

CAYMAN ISLANDS



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**THE LIQUOR LICENSING (AMENDMENT)
(PROTECTION OF MINORS) LAW, 1998**

(Law 14 of 1998)

ARRANGEMENT OF SECTIONS

1. Short title.
2. Amendment of section 4 - Licensing Boards and Districts.
3. Amendment of section 7.
4. Amendment of section 9 - requirements for licensed premises.
5. Amendment of section 10 - categories of licences.
6. Amendment of section 19 -occasional licence.
7. Repeal of section 21 and substitution.
8. Amendment of the principal Law - new sections.

CAYMAN ISLANDS

Law 14 of 1998.

I Assent

JOHN OWEN

Governor.

19th November, 1998

**A LAW TO AMEND THE LIQUOR LICENSING LAW (1996 REVISION)
TO PROHIBIT THE SALE OF INTOXICATING LIQUORS BY OR TO
PERSONS UNDER THE AGE OF 18; TO WIDEN THE DISCRETION OF
THE BOARD IN CONSIDERING APPLICATIONS FOR LIQUOR
LICENCES; AND FOR CONNECTED PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Liquor Licensing (Amendment) (Protection of Minors) Law, 1998. Short title
2. Section 4 of the Liquor Licensing Law (1996 Revision) ("the principal Law") is amended by inserting "or Deputy Chairman" after the word "Chairman". Amendment of section 4
-Licensing Boards and
Districts
3. Section 7 of the principal Law is amended- Amendment of section 7
 - (a) by renumbering subsections (5), (6) and (7) as subsections (7), (8) and (9) respectively; and
 - (b) by inserting the following subsections-

"(5) Further to subsection (4) and subject to subsection (6), a Board must be satisfied before granting or renewing a restaurant and retail licence which relate to the same premises, that the bar and the restaurant on the premises are separated in such a manner that access

and egress to the restaurant and the bathrooms of the premises are not through the bar.

(6) A licensee shall, no later than 1 October, 1999, cause premises to which both a restaurant and retail licence relates at or after the date of the commencement of this Law to be separated as specified in subsection (5)."

Amendment of section 9
-requirements for
licensed premises

4. Section 9 of the principal Law is amended by inserting the following new subsections after subsection (1)-

"(1A) A Board shall not grant any new licences in any part of the Islands from 9 October, 1998 until such date as may be determined by the Governor who shall cause notice of the date to be published in the Gazette.

(1B) Subsection (1A) does not apply to-

- (a) occasional licences;
- (b) any application for a licence made prior to the commencement of this Law; or
- (c) the transfer of a licence granted prior to the commencement of this Law.

Amendment of section
10 - categories of
licences

5. Section 10 (1) of the principal Law is amended by inserting the following new paragraph-

"(h) occasional."

Amendment of section
19 - occasional licence

6. Section 19 of the principal Law is amended by repealing the word "authorisation" wherever it appears and by substituting "occasional licence".

Repeal of section 21 and
substitution

7. Section 21 of the principal Law is repealed and the following substituted-

"Serving or
delivering
intoxicating
liquor to or for
consumption
by persons
under the age
of 18

21. (1) A licensee shall not-

- (a) sell intoxicating liquor to a person under the age of 18;
- (b) knowingly allow a person under the age of 18 to consume intoxicating liquor in licensed premises; or
- (c) knowingly allow any person in licensed premises to sell intoxicating liquor to a

person under the age of 18.

(2) A person under the age of 18 shall not buy, attempt to buy or consume intoxicating liquor.

(3) No person shall buy or attempt to buy intoxicating liquor for consumption by a person under the age of 18.

(4) Where a person is charged with contravening subsection (1) and he is charged by reason of his own act, it shall be a defence to prove that he exercised all due diligence to avoid the commission of such an offence.

(5) Where the person charged with contravening subsection (1) is a licensee and he is charged by reason of the act or default of some other person, it shall be a defence for him to prove that he exercised all due diligence to avoid the commission of an offence under that subsection.

(6) A licensee shall not knowingly deliver or knowingly allow any person to deliver, to a person under the age of 18, intoxicating liquor sold in licensed premises for consumption off the premises.

(7) A person shall not knowingly send a person under the age of 18 to obtain intoxicating liquor sold or to be sold in licensed premises for consumption off the premises, whether the liquor is to be obtained from the premises or other premises from which it is delivered in pursuance of the sale.

(8) A person who contravenes this section commits an offence and is liable on summary conviction to a fine not exceeding \$5,000; and the court may, if the offence was committed by the licensee, order that the licensee shall forfeit his licence and that no licence may be issued to that person for a period not exceeding 10 years from the date of his conviction."

8. The principal Law is amended by inserting the following new sections after section 21-

**Amendment of the
principal Law - new
sections**

“Children
prohibited
from bars

21A. (1) A licensee shall not allow a person under the age of 18 to be in a bar of licensed premises.

(2) No person shall knowingly cause, procure, or attempt to cause or procure, any person under the age of 18 to be in a bar of licensed premises.

(3) Where it is shown that a person under the age of 18 was in licensed premises or the a bar of licensed premises contrary to subsection (1) during permitted hours, the licensee shall be guilty of an offence under this section unless he proves that he exercised all due diligence to prevent the person under the age of 18 from being permitted to enter the bar of the licensed premises.

(4) No offence shall be committed under this section if the person under the age of 18 is in a bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.

(5) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5,000.

(6) Subsection (5) comes into force on 1 October, 1999.

Persons under
18 not to be
employed in
licensed
premises

21B. A licensee who employs a person under the age of 18 in licensed premises during permitted hours is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5,000.

Identification

21C. (1) A licensee shall be considered to exercise all due diligence to prevent a contravention of this Law relating to a person's age if he requests, and is shown, an official document containing evidence of the person's age together with a photograph of that person.

(2) In this section “official document” means a passport or driving licence whether issued by the

The Liquor Licensing (Amendment) (Protection of Minors) Law, 1998

Government of the Islands or by or on behalf of the
Government of any other country.”.

9. The Schedule to the principal Law is amended-

Amendment of the
Schedule

- (a) by repealing the heading “Authorisation” and substituting
“Occasional licence”; and
- (b) by repealing “authorised” and substituting “licensed”.

Passed by the Legislative Assembly the 9th day of October, 1998.

Mabry S Kirkconnell

Speaker.

Georgette Myrie

Clerk of the Legislative Assembly.