



ST. CHRISTOPHER AND NEVIS

CHAPTER 18.21 **LIQUOR LICENCE ACT**

Revised Edition
showing the law as at 31 December 2020

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LIQUOR LICENCE ACT

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Act 3 of 1972
Act 3 of 1975
Act 7 of 1976
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CHAPTER 18.21
LIQUOR LICENCE ACT

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CHAPTER 18.21

LIQUOR LICENCE ACT

AN ACT TO REGULATE THE SALE AND CONSUMPTION OF LIQUOR AND IN THAT CONNECTION TO PROVIDE FOR THE GRANT OF LIQUOR LICENCES, AND FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Liquor Licence Act.

Interpretation.

2. In this Act—

“beer licence” means a licence to sell beer, ale and stout in any shop, store, room, building, or place in respect to which such licence shall have been issued;

“cask rum” means rum imported into the State in bulk;

“Comptroller” means the Comptroller of Inland Revenue of the State;

“hotel licence” means the licence to sell any liquor, except cask-rum, by retail at any premises used as a *bona fide* hotel, and to be consumed on the premises, such licence to be issued by the Comptroller when authorised by the Minister so to do;

“licence” means the licence to sell liquors either wholesale or by retail to be issued under and by virtue of the provisions of this Act and shall, for the purposes of this Act, be deemed to include a beer licence, a hotel licence and a restaurant licence;

“licensed dealer” means any person who has been granted a licence under this Act to sell wholesale liquor as defined by this Act or liquor other than rum;

“licensed person” means any person who shall have obtained a licence to sell liquor by retail in accordance with the provisions of section 10 and, for the purposes of this Act shall include any person to whom a beer licence, a hotel licence, or a restaurant licence shall be issued;

“licensed premises” means the room, house, building or place in respect of which a licence shall have been issued to sell liquor therein by retail and, for the purposes of this Act, shall include any premises with respect to which a beer licence, a hotel licence or a restaurant licence shall be issued;

“licensed store” means the shop, store, room, building, or place in respect to which a licence shall have been issued to sell liquor, therein wholesale;

“liquor” includes brandy, whisky, rum, gin, wines, liqueurs, beer, porter, cider and all potable spirituous alcoholic, malt and fermented liquors of any kind or sort whatsoever, but shall not include bay water and bay rum;

“Minister” means the Minister charged for the time being with the responsibility for liquor licences;

(Inserted by Act 3 of 1975)

“public holiday” includes Sunday, Good Friday, Christmas Day and every public holiday under the Public Holidays Act, Cap. 23.23;

“restaurant licence” means a licence to sell any liquor, except cask rum, by retail to be consumed on the premises such licence to be issued by the Comptroller when authorised by the Minister so to do;

“sale note” means a numbered document in the form set forth in the Twelfth Schedule which, under and by virtue of the provisions of this Act, shall be presented by the vendor of any spirits, exceeding in quantity one gallon, to the purchaser thereof, certifying—

- (a) the quantity and description of spirits sold;
- (b) the date of such sale;
- (c) the destination of such spirits;
- (d) the names of the vendor, and purchaser,

and shall also mean a written permit from the Comptroller;

“sell” includes “barter” or otherwise dispose of for a monetary or other consideration;

“sell by retail” means to sell any liquor in any quantity whatsoever to be consumed on or off any licensed premises and, for the purposes of this Act, shall include the sale of liquor, except rum, under and by virtue of a hotel licence;

“sell wholesale” means to sell any liquor in any quantity of not less than one pint or reputed pint in bottles, or one gallon, as occasions may require, to be consumed off or away from any licensed store;

“spirits” means rum, brandy, whisky, gin, and all spirituous liquors;

“unlicensed premises” means any shop, store, room, house, building, or other place in respect to which no licence of any kind whatsoever shall have been issued under and by virtue of the provisions of this Act.

(Amended by Act 15 of 1965)

Licence to sell liquor necessary.

3. From and after the coming into operation of this Act no person shall sell, expose for sale, or keep for the purpose of selling, any liquor whatsoever unless he or she shall first have obtained the licence, required to be issued in that behalf by the Comptroller, under the provisions of this Act:

Provided that nothing in this Act shall in any way be construed as applying to, or necessitating the taking out of, a licence, in the case of—

- (a) the sale of rum by the owners of any distillery of rum within the State in any quantity of not less than 50 gallons;
- (b) any physicians, surgeons, apothecaries, or druggists with respect to any liquor that they may use in preparing or dispensing medicines;
- (c) police canteens as established under the provisions of the Police Act, Cap. 19.07.

Consideration of grant of licence.

4. (1) On the 2nd day of January in each year, or in the event of those dates falling on a Sunday or public holiday, then on the week day immediately preceding such date, each Magistrate shall hold a special Court for the purpose of receiving and considering the applications of persons for licences, or for the purpose of the renewal of licences, to sell intoxicating liquors within that district, whether by wholesale or retail.

(2) Upon the payment of the fee specified in the Third Schedule at the Inland Revenue Department, the successful applicant for the licence would be given a licence authorising him or her to sell intoxicating liquor.

(Amended by Act 5 of 2007)

(3) Notwithstanding subsection (1), the Minister may by Order published in the *Gazette* appoint a day or days for the holding of an additional special sitting of the Magistrate's Court for the purposes of subsection (1).

(Inserted by Act 5 of 2020)

Notice to be given by applicant.

5. Every person intending to apply to a Magistrate for a certificate under this Act shall, not less than twenty-one days before he or she applies, give notice in writing of his or her intention in the form set out in the First Schedule to the Magistrate of the district in which the premises in respect of which his or her application is to be made are situate, and to the Chief 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 or her name and address, and a description of the licence or licences for which he or she 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 heretofore 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 said notice, the Magistrate shall cause a copy thereof to be affixed to some conspicuous part of the said Magistrate's Court House and to be maintained thereon until after the day appointed for the special Court aforesaid:

Provided that, when application is to be made to a 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.

Provisions with regard to renewal of licence.

6. Where a licensed person applies for a renewal of his or her licence, the following provisions shall have effect—

- (a) he or she need not attend in person at the special session unless he or she is required by the Magistrate so to attend;
- (b) the 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 Court:

Provided that the 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;

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

Magistrate may refuse certificate.

7. The Magistrate shall hear any objection to be made by the Chief 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 hereinbefore provided.

Certificate, how granted; and appeal to a Judge in Chambers if Magistrate refuses a certificate.

8. In all cases where the Magistrate, having heard the application and the evidence in connection therewith, considers that the licence should be granted, he or she shall grant to the applicant a certificate in the form set forth in the Second Schedule, specifying the particular kind of licence which may be issued to such applicant and the Comptroller shall require the production of such aforesaid certificate before he or she shall issue to such applicant the licence required:

Provided that in all cases where a Magistrate shall refuse to grant such aforesaid certificate, the applicant may appeal to a Judge of the High Court sitting in Chambers, and such Judge shall have power either to confirm or overrule the decision of the Magistrate and, in the latter case, shall grant the certificate for which application has been made.

Grounds for refusal of application.

9. An application for a licence under this Act may be refused on one or more of the following grounds—

- (a) that the premises are unfit for the purpose of the licence applied for or are, in the opinion of the Magistrate, undesirable to be licensed;
- (b) that the applicant is a person of bad character;
- (c) that the applicant, having within the preceding twelve months been a holder of a licence in any part of the State, has allowed his or her licensed premises to become a nuisance to his or her neighbourhood;
- (d) that the premises for which the application is made are so situate that they cannot be kept under effective police control;
- (e) that the premises are likely to be a nuisance to the neighbourhood;
- (f) that the applicant has neglected to comply with the provisions of this Act in making his or her application;
- (g) that the applicant has not attained twenty-one years;
- (h) that a licence previously held by the applicant under this Act in respect of premises under his or her own management or immediate supervision has within the preceding two years, been forfeited under the provisions of this Act relating to forfeiture of licences;
- (i) that there is sufficient number of licensed premises to meet the needs of the neighbourhood, and, in particular, where the premises are situate in the following parts of the State there is situate therein at the time of application, the following number of licensed premises being already licensed for the same purpose as the premises in respect of which the application is made—
 - (i) the town of Basseterre, one licensed premises for every 300 persons residing therein;

- (ii) the town of Sandy Point, one licensed premises for 250 persons residing therein;
- (iii) the town of Charlestown, one licensed premises for every 200 persons residing therein;
- (iv) the village of Cayon, one licensed premises for every 200 persons residing therein;
- (v) all villages in the island of St. Christopher and Nevis other than the village of Cayon, one licensed premises for every 150 persons residing therein.

Comptroller to issue licence on receipt of certificate and payment made.

10. Every person to whom a certificate shall have been granted as hereinbefore provided may apply to the Comptroller for a beer licence, or a licence to sell liquor wholesale or by retail as specified in the certificate; and the Comptroller on receipt of such certificate, together with such sum as is prescribed by the Third Schedule, as being payable in respect to the particular licence required, shall issue a licence to such applicant in the form set out in the Fourth Schedule, the Fifth Schedule, or the Sixth Schedule, according to the particular licence required:

Provided that the Comptroller may at any time on payment of a fee of five dollars under his or her hand grant a licence to any person holding any licence under this Act to sell such liquor as his or her licence permits either wholesale or by retail at any entertainment, show, race meeting, athletic or other sports or at any other social meeting or gathering whatsoever where refreshments are likely to be required, for such period of time and subject to such conditions as may be prescribed in the licence:

Provided also that the Minister, may, for the encouragement of local agriculture and industry, at any time under his or her hand grant a licence to any person to sell wine made and from grapes grown, within the State either wholesale or by retail for such period of time and subject to such conditions as may be prescribed in the licence.

(Amended by Acts 3 of 1975 and 27 of 1976)

Restaurant licence, how obtained.

11. Notwithstanding anything hereinbefore contained any person being the proprietor of a restaurant, and being desirous of obtaining a restaurant licence in respect thereof, may make application to the Minister and the Minister may, if he or she sees fit, authorise the Comptroller to issue such restaurant licence to such applicant.

(Amended by Act 3 of 1975)

Restaurant licence.

12. The Comptroller shall, when so authorised by the Minister, and not otherwise, and on receipt of such sum as is prescribed by the Third Schedule as being payable in respect thereof, issue to such applicant a restaurant licence, in the form set forth in the Seventh Schedule, and such restaurant licence shall be deemed to be issued, save where otherwise provided, on the same terms, conditions, rights, privileges and liabilities in all respects as a licence issued to a licensed person, in respect of licensed premises, and the holder of such restaurant licence shall, for the purposes of this Act, be deemed to be a licensed person, and the premises in respect of which such restaurant licence shall be issued shall be deemed to be licensed premises:

Provided that the holder of a restaurant licence shall not sell, expose for sale, keep or suffer to be kept, any cask rum in the building in respect of which such restaurant licence shall have been issued.

(Amended by Act 3 of 1975)

Hotel licence, how obtained.

13. Notwithstanding anything hereinbefore contained, any person, being the proprietor of a *bonâ fide* hotel, and being desirous of obtaining an hotel licence in respect thereof, may make application to the Minister, and the Minister may, if he sees fit, authorise the Comptroller to issue such hotel licence to such applicant:

Provided that in the event of the Minister being satisfied that the hotel in respect of which such licence shall have been issued is not being conducted in a fit, proper, or orderly manner, he or she may at any time revoke such licence, and the same shall be forfeited, in addition to any other penalty the holder of such licence may be liable to under the provisions of this Act.

(Amended by Act 3 of 1975)

Issue of hotel licence.

14. The Comptroller shall, when so authorised by the Minister as aforesaid, and not otherwise, and on receipt of such sum as is prescribed by the Third Schedule as being payable in respect thereof, issue to such applicant an hotel licence in the form set forth in the Eighth Schedule and such hotel licence shall be deemed to be issued, save where otherwise provided, on the same terms, conditions, rights, privileges and liabilities in all respects as a licence issued to a licensed person in respect of licensed premises, and the holder of such hotel licence shall, for the purposes of this Act, be deemed to be a licensed person, and the premises in respect of which such hotel licence shall be issued shall be deemed to be licensed premises.

(Amended by Act 3 of 1975)

Holder of hotel licence may not sell rum.

15. The holder of an hotel licence shall not sell, expose for sale, keep or suffer to be kept any cask-rum in the building, in respect of which such hotel licence shall have been issued, and all liquor sold by the holder of such hotel licence shall be consumed on or at the premises used as such hotel and shall not on any pretence whatsoever be taken or carried away from such premises, nor shall any such liquor aforesaid be sold or supplied to any person other than a boarder or a person taking a meal at such hotel.

Beer licence, how obtained.

16. Notwithstanding anything hereinbefore contained, any person desirous of obtaining a beer licence may apply to a Magistrate for a certificate in the same way, at the times and subject to the same conditions provided in sections 4 to 10.

Holder of beer licence to sell malted liquor only.

17. The holder of a beer licence shall not sell, expose for sale, keep or suffer to be kept in the building in respect of which such beer licence shall have been issued any liquor except beer, ale or stout.

Sale at certain public parks.

18. (1) Notwithstanding anything hereinbefore contained, the Minister may, if he or she sees fit, authorise the Comptroller to issue a licence to the St. Kitts Cricket Association or to the Nevis Sports Association, or such organisation as is officially recognised as being responsible for the administration of cricket in the Island of Nevis, for the period named in such licence, to sell liquor authorised by such licence on the days and during the hours permitted by such licence to any persons being *bona fide* players or spectators present at any cricket match or other game or sport being played or taking place at Warner Park in the Island of Saint Christopher or at Grove Park in the Island of Nevis or any other designated park under the auspices of either of the above mentioned Associations:

Provided that no liquor shall be sold or supplied under the authority of this section between the hours of 10 o'clock in the evening of any day and 10 o'clock in the following morning.

(2) Subject to the provisions of subsection (1) of this section, a licence under this section shall authorise the sale of liquor to be consumed in the Park mentioned in such licence in such quantity and in such manner and during such hours and on such days as are mentioned in the licence and be subject to the payment to the Comptroller of the prescribed fee.

(3) The Comptroller shall, when so authorised by the Minister as aforesaid, and not otherwise, and on receipt of such sum as is prescribed by the Third Schedule as being payable in respect thereof, issue to the St. Kitts Cricket Association or to the Nevis Sports Association or such organisation as is officially recognised as being responsible for the administration of cricket in the Island of Nevis, a licence in the form set forth in the Ninth Schedule and such licence shall be deemed to be issued, save where otherwise provided, on the same terms, conditions, rights, privileges and liabilities in all respects as a licence issued to a licensed person in respect of licensed premises, and the Association holding such a licence shall, for the purposes of this Act, be deemed to be a licensed person and the premises in respect of which such licence shall be issued shall be deemed to be licensed premises.

(Inserted by Act 3 of 1975. This section was originally section 17A and has been renumbered as Section 18. Consequently sections 18 to 59 have been renumbered as sections 19 to 60.)

Duration of licence.

19. Every licence issued under the provisions of this Act shall expire on the 31st day of December in each year.

(Amended by Act 5 of 2007)

Premises connected by internal communication with unlicensed premises cannot be licensed.

20. No licence shall be issued under the provisions of this Act with respect to any premises connected by any internal communication with any unlicensed premises which are used for public entertainment, or resort, or as a refreshment house, unless the Magistrate shall be of opinion that some good and sufficient reason exists that such premises should be licensed and shall so certify.

Licensed dealer and licensed person to keep sale books.

21. Every licensed dealer and every licensed person shall keep a book in which shall be fairly recorded all sales of spirits in any quantity of one gallon or over and such book shall be at all times available and open to inspection by the Comptroller, the Chief of Police and any subordinate police officer of the police force, and may be

used in evidence against such licensed dealer or licensed person in any proceedings instituted against such person under the provisions of this or any other Act.

Purchaser of spirits to receive a sale note, and no removal of spirits to take place without a sale note.

22. On every such sale of spirits where the quantity sold amounts to one gallon or over, the purchaser thereof shall receive from the seller a sale note in the form set forth in the Twelfth Schedule, and no spirits in a quantity of one gallon or over shall be removed from any place to any other place within the State except in the package or case in which such spirits were received by the buyer, and unless accompanied by a sale note:

Provided that such sale note shall only authorise the removal of spirits in the exact quantity stated in such sale note, and on the date, and to the place named therein and no other, and no such removal of spirits shall take place on any pretence whatsoever except between the hours of 6 a.m. and 9 p.m., except on Saturdays, and on every day, except Sunday, next preceding a public holiday, when no removal of spirits shall take place except between the hours of 6 a.m. and 10 p.m.

Hours of closing licensed premises.

23. All premises with respect to which a licence is issued under the provisions of this Act for the sale of liquor by retail shall be closed as follows—

- (a) on every Saturday night from 10 p.m. until 7 a.m. on the following Monday;
- (b) on Good Friday and Christmas Day from 9 a.m. until 7 a.m. the following morning;
- (c) on the nights of all other week-days from 10 p.m. until 7 a.m. the following morning:

Provided that nothing in this section shall be construed to apply to any premises in respect of which a beer licence, an hotel licence, a licence granted under section 18 or a restaurant licence is issued.

(Amended by Acts 3 of 1975, 10 of 1984 and 11 of 1988)

Licensed dealers and licensed persons to have notices affixed indicating nature of their business outside licensed store and licensed premises.

24. (1) Every licensed person to whom a licence is issued in the form set forth in the Fifth Schedule under the provisions of this Act shall have a board affixed outside and over the most public entrance of his or her licensed premises, which shall contain in large and legible characters the following notice:

“Licensed to sell liquor by retail,” and every licensed dealer to whom a licence is issued in the form set forth in the Fourth Schedule under the provisions of this Act shall likewise have a board affixed outside and over the most public entrance of his or her licensed store which shall contain the following notice: “Licensed wholesale dealer in liquor”.

(2) Every such licensed person and licensed dealer, who shall from any cause whatsoever fail to affix such notice boards outside such licensed premises or licensed stores, as the case may be, shall be deemed to be a seller of liquor without a licence and shall be liable to a penalty as provided by section 31.

Comptroller to furnish Chief of Police with list of licences issued which shall be hung up at police stations.

25. The Comptroller shall furnish to the Chief of Police during the first week in each quarter a list of all licences, wholesale and retail, which shall have been issued under and by virtue of the provisions of this Act, and the Chief of Police shall cause to be hung up in a conspicuous place at each police station within the State a copy of such list.

Licence to be hung up and displayed in premises.

26. Every licence to sell liquor granted under the provisions of this Act shall be hung up and displayed in some conspicuous part of the shop, store, room, restaurant, hotel or other place where such liquor is licensed to be sold; and any licensed dealer or licensed person who shall fail from any cause whatsoever to display such licence in some conspicuous part of the shop, store, room, restaurant, hotel or place as aforesaid shall be deemed to be a seller of liquor without a licence and shall be liable to a penalty as provided by section 31.

Licensed person or dealer wishing to remove to other place may do so on amended certificate of Magistrate.

27. If any licensed dealer or licensed person shall wish to remove to some other shop, store, room, house, building or place, for the purpose of selling liquor wholesale, or by retail, as the case may be, before the expiration of his or her existing licence, such licensed dealer or licensed person shall apply to a Magistrate, and such Magistrate may if he or she sees fit substitute in the certificate hereinbefore provided some other proper and suitable shop, store, room, house, building or place for the purposes aforesaid, and the Comptroller shall accept such amended certificate and alter such applicant's licence accordingly without any additional payment.

In case of death executor to enjoy use of licence.

28. If any licensed dealer or licensed person to whom a licence shall have been issued under the provisions of this Act dies before the expiration of such licence the executor or administrator of such licensed dealer or licensed person may use or enjoy the benefit or privilege of such licence for the residue of the time limited therein, and every such executor or administrator may apply for and obtain a renewal of such licence in the name of one or in the names of any number of such executors or administrators in the same manner in all respects as if the said licence had been originally granted to the said applicant or applicants personally.

Executor or administrator to be personally liable.

29. Every renewal of a licence granted to any executor or administrator of a deceased person shall be deemed to be granted to such executor or administrator personally, and not in any representative capacity, and they, and each and every one of them, shall be under the same liabilities in every respect as any other person holding a similar licence under this Act.

Auctioneer may sell liquor at a sale on certain conditions.

30. (1) An auctioneer may, by virtue of a licence under the hand of the Comptroller, on the occasion of any sale of the property and effects of any person, sell any liquor being the private property of the owner of the effects so sold, and for such licence no fee nor sum shall be paid.

(2) Such licence shall be in the form, and contain all the particulars, required and specified in such form, as set forth in the Tenth Schedule, but the Comptroller shall in no case issue any such licence as aforesaid until the auctioneer requiring the same shall have made a declaration, in the form set forth in the Eleventh Schedule, to the effect that the particulars as specified in such licence are to the best of his or her knowledge and belief true.

Penalty for selling liquor without a licence.

31. Any person who sells, exposes for sale, or keeps for the purpose of selling, any liquor, without having obtained a licence as required under the provisions of this Act, shall be liable to a penalty not exceeding five thousand dollars.

(Amended by Acts 7 of 1976, 9 of 1986 and 7 of 2007)

Penalty for violating terms of licence, and permitting gambling or drunkenness on premises.

32. (1) Any person who, either by himself or herself or his or her servants, does, permits to be done, or is in any way privy to, any of the following matters or things as hereinafter specified, commits an offence under the provisions of this Act, and shall in respect of every such offence be liable to a penalty (unless otherwise provided) not exceeding five thousand dollars, that is to say—

- (a) sells any liquor in any quantity not authorised by the licence issued to him or her;
- (b) sells any liquor at any place or to any person not authorised by the licence issued to him or her;
- (c) sells, or has in his or her possession, or in or upon his or her premises, any liquor of any other kind, sort or description than that authorised by the licence issued to him or her;
- (d) sells any liquor, or permits any person to be in or upon his or her licensed premises during such hours as under and by virtue of the provisions of this Act such licensed premises are required to be closed;
- (e) permits drunkenness, or any quarrelsome, violent or riotous conduct to take place on his or her licensed premises;
- (f) sells any liquor to any drunken person or to any child under eighteen years;
- (g) permits or suffers any gaming or unlawful game to be carried on at his or her licensed premises;
- (h) being the occupier of any unlicensed premises on which any liquor is sold, is privy or party to such a sale.

(Amended by Acts 7 of 1976, 9 of 1986 and 7 of 2007)

(2) For the purposes of subsection (1)(f), in relation to children under the age of eighteen years, the licensee shall where he or she is in doubt as to the age of the person or is of the opinion that the person appears to be under the age of eighteen years require that person to show a valid form of picture identification to verify the age of the person.

(3) Notwithstanding the provisions of subsection (1), relating to penalties, a person who sells liquor to a child contrary to the provisions of subsection (2) shall also be liable, on summary conviction—

- (a) in the case of a first offence, to a fine not exceeding five thousand dollars;
- (b) in the case of a subsequent offence, to the fine referred to in paragraph (a) and the revocation of the licence issued pursuant to this Act.

(4) In this section “valid form of picture identification” refers to a legal form of identification with a picture of the bearer, which is valid and not expired, including a passport, driver’s licence, national identification card or social security card.

(Inserted by Act 18 of 2011)

Power to eject or refuse admittance to certain persons.

33. (1) Any licensed person may refuse to admit, and may turn out of his or her licensed premises, any person who is either drunk, violent, quarrelsome or disorderly, or any person whose presence on such licensed premises would subject him or her to a penalty under the provisions of this or any other Act.

(2) Any such person, who, upon being requested by any licensed person or his or her agent or his or her servant, or any police constable to quit such licensed premises, refuses or fails to do so, shall be liable to a penalty not exceeding one hundred and fifty dollars, and all police constables shall, on demand of such licensed person, or his or her agent or servant, expel or assist in expelling such person, and may use force in so doing.

(Amended by Acts 7 of 1976 and 9 of 1986)

Penalty for being found on licensed premises during prohibited hours.

34. If any person is found on any licensed premises during any period which such premises are required under the provisions of this Act to be closed, such person shall, unless he or she satisfies the court that he or she was either an inmate, servant or lodger on such premises, or otherwise satisfactorily accounts for his or her presence on such licensed premises, be liable to a penalty not exceeding fifty dollars.

(Amended by Acts 7 of 1976 and 9 of 1986)

Penalty for making or using internal communication between licensed and unlicensed premises.

35. Every person who either makes, or uses, or allows to be made or used, any internal communication between any licensed store or licensed premises and any unlicensed premises which are used for public entertainment or resort, or as a refreshment house, shall be liable to a penalty not exceeding five hundred dollars for each day on which he or she shall make, use or allow to be made, or used, such internal communication, and the licence issued in respect of such licensed store or licensed premises, as the case may be, shall be liable to be forfeited.

(Amended by Acts 3 of 1975 and 9 of 1986)

Penalty for using uncovered light when drawing off spirits.

36. Any licensed dealer or licensed person who either by himself or herself, his or her agent or his or her servant, shall use an open or uncovered light of any description, when throwing up or drawing off any spirits in the cellar or room in which such spirits are kept or stored (except in the shop, store or place in which such spirits are sold), or shall throw up or draw off any spirits as aforesaid at any time

except between the hours of 8 a.m. and 4 p.m., or at any time on Sunday, shall be liable to a penalty not exceeding one thousand five hundred dollars.

(Amended by Acts 7 of 1976 and 9 of 1986)

Penalty for consuming liquor on premises not licensed for same.

37. Where any liquor, sold by any licensed dealer to whom a licence has been issued to sell the same, to be consumed off or away from his or her licensed store, is consumed at such licensed store, such licensed dealer commits an offence against this Act, and on conviction thereof shall be liable to a penalty not exceeding five hundred dollars.

(Amended by Acts 7 of 1976 and 9 of 1986)

Penalty for removing and receiving liquor without sale note.

38. Every licensed dealer, licensed person or other person who by himself or herself, his or her servant or agent sends out, delivers, or removes from, or receives into his or her stock, custody or possession, any spirits in any quantity of one gallon or over, without the same being accompanied by a sale note as hereinbefore provided, and every carrier, boatman or other person who carries, removes, transports or by means of his or her horse, cattle, cart, vessel, boat, or other conveyance of any kind or sort whatsoever, suffers to be carried, removed or transported, or who aids or assists in carrying, removing or transporting from any part of the State to any other part thereof, any spirits, which under the provisions of this Act are required to be accompanied by a sale note, without being accompanied with such sale note, shall, for each and every such offence, be liable to a penalty not exceeding one thousand five hundred dollars, over and above every other penalty and forfeiture to which such person may be liable under any of the trade or revenue laws of the State, and every person so offending may be arrested without warrant by any member of the Police Force.

(Amended by Acts 7 of 1976 and 9 of 1986)

Forfeiture of goods, etc., in all cases of unlawful removal of spirits.

39. All spirits removed contrary to the provisions of this Act, and the packages, cases or coverings in which the same are contained, together with any horse, cattle, cart, vessel, boat or other conveyance of any kind or sort whatsoever used in the removal thereof, shall be forfeited, and may be seized by the Comptroller or any member of the Police Force.

Penalty for buying liquor from any unlicensed dealer or person.

40. Every licensed dealer and licensed person, or any one in their employment, or any other person who shall buy, or shall procure or employ any person to receive, or buy, any liquor from any person whomsoever, except from some person to whom a licence shall have been issued under the provisions of this Act to sell the same, and any person who shall buy from any distiller any quantity of rum less than fifty gallons, commits an offence against the provisions of this Act, and shall be liable to a penalty not exceeding one thousand five hundred dollars:

Provided that the Comptroller may, whenever any special reason therefor is shown to him or her, should he or she see fit, permit the removal of any rum, for sale, from any distillery, of a less quantity than 50 gallons.

(Amended by Acts 7 of 1976 and 9 of 1986)

Forfeiture of spirits not accounted for by a sale note.

41. Where any spirits are discovered on any premises or other place, and are not accounted for by a sale note as hereinbefore provided, such spirits shall be deemed to be spirits illegally removed without any sale note and shall be forfeited, and the occupier of such premises or place whereon such spirits are found shall be deemed a person who has illegally received such spirits into his or her possession contrary to the provisions of section 22, and shall be liable to a penalty not exceeding one thousand five hundred dollars.

(Amended by Acts 7 of 1976 and 9 of 1986)

Penalty where excess in quantity and strength of spirits is found.

42. Where upon the examination of any licensed store or any licensed premises, the stock, quantity or strength of the spirits found appears to the Comptroller examining to be in excess of the stock, quantity or strength such licensed dealer or licensed person had on hand upon the occasion of the last previous examination of such licensed store or licensed premises, such Comptroller shall state to the licensed dealer or licensed person, as the case may be, or to his or her agent or servant in charge of such licensed store or licensed premises, what quantity, what strength and what kind of spirits he or she claims to be in excess, and it shall be the duty of such licensed dealer or licensed person, or his or her agent or servant to satisfactorily account for such excess in quantity or strength of spirits by the production of his or her sale notes, and in the event of such person failing so to account for the quantity and strength of spirits stated by the Comptroller to be in excess, such quantity and strength of spirits, so claimed by the Comptroller to be in excess, shall be held without further proof to have been obtained in fraud of the trade and revenue laws of the State, and such spirits shall be forfeited, and such licensed dealer or licensed person, or his or her agent, or servant, as the case may be, shall be liable to a fine not exceeding one thousand five hundred dollars, and the licence issued to such licensed dealer or licensed person forfeited.

(Amended by Acts 7 of 1976 and 9 of 1986)

Identification of particular vessels of spirits not necessary.

43. It shall not be necessary to prove what particular vessels of spirits are in excess, but a like quantity of spirits may be seized out of any part of the stock of the licensed dealer or licensed person.

Conviction in certain cases renders licence forfeited.

44. Where any licensed dealer or licensed person is convicted of any offence against the provisions of this Act with regard to the removal or sale of spirits or under any revenue Act with regard to smuggling or being a party to or privy to the smuggling of spirits, the licence issued to such licensed dealer or licensed person shall be forfeited in addition to any other penalty to which he or she may be liable, and no licence shall be issued to him or her or to any other person acting in his or her interest or in any way related to him or her to sell spirits without the written consent of the Comptroller.

Penalty for selling liquor injurious to health.

45. (1) Any licensed dealer and any licensed person who sells any liquor which is afterwards certified by any Government chemist or duly qualified analyst or any duly qualified medical practitioner to contain any substance likely to cause injury to health

shall be liable upon conviction to a fine not exceeding one thousand five hundred dollars.

(2) Upon a second conviction for the same offence the licence issued to such person shall be forfeited, and no new licence under the provisions of this Act shall be issued to him or her, or to any person acting in his or her interest, or related to him or her, without the written consent of the Comptroller.

(Amended by Acts 7 of 1976 and 9 of 1986)

No debt for spirituous liquor to be recovered unless contracted at one time to amount to \$10.00.

46. No person shall recover any sum of money, debt or demand whatsoever for or on account of any spirituous liquors, unless such debt has been *bona fide* contracted at one time to the amount of ten dollars, 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 ten dollars 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:

Provided that this section shall not apply to sales by merchants and shopkeepers of liquor by the bottle and not to be consumed on the premises.

Penalty for obstructing, etc.

47. Any person who shall in any way assault, obstruct, molest, resist the entrance of, or otherwise in any manner whatsoever hinder the Comptroller, any member of the Police Force or other person, who shall be lawfully engaged in carrying out the provisions of this Act, shall be liable, on conviction, to a penalty not exceeding one thousand five hundred dollars.

(Amended by Acts 7 of 1976 and 9 of 1986)

Comptroller may enter and search any place for certain purposes.

48. It shall be lawful for the Comptroller, or any person duly authorised by him or her in that behalf, without any search warrant, to enter at any time and search any place, whether licensed or not, wherein he or she has reasonable cause to suspect—

- (a) that any unlawful sale of liquor is being carried on, in or at such place;
- (b) that any liquor is unlawfully kept for sale or concealed in or at such place;
- (c) that any of the provisions of this Act are being violated or contravened in any manner whatsoever, in respect to such place, and any liquor so found, together with all vessels containing the same, shall be forfeited, in addition to any penalty recoverable under the provisions of this Act.

Comptroller may inspect, gauge or examine any cask or other vessel containing or supposed to contain liquor.

49. It shall be lawful for the Comptroller, or any person duly authorised by him or her in that behalf, to enter upon and into any licensed store or licensed premises and inspect, open, gauge and examine all or any casks, vessels or packages in or upon such licensed store or premises containing, or which he or she may believe to contain, any liquor, and if he or she be refused entrance to any such place, or the place be unoccupied in which he or she may believe such liquor to be, he or she may force and

break an entry, and break any doors on such place, for the purpose of making such inspection and search.

(Amended by Act 15 of 1965)

Comptroller or police may enter licensed store or licensed premises to ascertain whether there is any contravention of the Act.

50. It shall be lawful for the Comptroller or for any commissioned or non-commissioned officer of the Police Force at any time to enter any licensed store or licensed premises for the purpose of ascertaining whether the terms of the licence issued under the provisions of this Act with respect to such licensed store or licensed premises are strictly complied with, or whether any of the provisions of this Act are in any way contravened or violated.

Magistrate on information of liquor being sold, etc., at any unauthorised place may grant a warrant to enter and search.

51. (1) Any Magistrate or Justice of the Peace, on information on oath of intoxicating liquor being sold or kept for sale by retail at any unauthorised place, whether a building or not, may grant a warrant to the Comptroller or any member of the Police Force, at any time or times within one month, to enter with force and search the place, and seize any intoxicating liquor therein reasonably supposed to be in such place for unlawful sale at that or any other place, and the vessels containing such liquor.

(2) On a conviction for unlawfully selling, exposing, or keeping for sale by retail any liquor, the liquor and vessels so seized shall be forfeited.

(3) When the Comptroller or any member of the Police Force has entered any premises in pursuance of any such warrant as aforesaid, and has seized and removed such liquor as aforesaid, any person found at the same time on the premises shall, until the contrary be proved, be deemed to have been on such premises for the purposes of illegally dealing in intoxicating liquor, and shall be liable to a penalty not exceeding fifty dollars.

(Amended by Acts 7 of 1976 and 9 of 1986)

Persons detained and searched.

52. (1) It shall be lawful for any revenue officer or member of the Police Force to stop and detain any person whom he or she reasonably supposes to be removing or carrying any spirits, and to stop and to search and examine any conveyance and any package which he or she reasonably supposes contains any spirits, and to demand the production of the sale note accompanying such spirits.

(2) If any person who is found removing or carrying any spirits which are by law required to be accompanied by a sale note fails on the request of such revenue officer or member of the Police Force then and there forthwith to produce such a sale note, and to allow the same to be inspected, and a note of the details thereof to be taken, may be forthwith arrested by such revenue officer or member of the Police Force and dealt with in the same manner as any other offender liable to arrest, and the said spirits, package and conveyance shall be forfeited, and every such person shall be liable to a penalty not exceeding one thousand five hundred dollars.

(Amended by Acts 7 of 1976 and 9 of 1986)

Power to close licensed premises.

53. (1) 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 or her premises during any time which the Justice of the Peace may order.

(2) Any person who keeps open his or her premises for the sale of intoxicating liquors during any time at which the Justice of the Peace has ordered them to be closed shall be liable to a penalty not exceeding one thousand five hundred dollars, and it shall be lawful for any person, acting by order of any Justice of the Peace, to use such force as may be necessary for the purpose of closing such premises.

(Amended by Acts 7 of 1976 and 9 of 1986)

Fines and penalties, how recoverable.

54. All fines and penalties imposed under any of the provisions of this Act shall be recovered in a summary manner before a Magistrate, in accordance with the provisions of the Magistrate's Code of Procedure Act, Cap. 3.17, or any Act for the time being in force amending the same.

False declaration perjury.

55. Any person who shall wilfully make any false declaration with respect to any matter necessary to be made, under the provisions of this Act, shall be liable on conviction thereof to a penalty not exceeding one thousand five hundred dollars.

(Amended by Acts 7 of 1976 and 9 of 1986)

General Penalty.

56. Any person who shall in any way violate, or contravene, any of the provisions of this Act shall, except where the penalty is hereinbefore specified, be liable to a penalty not exceeding one thousand five hundred dollars.

(Amended by Acts 7 of 1976 and 9 of 1986)

Liquor found where it should not be kept liable to seizure and sale.

57. All liquor found in any place whatsoever, where under the provisions of this Act the same should not be kept, or be, shall be liable to be seized, and, when so seized, shall be sold by the Comptroller, and the proceeds of such sale shall be paid into the Treasury for the public uses of the State.

Power to refuse licence.

58. Wherever the Comptroller has reasonable cause to believe that any licensed dealer or licensed person, or his or her agent, servant or other person in charge of his or her licensed store or licensed premises is obtaining any liquor by any improper or illegal means in contravention of the provisions of this Act or of any revenue Act, he or she may, notwithstanding anything contained in section 10, refuse to issue a licence to such licensed dealer or licensed person or to any other person acting in his or her interest, or related to him or her, who may desire to sell liquor within the State:

Provided that any person aggrieved by the refusal of the Comptroller to issue a licence under the provisions of this Act, may appeal against such refusal to the Minister, who shall affirm or disallow the decision of the Comptroller.

(Amended by Act 3 of 1975)

Proof of sale or consumption of liquor.

59. In proving the sale or consumption of any liquor under this Act, it shall not be necessary to show that any money actually passed, or any liquor was actually consumed, if the Court hearing the case be satisfied that any transaction in the nature of a sale actually took place or that any consumption of liquor was about to take place; and proof of consumption or intended consumption of liquor on any premises, whether licensed or unlicensed, by some person other than the occupier of, or a servant in, such premises shall be evidence that such liquor was sold in or on such licensed or unlicensed premises by or on behalf of such licensed person, or by or on behalf of the owner or occupier of such unlicensed premises, as the case may be.

References in respect of Nevis.

60. In respect of the Island of Nevis, any reference in the Liquor Licence Act to the Comptroller of Inland Revenue shall be read as a reference to the Chief Inland Revenue Officer of Nevis.

(Inserted by Act 11 of 1988)

FIRST SCHEDULE

(Section 5)

NOTICE OF INTENTION TO APPLY FOR CERTIFICATE

To the Magistrate or Chief of Police *(as the case may be)*,

I, now residing in
Street, in the town or village of, do hereby give you
notice that it is my intention to apply on day
of next to the Magistrate at
for a [*state whether wholesale or retail*] licence in respect of
my premises in Street in

Dated this day of

Signed

SECOND SCHEDULE

(Section 8)

I hereby certify that is a fit and proper
person to be licensed as a [licensed dealer or licensed person *(as the case may be)*]
and that the store, shop or room situate is suitable to be
used as [a licensed store or licensed premises *(as the case may be)*].

Given under my hand this day of 20.....

Magistrate.

THIRD SCHEDULE

(Sections 10 and 12)

FEEES FOR A LICENCE TO A LICENSED DEALER

- (a) Licence to sell liquor wholesale to be consumed off or away from any licensed store - annually..... \$1,500
- (b) Licence to sell beer wholesale – annually..... \$500
- (c) All liquor retail licences, except for Basseterre - annually \$300
- (d) All liquor retail licences for Basseterre - annually \$400
- (e) Special liquor licence..... \$20 per day
- (f) Restaurant - annually \$500

[Note: This was originally Schedule C]

(Amended by Acts 3 of 1972, 3 of 1975, 27 of 1976, 4 of 1983 and 5 of 2007)

FOURTH SCHEDULE

(Sections 10 and 24)

LICENSED DEALERS LICENCES

Licence is hereby issued to to sell liquor wholesale to be consumed off the premises in accordance with the provisions of the Liquor Licence Act, Cap. 18.21, at his or her store situate at, in the Parish of, for the space of three months from the date hereof.

Given under my hand this day of 20

Comptroller of Inland Revenue.

FIFTH SCHEDULE

(Sections 10 and 24)

LICENSED PERSONS LICENCE

Licence is hereby issued to to sell liquor by retail to be consumed on or off the premises, in accordance with the provisions of the Liquor Licence Act, Cap. 18.21 at his or her premises situate at in the Parish of for the space of three months from the date hereof.

Given under my hand this day of 20

Comptroller of Inland Revenue.

SIXTH SCHEDULE

(Section 10)

BEER LICENCE

Licence is hereby issued to to sell beer, ale and stout to be consumed on or off the premises, in accordance with the provisions of the Liquor Licence Act, Cap. 18.21, at his or her premises situate at in the Parish of from the day of

Given under my hand this day of 20

Comptroller of Inland Revenue.

SEVENTH SCHEDULE

(Section 12)

RESTAURANT LICENCE

Licence is hereby issued to to sell all liquor (except cask-rum) to be consumed on the premises in accordance with the provisions of the Liquor Licence Act, Cap. 18.21, at his or her Restaurant situate at in the Parish of for the space of three months from the date hereof.

Given under my hand this day of 20

Comptroller of Inland Revenue.

EIGHTH SCHEDULE

(Section 14)

HOTEL LICENCE

Licence is hereby issued to to sell liquor (except cask-rum) by retail to be consumed on the premises in accordance with the provisions of the Liquor Licence Act, Cap. 18.21, at his or her hotel situate at in the Parish of for the space of one year from the date hereof.

Given under my hand this day of 20

Comptroller of Inland Revenue.

NINTH SCHEDULE

(Section 18)

LICENCE FOR SALE OF LIQUOR BY ASSOCIATION

Licence is hereby issued to to sell liquor by retail to be consumed in Park, in the Parish of in the Island in accordance with the provisions of the Liquor Licence Act, Cap. 18.21, at premises situate within the said Park, for quarter(s) from the date hereof, subject to the following conditions: that the premises with respect to which this licence is issued shall be closed at all times between the hours of 10 o'clock in the evening of any day and 10 o'clock in the morning of the following day and, if necessary, in the following manner.

Given under my hand this day of 20

Comptroller of Inland Revenue.

(Inserted by Act 3 of 1975)

TENTH SCHEDULE

(Section 30)

AUCTIONEER'S LICENCE

Licence is hereby issued to (*auctioneer*) to sell liquor [*here state amount*], the property of [*here state owner*] at an auction to be held [*here state premises*] on [*date*].

Given under my hand this day of 20

Comptroller of Inland Revenue.

ELEVENTH SCHEDULE

(Section 30)

AUCTIONEER'S DECLARATION

I hereby solemnly declare that all the particulars contained in the licence granted to me by the Comptroller and dated under and by virtue of the provisions of the Liquor Licence Act, Cap. 18.21 are to the best of my knowledge and belief true.

Signed

Auctioneer.

Date

TWELFTH SCHEDULE

(Section 22)

SALE NOTE

No.

I hereby certify that I have this day of
sold to the following
spirits to be conveyed to the house or shop
of at

Licensed Liquor Dealer.
