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THE LIQUOR LICENSING LAW (8 OF 1985)

(1996 Revision)

Consolidated with Law 12 of 1989.

Revised under the authority of the Law Revision Law (19 of 1975).

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Law 12 of 1989-	5th September, 1989

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LIQUOR LICENSING LAW

(1996 Revision)

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LIQUOR LICENSING LAW
(1996 Revision)

1. This Law may be cited as the Liquor Licensing Law (1996 Revision). Short title
2. In this Law- Definitions
 - “applicant” means a person making an application;
 - “application” means an application under section 12 to obtain a new licence or vary an existing licence or an application made to renew an existing licence;
 - “authorisation” means an authorisation under section 19(1) to sell intoxicating liquor on a special occasion;
 - “authorised person” means a person authorised under section 19(1);
 - “bar” means an area designated in a licence under section 7(4);
 - “Board” means a Liquor Licensing Board constituted under section 4 and references to the Board shall be interpreted as meaning the Board for the appropriate Licensing District;
 - “Board member” means a member of a Board nominated under section 4(3), (4) or (8);
 - “Chairman” means the Chairman of a Board appointed under section 4(3) or (4), and references to the Chairman shall be interpreted as meaning the Chairman of the Board for the appropriate Licensing District;
 - “Commissioner” means the Commissioner of Police and every person acting under his authority;
 - “dispose” includes sell, barter, exchange, give, supply, deliver or otherwise pass or allow to pass into the control of some other person for value; and any disposal of intoxicating liquor shall be presumed to be for value and in pursuance of a sale, unless the circumstances under which the disposal is made negative such presumption;
 - “Form” means a form in the Schedule to this Law;
 - “Governor” means the Governor in Council;

“hotel” means any building or series of buildings within the same curtilage containing not less than ten bedrooms for the accommodation for reward of guests, together with the curtilage thereof and all other buildings and structures within such curtilage, not being a strata lot or an apartment house;

“Inspector” means the person in the public service holding the office of Inspector of Licensed Premises;

“intoxicating liquor” includes every description of potable spirits, wines, beer, ale, porter, stout, cider, perry and other malt liquor;

“licence” has the meaning ascribed to it in section 7(1) and the seven categories of licences in section 10(1) shall have the meaning ascribed to them by section 10(2) to (8);

“licensee” has the meaning ascribed to it in section 7(2) and for the purpose of responsibility for compliance and liability for non-compliance with this Law includes every employee and person acting under the general control of such licensee on or about the relevant premises;

“licensed premises” has the meaning ascribed to it in section 7(3) and includes every building or place in respect of which a licence is in being;

“licensing session” means a licensing session of the Board being either an annual session held pursuant to section 6(1) or a quarterly session held under section 14(1);

“permitted hours” has the meaning ascribed to it in section 11(3);

“prohibited hours” means hours other than permitted hours;

“proof” means, in relation to distilled alcoholic liquor, a mixture of alcohol and water having a specific gravity of 0.91984 and containing 0.495 of its weight, or 0.5727 of its volume, of absolute alcohol;

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“Port Authority” means the body corporate established by section 3 of the Port Authority Law (1995 Revision);

“revenue officer” means any person employed in the enforcement of the law relating to customs;

“sea-going vessel” means a vessel approved by the Port Authority as being a suitable vessel for the purposes of section 7(6);

“specified hours” has the meaning ascribed to it in section 11(2); and

“spirits” includes every description of brandy, vodka, gin, whisky, rum, liqueurs and cordials, whether or not mixed with other fluid, and includes bay rum, but does not include malt liquor, wine, methylated spirit, or any spirit which is perfumed or otherwise treated and is used and described for purposes of sale as a perfume, scent or flavouring essence.

3. (1) Whoever disposes, exposes for sale or offers for sale any intoxicating liquor is guilty of an offence unless -

No intoxicating liquor to be sold without a licence except in certain cases

- (a) he holds an appropriate licence or authorisation under this Law;
- (b) such intoxicating liquor is sold by virtue of any legal process or any law authorising or requiring the sale including bankruptcy, winding-up (including winding up of a deceased estate), and any sale under the Customs Law, 1990;
- (c) the intoxicating liquor is supplied for medicinal purposes on the prescription of a duly qualified medical practitioner; or
- (d) the intoxicating liquor is sold or supplied to or in any lawfully constituted naval, military, air force, police force or volunteer force canteen or mess.

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(2) Whoever, being the owner, occupier or being concerned in the management of any premises not licensed under this Law, permits or suffers any intoxicating liquor to be sold or exposed for sale from those premises is guilty of an offence.

4. (1) For the purposes of this Law the Islands are divided into two Licensing Districts-

Licensing Boards and Districts

- (a) Grand Cayman; and
- (b) Cayman Brac and Little Cayman.

(2) For each Licensing District there is constituted a Liquor Licensing Board.

(3) The Board for Grand Cayman consists of a Chairman or Deputy Chairman, who shall be a Magistrate or Justice of the Peace, a Deputy Chairman and three other members all appointed by the Governor and who hold office at his pleasure for such period not exceeding five years as the Governor may determine and who are eligible for re-appointment.

(4) The Board for Cayman Brac and Little Cayman consists of a Chairman or Deputy Chairman, who shall be a Magistrate or Justice of the Peace, the District Commissioner for Cayman Brac and Little Cayman as Deputy Chairman and three other members all appointed by the Governor and who hold office at his pleasure for such period not exceeding five years as the Governor may determine and who are eligible for re-appointment.

(5) The quorum of a Board is three members including the Chairman or Deputy Chairman who has an original vote but not a casting vote.

(6) In the event of a quorum not being present at any meeting of a Board, such meeting stands adjourned until a date to be notified to the members by the Chairman or Deputy Chairman.

(7) Members hold office until re-appointed or replaced on the next occasion when Board members are appointed under subsection (3) or (4).

(8) The Governor may, from time to time, appoint a member temporarily to fill a casual vacancy arising from any cause including non-attendance by any member.

(9) The Governor shall appoint an Executive Secretary for each Board who holds office at his pleasure and who may speak but not vote at meetings of the Board.

(10) All appointments to the Board shall be published by Government Notice.

Functions and conduct of
the Boards

5. (1) A Board shall hear and deal with all applications and matters relevant thereto and may grant, renew, vary or revoke any licences.

(2) In hearing an application a Board shall-

- (a) sit in a place open to the public;
- (b) hear on oath every person who desires to be heard in any matter relevant to an application; and
- (c) record a summary of the evidence given before it.

(3) A Board may, at its option, retire in order to discuss its decision in each case.

(4) A Board may, at its discretion, adjourn any application for a licence or any matter relevant thereto to a later date, or, notwithstanding section 6 (4), to a later session.

- (5) A Board's decision is determined by vote.
- (6) A Board's decision shall be promulgated as soon as practicable after the conclusion of the relevant hearing.
- (7) A Board may grant licences to take effect at a future date subject to compliance by the applicant with conditions specified by the Board.
- (8) A Board shall cause its decisions to be published by Government Notice.
- (9) Where a Board grants a licence to an applicant such licence shall be issued by the Chairman in Form 3 and subsequent variations and renewals may be endorsed thereon and the endorsement signed by the Chairman.
- (10) Where a Board grants a provisional licence to an applicant such licence shall be issued by the Chairman in Form 2.
- (11) Where an application is for the renewal of an existing licence only and is accompanied by the Treasury receipt required by section 10(3), the Board may, provided no objection to such renewal is received forty-eight hours or more prior to the time advertised for the relevant hearing, grant the application without hearing the applicant and, in such case, shall notify the applicant accordingly.
- (12) An application under subsection (11) need do no more than refer to the existing licence and any variation made thereto and request that it be renewed.
- (13) Where an application is made for the renewal of an hotel licence and such licence was held by the applicant on the 12th July, 1982, and has since been so held then, provided that the premises, the subject of the application, still contain not less than ten bedrooms, such premises shall be deemed to be an hotel for the purposes of such renewal.
- (14) Where no procedure is laid down by this Law, a Board may regulate its own procedure.
6. (1) An annual session for the hearing of applications shall be held in each Licensing District in the month of September in each year on days which shall be fixed by the Chairman and published by Government Notice at least fourteen days before the commencement of such session.
- (2) Every such Government Notice shall have appended thereto particulars of every application.

Sessions of Boards

(3) A licence granted at an annual session shall take effect on the 1st October following such session and remain in force, unless revoked or varied in the meantime, until the end of the following thirtieth day of September.

(4) A Board in annual session shall continue in such session on every working day until all applications timously made have been determined.

Nature of a licence

7. (1) A licence is a permit to an individual person or to two individual persons jointly, who may or may not be the servants or representatives of another named person, in compliance with this Law, to dispose of-

- (a) such intoxicating liquors;
- (b) in such quantities;
- (c) to such persons;
- (d) at such times;
- (e) at such premises; and
- (f) subject to such general conditions,

as may be specified therein, and shall be in Form 3.

(2) Persons licensed under subsection (1) are licensees under this Law.

(3) Premises specified under subsection (1)(e) are licensed premises under this Law.

(4) A Board may, in granting or renewing a licence in respect of any premises, designate the whole or any part or parts of the licensed premises as a bar but no area shall be or remain designated as a bar unless it is capable of being locked off from the rest of the premises in such a way as to deny access thereto to persons other than the licensee.

(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).

(7) Whoever, not being a licensee or the employee of a licensee engaged in his duties as such, enters or remains in any bar during prohibited hours is guilty of an offence and the licensee shall, unless he proves that the offence has been

achieved by means of forcible entry by a person not being in his employment or control, be deemed to have aided and abetted such offence.

(8) Sea-going vessels used for the entertainment of the public shall be deemed to be premises for the purposes of this section and the Board may grant a retail licence in respect thereof subject to such conditions as the Board may impose under subsection (1)(f).

(9) The bar of a sea-going vessel, in respect of which a licence has been issued under subsection (8), shall be locked off from the rest of the vessel and no intoxicating liquor may be disposed of, exposed for sale, offered for sale or consumed on such vessel while it is at or within half a mile of any land.

8. (1) A Board may not grant a licence to any person unless it is satisfied that such person is- Qualifications of a licensee

- (a) of good character, and exhibits to the Board a certificate signed by the Commissioner showing his record of criminal convictions, if any, over the preceding fifteen years;
- (b) over the age of twenty-one years;
- (c) of sufficient business capability to understand and comply with this Law; and
- (d) has paid the fee prescribed for the grant of a licence.

(2) A Board may not grant a licence under section 7(6) to a person other than the captain or other person in charge of the vessel concerned and unless, in addition to satisfying the requirements of subsection (1), such person establishes to the satisfaction of the Board by evidence on oath or affirmation that all persons having a beneficial interest in such vessel, and the owner or owners of such vessel, are of good character.

(3) A Board may not grant a licence under section 7(6) in respect of a vessel unless the Board is satisfied that the vessel is fit as to repairs, equipment (including fire-fighting, radio, life-saving and first-aid equipment) crew, fuel and in all other respects for all its voyages. A Board may, at any time, suspend such a licence if it is satisfied that the relevant vessel no longer complies with this subsection.

9. (1) A Board may not grant a licence unless satisfied that the premises in respect of which the application is made - Requirements for licensed premises

- (a) have exits plainly marked and lighted;
- (b) have an adequate fire extinguishing system;

- (c) comply with the laws and regulations affecting building, town planning and public health;
- (d) are situated at a location where they will be of service to the public; and
- (e) will not cause inconvenience to the occupiers of neighbouring property.

(2) In considering the suitability of premises for service to the public, Boards shall have regard to any representations made by or on behalf of the Commissioner, the Chief Medical Officer, the Chief Fire Officer and the Executive Secretary of the Central Planning Authority as well as members of the public who may be directly affected by the grant of a licence.

(3) Subsections (1) and (2) do not apply to licences issued under section 7(6), but in granting licences under that subsection the Board shall consult and have regard to any advice tendered by the Commissioner, the Chief Medical Officer, the Chief Fire Officer and the Port Authority and no licence so granted shall in any way derogate from the control exercisable by the Port Authority over such vessel.

“(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.

Categories of licenses

10. (1) There are seven categories of licences-

- (a) distributors;
- (b) package;
- (c) retail;
- (d) hotel;
- (e) temporary;
- (f) restaurant;
- (g) wine and beer; and
- (h) occasional.

- (2) A distributor's licence permits the disposal of intoxicating liquor to-
 - (a) other licensees; and
 - (b) persons for export from the Islands,

in sealed containers in quantities of not less than 27.3 litres in the case of beer or 9.1 litres in the case of other intoxicating liquor for consumption off the premises:

Provided that in the case of disposal for export the distributor shall satisfy himself that the goods are exported by obtaining a copy of a certificate to this effect from the Collector of Customs issued in accordance with section 30(1) of the Customs Law, 1990.

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(3) A package licence permits the disposal of intoxicating liquor in sealed containers by retail for consumption off the licensed premises, but does not permit disposal to another licensee for the purpose of disposal by him under the terms of his licence.

(4) A retail licence permits the disposal of intoxicating liquor for consumption on or, in sealed containers, containing beer, of not less than 6.82 litres or, containing any intoxicating liquor other than beer, of not less than .75 litres, off the licensed premises but does not permit disposal to another licensee for the purpose of disposal by him under the terms of his licence.

(5) An hotel licence permits the disposal of intoxicating liquor in hotel premises for consumption on or, in sealed containers, containing beer, of not less than 6.82 litres or, containing any intoxicating liquor other than beer, of not less than .75 litres, off the premises but does not permit disposal to another licensee for the purpose of disposal by him under the terms of his licence.

(6) A temporary licence permits the disposal of intoxicating liquor temporarily and in the manner therein mentioned.

(7) A restaurant licence permits the disposal, to any person by whom food has been ordered at a restaurant for consumption there, of intoxicating liquor.

(8) A wine and beer licence permits the disposal, to any person by whom food has been ordered for consumption at any premises, of wine and beer.

(9) The fees for a licence may be prescribed from time to time, and shall be paid into the Treasury and the receipt therefor produced to the Board at the time of application, and in the event of an application being rejected, the Treasury shall refund the fee to the applicant.

Hours for sale of
alcoholic liquor

(10) No person may import into the Islands intoxicating liquor in excess of one gallon unless he is the holder of a licence.

11. (1) Save as otherwise specifically provided, no licensee other than an hotel licensee, a restaurant licensee or a wine and beer licensee shall dispose of intoxicating liquor on Sundays, Christmas Day or Good Friday.

(2) Every licence shall state the times during which the licensed premises shall be and remain open to the public for the sale of intoxicating liquor, and such time shall be known with relation to such licence as specified hours.

(3) A Board may, from time to time, by Notice published in the Gazette, specify such hours, with reference to each class of licence, when intoxicating liquor may not be sold and, subject to subsection (1), all other hours shall be known as permitted hours:

Provided that, on the application of a licensee, the Chairman of a Board may, subject to subsection (1), extend such hours in a particular case and the hours covered by any such extension shall, during the duration of such extension, be deemed to be permitted hours for the purposes of this Law.

(4) Every licensee shall, save in exceptional and unforeseen circumstances, keep the licensed premises open for the sale of intoxicating liquor to the public during the specified hours and may, in addition, keep the licensed premises open during other permitted hours.

(5) A licensee who sells or disposes of intoxicating liquor other than during permitted hours is guilty of an offence.

(6) Notwithstanding subsection (1), where the Board is satisfied, having regard to the situation of and the construction and design of the premises that it is in the public interest so to do, the Board may permit licensed premises the subject of a retail licence or any part thereof as they may specify to be opened for the disposal of intoxicating liquor on Sundays during such hours as the Board may, in each particular case, determine, and such permission shall be endorsed upon the licence.

(7) A Board may exempt in whole or in part from subsection (1)-

- (a) any bar serving an airport; and
- (b) any duty-free liquor shop located at an airport, in respect of sales to outgoing passengers only.

(8) During the last ten minutes of each period of permitted hours no intoxicating liquor may be supplied to or received by any person in premises licensed under a retail licence, an hotel licence, a temporary licence, a restaurant licence or a wine and beer licence but persons already lawfully in possession of intoxicating liquor may consume it during that period; thereafter any intoxicating liquor in the actual or constructive possession of any person in such licensed premises other than the licensee shall be deemed to have been supplied and obtained there during prohibited hours and such person and the licensee shall be guilty of an offence and such liquor lying in the licensed premises, other than in storage areas, not accessible to the public in permitted hours, shall be disposed of as waste by the licensee who shall be guilty of an offence if he fails so to do:

Provided that a *bona fide* guest lawfully resident in the licensed premises may, at any time, possess and consume intoxicating liquor in any part of the licensed premises reserved for the use of guests and not open to the general public.

12. (1) Every person desiring to obtain a new licence other than a temporary licence or to vary an existing licence shall, at least twenty-one days before a licensing session is due to be held, make application in writing in Form 1 to the Chairman of the appropriate Board specifying -

Applications for licences

- (a) the category of licence desired;
- (b) full details of the premises in respect of which the application is made indicating a plan;
- (c) the name and age of the applicant;
- (d) the proposed specified hours; and
- (e) such other relevant information as the applicant desires to impart to the Board.

(2) Applicants under subsection (1) shall attend before the Board at the time of the opening of the sessions and such other times as the Board may require and may, in addition, be represented by a person qualified to practice law in the Islands.

(3) Every applicant shall, twenty-one days before making an application, affix a copy of the proposed application to some conspicuous place upon the premises named therein and send copies thereof to-

- (a) the Chief Medical Officer;
- (b) the Commissioner;
- (c) the Chief Fire Officer; and
- (d) the Executive Secretary of the Central Planning Authority,

each of whom shall, within fourteen days of the receipt thereof, forward to the applicant a certificate in duplicate under his hand stating-

- (i) whether the premises appear to be suitable and unobjectionable for the purposes proposed; or
- (ii) what alterations, if any, to the premises would render such premises suitable, and what conditions, if any, attached to the licence, if granted, would render the grant of the proposed licence unobjectionable,

and the applicant shall forward such certificates to the Chairman together with the application.

Variation of licences

13. (1) Where, in any case, it is desired in respect of any licence to change-

- (a) the licensee;
- (b) the location of the licensed premises;
- (c) the licensed premises by making addition or alteration thereto;
- (d) the specified hours;
- (e) the category of licence; or
- (f) any condition imposed under section 7(1)(f),

the licensee or prospective licensee may make application to the Chairman of the relevant Board in that behalf and the Chairman may grant such application subject to such conditions as he may decide to impose and shall endorse the licence accordingly:

Provided that at least seven days before the grant of any application to change the location of the licensed premises under paragraph (b), notice of the application shall be made by publication in at least one newspaper circulating in the Islands and the Commissioner, the Chief Fire Officer and the Chief Medical Officer and any member of the public may object in writing to the application and the Chairman shall, before granting such application, give due consideration to such objections.

(2) Every grant of a variation made by a Chairman under subsection (1) shall be reconsidered by the Board at its next meeting after the making of such grant and the decision of the Board and the date of such decision shall be endorsed on the relevant licence.

Quarterly sessions of the Boards

14. (1) Where, twenty-one days prior to the first day of the months of March, June or December and subsequent to the last meeting of a Board-

- (a) any variation of a licence has been granted by the Chairman under section 13(1);

- (b) any application for the grant of a licence has been made;
- (c) any written notice of objection to the continuance of an existing licence has been received under section 17(2); or
- (d) any recommendation with regard to an existing licence has been received from any court by virtue of section 16,

a quarterly session of the Board shall be held in the month specified.

(2) A quarterly session shall be held at a time and place to be appointed by the Chairman by Notice published in the Gazette or in at least one newspaper circulating in the Islands, at least twenty-one days before the first day of the quarterly session.

(3) Any new licence granted at a quarterly session shall remain in force, unless revoked earlier by the Board, until the end of the thirtieth day of September next following.

(4) A fee for a licence granted at a quarterly session shall be charged on a *pro rata* basis.

15. (1) In addition to the other licensing sessions, a Board shall also meet at any time and place to be appointed by the Chairman by Notice published in the Gazette, or in a newspaper printed in the Islands, at least fourteen days before the meeting to hear any application on grounds of hardship or inconvenience for the grant of a temporary licence to permit the sale of intoxicating liquor on or off licensed premises in the manner therein mentioned. Temporary licences

(2) The applicant shall attend before the Board at the meeting and may, in addition, be represented by a person qualified to practice law in the Islands.

(3) Before granting a temporary licence under subsection (1), a Board may require such notice to be given, cause such enquiries to be made and require to be produced by any person such information or certificate, as it shall consider desirable.

(4) A temporary licence granted under subsection (1) shall take effect immediately and shall remain in force, unless revoked or varied in the meantime, only until the next following licensing session and shall be subject to such terms and conditions as the Board shall impose.

(5) No application shall be made more than once in every two years by the same applicant in respect of the same premises.

Court may make recommendations regarding licences	<p>16. Where in any matter coming before a court the conduct of the licensee is such or the manner of user of licensed premises appears to a Judge or Magistrate to be unsatisfactory or prejudicial to the public interest, such Judge or Magistrate may make such recommendation to the Board as he considers proper and shall notify the licensee or his counsel accordingly and shall cause such recommendation to be communicated to the Chairman of the relevant Board by the Clerk of the Court.</p>
Objections by the public	<p>17. (1) At any application for the grant of a licence the Commissioner, the Chief Fire Officer, the Chief Medical Officer or any member of the public who has given at least seven days notice of objection in writing to the Chairman may appear and be heard in objection to the grant of such licence.</p> <p>(2) At any meeting of a Board the Commissioner, the Chief Fire Officer, the Chief Medical Officer or any member of the public who has given to the Chairman seven days notice of objection may appear and ask for the revocation or discontinuance of any existing licence:</p> <p>Provided that, where in the case of such objection by a member of the public the Board is of the opinion that the objection is malicious, frivolous or vexatious, the Board may order the objector to pay the licensee any costs he has incurred thereby and to pay to the Board for the benefit of the revenue of the Islands a further sum at the rate of one hundred dollars for each hour or part of an hour of the Board's time taken up by hearing and investigating the objector's complaint.</p>
Death of a licensee	<p>18. (1) On the death of a licensee the licence shall vest in the personal representatives of the licensee.</p> <p>(2) Where a licence vests in personal representatives under subsection (1) the personal representatives shall, so soon as practicable, make application for a variation of the licence by transfer thereof to any one or two of them or to a nominee acting or authorised on their behalf.</p>
Occasional authorisations	<p>19. (1) Where it is desired to sell intoxicating liquor at a casual entertainment or festival held for a recognised public purpose a Chairman may, if satisfied that no profit whatsoever accrues to the sponsors or organisers of such festival or entertainment, grant to one individual person over the age of twenty-one years or two such individual persons jointly an occasional licence to sell intoxicating liquor for a period and at a place specified in such occasional licence.</p> <p>(2) An occasional licence shall be in Form 4.</p>

(3) An occasional licence may be for disposal to the public generally or to a particular section of the public.

20. (1) No licensee shall dispose of or have on the licensed premises any spirits (other than liqueurs) having a strength of less than seventy-five per cent of proof spirit, otherwise than in specifically marked containers showing the nature and specific gravity of the contents.

Conditions of retail
selling

(2) Spirits, unless sold in sealed containers, shall be sold by the English fluid ounce (being one twentieth of an imperial pint) and multiples thereof and no licensee shall have any spirit measure or measuring device of less than one fluid ounce in or about any licensed premises.

(3) Beer, ale, porter, stout, cider, perry and other malt liquor, unless sold in sealed containers, shall be sold by the imperial half pints or multiples thereof and every drinking vessel for the supply of such liquor on draught shall have a capacity in excess of half an imperial pint or multiple thereof and shall be marked to show the half-pint or other capacity level.

(4) Every sealed container for the supply of intoxicating liquor shall be marked to show the capacity of the contents either in imperial pints, litres or a unit of capacity lawfully in use in the country of origin or multiples or fractions thereof.

“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.”.

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

22. No person shall dispose of to, or procure any intoxicating liquor for, any person who-

Disposal of intoxicating
liquor to drunken or
disorderly persons is
forbidden

- (a) appears to be drunk; or
- (b) is violent, quarrelsome or disorderly.

23. (1) If, in the opinion of a licensee, his servant or agent or any constable, any person being on licensed premises is drunk or disorderly or appears likely to create a breach of the peace, he shall notify the police and without necessarily giving a reason, ask such person to leave the premises, and such person shall leave forthwith.

Control of drunken and
disorderly persons

(2) If any person, having been requested to leave licensed premises in compliance with subsection (1), fails to do so the licensee or any constable may,

while avoiding the infliction of bodily harm, use such force as may be necessary to eject such person from the licensed premises.

(3) No licensee shall permit drunkenness, gambling, disorderly or riotous behaviour or blasphemous or obscene language on the licensed premises.

(4) Whoever, when present on licensed premises-

1996 Revision

- (a) is drunk;
- (b) behaves in a riotous or disorderly manner;
- (c) commits an offence against the Gambling Law (1996 Revision);
- (d) uses blasphemous, obscene or offensive language;
- (e) uses any word, gesture or action calculated to offend, embarrass or provoke any person; or
- (f) fails to leave the licensed premises when requested so to do by virtue of subsection (1),

is guilty of an offence.

Rights of licensee

24. (1) For the avoidance of doubt, it is declared that, in addition to such other powers as he may have under this or any other law, a licensee has the right, and is deemed always to have had the right, at his absolute discretion and without giving any reasons therefor-

- (a) to request any person to leave licensed premises;
- (b) if it appears to the licensee that any person is drunk or disorderly or likely to cause a breach of the peace or to cause unjustified annoyance to patrons or other users of the premises, to forbid such person from entering such licensed premises.

(2) The licensee, or any servant of his or a constable approved in writing by the Commissioner may use such force as may be necessary to eject from the licensed premises any persons who, under subsection (1)-

- (a) fails or refuses to leave the licensed premises after having been requested to do so; or
- (b) enters the licensed premises after having been forbidden to do so.

(3) A person who, under subsection (1), having been requested to leave licensed premises fails or refuses to do so, or having been forbidden from entering thereon does so or attempts to do so, is guilty of an offence.

Vicarious responsibility
of licensees

25. (1) It is the duty of every licensee to procure the compliance of his servants, agents and other persons under his control with this Law and where such person is guilty of an offence against this Law the licensee shall be equally guilty

with such person of such offence whether the licensee was or was not present at the time of the act or omission constituting such offence.

(2) In subsection (1)-

“person in his control”, in relation to a licensee, is deemed to include-

- (a) any person to whom he has leased the licensed premises or delegated control thereof; and
- (b) any servant, agent or person under the control of a person mentioned in paragraph (a).

26. The licensed premises, in respect of any licence, shall be the address for the service upon the licensee for any process or matter in connection with this Law and, in the absence of any person to receive such service, service may be effected by affixing the same to an outer door of the premises.

Service of process on licensees

27. Every licensee shall affix a board in some conspicuous place over the door or window of the licensed premises whereon shall be printed in legible characters his name and underneath such name the words “Licensed to sell intoxicating liquor” with the number of the licence, the class of the licence and the specified hours during which he is required by his said licence to keep his premises open to the public.

Signboard

28. If, in the opinion of the Commissioner, a state of riot exists or there is reasonable apprehension of an outbreak of public disorder, he may order any licensed premises to be and remain closed until further order and every licensee shall comply with such order of the Commissioner whether it be made personally or in writing.

Closure of licensed premises in times of riot or apprehended disturbance

29. (1) No alteration other than redecoration and maintenance may be carried out in or to licensed premises until a variation order under section 13 has been granted in that behalf.

Alterations to licensed premises

(2) Where the grant of a variation order with respect to licensed premises has been made by the Chairman and such variation is not confirmed by the Board at its next meeting, the Board shall specify a reasonable time within which the licensed premises shall be restored to their former condition and, if at the end of such time the premises have not been so restored, the licence shall be and remain in abeyance until such restoration is completed to the satisfaction of the Board.

30. (1) The Commissioner, any Justice or revenue officer may -

Power to search premises

- (a) enter any licensed premises or any place within the curtilage thereof for the purpose of detecting or preventing any breach of this or any other law which it is his duty to enforce or of any licence or authorisation;
- (b) having reasonable ground for suspecting that intoxicating liquor is being unlawfully disposed of stored, introduced or otherwise dealt with, enter and inspect any aircraft, hovercraft, ship, boat or conveyance, or any premises and examine any place therein and any receptacle, package or thing; and
- (c) seize and detain any intoxicating liquor which he has reason to believe has been distilled, manufactured, imported, introduced, disposed of or removed, or is possessed contrary to this or any other law, or is on unlicensed premises for disposal contrary to this Law, and any receptacle, package or thing containing the same and any aircraft, hovercraft, ship, boat, conveyance or animal used in transporting intoxicating liquor contrary to this or any other law.

(2) Whoever by himself, or by any person in his employ or acting by his direction or with his consent, refuses or fails to admit any person specified under subsection (1) in the execution of his duty demanding to enter in pursuance of this section, or a person acting in the aid of any such specified person is guilty of an offence.

(3) Whoever molests, hinders, opposes or obstructs any person specified under subsection (1), or anyone acting in aid of any such person in the execution of his duty in pursuance of this Law is guilty of an offence.

(4) The powers conferred by this section are in addition to and not in derogation of any other power conferred by any other law.

Powers of Inspector

31. The Inspector, on proof (if so required) of his identity, may enter on and inspect any licensed premises in Grand Cayman or any place within the curtilage of such premises at any time when they are open to the public for the sale of intoxicating liquor, for the purpose of detecting any breach of this Law or of any licence or authorisation, and shall forthwith report any such breach to the Board for Grand Cayman.

(2) Any person who prevents the entry of, or obstructs the Inspector in the execution of his duty upon any licensed premises or any place within the curtilage thereof, is guilty of an offence.

Disposal of intoxicating
liquor to hamper search

32. Whoever removes, throws away or destroys, or causes to be removed, thrown away or destroyed, any intoxicating liquor, in order to impede any search for or seizure of the same under this Law is guilty of an offence.

33. All ships, aircraft, hovercraft, goods and other things which may be seized under this Law shall be delivered into the custody of a revenue officer, or some other person specified by the Governor, who shall cause the same to be properly secured:

Custody of things seized-
sale of perishables, etc.

Provided that if it appears to the Governor that anything seized is of a perishable nature, or is likely to deteriorate by being kept, he may order the sale of such thing pending its condemnation and shall retain the proceeds of such sale to abide the issue.

34. (1) The Governor may, on application made to him in writing, order the delivery of every ship, boat, aircraft, hovercraft, goods or other thing seized, to the owner or his agent, on security given by bond, to the satisfaction of the Governor, double the value of the same in case of condemnation, such value to be determined by the Governor, and such bond shall be taken to the use of Her Majesty in the name of the Governor and shall be delivered and kept in the custody of the Governor, and if the ship, boat, aircraft, hovercraft, goods or other thing is condemned, the value shall be paid to the Governor, who shall thereupon cancel such bond.

Release of seizure on
giving of bond

(2) A deposit of money in such sum as the Governor may consent to, being not less than the value determined by him may, in any such case, be made with the Governor in lieu of a bond.

35. Any person claiming anything seized shall, by himself or his agent, give notice in writing to the Governor of such claim within ten days after the seizure, and such notice shall state that the person claiming is the owner or the agent of the owner as the case may be of the thing seized, and shall also state the residence and occupation of the claimant and the grounds for disputing the seizure

Notice of claim to
Governor-procedure

(2) All claims shall be based upon the notice to the Governor, and be filed by the claimant against the Governor before the Grand Court within fifteen days after the seizure.

(3) Every such claim shall be supported by the oath of the claimant, or if the claim is made through an agent, by that of his agent, swearing to the best of his knowledge and belief.

(4) When any such claim is made through an agent, sufficient *prima facie* evidence of his authority to satisfy a Judge of the Grand Court shall be filed with the claim, but, if such authority is not admitted at the hearing, it must be proved.

(5) No claim shall be received or heard by a Judge of the Grand Court unless, along with the same, the claimant deposits the sum of five hundred dollars by way of security for any costs which may be awarded against him.

(6) At the hearing the Governor may appear by any person authorised by him in writing to that effect.

(7) On the hearing, the claimant shall make proof of the ownership of the thing and its exemption from liability to seizure, and in default thereof the Judge of the Grand Court shall make an order confirming the seizure, with costs, whereupon the thing seized may be sold by the Governor.

(8) If a Judge of the Grand Court is of the opinion that the claimant has established his case, he shall make an order annulling the seizure and if the thing seized is in the Governor's possession, a Judge of the Grand Court shall make an order for its restitution.

Condemnation and
forfeiture

36. In default of notice, or the filing of any claims within the respective times aforesaid, or if any claim, after having been filed, is discontinued, or judgment is given against the claimant therein, then and in every such case the thing seized shall be taken to be condemned and forfeited and shall be sold.

Mode of sale, etc., and
application of proceeds

37. (1) Any thing seized and condemned, or not claimed within the time fixed by this Law, may be sold by auction by any person whether an auctioneer or not, under direction of the Governor, who shall previously notify such sale by Notice published in the Gazette.

(2) The money arising from such sale, shall be applied in payment of-

- (a) all charges incidental to such sale, and for custody and carriage;
- (b) all charges incidental to the seizure if any, and the proceedings thereon,

and the residue of such money, if any, shall be paid into the Treasury.

Prohibition of certain
persons from consuming
intoxicating liquor

38. (1) Where a person is convicted by any court of an offence involving drunkenness or to which, in the opinion of the court, the drunkenness of such person has been a contributory factor and such person has within the previous three years been convicted of not less than two other such offences, the court may, in lieu of or in addition to any other punishment imposed, declare such person to

be a prohibited person for the purpose of this Law and place such person under restriction for a period not exceeding one year.

(2) Whoever, while under restriction for the purpose of subsection (1)-

- (a) consumes;
- (b) obtains;
- (c) solicits any person to supply to him; or
- (d) has in his possession otherwise than in the normal course of his employment,

any intoxicating liquor is guilty of an offence and liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.

(3) Whoever knowingly supplies intoxicating liquor to a person under restriction under subsection (1), is guilty of an offence and, on summary conviction, punishable under subsection (2).

(4) Whoever knowingly -

- (a) aids;
- (b) abets; or
- (c) procures,

the commission of an offence under subsection (2) is guilty of an offence and on summary conviction, punishable under subsection (2).

(5) Where a court declares any person to be a prohibited person by virtue of subsection (1), the Clerk of that Court shall report the fact to the Commissioner and the Commissioner may, by circular or other means, inform all licensees in the Islands of the name and other particulars of such person.

(6) The summary court may, acting upon the written request of any person, declare such person to be a prohibited person notwithstanding that such person has not committed any criminal offence, and the consequences of such a declaration shall be the same in all respects as if such person has been declared to be a prohibited person for the purposes of subsection (1).

(7) Where a person is convicted by any court of any offence and within forty-eight hours of such conviction (excluding any non-working days) there is furnished to such court a written certificate of-

- (a) a government medical officer; or
- (b) a registered medical practitioner who has had under his care the convicted person or a member of such person's family with whom such person resides,

	that in the opinion of such practitioner it would be in the best interest of such person or such family member for the court so to do, such court may declare such person to be a prohibited person for the purposes of subsection (1).
Offences by licensees	39. Whoever, being a licensee disposes of any intoxicating liquor otherwise than in accordance with his licence is guilty of an offence.
Liquor not to be consumed in vehicles in certain cases	40. Whoever consumes any intoxicating liquor while in or on any kind of vehicular conveyance which is moving along or standing adjacent to any highway or its verges is guilty of an offence.
General penalty	<p>41. Whoever is guilty of an offence under this Law is liable on summary conviction to a fine of one thousand dollars and to imprisonment for one year and, on a second or subsequent conviction to a fine of two thousand dollars and to imprisonment for two years.</p> <p>(2) Where a person convicted under subsection (1) is a licensee the Clerk of the Court shall report such conviction to the Board and, if such licensee is convicted on more than one occasion, the Board may revoke or refuse to renew the licence of such licensee.</p> <p>(3) Where there has been more than one conviction under this Law in respect of offences having arisen or taken place in the same licensed premises, the Board may refuse to renew the licence in respect of such licensed premises, notwithstanding that the offences took place while the premises were in the hands of different licensees.</p>
Institution of proceedings 1995 Revision	42. All proceedings against persons alleged to have offended against this Law shall be instituted under and in accordance with section 13 of the Criminal Procedure Code (1995 Revision).
Appropriation of property forfeited	43. The proceeds of the sale of any property forfeited under this Law shall be paid into the Treasury.
Precise description of intoxicating liquor not necessary in evidence	44. In any prosecution for any offence under this Law with respect to intoxicating liquor, it is not necessary for any witness to depose directly to the precise description of the intoxicating liquor with respect to which the offence has been committed, to the precise consideration therefor or to the fact that the offence was committed, to his own personal or certain knowledge but, so soon as it appears to the court that the circumstances in evidence sufficiently establish the offence complained of, the court shall put the defendant on his defence, and, in default of such evidence being rebutted, shall convict the defendant accordingly.

45. Subject to section 38, on the trial of any proceedings for an offence under this Law, it shall not be necessary for a conviction to prove guilty knowledge or that the act or omission charged was committed knowingly. Proof of knowledge not necessary
46. No action, suit or prosecution whatsoever shall be brought against any person in respect of any detention or seizure made under this Law where such person was acting or believed himself to be acting in the discharge of his official duties. Protection of officials
47. The Governor may make regulations for giving effect to the objects and purposes of this Law. Power to make regulations

SCHEDULE

Form 1

LIQUOR LICENSING LAW

(1996 Revision)

(Section 12(1))

APPLICATION FOR A LIQUOR LICENCE

I,-----
aged-----
of-----
hereby apply to the Liquor Licensing Board for a-----
licence for the period beginning on the-----day of
-----, 199---, and ending on the thirtieth September
following.

I undertake to keep my premises open for service to the public during the
following hours-

Weekdays:-----

Sundays:-----

The address of the proposed licensed premises is-----

I enclose certificates of the Commissioner of Police, the Chief Fire Officer, Chief
Medical Officer and the Executive Secretary of the Central Planning Authority as
to the suitability of the premises.

A plan of the premises with bars, storage spaces, entrances and toilet facilities
marked thereon is attached.

A Treasury receipt for the prescribed fee is also enclosed.

(Signed)_____

Form 2

LIQUOR LICENSING LAW

(1996 Revision)

(Section 5 (6))

PROVISIONAL GRANT OF LICENCE

This is to certify that-----
of----- has been
provisionally granted a----- licence in respect of uncompleted
premises at-----
the plans of which have been deposited with the Board, subject to the following
conditions:

1. The licence may take effect on or after-----.
2. The premises have been completed in accordance with the plans deposited.
3. -----
4. -----
5. -----
6. -----

(Signed) _____
Chairman of the Board

Form 3

LIQUOR LICENSING LAW

(1996 Revision)

(Section 7(1))

LIQUOR LICENCE

This is to certify that-----
is the holder of----- licence under the above Law which licence
expires on the 30th September, 19---. The licence applies to the licensed premises
at ----- The said licensed premises shall be open to the
public for the sale of----- and may be open during
other permitted hours under this Law.

The following special conditions apply to this licence-----

(Signed) _____
Chairman of the Board

Form 4

LIQUOR LICENSING LAW

(1996 Revision)

(Section 19 (2))

OCCASIONAL LICENCE

This is to certify that-----of---
----- is
licensed to sell intoxicating liquor to-----at-----

on the occasion of----- at
the following times----- on the
(date)-----.

(Signed) _____

Chairman of the Board

Publication in consolidated and revised form authorised by the Governor in
Council this 13th day of August, 1996.

Meredith Hew

Acting Clerk of Executive Council