building or not, is guilty while drunk of riotous or disorderly behaviour, or who is drunk when in charge on any highway or other public place, of any carriage, horse, cattle or steam engine, or when in possession of any loaded firearms, may be apprehended, and shall be liable to a penalty not exceeding one hundred dollars, or in the discretion of the court, to imprisonment with or without hard labour for any term not exceeding one month.

(2) When the court commits any person to prison for non-payment of any penalty under this section, the court may order him to be imprisoned with hard labour.

40. (1) If any licensed person—

(a) permits drunkenness or any violent, quarrelsome or riotous conduct to take place on his premises; or

Penalty for permitting drunkenness,

(b) sells any intoxicating liquor to any drunken person;

Selling liquor to drunken person,

(c) knowingly permits his premises to be the habitual resort of or place of meeting of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution, if he allows them to remain thereon longer than is necessary for the purpose of obtaining refreshment; or

Keeping disorderly house.

(d) knowingly harbours or knowingly suffers to remain on his premises any police officer during any part of the time appointed for such police officer being on duty, unless for the purpose of keeping or restoring order or in execution of his duty; or

Harbouring constables.

(e) supplies any liquor or refreshment, whether by way of gift or sale, to any police officer on duty unless by authority of some superior officer of such police officer; or

Supplying liquor to constable on duty.

(f) bribes or attempts to bribe any police officer; or

Bribing police officer, permitting gaming.

(g) suffers any gaming or unlawful game to be carried on in his premises; or

(h) opens, keeps or uses or suffers his house to be opened, kept or used in contravention of any Act for the suppression of gambling;

he shall be liable to a penalty not exceeding for the first offence five hundred dollars, and for any subsequent offence one thousand dollars.

(2) Any conviction under the provisions of this section shall, unless the convicting Magistrate shall otherwise direct, be recorded on the licence of the person convicted.

41. If any licensed person is convicted of permitting his premises to be a brothel, he shall be liable to a penalty not exceeding one thousand dollars and shall forfeit his

Penalty for permitting house to be a brothel.

licence, and he shall be disqualified for ever from holding any licence for the sale of intoxicating liquors.

Penalty for permitting premises to be used for offences against the Misuse of Drugs Act.

Cap 283.

42. (1) Any licensed person who permits his premises to be used for the commission of any offence under the Misuse of Drugs Act, shall himself be guilty of an offence and liable on summary conviction to a fine of three thousand dollars and to imprisonment for twelve months and, notwithstanding any other provisions of this Act, in addition thereto the court before whom the case is heard may order that the licensed person be disqualified from holding a licence at such premises or anywhere within Antigua and Barbuda for such period not exceeding five years as the court may determine.

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

Power to exclude drunkards from licensed premises.

43. (1) Any licensed person may refuse to admit to and may turn out of the premises in respect of which his licence is granted any person who is drunken, violent, quarrelsome or disorderly, and any person whose presence on his premises would subject him to a penalty under this Act.

(2) Any such person who, upon being requested in pursuance of this section by such licensed person, his agent or servant, or any police officer, to quit such premises, refuses or fails to do so, shall be liable to a penalty not exceeding two hundred and fifty dollars and all police officers are required on the demand of such licensed person, his agent or servant, to expel or assist in expelling every such person from such premises and may use such force as may be required for that purpose.

(3) When the court commits any person to prison for non-payment of any penalty under this section, the court may order him to be imprisoned with hard labour.

44. (1) Every person—

(a) who mixes or causes to be mixed with any intoxicating liquor sold or exposed for sale by him any deleterious ingredient, that is to say, any of the ingredients specified in Schedule M or added to such Schedule by any order made by the Cabinet under this Act, or any ingredient deleterious to health, or

**Adulteration of
intoxicating
liquor.**

Schedule M.

(b) who dilutes any intoxicating liquor sold or exposed for sale by him to a degree weaker than thirty degrees under strength of proof by Sykes hydrometer, or

(c) knowingly sells or exposes for sale any intoxicating liquor mixed with any deleterious ingredient or diluted in contravention of the provisions of this section (in this Act referred to as adulterated liquor), or

(d) who, being a licensed person, has in his possession or in any part of his premises any adulterated liquor knowing it to be adulterated, or any deleterious ingredient specified in Schedule M, or added to such Schedule by the order of the Cabinet, for the possession of which he is unable to account to the satisfaction of the court,

shall be liable for the first offence to a penalty not exceeding one thousand dollars, or to imprisonment for a term not exceeding one month, with or without hard labour, and for any subsequent offence to a penalty not exceeding five thousand dollars or to imprisonment for a term not exceeding three months with or without hard labour and to be declared to be a disqualified person for a period of not less than two years nor exceeding ten years, and shall also in the case of the first as well as any subsequent offence forfeit all adulterated liquor in his possession with the vessels containing the same.

(2) When the person so convicted is a licensed person, he shall further, in the case of a second or any subsequent offence, be liable to forfeit his licence, and the premises in respect of which such licence is granted shall be liable to be declared to be disqualified premises for a period of not less than two years nor exceeding five years and in the case of a first offence and any subsequent offence until the licence is forfeited the conviction shall be recorded on the licence of the person convicted.

Notice of conviction under preceding section to be affixed to premises.

45. Where a licensed person is convicted of any offence under the foregoing section and his licence is not forfeited for such offence, the Commissioner of Police shall cause a placard stating such conviction to be affixed to the premises. Such placard shall be of such size and form and shall be printed with such letters, and shall contain such particulars and shall be affixed to such part of the licensed premises as the Commissioner of Police may think fit, and such licensed person shall keep the same affixed during two weeks after the same is first affixed, and if he fails to comply with such provisions of this section with respect to keeping affixed such placard, or defaces or allows such placards to be defaced, or if the same is defaced and he fails forthwith to renew the same, he shall be liable to a penalty not exceeding one hundred dollars for every day on which the same is not so undefaced and any police officer may affix or re-affix such placard during the said two weeks, or such further time as may be directed by a Magistrate.

Schedule of deleterious ingredients.

46. It shall be lawful for the Cabinet by order to add to Schedule M any ingredient which appears to them to be injurious to health, and to remove any ingredient from such Schedule, and to remove or alter any order previously made; and every such order shall be published in the *Gazette* and shall take effect on the expiration of seven days from the date of such publication or at any later date mentioned in the order, and shall have effect as though it were enacted in this Act.

Power to obtain samples of intoxicating liquor for analysis.

47. (1) Any Assistant Superintendent of Police or other police officer authorized in writing by the Assistant Superintendent so to do, and any officer of the Revenue Department may procure samples of any intoxicating liquor from the person selling or keeping or exposing the same for sale (in this section referred to as the vendor), he may procure such samples either by purchasing the same, or by requiring the vendor to show him and allow him to inspect all or any of the vessels in which any intoxicating liquor in the possession of the vendor is stored, and the place of storage thereof, and to give him samples of such intoxicating liquor on payment or tender of the value of such samples.

(2) If the vendor, his agent or servant, when required in pursuance of this section, refuses or fails to admit the officer or refuses or wilfully omits to show all or any of the vessels in which intoxicating liquor is stored, or the place of the storage thereof, or to permit the officer to inspect the same, or to give any samples thereof, or to furnish the officer with such light or assistance as he may require, he shall be liable to the same penalty, forfeiture and disqualifications as if he knowingly sold or exposed for sale adulterated liquor.

48. (1) When the officer has by either of the means aforesaid procured samples of intoxicating liquor, he shall cause the same to be analysed at such convenient place and time and by such person as the Cabinet may from time to time appoint: Analysis of samples.

Provided that reasonable notice shall have been given by such officer to the vendor, by whom such samples were furnished, to enable such vendor, if he think fit, to attend at the time when such samples are opened for analysis; and if it appear to the person so analyzing that the said samples of intoxicating liquor are adulterated liquor within the meaning of this Act, he shall certify such fact, and the certificate so given shall be receivable as evidence in any proceedings that may be taken against any person in pursuance of this Act, subject to the right of any person against whom proceedings are taken to require the attendance of the person making the analysis for the purpose of cross examination.

(2) The vendor may require the officer in his presence to annex to every vessel containing any samples for analysis, the name and address of the vendor, and to secure with a seal or seals belonging to the vendor the vessel containing such sample and the name and address annexed thereto, in such manner that the vessel cannot be opened or the name and address taken off without breaking such seals; and the corresponding sample sealed by such officer with his own seal shall, if required, be left with the vendor for reference in case of disputes as to the correctness of the analysis or otherwise; and the certificate of the person who analyzes such samples shall state the name and address of the vendor, and that the vessels were not opened, and that the seals securing the vessels and the name and address of the vendor were not broken till such time as he opened the vessels for the

purpose of making his analysis; and in such case as aforesaid no certificate shall be receivable in evidence unless such statement as above or to the like effect is contained therein.

(3) Any expenses incurred in analyzing any intoxicating liquor of a vendor in pursuance of this section shall, if such vendor be convicted of selling or keeping or exposing for sale, or having in his possession adulterated liquor in contravention of this Act, be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly. In any other event such expenses shall be paid as part of the expenses of the officer who procured the sample.

PART IX

ENTRY ON PREMISES

Inspection and search of licensed premises.

49. (1) It shall be lawful for the Comptroller of Customs or any police officer at any time to enter any licensed premises and to inspect the records kept therein and to take an account of the quantity and strength of all intoxicating liquor therein, and generally to ascertain whether the terms of the licence issued under this Act are being complied with, and whether any provisions of this Act are being contravened.

(2) If admittance to any licensed premises is refused to the Comptroller of Customs or any police officer, either the licensed person or the person in charge of such licensed premises shall be guilty of an offence against this Act.

Entry on unlicensed premises.

50. (1) Any Magistrate if satisfied by information on oath that there is reasonable ground to believe that any intoxicating liquor is sold by retail or exposed or kept for sale by retail at any place within his jurisdiction, whether a building or not, in which such liquor is not authorized to be sold by retail, may, in his discretion grant a warrant under his hand, by virtue whereof it shall be lawful for any police officer named in such warrant, at any time or times within one month from the date thereof, to enter, and if need be, by force, the place named in the warrant, and every part thereof, and examine the same and search for intoxicating liquor therein, and seize and remove any intoxicating liquor found therein, which there is reasonable ground to suppose

is in such place for the purpose of unlawful sale at that or any other place, and the vessels containing such liquor.

(2) Every person who, by himself, or by any person in his employ, or acting by his direction, or with his consent, refuses or fails to admit any Magistrate or police officer demanding to enter in pursuance of this and the foregoing section into any premises or place occupied by or under the control of such person, or who having admitted such Magistrate or police officer refuses or fails to allow him to take an account of any intoxicating liquor found therein or to furnish him with such light and assistance as he may require, shall be liable to a penalty not exceeding for the first offence two hundred and fifty dollars and for the second and any subsequent offence five hundred dollars.

(3) Any conviction for an offence under this section shall, in the case of a licensed person, be recorded on the licence of the person convicted.

(4) All intoxicating liquor and vessels containing such liquor, seized under this section, may be forfeited by a Magistrate unless the owner of such intoxicating liquor, upon being summoned to show cause why such forfeiture should not be enforced satisfies such Magistrate that such intoxicating liquor was not sold or kept or exposed for sale by retail in any place in which it was unlawful so to sell such liquor.

PART X

REPEATED CONVICTIONS

51. If any licensed person on whose licence two convictions for offences committed by him against this Act have been recorded is convicted of any offence which is directed by this Act to be recorded on his licence, the following consequences shall ensue, that is to say—

Forfeiture of licence on repeated convictions.

(a) the licence of such licensed person shall be forfeited, and he shall be disqualified for a term of five years from the date of such third conviction from holding any licence; and

(b) the premises in respect of which his licence was granted shall, unless the court having cognizance of the case in its discretion thinks fit otherwise to order, be disqualified from receiving any licence for a term of two years from the date of such third conviction:

Provided that nothing in this section contained shall prevent the infliction by the court of any pecuniary penalty or any term of imprisonment to which such licensed person would otherwise be liable, or shall preclude the court from exercising any power given by any other section of this Act of disqualifying such licensed person or such premises for a longer period than the term mentioned in this section.

**Disqualification
of premises.**

52. The following additional provisions shall be enacted only with respect to convictions of persons who may hereafter become licensed in respect of premises, and shall not apply to a conviction of any person licensed for any premises at the time of the passing of this Act so long as he is licensed in respect of the same premises, that is to say—

(a) The second and every subsequent conviction recorded on the licence of any one such person shall also be recorded in the register of licences against the premises.

(b) When four convictions (whether of the same or of different licensed persons) have within five years been so recorded against premises, those premises shall during one year be disqualified for the purposes of this Act.

(c) If the licence of two such persons licensed in respect of the same premises are forfeited within any period of two years, the premises shall be disqualified for one year from the date of the last forfeiture:

Provided that where any premises are disqualified under this section, notice of such disqualification shall be served upon the owner of the premises in like manner as an order of disqualification is required to be served under this Act, and the regulations for the protection of the owner of the premises in case of an order of disqualification shall, so far as the same are applicable, extend to the case of disqualification under this section.

53. A conviction for any offence under this Act shall not after five years from the date of such conviction be receivable in evidence against any person for the purpose of subjecting him to an increased penalty or to any forfeiture. **Conviction after five years not to increase penalty.**

54. Where a conviction for an offence is by this Act directed to be recorded on the licence of any person, the fact of no such record having been made, shall not, if such conviction be otherwise proved to the satisfaction of the court having cognizance of any case under this Act, exempt such person or the premises occupied by him from any penalty to which such person or premises would have been subject if such record had been duly made; and on such proof being given, the omitted conviction may be recorded accordingly, and shall be deemed to have been duly recorded in accordance with this Act. **Omission to record conviction on licence.**

PART XI

RATES TO BE PAID ON THE GRANTING OF LICENCES

55. There shall be paid for every licence issued under the provisions of this Act such sums as shall be prescribed by any Act in that behalf for the time being in force. **Rates to be fixed by Act.**

PART XII

REGISTERS

56. There shall be kept by the clerk to the Licensing Magistrate a register to be called the register of licences, in such form as may be prescribed by such Magistrate, containing the particulars of all licences granted, the premises in respect of which they were granted, the names of the owners of such premises, and the names of the holders for the time being of such licences. There shall also be entered on the register all forfeitures of licences, disqualifications of premises, records of convictions, and other matters relating to the licences on the register. **Register of licences to be kept.**

57. Every person applying for a new licence, or the renewal of a licence, shall state the name of the owner of the premises in respect of which such licence is granted or **Name of owner to be endorsed on licence.**

renewed, and such name shall be endorsed on the licence, and the person whose name is so stated shall, subject as hereinafter mentioned, be deemed for the purposes of this Act to be the owner of the premises.

Name of new owner to be substituted.

58. The Licensing Magistrate may on the application of any person who proves to the court that he is entitled to be entered as owner of any premises in place of the person appearing in the register to be the owner, make an order substituting the name of the applicant, and such order shall be obeyed by the clerk to the Licensing Magistrate, and a corresponding correction may be directed to be made on the licence granted in respect of the premises of which such applicant claims to be the owner.

Inspection of and extracts from register.

59. Any householder, any owner of premises to which a licence is attached, and any holder of a licence, shall, upon payment of a fee of twenty-four cents, and any Justice of the Peace, Officer of Police, or Officer of Inland Revenue, without payment, shall be entitled at any reasonable time to inspect and take copies of, or extracts from, any register kept in pursuance of this Act, and the clerk of the Licensing Magistrate, and every other person who prevents the inspection or taking copies of, or extracts from, the same, or demands any unauthorized fee therefor, shall be liable to a penalty not exceeding two hundred and fifty dollars for each offence.

Fee on registration of licence.

60. There shall be paid by each licensed person to the clerk of the Licensing Magistrate in respect of such registration the sum or fee of twenty-four cents for every licence granted or renewed.

Registers, &c. receivable in evidence.

61. The registers of licences kept in pursuance of this Act shall be receivable in evidence of the matters required by this Act to be entered therein. Every endorsement upon a licence and every copy of an entry made in the registers of licences in pursuance of this Act purporting to be signed by the clerk to the Licensing Magistrate and (in the case of a copy to be certified to be a true copy) shall be evidence of the matter stated in such endorsement and entry without proof of the signature or authority of the persons signing the same.

PART XIII
LEGAL PROCEEDINGS

62. Except as in this Act otherwise expressly provided, every offence under this Act may be prosecuted, and every penalty and forfeiture may be recovered and enforced in manner provided by the Magistrate's Code of Procedure Act, subject to the following provisions—

Summary
proceedings for
offences under
this Act, &c.
Cap 255.

(1) Where the court of summary jurisdiction orders that a distress shall be made in default of the payment of any penal sum exceeding two hundred and fifty dollars, including under that expression costs actually adjudged in respect of an offence, the court may order that, in default of the said sum being paid as directed, the person liable to pay the same shall be imprisoned for any term not exceeding the period specified in the following scale—

For any sum exceeding two hundred and fifty dollars, but not exceeding five hundred dollars, three months.

For any sum exceeding five hundred dollars, but not exceeding fifteen hundred dollars, four months.

For any sum exceeding fifteen hundred dollars, but not exceeding three thousand dollars, six months.

For any sum exceeding three thousand dollars, a year.

(2) The description of any offence under this Act, in the words of such Act, or in similar words, shall be sufficient in law.

(3) Any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany the description of the offence in this Act may be proved by the defendant, but need not be specified or negated in the information, and if so specified or negated no proof in relation to the matters so specified or negated shall be required on the part of the complainant or informant; and in all cases of summary proceedings under this Act, the defendant and his wife shall be competent to give evidence.

(4) All forfeitures shall be sold or otherwise disposed of in such manner as the court may direct, and the proceeds of such sale or disposal (if any) shall be applied in the like manner as penalties; but the court may direct that such proceeds may be applied in the first instance in paying the expenses of and incidental to any search and seizure which resulted in such forfeitures.

Recovery and disposal of penalties.

63. Any officer appointed by the Governor-General for that purpose may sue for any penalties under this Act, and when so sued for any penalties which may be recovered shall be applied in the manner in which excise penalties are for the time being applicable.

Recovery of costs.

64. Where under this Act any sum for costs (other than costs upon a conviction or order of dismissal of an information) or for compensation or both is ordered or awarded to be paid by any person, the amount thereof shall be recovered in manner directed by the Magistrate's Code of Procedure Act, for the recovery of costs awarded on the dismissal of an information or complaint.

Appeal.

65. If any person feels aggrieved by any order or conviction made by a court of summary jurisdiction, the person so aggrieved may appeal therefrom, subject to the provisions of the Magistrate's Code of Procedure Act, or any other Act in that behalf for the time being in force.

Temporary licence pending appeal against forfeiture.

66. Where a licence is forfeited on or in pursuance of a conviction for an offence and an appeal is duly made against such conviction, the court by whom the conviction was made may by order grant a temporary licence to be in force during the pendency of the appeal upon such condition as it thinks just.

Conviction, &c., not to be quashed for want of form or removed by certiorari.

67. No conviction or order made in pursuance of this Act originally or on appeal relative to any offence, penalty, forfeiture, or summary order shall be quashed for want of form, or if made by a court of summary jurisdiction be removed by certiorari or otherwise, either at the instance of the Crown or of any private party into any Superior Court. Moreover no warrant of commitment in any such matter shall be held void by reason of any defect therein:

Provided that there is a valid conviction to maintain such warrant, and it is alleged in the warrant that the party has been convicted.

68. With respect to the record of convictions of licensed persons for offences under this Act—committed by them as such—the following provisions shall have effect in cases where this Act requires the conviction to be recorded on the licence, that is to say—

As to record of convictions of licensed persons for offences under this Act.

(1) The court before whom any licensed person is accused shall require such person to produce and deliver to the clerk of the court the licence under which such person carries on business and the summons shall state that such production will be required.

(2) If such person is convicted the court shall cause the short particulars of such conviction and the penalty imposed to be endorsed on his licence before it is returned to the offender.

(3) The clerk shall enter the particulars respecting such conviction or such of them as the case may require in the register of licences kept by him under section 56.

(4) Where the conviction of any such person has the effect of forfeiting the licence or of disqualifying any person or premises for the purposes of this Act, the licence shall be retained by the clerk of the court and notice of such forfeiture and disqualification shall be sent to the Comptroller of Customs, and if the clerk of the court is not the clerk to the Licensing Magistrate notice shall also be sent to such last-mentioned clerk together with the forfeited licence.

69. If any person defaces or obliterates, or attempts to deface or obliterate any record of a conviction on his licence, he shall be liable to a penalty not exceeding two hundred and fifty dollars.

Penalty for defacing record of conviction on licence.

For protection of owners of licensed premises in cases of offences committed by tenants.

70. Where any tenant of any licensed premises is convicted of an offence against this Act and the offence is one, the repetition of which may render the premises liable to be disqualified from receiving a licence for any period, it shall be the duty of the clerk of the licensing Magistrate to serve in manner provided by this Act, notice of every such conviction on the owner of these premises.

Grounds on which owner may appeal against disqualification of premises.

71. Where an order of a court of summary jurisdiction declaring any licensed premises to be disqualified from receiving a licence for any period has been made, the court shall cause such order to be served on the owner of such premises, where the owner is not the occupier, with the addition of a statement that the court will hold a petty sessions at a time and place therein specified at which the owner may appear and appeal against such order on all or any of the following grounds but on no other grounds—

(1) That notice as required by this Act has not been served on the owner of a prior offence which on repetition renders the premises liable to be disqualified from receiving a licence at any period; or

(2) That the tenant by whom the offence was committed held under a contract made prior to the commencement of this Act and that the owner could not legally have evicted the tenant in the interval between the commission of the offence in respect of which the disqualifying order was made and the receipt by him of the notice of the immediately preceding offence which on repetition renders the premises liable to be disqualified from receiving a licence at any period; or

(3) That the offence in respect of which the disqualifying order was made occurred so soon after the receipt of such last-mentioned notice—that the owner notwithstanding he had legal power to evict the tenant could not with reasonable diligence have exercised that power in the interval which occurred between the said notice and the second offence.

72. If the owner appear at the time and place specified and at such session or at any adjournment thereof, satisfy the court that he is entitled to have the order cancelled on any of the grounds aforesaid the court shall thereupon direct such order to be cancelled and the same shall be void.

Court may cancel order disqualifying premises.

73. The Licensing Magistrate shall make rules in pursuance of which any person other than the owner interested in any licensed premises as mortgagee or otherwise shall be entitled on payment of such sum as may be specified in such rules to receive from the clerk a similar notice to that which an owner of such premises is entitled to receive under this Act.

Provision for notice on persons other than the owner.

74. Where a licensed person is convicted of more offences than one, committed on the same day, the convictions for which are by this Act directed to be recorded on his licence the court by whom he is convicted may in its discretion order that one or some only of such convictions shall be so recorded.

As to conviction of licensed persons of more than one offence on the same day.

PART XIV

MISCELLANEOUS PROVISIONS

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

Proof of sale or consumption of intoxicating liquor.

(2) Proof of consumption or intended consumption of intoxicating liquor on any premises, whether licensed or unlicensed, by some person other than the occupier of, or a servant employed on, such premises, shall be evidenced that such intoxicating liquor was sold in or on such premises by or on behalf of the holder of the licence, where such premises are licensed, or by or on behalf of the owner or occupier of such unlicensed premises, as the case may be.

Licence to become void on forfeiture under this Act.

76. Where a licence is forfeited in pursuance of this Act or becomes void under any of the provisions of this Act any licence for the sale of intoxicating liquor granted by the Comptroller of Customs to the holder of such licence shall be void.

Production of licence by holder, and penalty on non-production.

77. (1) Every holder of a licence or of an order of exemption made by a local authority in pursuance of this Act, shall by himself, his agent or servant produce such licence or order within a reasonable time after the production thereof is demanded by a Magistrate, police officer, or officer of the customs and deliver the same to be read and examined by him.

(2) Any person who acts in contravention of this section shall be liable to a penalty not exceeding five hundred dollars.

Penalty for using an uncovered light when drawing off rum.

78. If any person holding a licence, whether granted previously to the passing of this Act or under this Act, shall use an open or uncovered light of any description when throwing up or drawing off rum in any cellar or room in which rum is on the premises of such person, kept or stored (except in the shop or store in which rum is sold on the premises of such person) or shall throw up or draw off rum at any time, except between the hours of eight in the forenoon and four in the afternoon, or any time on Sunday, such person shall be liable, on summary conviction, to a fine or penalty not less than three thousand dollars, and not more than five thousand dollars.

Power of Justices to close licensed premises in case of riot.

79. Any Justice of the Peace, in the event of any riot or tumult happening or being expected to happen, may order every licensed person in or near the place where such riot or tumult happens or is expected to happen, to close his premises during any time which the Justice may order. And any person who keeps open his premises for the sale of intoxicating liquors during any time at which the Justice has ordered them to be closed shall be liable to a penalty not exceeding three thousand dollars: and it shall be lawful for any person acting by order of any Justice to use such force as may be necessary for the purpose of closing such premises.

80. Any part not exceeding a moiety of any penalty recovered under this Act may if the court shall so direct be paid to the Police Reward Fund.

Moiety of penalties may be paid to Police Reward Fund.

81. Where any person holding a licence under this Act is convicted of any offence against this Act, it shall not be lawful for the Magistrate before whom he is convicted to mitigate or reduce the penalty for such offence to a less sum than fifty dollars.

Limit of mitigation of penalties.

Provided that nothing herein contained shall extend to authorize the mitigation or reduction of any penalty whether of excise or police to a less sum than the minimum to which the same may under the provisions of any other Acts be mitigated or reduced.

82. No person shall henceforth recover any sum of money, debt or demand whatsoever for or on account of any spirituous liquors, unless such debt has been *bonâ fide* contracted at one time to the amount of two dollars and forty cents, nor shall any particular item in any account or demand for spirituous liquors be allowed, where the liquors delivered at one time and specified in such item do not amount to the value of two dollars and forty cents at the least, and that without fraud and without any part of the liquors sold or delivered being returned or agreed to be returned directly or indirectly.

No debt for spirituous liquor to be recovered unless contracted at one time to amount of \$2.40.

83. If any retailer of spirituous liquors, with or without a licence, takes or receives any pawn or pledge from any person by way of security for the payment of any money due or purporting to be due from such person in respect of such spirituous liquor, such retailer shall be liable to a fine not exceeding one hundred dollars for every pawn or pledge so taken or received by him and the person to whom any such pawn or pledge belongs shall have the same remedy for recovering such pawn or pledge, or the value thereof, as if the same had never been pawned or pledged.

No pawn or pledge to be received as security for payment of money in respect of spirituous liquors.

84. (1) Where any rum is required to be accompanied by a sale note, every person who sends out, delivers or removes any rum—

Removing rum without a sale note.

(a) without such sale note; or

(b) in quantity greater than, or to or in any place other than, specified in the sale note;

(c) with a sale note other than the one relating to the sale of the rum which it accompanies, shall be guilty of an offence against this Act.

(2) Every licensed person who in any manner uses any sale note so that any account kept or checked by any person authorized by this Act to take an account of his stock may be frustrated or evaded shall be guilty of an offence against this Act.

(3) Any carrier, boatman or other person who without reasonable excuse carries, removes or transports, or aids or assists in carrying, removing or transporting from any part of Antigua and Barbuda to any other part thereof, any rum which is required by this Act to be accompanied by a sale note without being accompanied by such sale note, shall be guilty of an offence against this Act.

Power to stop.

85. It shall be lawful for the Comptroller of Customs or any police officer to stop and detain any person whom he reasonably supposes to be removing or carrying any rum contrary to the provisions of this Act, and to stop and search and examine any conveyance of any kind or any package which he reasonably supposes to contain any rum and to demand the production of the sale note accompanying such rum.

(2) Any person who is found removing or carrying any rum which is by this Act required to be accompanied by a sale note and refuses or fails to produce such sale note on being required so to do as aforesaid shall be guilty of an offence against this Act, and may be arrested forthwith; and the rum and the package or vessel in which it is contained, and every animal or vehicle of any kind used in the removal thereof, may be seized and may be forfeited at the discretion of the Magistrate.

86. Any person who receives or buys or procures or employs any person to receive or buy or procure any intoxicating liquor from any person in Antigua and Barbuda other than a licensed person shall be guilty of an offence against this Act.

Buying or removing intoxicating liquor from unauthorised persons.

87. If any rum which is required to be accompanied by a sale note is found in the possession of any person other than a licensed person or upon any premises other than licensed premises, and is not accounted for by the production of its sale note, that person or the occupier of the premises upon which it is found shall be guilty of an offence against this Act unless he gives a reasonable explanation to the Magistrate to account for the absence of such sale note.

Forfeiture of rum not accounted for by a sale note.

88. Every licensed person shall, when required by the Comptroller of Customs, or any person authorized by him in writing or by any police officer, point out to him all intoxicating liquor in his licensed premises or in his custody or possession, and if he fails to do so he shall be guilty of an offence against this Act, and any intoxicating liquor which may be discovered which has not been pointed out as aforesaid shall be forfeited.

Licensed person to produce intoxicating liquor to officers.

89. (1) Where upon the examination under the provisions hereinbefore contained of any licensed premises the stock or quantity of intoxicating liquor found appears to the person examining to be in excess of the quantity the licensed person should have on hand, such excess shall, unless the licensed person or the person in charge of such premises accounts satisfactorily therefor to the person examining by the production of his sale notes or permits or otherwise, be forfeited, and either the licensed person or the person in charge of such premises shall be guilty of an offence against this Act.

Licensed person to account for excess stock.

(2) It shall not be necessary to prove what particular vessels of intoxicating liquor are in excess, but a like quantity of intoxicating liquor of the like kind and the packages containing the same may be seized out of any part of the stock of the licensed person.

LAWS OF ANTIGUA AND BARBUDA

CAP. 249) *Licensing (Intoxicating Liquor)*

Penalty.

90. Any person who shall in any way violate or contravene any of the provisions of this Act shall be guilty of an offence against this Act and shall (except where the penalty is hereinbefore specified) be liable on summary conviction to a penalty not exceeding five thousand dollars or to imprisonment with or without hard labour for a period not exceeding six months.

SCHEDULE A

S.5.

NOTICE TO LICENSING MAGISTRATE AND OTHERS

To. C.D. &c.

I, A.B. now residing in Street, in the city/town of do hereby give you notice that it is my intention to apply at the next special session, to be held at the Magistrate's Court, St. John's on the day of next ensuing, for a licence in respect of my premises at

Dated this day of 19 .

(Signed) A.B.

SCHEDULE B

S.9.

CERTIFICATE BY LICENSING MAGISTRATE

I, C.D. Magistrate in and for District A in Antigua and Barbuda and as Licensing Magistrate for Antigua and Barbuda, do hereby certify that I have heard and considered the application of A.B. made before me this day of 19 , for a licence to sell intoxicating liquors and that I have determined that the said A.B. may have such licence.

These are therefore to authorize and require you on payment by the said A.B. of such sums as may be authorized on that behalf

by any Act for the time being in force, to grant to the said A.B. a licence to sell intoxicating liquors on his premises in

Given under my hand at St. John's in Antigua and Barbuda this day of 19 .

C.D.
Licensing Magistrate

SCHEDULE C

S.6.

NOTICE OF TRANSFER OF LICENCE

To. C.D. &c.

I, A.B. now residing in Street, in the of do hereby give you notice that it is my intention to apply at the next special session, to be held at the Magistrate's Court, St. John's, on the day of next ensuing, for permission to transfer the licence now held by me in respect of the premises situate at in the of to E.F., who for six months last past has carried on the occupation of at and who intends to use the said licence in respect of this premises at

Dated this day of 19 . A.B.

SCHEDULE D(1)

S.11.(1)(a).

RETAIL LICENCE

A.B., of is hereby authorized and empowered to sell on his premises in Street, in the of , by retail, at any time between the hours of eight o'clock in the morning and six o'clock in the evening (Sundays, Christmas Day and Good Friday excepted) any intoxicating liquor, to be drunk or not to be drunk on the premises, on which every duty payable thereon has been paid; and this licence shall continue in force from the day of 19 , until the day of 19 , unless the

premises, and this licence shall continue in force from the day of until the day of , unless it be forfeited in the meantime.

Given under my hand at St. John's, Antigua and Barbuda, this day of 19 .

C.D.
Comptroller of Customs

SCHEDULE F S.11.(3).

BOTTLE LICENCE

A.B., of , is hereby authorized and empowered to sell on his premises in Street, in the of , at any time between the hours of eight o'clock in the morning and six o'clock in the evening (Public Holidays after 9 a.m., Christmas Days and Good Fridays before 1 p.m. and on Sundays excepted), any intoxicating liquor, on which every duty payable thereon has been paid, in any quantity, to be sold and delivered at any one time, not less of each set sort of intoxicating liquor than one reputed pint contained in a closed vessel, not to be drunk on the premises. This licence shall continue in force from the day of , 19 , to the dav of . unless the same shall in the meantime be forfeited under any of the provisions of the Licensing (Intoxicating Liquor) Act (Cap. 249).

Given under my hand at St. John's, Antigua and Barbuda, this day of 19 .

C.D.
Comptroller of Customs

SCHEDULE G S.11.(4).

IMPORTER'S LICENCE

A.B., of , is hereby authorized and empowered to sell on his premises in , in the of at any time between the hours of o'clock in the morning and o'clock in the evening (Public Holidays after 9 a.m., Christmas Days and Good Fridays

before 1 p.m., and Sundays excepted), any intoxicating liquor, imported by him, all duty payable thereon having been paid, in any quantity, not being less than five dozen reputed quart bottles, or twenty gallons in the wood, or (in the case of rum) not being less than fifty gallons, to be sold and delivered at any one time and not to be drunk on the premises; and this licence shall continue in force from the _____ day of _____, 19____, to the _____ day of _____, 19____, unless the same shall have been forfeited in the meantime under any of the provisions of the Licensing (Intoxicating Liquor) Act (Cap.249).

Given under my hand at St. John's, Antigua and Barbuda this _____ day of _____, 19____.

C.D.
Comptroller of Customs

SCHEDULE H S.11.(5).

TAVERN LICENCE

A.B., of _____, is hereby authorized to sell on his premises in _____ Street, in the _____ of _____, known as _____ at any time between the hours of eight o'clock in the morning and twelve o'clock midnight (Christmas Day, Good Friday and Sundays excepted) any intoxicating liquor, on which every duty payable has been paid, to be consumed on the premises.

This licence shall continue in force from the _____ day of _____, 19____, until the _____ day of _____, 19____, unless sooner forfeited.

Given under my hand at St. John's, Antigua and Barbuda this _____ day of _____, 19____.

C.D.
Comptroller of Customs

SCHEDULE I

S.11.(6).

CLUB LICENCE

A.B., Secretary of the Club, is hereby authorized to sell on the premises of the Club in Street, in the of , known as the Club, by retail to any *bonâ fide* member of the Club, any intoxicating liquor on which every duty payable thereon has been paid, to be consumed on the premises, and this licence shall continue in force from the day of until the day of , unless it be forfeited in the meantime.

Given under my hand at St. John's, Antigua and Barbuda, this day of 19 .

C.D.
Comptroller of Customs

SCHEDULE J

S.14.

CERTIFICATE OF TRANSFER OR REMOVAL

To the Comptroller of Customs.

I, E.F., Magistrate of District A in Antigua and Barbuda and as Licensing Magistrate for Antigua and Barbuda, do hereby certify that I have heard and considered the application of A.B. made before me this day of 19 , for the permission to transfer/remove the licence now held by him in respect of his premises at to and that I have determined that the said transfer/removal may take place.

These are therefore to authorize and require you, on payment of such sum as may be authorized on that behalf by any Act for the time being in force, and on delivery to you of the licence now held by the said A.B., to grant a new licence in the terms of the said transfer/removal.

Given under my hand at St. John's, Antigua and Barbuda, this day of 19 .

E.F.
Licensing Magistrate

SCHEDULE K

S.27.

I hereby certify that I have this day of 19 , sold to of the following quantities and kinds of rum:

to be conveyed to the premises of at

Licensed person.

SCHEDULE L

S.16

AUCTIONEER'S LICENCE TO SELL INTOXICATING LIQUOR

A.B., of , Licensed Auctioneer, having made the declaration prescribed in section 16 of the Licensing (Intoxicating Liquor) Act is hereby authorized and empowered to sell by auction on the premises at the intoxicating liquors now or lately the property of the quantity and description of which are set out on the back hereof, such sale to take place on the day of 19 , between the hours of nine o'clock in the morning and six o'clock in the evening.

Given under my hand at St. John's, Antigua and Barbuda this day of 19 .

C.D.

Comptroller of Customs

SCHEDULE M

S.44.

DELETERIOUS INGREDIENTS

Coculus indicus, chloride of sodium, otherwise common salt, copperas, opium, indian hemp, strychnine, tobacco, darnel seed extract of logwood, salts of zinc or lead, alum, and any extract or compound of any of the above ingredients.