

CAYMAN ISLANDS



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THE LIQUOR LICENSING (AMENDMENT) LAW, 2018
(LAW 8 OF 2018)

THE LIQUOR LICENSING (AMENDMENT) LAW, 2018

ARRANGEMENT OF SECTIONS

1. Short title and commencement
2. Amendment of section 2 of the Liquor Licensing Law (2016 Revision) - definitions
3. Insertion of new section 4A - policy directions
4. Amendment of section 7 - nature of a licence
5. Amendment of section 8 - qualifications of a licensee
6. Amendment of section 9 - requirements for licensed premises
7. Amendment of section 10 - categories of licences
8. Amendment of section 11 - hours for sale of alcoholic liquor

CAYMAN ISLANDS

Law 8 of 2018.

I Assent

Franz Manderson

Acting Governor.

Date: 3rd August, 2018

**A LAW TO AMEND THE LIQUOR LICENSING LAW (2016 REVISION)
TO BROADEN THE BOARD'S POWER TO PERMIT SUNDAY
OPENING OF LICENSED PREMISES; TO PROVIDE FOR CABINET TO
GIVE POLICY DIRECTIONS TO THE BOARD IN THE
PERFORMANCE OF ITS FUNCTIONS; TO REDUCE THE NUMBER OF
CATEGORIES OF LICENCES AND AMEND THE DEFINITIONS OF
RETAIL, TEMPORARY AND RESTAURANT LICENCES; TO PERMIT
LICENCES TO BE GRANTED TO REGISTERED NON-PROFIT
ORGANISATIONS; TO ALLOW THE BOARD TO WAIVE FEES FOR
CERTAIN TEMPORARY OR OCCASIONAL LICENCES; TO
AUTHORIZE CABINET TO SET ADDITIONAL FEES BY
REGULATION; AND FOR INCIDENTAL AND CONNECTED
MATTERS**

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Liquor Licensing (Amendment) Law, 2018 and shall come into force on such date as may be appointed by Order made by Cabinet.

Short title and
commencement

Amendment of section 2 of the Liquor Licensing Law (2016 Revision) - definitions	<p>2. The Liquor Licensing Law (2016 Revision), in this Law referred to as “the principal Law”, is amended in section 2 -</p> <ul style="list-style-type: none"> (a) in the definition of the word “licence” - <ul style="list-style-type: none"> (i) by deleting the word “eight” and substituting the word “seven”; and (ii) by deleting the words “10(2) to (8)” and substituting the words “10(2) to (7)”; (b) by inserting after the definition of “licensing session” the following definition - <ul style="list-style-type: none"> “ “mobile bar” means - <ul style="list-style-type: none"> (a) a movable structure used by a licensee for the disposal of intoxicating liquors to the public; or (b) a structure located in premises where - <ul style="list-style-type: none"> (i) such structure or premises are not owned, operated or managed by a licensee; but (ii) the structure is used by that licensee for the disposal of intoxicating liquors to the public;”; (c) in the definition of “permitted hours” by inserting after the words “11(3)” the words “and includes the hours covered by an extension granted by the Chairman under section 11(3) or permission granted by the Board under section 11(6)”.
Insertion of new section 4A - policy directions	<p>3. The principal Law is amended by inserting after section 4 the following section -</p> <p>“Policy directions</p> <p>4A. The Cabinet may, after consultation with the Board, give such general directions as to the policy to be followed by the Board in the performance of its functions under this or any other Law as appear to Cabinet to be necessary in the public interest, and the Board shall give effect to any such directions.”.</p>
Amendment of section 7 - nature of a licence	<p>4. The principal Law is amended in section 7 by inserting after subsection (5) the following subsection -</p> <p>“ (5A) A Board must be satisfied, before granting a new package licence or retail licence which relates to the same premises, that -</p> <ul style="list-style-type: none"> (a) there is a clear demarcation between the areas used within the premises for the dispensing of intoxicating liquor under each licence; and (b) licensees are able to control each area.”.

5. The principal Law is amended in section 8 as follows -

Amendment of section 8
- qualifications of a licensee

- (a) in subsection (1) -
 - (i) in paragraph (b), by inserting after the word “Law” the words “(2018 Revision) or is registered as a non-profit organisation under the Non-Profit Organisations Law, 2017”; and
 - (ii) in paragraph (c), by inserting after the word “company” the words “or a non-profit organisation”; and
- (b) in subsection (1A) -
 - (i) by inserting after the word “company” the words “or a non-profit organisation”; and
 - (ii) in paragraph (a) by inserting after the word “Law” the words “(2018 Revision) or under the Non-Profit Organisations Law, 2017”.

6. The principal Law is amended in section 9 as follows -

Amendment of section 9
- requirements for licensed premises

- (a) in subsection (1) -
 - (i) by repealing paragraphs (a) and (b); and
 - (ii) by renumbering paragraphs (c), (d) and (e) as paragraphs (a), (b) and (c); and
- (b) in subsection (4) by deleting the words “the Chief Medical Officer,”.

7. The principal Law is amended in section 10 as follows -

Amendment of section 10 - categories of licenses

- (a) in subsection (1) -
 - (i) by deleting the word “eight” and substituting the word “seven”; and
 - (ii) by repealing paragraph (g) and renumbering paragraph (h) as paragraph (g);
- (b) by repealing subsection (4) and substituting the following subsection -
 - “(4) A retail licence -
 - (a) permits the disposal of intoxicating liquor for consumption on the premises of -
 - (i) a bar or mobile bar;
 - (ii) a night club;
 - (iii) a sea-going vessel; or
 - (iv) a retail establishment at which tasting events of samples of intoxicating spirits are held; but
 - (b) does not permit disposal to another licensee for the purpose of disposal by that licensee under the terms of his licence.”;

- (c) in subsection (6) by deleting the word “temporarily” and substituting the words “for a period not exceeding ninety days”;
- (d) by repealing subsection (7) and substituting the following subsection -

“ (7) A restaurant licence permits the disposal of intoxicating liquor to any person at a restaurant, or other premises affixed to the land, at which food is served for consumption on the premises.”;

- (e) by repealing subsection (8) and substituting the following subsection -

“ (8) The Cabinet may from time to time prescribe the fees for a licence, an extension granted by the Chairman under section 11(3) or permission granted by the Board under section 11(6).”;

- (f) in subsection (9) by deleting the words “The fees for a licence may be prescribed from time to time, and shall” and substituting the words “The prescribed licence fees shall, subject to subsection (9A),”; and
- (g) by inserting after subsection (9) the following subsection -

“ (9A) A Board may waive, in whole or in part, the fee required to be paid for a temporary or occasional licence for the disposal of intoxicating liquor at an event that is part of a national festival of the Islands.”.

Amendment of section
11 - hours for sale of
alcoholic liquor

8. The principal Law is amended in section 11 as follows -

- (a) in subsection (1), by deleting the words “an hotel licensee, a restaurant licensee or a wine and beer licensee” and substituting the words “a hotel or restaurant licensee”;
- (b) in subsection (6) -
 - (i) by inserting after the words “retail licence” the words “or a package licence”; and
 - (ii) by deleting the words “, and such permission shall be endorsed upon the licence”;
- (c) by inserting after subsection (6) the following subsection -

“ (6A) Hours covered by permission granted by the Board under subsection (6) shall be endorsed upon the licence and are deemed to be permitted hours for the purposes of this Law.”; and

- (d) in subsection (8) by deleting the words “, a restaurant licence or a wine and beer licence” and substituting the words “or a restaurant licence”.

Passed by the Legislative Assembly the 29th day of June, 2018.

Dr. Hon. W. McKeeva Bush

Speaker.

Zena Merren-Chin

Clerk of the Legislative Assembly.