
CHAPTER 372**LIQUOR LICENCES**

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CHAPTER 372

LIQUOR LICENCES

An Act relating to the sale of intoxicating liquors.

[Assent 27th February, 1939]
[Commencement 1st June, 1939]

13 cf 1939
11 cf 1940
10 cf 1941
38 cf 1957
24 cf 1960
36 cf 1961
53 cf 1963
43 cf 1964
31 cf 1967
33 cf 1967
8 cf 1969
E L A O, 1974
5 cf 1987
36 cf 1992
7 cf 1993
25 cf 1995

1. This Act may be cited as the Liquor Licences Act. Short title.
2. In this Act, unless the context otherwise requires — Interpretation.
 - “Bay Street” means Bay Street continued east to the seventh mile post and west to the fifteenth mile post;
 - “City of Nassau” means the City of Nassau as defined by the Interpretation Act or any Act passed in amendment thereto or in substitution thereof; Ch. 2.
 - “district” means the divisions of The Bahamas specified in the Third Schedule to this Act; Thrd Schedule.
 - “electors” means all such residents in any district who are for the time being entitled to vote for the election of a member or members of the House of Assembly for the constituency of which each district forms a part;
 - “hotel” means —
 - (a) at the date of the coming into operation of this Act, any premises licensed as an hotel at such date;
 - (b) after the date of the coming into operation of this Act, if situate in the Out Islands or in districts numbers 1, 7, and 8 in New Providence, a place having sleeping accommodation of not less than 10 rooms, each room having a cubic capacity of not less than 1200 feet;
 - (c) after the date of the coming into operation of this Act, if situate in any other district in New Providence, a place having sleeping

accommodation of not less than 25 rooms, each room having a cubic capacity of not less than 1200 feet;

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

“licensed premises” means any house, shop, room, office, booth, tent or bar specified in the licence of a licensee as the place where he may sell or barter intoxicating liquor;

“licensee” means a person duly licensed under this Act to sell or barter intoxicating liquor and includes a person duly authorised temporarily to carry on the business of any licensee under the provisions of this Act;

“licensing authority” means the person constituted under this Act as the authority for granting of licences and transfers of licences and generally for dealing with the same;

“members’ club” means a club composed of not less than twenty members to whom alone and their guests intoxicating liquor can be supplied;

ELAO, 1974

“Minister” means the Minister responsible for Licensing Shops and Businesses;

“passenger” means any person carried in a ship with a return ticket and who resides on such ship while the ship is in port;

“premises” means any place where intoxicating liquor is sold and includes any licensed place, dwelling house, shop, out-house or outbuilding, tent or booth adjoining or contiguous thereto or occupied therewith; and also includes any vessel in any harbour or at any wharf or within the territorial waters of The Bahamas;

“prohibitive order” means an Order made under section 27 of this Act;

“proprietary club” means a club the expenses of which are borne by a contractor or contractors, who receive the subscriptions of the members and who make profit out of the difference and also from the sale of intoxicating liquor and other refreshments;

“restaurant” means any premises of the annual rental of not less than two hundred dollars and upwards, which are capable of accommodating comfortably for meals fifty persons and upwards, and which are structurally adapted for use as a restaurant for the serving of meals and which are mainly so used; *5 cf 1987, s 2*

“rules” means rules made under this Act;

“servant” includes clerk or any person temporarily or otherwise employed, and either with or without wages;

“spirits” means every description of brandy, gin, hollands, rum, whisky, bitters, liqueurs or cordials, whether mixed with any other fluid or unmixed, but does not include wines, ciders, perry, ale, beer or other malt liquors, methylated spirits, bay rum or any spirit which is perfumed or otherwise treated and used and described for purposes of sale, as a perfume, scent or flavouring essence.

3. It shall be unlawful to sell or expose or offer for sale any intoxicating liquor within The Bahamas, except under a licence as prescribed by this Act, and except in the following circumstances —

No intoxicating liquor to be sold without licence except as provided by this Act.
Legal process.

(a) where the intoxicating liquor is sold, exposed or offered for sale by virtue of any legal process or any law authorising the sale;

(b) where the intoxicating liquor is pure alcohol exposed for sale or sold in the drug store of a licensed chemist and pharmacist, or is in the nature of medicated spirit or spirits made up in medicine and sold by a duly qualified medical practitioner or licensed chemist and pharmacist;

(c) where the intoxicating liquor forms part of the estate of a deceased person if the licensing authority authorise the sale, or where the intoxicating liquor is sold by a licensed auctioneer under conditions approved by the licensing authority;

Auction and other sales.

(d) where the intoxicating liquor is sold at premises duly registered as a members’ club:

Sales at registered clubs.

Provided that the rules of such club are strictly complied with;

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- Steamers visiting
The Bahamas
- (e) where the intoxicating liquor is sold on board any ship, calling at The Bahamas and lying outside the limits of any port, to be consumed on shipboard;
 - (f) where the intoxicating liquor is sold to passengers only on board any ship calling at The Bahamas and lying within the limits of any harbour for a period not exceeding seventy-two hours, to be consumed on shipboard.
- Kinds of licences
- 4.** Licences shall be of the following kinds —
- (a) a general licence for the sale by wholesale and retail of all intoxicating liquor;
 - (b) a wholesale licence for the sale by wholesale only of all intoxicating liquors in sealed containers and not for consumption upon the licensed premises;
 - (c) a proprietary club licence for the sale by retail of all intoxicating liquors to club members and their guests for consumption only upon the licensed premises;
 - (d) an hotel licence for the sale by retail to residents of the hotel and to guests of the management or of the residents of the hotel, of all intoxicating liquors for consumption only upon the licensed premises;
 - (e) a restaurant licence for the sale by retail of all intoxicating liquors for consumption only upon the licensed premises and only if served with food;
 - (f) an occasional licence for the sale by retail of all intoxicating liquors at any stated place during such time and between such hours as shall be specified but not exceeding three days at any one time. An occasional licence may be granted to any fit and proper person —
 - (i) in New Providence, by the chairman of the licensing authority; and
 - ¹(ii) in an Out Island, by the licensing authority.

¹ In terms of Act 36 of 1992, section 10, any reference in this Act to "an Out Island" is to be construed as a reference to "a Family Island"

5. (1) The licensing authority shall consist —
- (a) in New Providence of a stipendiary and circuit magistrate and six other persons appointed for a period not exceeding three years by the Governor-General by notice in the *Gazette*; and
- (b) in a Family Island district of seven persons appointed for a period not exceeding three years by the Governor-General by notice in the *Gazette*.
- (2) The members of the licensing authority shall hold office at the Governor-General's pleasure and where a person is appointed to fill a casual vacancy, he shall hold office for the remainder of the period for which the previous member was appointed.
- (3) No person shall be qualified to be appointed or to hold office as a member of the licensing authority if he is a member of either House of Parliament.
- (4) In a Family Island district the Commissioner shall be an *ex officio* member of the licensing authority but without the right to vote and shall perform the functions of secretary to the licensing authority.
- (5) The Governor-General shall appoint from among the members of a licensing authority a person to be chairman of the authority who in the event of an equal division of the licensing authority shall have a second or casting vote.
6. (1) The licensing authority in New Providence shall once a month hold a sitting for the purpose of receiving or hearing applications and generally for the purpose of this Act. Six days' previous notice of any sitting shall be given in the *Gazette*, and by affixing a copy of the notice on or in a conspicuous place near to the place of the intended session.
- ²(2) The licensing authority in an Out Island district shall hold a sitting as and when occasion may require, and six days' previous notice of any sitting shall be given by affixing the notice on or in a conspicuous place near to the place of intended session.

Composition of licensing authority.
53 *cf* 1961, s 3; E L A O, 1974; 36 *cf* 1992, s 2 25 *cf* 1995, s 2 and Sch

25 *cf* 1995, s 2 and Sch

Sitting of licensing authority.
36 *cf* 1992, s 3

² In terms of Act 36 of 1992, section 10, any reference in this Act to "an Out Island" is to be construed as a reference to "a Family Island".

(3) Every notice under this section shall contain the full name and address of the applicant, a full description of the premises in respect of which he is applying for a licence, and a statement of the kind of licence applied for,

Licensing authority to have magisterial powers for compelling attendance of witnesses, etc.

7. For the purpose of the exercise of the authorities, powers and duties conferred and imposed on them by this Act or the rules a licensing authority shall have all the powers of a magistrate in the exercise of his summary jurisdiction for compelling the attendance of parties and witnesses and for taking evidence on oath and may adjourn the hearing of any application or matter for further enquiry and consideration.

Discretion of licensing authority as to granting licences or transfers of licences.

8. (1) Subject to the provisions of this Act and the rules, the granting of a licence or transfer of a licence shall be at the entire discretion of a licensing authority, and upon such conditions and restrictions as the licensing authority may determine. Whenever the licensing authority impose conditions and restrictions on the granting of a licence, all such conditions and restrictions shall be endorsed on the licence.

Power to cancel licence.

(2) The licensing authority may at any time on good cause being shown and after a licensee has had an opportunity to explain any complaint against him before the licensing authority, cancel a licence, or impose restrictions and conditions in respect thereof.

24 *cf* 1960, s 2

(3) When the licensing authority have refused to grant an application for a licence in respect of certain premises or a transfer of a licence to new premises, an application in respect of the premises concerned shall not be made or if made shall not be considered by the licensing authority within six months of the refusal of the original application.

Opposition to grant.

9. (1) Any person shall be at liberty to oppose the grant of a licence or transfer of licence:

Provided that —

- (a) he has given written notice to the licensing authority and to the applicant of his intention to oppose the grant, and has stated in such notice in general terms, the grounds of opposition; and
- (b) such notice has been given to the licensing authority and to the applicant not less than three days before the day fixed for the holding of the licensing session or before the day fixed for the hearing of the application.

(2) A licensing authority may, notwithstanding that notice of opposition shall not have been given, adjourn the hearing of the application to a future day, and require the attendance of the applicant and any person concerned on such day when the matter will be heard and the objection considered as if the notice hereinbefore prescribed had been given:

Provided that an applicant for the grant of a licence shall not be required to attend the hearing of the application unless notice of objection to the application was given or the applicant has been informed that there is some other lawful objection to the grant of the licence.

36 cf 1992, s 4

(3) Any applicant for, or any person objecting to the granting of, a licence or transfer of a licence, or any person whose licence has been cancelled or who has had restrictions and conditions imposed on his licence, who is dissatisfied with the decision of the licensing authority in New Providence shall have a right of appeal to the Supreme Court, and in such event the provisions relating to appeals from magistrates contained in any Act shall apply to such appeal.

Right of appeal from decision of licensing authority.

10. No general licence shall be granted in any district where a prohibitive order is in force.

Restriction on grants of licences.

36 cf 1992, s 5

Issue of licences.

11. (1) When the licensing authority in New Providence have decided to grant any licence or the transfer of any licence, they shall give to the applicant an order for the issue thereof, which the applicant shall within three months present to the Treasurer and pay the fees due according to the scale set forth in the First Schedule to this Act, and thereupon the Treasurer shall issue to the applicant the proper licence or the transfer of a licence.

First Schedule.

(2) When the grant of any licence or the transfer of any licence in a Family Island district has been approved by the licensing authority, notice thereof shall be given to the applicant by the licensing authority. The applicant shall within three months attend upon the Commissioner and pay to him the fees due according to the scale set forth in the fifth paragraph of the First Schedule to this Act, and the licensing authority shall issue to the applicant the proper licence or the transfer of a licence.

36 cf 1992, s 7

Conditions
governing issue
and duration of
licences

12. The following conditions shall be observed with respect to the issue of all licences —

- (a) no general licence shall be granted in respect of premises which have an entrance from the said premises on to Bay Street or within forty feet of Bay Street;
- (b) not more than six proprietary club licences shall be granted in respect of premises situate on the north or south side of Bay Street between George Street on the west and Armstrong Street on the east;
- (c) every licence shall be granted in respect of certain premises named and described in the licence;
- (d) except as provided by this Act a licence shall not be transferable;
- (e) no licence shall be issued to any person who is under twenty-one years of age, or, subject to the provisions hereinafter contained as to forfeiture of a licence or disqualification of a licensee, to any person who has been convicted of a second offence under this Act, or to any person who has been convicted of felony, or of any misdemeanour or crime which in the opinion of the licensing authority in New Providence renders him unfit to be a licensee;
- (f) no general licence shall be issued in any district where the premises in which the applicant proposes to carry on business are situated at a less distance than one hundred yards from any other premises of a similar character:

Provided that the provisions of this paragraph shall not apply to any premises licensed at the coming into operation of this Act;

- (g) no licence shall be granted by a licensing authority unless and until they are satisfied that —
 - (i) the applicant is a fit and proper person to be entrusted to sell intoxicating liquors;
 - (ii) the premises in which the applicant proposes to carry on his business are in their opinion suitable for the conduct of business under the particular form of licence for which he is an applicant and are situated and constructed in accordance with the provisions of this Act and the rules;

11 cf 1940, s 2

- (iii) no reasonable objections exist to the applicant being licensed or to the grant of the licence or transfer applied for:

Provided that it shall be lawful in any special case for the licensing authority to grant provisionally a general or wholesale licence for a period of three months or longer, but any such licence shall expire on or before the thirty-first day of December, in the year of issue of such licence;

- (h) subject to the provisions of this Act, no licence shall remain in force for a longer period than one year, and every licence shall, whatever may be the date of issue of the same, terminate on the thirty-first day of December in each year:

Provided that, where an application for a licence or transfer of a licence is made and granted and the period of one year would extend beyond the thirty-first day of December next succeeding the issue thereof, such licence or transfer thereof shall only be granted for the period which would expire on the thirty-first day of December next succeeding and the applicants shall pay therefor a proportionate part of the sum payable for a year for the particular kind of licence. Such proportionate part shall in no case be less than one quarter of the sum payable for the whole year, and the whole of the month in which the application is granted shall be included in calculating the amount to be paid.

13. (1) It shall be lawful for the licensing authority to grant a transfer of any licence upon such conditions and restrictions as the licensing authority may determine.

Transfer of
licences.

(2) A transfer of licence may be made to any person approved by the licensing authority.

(3) No transfer of a licence shall be made to any person to whom a licence could not be granted under this Act.

(4) A transfer of a licence to new premises shall not be made unless and until the licensing authority have been satisfied that such new premises to which the licence is proposed to be transferred are so situated and constructed as, in their opinion, to be suitable for the conduct of the

business by the licensee and to be in accordance with the provisions of this Act and the rules.

36 *cf* 1992, s 8

(5) Every transfer of a licence to a new licensee or to new premises shall be in such form as may be prescribed by the rules. In New Providence the transfer shall be signed by the Treasurer on production to him of the order of transfer made by the licensing authority, and in a Family Island district by the commissioner as secretary to the licensing authority. The original licence shall be delivered up to the Treasurer or the Commissioner unless it is proved to his satisfaction that it has been lost or destroyed.

36 *cf* 1992, s 8

(6) The chairman of the licensing authority, may, on proof to his satisfaction of the death, insanity, bankruptcy, insolvency or incapability from sickness or other infirmity of a licensee, give a provisional authority to some fit and proper person approved by the chairman to carry on the business of the licensee upon the licensed premises until the next sitting of the licensing authority, when an application for the transfer of the licence must be made in accordance with the provisions of this Act and the rules. Such provisional authority shall be endorsed by the chairman on the licence.

Duties and Obligations cf Licensees

Licences to be affixed to premises.

14. Every licensee holding a licence under the authority of this Act shall cause such licence to be posted in a conspicuous place on the licensed premises.

No person under 18 to be employed.

38 *cf* 1957, s 2

15. (1) No licensee other than the holder of an hotel licence, a proprietary club licence, or a restaurant licence shall employ in any capacity whatever on the licensed premises any person under eighteen years of age.

Restrictions on children taking part in entertainment on licensed premises.

5 *cf* 1987, s 2

(2) A child under the age of fourteen years shall not, except under and in accordance with the provisions of a special licence granted by the licensing authority, take part in any entertainment on licensed premises; and every person who causes or procures such a child, or being his or her parent or guardian allows him or her to take part in an entertainment in contravention of this section, shall, on summary conviction, be liable to a fine not exceeding forty dollars, or in the case of a second or subsequent offence not exceeding eighty dollars.

(3) All special licences under the authority of this section shall be issued free of charge and shall contain such terms and conditions as may be specified by the licensing authority and may at any time be revoked, amended or altered by the licensing authority.

16. (1) No licensee other than the holder of a hotel licence, a proprietary club licence or a restaurant licence shall sell, expose for sale, or otherwise dispose of any intoxicating liquor on Sunday or before the hour of seven o'clock in the morning or after the hour of nine o'clock in the evening on any week day, unless otherwise authorised by the licensing authority.

Hours of closing.
11 cf 1940, s 2

(2) Licensed premises, other than an hotel, proprietary club or restaurant licensed under this Act for the sale of intoxicating liquor, shall be subject to the provisions of the Public Holidays Act:

31 cf 1967, Sch
Ch. 36.

Provided that the licensing authority may authorise the sale of intoxicating liquor in any licensed premises notwithstanding anything in the Public Holidays Act or in any other Act to the contrary.

17. No licensed premises, other than an hotel, proprietary club or a restaurant in which intoxicating liquor may be lawfully sold, nor any door or window thereof, shall be opened or kept open, nor shall any person be or remain therein except during the hours in this Act prescribed for selling such liquor as aforesaid, without the special permission of the licensing authority:

No door or window to be left open during closing hours.

Provided that this section and section 16 of this Act shall be construed subject to the provisions in this Act contained with regard to occasional licences.

18. No licensed premises, other than an hotel, proprietary club or restaurant in which intoxicating liquor may be sold under an hotel licence, proprietary club licence or a restaurant licence, shall be so constructed as to have any means of communication with any other room or building not included in the licensed premises.

No communication with other buildings.

19. A licensee holding a wholesale licence may sell any quantity of intoxicating liquors being in sealed containers. Intoxicating liquors sold under a wholesale licence must not be drunk on the licensed premises.

Rights of sale under wholesale licence.

Removal of
disorderly
person

20. Any licensee or his servant or agent may refuse to admit to, and may turn out of, the licensed premises any person who is drunk, violent, quarrelsome or disorderly and any person whose presence on his premises would subject him to a penalty under this Act.

Members' and Proprietary Clubs

Registration and
licensing of clubs

21. (1) The secretary of every club which occupies any premises habitually used for the purpose of a club and in which any intoxicating liquor is supplied to members or their guests, shall cause the club to be registered or licensed in the manner herein provided, and the licensing authority may authorise the Treasurer to register or license any club for the sale of intoxicating liquor therein for any period not exceeding one year, if the secretary of such club shall forward to the licensing authority an application for such registration signed by the chairman or secretary of the club, stating the name and object of the club and the address of the club and the address of the premises occupied by the club, together with two copies of the printed rules of the club and a list containing the names and addresses of the officials and committee of management or governing body and the names of the members:

Provided that no registration or licence shall extend beyond the thirty-first day of December succeeding the date of registration or issue of the licence.

(2) The secretary of any club desiring a renewal of the registration or licence shall, at a date not later than fourteen days prior to its expiry, make application for such renewal in the same manner as in the case of an original application for registration or licence.

(3) No club shall be registered or licensed under this Act unless it complies with the undermentioned conditions; and, if after being registered or licensed any club shall cease to comply with such conditions or otherwise contravene the same, the licensing authority may cause such club to be struck off the register forthwith or cancel its licence; that is to say the conditions following —

(a) the rules of the club shall be printed and contain provisions to the following effect —

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- (i) in the case of a members' club that the business and affairs of the club shall be under the management of a committee or governing body, elected for not less than six months by the general body of members and subject in whole or in specified proportion to annual re-election, and that no member of the committee or the governing body and no manager or servant employed in the club shall have any personal interest in the sale of intoxicating liquor therein or in the profits arising from such sale.

In the case of a proprietary club that the business and affairs of the club shall be under the management of a committee or governing body elected for not less than six months by the general body of members or appointed for not less than six months by the contractor or proprietor or partly elected and partly appointed as aforesaid, and subject in whole or in specified proportion to annual re-election or re-appointment;

- (ii) that the committee or governing body shall hold periodical meetings;
- (iii) that the names and addresses of persons proposed as ordinary members of the club shall be displayed in a conspicuous place in the club premises for at least a week before their election;
- (iv) that all members shall be elected by the whole body of members or by a committee of the club;
- (v) that there shall be a defined subscription payable by members;
- (vi) that correct accounts and books shall be kept showing the financial affairs and intromissions of the club;
- (vii) that in the case of a members' club a guest shall not be supplied with intoxicating liquor in the club premises unless on the invitation and in the company of a member, and that the member shall, upon the admission of such guest to the club premises or before he is supplied with such liquor,

enter his own name and the name and address of the guest in a book which shall be kept for the purpose and which shall show the date of each visit;

11 cf 1940, s 2

- (viii) that in the case of a proprietary club intoxicating liquor shall not be sold to a guest in the club premises unless a member shall, upon the admission of such guest to the club premises, or before he is supplied with such liquor, enter his own name and the name and address of the guest in a book which shall be kept for the purpose and which shall show the date of each visit;
 - (ix) that in the case of a members' club no intoxicating liquor shall be sold or supplied for consumption outside the premises of the club except to a member;
 - (x) that no person shall be allowed to become an honorary or temporary member of the club or be relieved of the payment of the regular entrance fee or subscription except a person possessing certain qualifications defined in the rules of the club or subject to conditions and regulations prescribed therein;
 - (xi) that no person under eighteen years of age shall be admitted a member of the club, unless the club is one primarily devoted to some athletic purpose and in the latter case that no intoxicating liquor shall be sold or supplied to any member or person under eighteen years of age;
- (b) the club shall not at any time cause a nuisance to occupants of neighbouring premises, and if the Commissioner of Police shall serve at the club premises notice of any such nuisance the committee of management or governing body of the club shall take prompt steps effectually to abate such nuisance.

(4) The granting of a licence to a proprietary club and the registration of a members' club shall be at the entire discretion of the licensing authority and upon such conditions and restrictions as the licensing authority may determine.

(5) No members' club shall be registered unless the licensing authority are satisfied that it is a members' club in fact and in practice even though its printed rules appear to be in order.

Offences

- 22.** Any person who — Offences
- (a) not holding a licence under this Act, either personally or by a servant or other person on his behalf sells or otherwise disposes of any intoxicating liquor to any other person or offers or exposes intoxicating liquor for sale;
 - (b) holding a proprietary club licence only, either personally or by a servant or other person on his behalf sells by wholesale any intoxicating liquor;
 - (c) holding a wholesale licence, either personally or by a servant or other person on his behalf, suffers any other person to whom he has sold or disposed of any intoxicating liquors to drink such intoxicating liquors or any part thereof on the premises;
 - (d) being a licensee, by himself or his servant harbours or entertains or sells to any peace officer or treats him to any intoxicating liquor during the time such peace officer is on duty or during such time without reasonable excuse detains or suffers such peace officer to remain or abide on his premises, or bribes or attempts to bribe any peace officer;
 - (e) being a licensee, by himself or his servant refuses or fails to admit to his premises on demand any peace officer when in the execution of his duty, or obstructs, hinders, misleads, or assaults any such peace officer when in the execution of his duty;
 - (f) being a licensee, refuses to produce on demand his licence to any peace officer when in the execution of his duty;
 - (g) being a licensee, either by himself or his servant, harbours or conceals any seaman being at the time under agreement to serve on board any vessel belonging to or having arrived at any port

in The Bahamas, or entices, or encourages any such seaman to leave or desert from his vessel, or is knowingly instrumental thereto;

- (h) being a licensee, either by himself or his servant, permits his premises to be or to be used as a brothel;
- 33 *cf* 1967, s 2 (i) being a licensee, either by himself or his servant, sells any intoxicating liquor to any person who is under eighteen years of age or sells any intoxicating liquor to any drunken person or suffers any drunken person to remain on the premises;
- 8 *cf* 1969, Third Sch (j) being a licensee, either by himself or his servant, suffers any gambling or game of chance or any unlawful games to take place on the premises in contravention of any of the provisions of the Lotteries and Gaming Act;
- Ch 387 (k) being a licensee, either by himself or his servant, knowingly permits his premises to be the habitual resort or place of meeting of notorious bad characters, thieves or reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution or allows any such person to remain on his premises longer than is necessary for the purpose of obtaining reasonable refreshments;
- (l) being a licensee, either by himself or his servant, sells or otherwise disposes of intoxicating liquor in any premises other than those in respect of which his licence is issued except as provided by this Act;
- (m) being a licensee, other than the holder of an hotel, proprietary club or restaurant licence and except as provided by this Act, either by himself or his servant, sells or exposes or offers for sale any intoxicating liquor, or opens or keeps open any part of his licensed premises in which intoxicating liquor may be sold, or permits any person to be or remain in such part on any night after the hour of nine o'clock or on any morning before the hour of seven o'clock unless such hours are extended by the licensing authority;
- (n) being a licensee under this Act fails or neglects to post his licence in a conspicuous place on the licensed premises;

- (o) being the holder of a licence, other than an hotel, proprietary club or restaurant licence, knowingly employs in any capacity whatever in any shop or place where intoxicating liquor may lawfully be sold any person under eighteen years of age;
- (p) being a licensee, knowingly sells or allows any person to sell, to be consumed on the premises; any intoxicating liquor to any person under eighteen years of age; *33 cf 1967, s 2*
- (q) being a licensee and having been ordered by a magistrate or, where there is no magistrate, a justice of the peace, to close his licensed premises in consequence of a riot or tumult or expected riot or tumult keeps open his licensed premises for the sale of intoxicating liquor during any time at which the magistrate or justice of the peace has ordered them to be closed,

shall be liable for the first offence to a penalty of one hundred dollars or to imprisonment for three months, and for the second or any subsequent offence to a penalty of two hundred dollars or to imprisonment for six months. *5 of 1987, Sch*

23. If a licensee is convicted of a second or subsequent offence against this Act he may by order of the court by which he is tried, forfeit his licence and be disqualified for any term, or forever, from holding any licence under this Act. *After conviction licence may be forfeited for subsequent offence*

24. (1) If any person shall without a licence either barter, truck or exchange, or shall in any manner give, lend or dispose of intoxicating liquor either for provisions or for goods or labour, or as the pay, wages, reward or other remuneration or part remuneration for labour he shall be taken to have sold or disposed of intoxicating liquor without a licence and contrary to the provisions of this Act and shall be liable to a penalty of forty dollars. *General offences*

- (2) Every person who —
- (a) has in his possession intoxicating liquor for the purpose of selling, bartering, exposing for sale or disposing of the same contrary to the provisions of this Act;
- (b) has in his possession for the purpose of sale or barter any spirits or intoxicating liquor adulterated with any drug or any pernicious ingredients,

shall be liable to a penalty of forty dollars. *5 cf 1987, s 2*

5 *cf* 1987, s 2 (3) Any drunk, or disorderly person, or any person whose presence on the licensed premises would subject the licensee to a penalty under this Act, who, upon being requested by the licensee, his agent or servant or by any peace officer to quit the licensed premises, refuses or fails so to do shall be liable to a penalty of twenty dollars.

5 *cf* 1987, s 2 (4) Any person who sells or supplies intoxicating liquor to any member or guest on the premises of an unregistered club, and every person authorising the sale or supply of such liquor shall be liable to a penalty of forty dollars.

5 *cf* 1987, s 2 (5) Any person who delays, obstructs or otherwise interferes with any public officer or any peace officer in the discharge of any authority conferred or duty imposed under this Act shall be liable to a penalty of forty dollars.

5 *cf* 1987, s 2 (6) Any person who commits a breach of or fails to comply with the provisions of this Act with respect to the sale of intoxicating liquor or the premises in which intoxicating liquor is sold shall, where no other penalty is herein provided, be liable to a penalty of forty dollars.

Powers of Entry and Search

Power of police to enter premises 25. It shall be lawful for any peace officer to enter any licensed premises and also any unlicensed premises in which there is reasonable cause to suspect that any intoxicating liquor is being sold or kept for sale at any time for the purpose of preventing or detecting the violation of any of the provisions of this Act and to remain on such premises for so long as is necessary for the carrying out of his duty.

Warrant 26. (1) If upon information given on oath, it appears to any magistrate or justice of the peace that there is reasonable cause to suspect that intoxicating liquor is being sold or kept for sale by any person not being a licensee under this Act on any premises or by any licensee in any premises not specified in his licence, such magistrate or justice of the peace may, by warrant under his hand directed to any peace officer, authorise such peace officer to enter and search such premises and by the said warrant may, if he thinks fit, specially authorise such peace officer to enter and search such premises at any time of the day or night and moreover, if he thinks fit, may specially

authorise such peace officer with or without assistance, after having made known his authority, to break open or otherwise use force in order to effect an entry:

Provided that this subsection shall not apply to the storing of intoxicating liquor in a warehouse used in connection with the business of a licensee.

(2) If upon search under this section, or upon any entry on unlicensed premises under section 25 of this Act any intoxicating liquor or vessel used for the holding or measuring the same is found, the peace officer executing the warrant shall take possession of and secure such intoxicating liquor or vessel, and apprehend and bring before a magistrate not only the occupier of the premises in which the same are found but also every other person found in such premises who appears to have been employed or assisting in the sale of intoxicating liquor; and unless it be made to appear to such magistrate that such intoxicating liquor was not deposited for the purpose of being sold in such premises, the occupier of the premises in which the intoxicating liquor is found and every person so appearing to have been employed as assisting in the sale thereof in such premises shall be liable to a penalty of eighty dollars.

5 cf 1987, s 2

(3) All intoxicating liquor found on any such search or entry, together with all vessels used for holding or measuring the same or in any way in and about the retailing thereof shall upon any conviction in respect thereof be forfeited.

27. (1) Subject to the provisions of this Act and to the rules of procedure prescribed in the Second Schedule to this Act it shall be lawful for the Minister by order —

Powers of
Minister
E L A O , 1974
Second Schedule

- (a) to declare that no general licence shall be issued to any person in any district;
- (b) to make rules for all or any of the following purposes —
 - (i) the appointment of persons to take polls and make returns as provided in the Second Schedule to this Act;
 - (ii) the manner in which such polls are to be taken and such returns made;
 - (iii) the charges and expenses of taking such polls and making such returns.

(2) A prohibitive order shall remain in force for three years from the day of its coming into force, and thereafter shall continue in force until it is revoked in the manner provided in the rules of procedure prescribed in the Second Schedule to this Act.

Procedure

Proceedings to be summary.

28. (1) All proceedings for offences against this Act and for the recovery of any penalty, forfeiture of money under this Act shall be before a magistrate or justice of the peace having jurisdiction in the place where the offence was committed and the magistrate or justice of the peace shall dispose thereof summarily.

(2) All such proceedings may be prosecuted in the name of the Commissioner of Police or by a peace officer or revenue officer.

Onus of proof generally.

29. In all proceedings taken against any person for selling intoxicating liquor contrary to this Act, the onus of proving that he is licensed to sell intoxicating liquor shall lie on the defendant.

Evidence of sale or consumption.

30. In proving the sale or consumption of intoxicating liquor for the purpose of any proceeding relative to an offence or penalty under this Act it shall not be necessary to show that any money actually passed or that any liquor was actually consumed if the magistrate or justice of the peace hearing the case is satisfied that a transaction in the nature of a sale actually took place; and proof of consumption or intended consumption of intoxicating liquor, on licensed premises, by some person other than the occupier of, or a servant in, such premises shall be evidence that such liquor was sold to the person consuming, or being about to consume, or carrying away the same, by or on behalf of the licensee.

Presumption of guilt.

31. In order to warrant the conviction of any person for bartering, selling, trading in, exposing or offering for sale any intoxicating liquor in any place or premises without a licence, it shall be sufficient, in the absence of contrary evidence, to prove that some other person other than the occupier of or servant in such place or premises shall, at the time charged, have been found in such place or premises drinking or having had intoxicating liquor supplied to him therein, and that such place or premises

is or are by repute kept for the purpose of selling intoxicating liquor contrary to the provisions of this Act, or that such place or premises at the time charged contained drinking utensils and fittings usually found in licensed premises.

Miscellaneous

32. All intoxicating liquor and the vessels containing the same declared by this Act to be forfeited shall be sold by order of the convicting magistrate or justice of the peace in such manner and form as he shall direct and the net proceeds arising from such sales shall be paid into the Consolidated Fund.

Sale of condemned liquor and appropriation of proceeds of sale.

33. Any magistrate, or if there is no magistrate any justice of the peace in any place where any riot or tumult happens or is expected to happen may order every licensee in or near the place where such riot or tumult happens or is expected to happen to close his licensed premises during such time as the magistrate or justice of the peace may order; and any person acting in obedience to the order of the magistrate or justice of the peace may use such force as may be necessary for the purpose of closing the licensed premises.

Power to close liquor shops in case of riot.

34. The licensing authority, upon such evidence as they may deem sufficient to show that it is necessary or desirable so to do for the convenience of any number of persons, may grant to any licensee an order permitting him to keep open his licensed premises after the hour of nine o'clock in the evening during such time as may be specified in the order.

Extension of business hours.

35. Subject to the provisions of this Act it shall be lawful for the Minister after consultation with a licensing authority to make rules in respect of all or any of the following matters —

Rules.
ELAO, 1974
36 cf 1992, s 9

- (a) for prescribing the form of licences, orders, notices and other documents to be used under this Act;
- (b) for regulating and relating to the general structure of, and the position of any doors or windows or means of communication to and with any shop or place for which an applicant desires a licence;

- (c) for regulating the procedure to be adopted in any proceedings before a licensing authority;
- (d) generally for carrying into effect all the provisions of this Act.

Expenses. **36.** All expenses incurred in carrying this Act into execution shall be paid out of the Consolidated Fund by warrant in the usual manner.

5 cf 1987, s 2

FIRST SCHEDULE (Section 11)

FEES

In New Providence

	\$
1. Throughout New Providence —	
7 cf 1993, s 7 A wholesale licence	150.00
A proprietary club licence except within the limits of that portion of the Settlement of Fox Hill which lies within two hundred yards of the Fox Hill Parade	120.00
A proprietary club licence within that portion of the Settlement of Fox Hill hereinbefore defined...	60.00
An occasional licence per diem	4.00
7 cf 1993, s 7 A restaurant licence	200.00
An hotel licence —	
(a) Hotel containing not less than 10 rooms and not more than 25 rooms	80.00
(b) Hotel containing not less than 25 rooms and not more than 100 rooms	120.00
(c) Hotel containing over 100 rooms	160.00
Registration fee for a members' club.....	4.00
2. Within the limits of the City of Nassau —	
A general licence	200.00
3. All that part of New Providence situated east of a line drawn from the junction of Bay Street and Shirley Street directly across the Island of New Providence —	
A general licence	60.00
4. Any part of New Providence not within the Districts defined in paragraphs 2 and 3 —	
A general licence	120.00

In Out Islands

5. In the Out Island —	
A general licence	20.00
A wholesale licence	20.00
A proprietary club licence.....	20.00
An occasional licence <i>per diem</i>	2.00
An hotel licence	20.00
A restaurant licence	16.00
A registration fee for a members' club	4.00

SECOND SCHEDULE (Section 27)**LOCAL OPTION RULES OF PROCEDURE**

The following are the rules of procedure referred to in section 27 of this Act —

To Procure a Prohibitive Order

1. A petition signed by not less than one-fourth of the electors residing in any district may be presented to the Governor-General praying that a prohibitive order be made for such district. Petitions.
2. On the Governor-General being satisfied that the petition is in accordance with rule one, an Order shall be made and be inserted in not less than three successive issues of the *Gazette*, reciting that a petition has been duly presented, and declaring that on a certain day a poll will be held for taking the votes of the electors in the district for or against the petition. Order for polling.
3. On the day appointed as aforesaid, a poll shall be taken as aforesaid, and the returning officer shall without delay make a return to the Governor-General showing the result of such polling. Poll and return.
4. If a majority of the votes polled is in favour of the petition, the Governor-General shall, within ten days of the return being received, make a prohibitive order applying to such district as aforesaid. Prohibitive order.
5. The prohibitive order shall be published in the *Gazette*, and shall take effect on publication. Publication.

To Procure the Revocation of a Prohibitive Order

Same procedure
mutatis mutandis

6. The same procedure as is prescribed for the procuring of a prohibitive order shall apply to the procuring the revocation of the same. Save only that the petition shall pray for the revocation of the order, and that the poll shall be held to take the votes for or against such revocation; and that in case the majority of votes polled is in favour of such revocation the order made and published shall be an order revoking such prohibitive order.

Generally

No second
petition within a
year

7. Where the majority of the votes polled is not in favour of either of such petitions as aforesaid, it shall not be lawful for any similar petition to be presented from the same district with a similar object till the expiration of twelve months from the date of the return showing that such petition has been rejected.

THIRD SCHEDULE (Section 2)**DISTRICTS***New Providence*

The Island of New Providence to be formed and divided into nine separate “Districts” to be called, designated and known by numbers as follows —

District No. 1. All that part of the Island of New Providence lying to the east of Mackey Street, in due north and south line, across the island from sea to sea.

District No. 2. All that part of the said Island lying between Mackey and Deveaux Streets, and the continuation of those streets, in due north and south lines, across the island from sea to sea.

District No. 3. All that part of the said island lying between Deveaux and East Streets and the continuations thereof in due north and south lines, across the island from sea to sea.

District No. 4. All that portion of the City of Nassau lying between East and Cumberland Streets, and extending from the sea or harbour on the north, to East Hill, Prince’s and Duke Streets to the south.

District No. 5. All that part of the said City of Nassau lying between Cumberland and West Streets, and extending from the sea or harbour on the north, to West Hill Street to the south.

District No. 6. All those portions of the western suburbs of the said City of Nassau and Delancy Town, lying between West and Nassau Streets and extending from the sea or harbour on the north to Delancy Street to the south.

District No. 7. All that part of the said Island of New Providence lying between East and Market Streets and their continuations, from Wulff Road, in due south lines across the island, and extending from East Hill Street on the north, to the sea on the south side of the island.

District No. 8. All that part of the said island lying between Market and West Streets, and their continuations in due south lines across the island, and extending from Prince's, Duke and West Hill Streets on the north, to the sea on the south side of the island.

District No. 9. All that western portion of the said island extending from Nassau Street and West Street continued southwardly from Delancy Street, to the west end of the island, and lying between the sea and Delancy Street on the north, and the sea on the south side of the island.

Out Islands

The undermentioned townships and settlements on the Out Islands of The Bahamas shall be each a separate "District," namely —

Harbour Island

District No. 1. All that portion of Dunmore Town lying to the west of Dunmore Street and known as the "Old Town."

District No. 2. All that portion of the said town, lying to the east of Dunmore Street, and known as the "New Town" and suburbs.

District No. 3. The settlement of Spanish Wells, St. George's Cay, Eleuthera.

District No. 4. The Bluff settlement, Eleuthera.

District No. 5. The Bogue settlement, Eleuthera.

District No. 6. The Current settlement, Eleuthera.

Eleuthera

District No. 1. All that part of the Island of Eleuthera, extending from Gregory Town, Pitman's Cove, to Alice Town, Hatchet Bay (both included).

District No. 2. The settlement on Cupids Cay, Governor's Harbour.

District No. 3. The settlement of Windermere, Savannah Sound.

District No. 4. The settlement of Glenelg, Tarpum Bay.

District No. 5. The settlement of New Portsmouth, Rock Sound.

District No. 6. All that part of the island extending from Rock Sound to the East End.

Cat Island

District No. 1. Arthur's Town and the settlement in the vicinity of Orange Creek.

District No. 2. The settlement of Bennet's Harbour and the Bluff.

District No. 3. The settlement known as Smith's Bay.

District No. 4. The settlement called The Bight.

District No. 5. The settlement at Port Howe.

District No. 6. The settlement at Devil's Point.

A District. The Island of Rum Cay.

A District. Watling's Island or San Salvador.

The Exumas

District No. 1. The Island of Little Exuma.

District No. 2. All that part of the Island of Great Exuma including Moss Town, George Town and all settlements eastwardly up to The Ferry.

District No. 3. All that part of the Island of Great Exuma lying westwardly of Moss Town and George Town.

Long Island

District No. 1. The southern portion of the island from the South End to Clarence Town (included).

District No. 2. That portion of the island from Clarence Town to The Bight, including Dead Man's Bay.

District No. 3. That portion of the island from the Bight to Simms' Settlement.

District No. 4. That portion of the island from Simms' Settlement to the North End.

A District. Fortune and Crooked Islands.

A District. Acklins Island.

A District. The Island of Great Inagua.

A District. The Island of Mayaguana.

A District. Ragged Island.

Andros Island

District No. 1. Nicolls' Town.

District No. 2. Fresh Creek and Stanyard Creek.

District No. 3. Mangrove Cay and Golding Cay.

District No. 4. Long Bay Cay and Deep Creek.

A District. The Berry Islands.

The Biminis

District No. 1. Alice Town-western portion.

District No. 2. Alice Town-eastern portion, known as "Bailey Town".

Grand Bahamas

District No. 1. From east end of Grand Bahama including the settlement of Carrion Crow Harbour and Lightbourn Cay to the settlement of Golden Grove.

District No. 2. From the settlement of Golden Grove including Barnett's Point to Hawk's Bill Creek.

District No. 3. From Hawk's Bill Creek to the West End of Grand Bahama.

Abaco

District No. 1. The township of New Plymouth, Green Turtle Cay.

District No. 2. Hope Town-Little Guana Cay.

District No. 3. The settlement of Marsh Harbour.

District No. 4. The settlement of Cherokee Sound.