ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER L75

LIQUOR LICENCES ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 8/2007, in force 1 January 2007
Act 17/2008, in force 1 November 2008
Act 6/2010, in force 1 November 2008

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LIQUOR LICENCES ACT

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LIQUOR LICENCES ACT

Interpretation

1. 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 Anguilla in bulk;

"compliance officer" means a person designated as such under section 7 of the Inland Revenue Department Act;

(Act 6/2010, s. 41)

"Comptroller" means the Comptroller of Inland Revenue;

(Act 6/2010, s. 41)

"licence" means a 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 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;

"licensed person" means any person who shall have obtained a licence to sell liquor by retail in accordance with the provisions of section 9 and, for the purposes of this Act, shall include any person to whom a beer 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 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;

"public holiday" includes Sunday, Good Friday, Christmas Day and every public holiday under the Public Holidays Act;

"restaurant" means any premises which is *bona fide* used or intended to be used for the purpose of habitually providing for reward food for persons frequenting the premises;

"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 Governor in Council so to do;

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"sale note" means a numbered document in the form set forth in Schedule 7 which, under and by virtue of the provisions of this Act, shall be presented by the vendor of any spirits, exceeding in quantity 1 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;

(Act 6/2010, s. 41)

"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;

"sell wholesale" means to sell any liquor in any quantity of not less than 1 pint or reputed pint in bottles, or 1 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.

Licence to sell liquor necessary

2. No person shall sell, expose for sale, or keep for the purpose of selling, any liquor whatsoever unless he shall first have obtained the licence, required to be issued in that behalf by the Comptroller, under the provisions of this Act, but 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 Anguilla in any quantity of not less than 50 gallons; or

(b) any physician, surgeon, druggist or chemist with respect to any liquor that he may use in preparing or dispensing medicines.

(Act 6/2010, s. 41)

Special Magistrate's Court to be held for receiving and considering applications for licences

3. On the 2nd day of January, the 2nd day of April, the 2nd day of July, and the 2nd day of October in every year, or in the event of those dates falling on a Sunday or public holiday, then on the weekday immediately preceding such date, the Magistrate shall hold a special Court for the purpose of receiving and considering the applications of persons for licences and the renewal of licences to sell intoxicating liquors, either wholesale or retail, and of giving certificates as hereinafter provided authorising the granting of such licences, and may adjourn such Court as may be necessary.

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Notice to be given by applicant

4. Every person intending to apply to the Magistrate for a certificate under this Act shall, not less than 21 days before he applies, give notice in writing of his intention in the form set out in Schedule 1 to the Magistrate and to the Commissioner of Police, and shall also publish the notice in one of the public newspapers on some day not more than 4 and not less than 2 weeks before the proposed application, and shall in such notice set forth his name and address, and a description of the licence or licences for which he 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 28 days before such application is made, cause a like notice to be affixed and maintained between the hours of 10 a.m. and 5 p.m. of 2 consecutive Sundays on the door of such premises; and, on receipt of the notice, the Magistrate shall cause a copy thereof to be affixed to some conspicuous part of the Magistrate's Court House and to be maintained thereon until after the day appointed for the special Court but, when application is to be made to the 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

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

(a) he need not attend in person at the special session unless he 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 7 days before such special Court, but 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

6. The Magistrate shall hear any objection to be made by the Commissioner 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; appeal of refusal to a Judge in Chambers

7. In all cases where the Magistrate, having heard the application and the evidence in connection therewith, considers that the licence should be granted, he shall grant to the applicant a certificate in the form set forth in Schedule 2, specifying the particular kind of licence which may be issued to such applicant and the Comptroller shall require the production of such certificate before he shall issue to such applicant the licence required, but in all cases where the Magistrate shall refuse to grant such certificate, the applicant may appeal to a Judge of the High Court sitting in Chambers, and such Judge

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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.

(Act 6/2010, s. 41)

Grounds for refusal of application

8. 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 12 months been a holder of a licence in any part of Anguilla, has allowed his licensed premises to become a nuisance to his neighbourhood;

(d) that the premises for which the application is made are so situated 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 application;

(g) that the applicant has not attained the age of 18 years;

(h) that a licence previously held by the applicant under this Act in respect of premises under his own management or immediate supervision has, within the preceding 2 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.

Comptroller to issue licence on receipt of certificate and payment made

9. (1) Subject to subsections (2) and (3), 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 such certificate; and the Comptroller on receipt of such certificate, together with such sum as is prescribed under section 56, as being payable in respect to the particular licence required, shall issue a licence to such applicant in the form set out in Schedule 3, 4, or 5, according to the particular licence required.

(Act 6/2010, s. 41)

(2) The Comptroller may at any time on payment of a fee of $5 under his hand grant a licence to any person holding any licence under this Act to sell such liquor as his 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 and the Comptroller may in like manner at any time on payment of a fee of $10 for each day under his hand grant a licence to any

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person not holding any licence under this Act to sell by retail any liquor or beer 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

(Act 6/2010, s. 41)

(3) The Governor in Council may, for the encouragement of local agriculture and industry, at any time under his hand, grant a licence to any person to sell wine made and from grapes grown within Anguilla either wholesale or by retail for such period of time and subject to such conditions as may be prescribed in the licence.

Restaurant licence, how obtained

10. (1) 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 Governor in Council and the Governor in Council may, if he sees fit, authorise the Comptroller to issue such restaurant licence to such applicant.

(Act 6/2010, s. 41)

(2) Nothing in this Act shall be construed to exempt any person being the proprietor of a restaurant from the requirements of the Trades, Businesses, Occupations and Professions Licensing Act[*].

(Act 8/2007, s. 1)

Restaurant licence

11. The Comptroller shall, when so authorised by the Governor in Council, and not otherwise, and on receipt of such sum as is prescribed under section 56 as being payable in respect thereof, issue to such applicant a restaurant licence, in the form set forth in Schedule 6, 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 is, for the purposes of this Act, deemed to be a licensed person, and the premises in respect of which such restaurant licence shall be issued are deemed to be licensed premises, but 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.

(Act 6/2010, s. 41)

Beer licence, how obtained

12. Notwithstanding anything hereinbefore contained, any person desirous of obtaining a beer licence may apply to the Magistrate for a certificate in the same way, at the times and subject to the same conditions provided in sections 3 to 9.

Holder of beer licence to sell malted liquor only

13. 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.

[*] Licensing of Businesses Act, 2021 (Act 24/2021) repealed the Trades, Businesses, Occupations and Professions Licensing Act, R.S.A. c. T40.

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Duration of licence

14. Every licence issued under the provisions of this Act shall expire on the 5th day of January in each and every year; and every such licence shall be one of the several kinds, and subject to the various rates, as prescribed under section 56, but where a new licence is issued following a special court held in April, July or October, the licence fee for the period to the 5th day of January next following shall be charged pro rata on the annual rate.

Premises connected by internal communication with unlicensed premises cannot be licensed

15. 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 the 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

16. 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 1 gallon or over and such book shall be at all times available and open to inspection by the Comptroller, the Commissioner of Police and any police officer, and may be used in evidence against such licensed dealer or licensed person in any proceedings instituted against such persons under the provisions of this or any other Act.

(Act 6/2010, s. 41)

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

17. On every such sale of spirits where the quantity sold amounts to 1 gallon or over, the purchaser thereof shall receive from the seller a sale note in the form set forth in Schedule 7, and no spirits in a quantity of 1 gallon or over shall be removed from any place to any other place within Anguilla except in the package or case in which such spirits were received by the buyer, and unless accompanied by a sale note, but 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

18. 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 9 p.m. until 7 a.m. on the following Monday;

(b) on every public holiday from 9 a.m. until 7 a.m. the following morning;

(c) on the nights of all other weekdays from 9 p.m. until 7 a.m. the following morning;

but nothing in this section shall be construed to apply to any premises in respect of which a beer licence or a restaurant licence is issued.

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Licensed dealers and licensed persons to have notices affixed indicating nature of their business

19. Every licensed person to whom a licence is issued in the form set forth in Schedule 4 shall have a board affixed outside and over the most public entrance of his 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 Schedule 3 shall likewise have a board affixed outside and over the most public entrance of his licensed store which shall contain the following notice: "Licensed wholesale dealer in liquor". 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 is liable to a penalty as provided by section 26.

Comptroller to furnish Commissioner of Police with list of licences issued to be hung up at police stations

20. The Comptroller shall furnish to the Commissioner 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 Commissioner of Police shall cause to be hung up in a conspicuous place at each police station within Anguilla a copy of such list.

(Act 6/2010, s. 41)

Licence to be hung up and displayed in premises

21. 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 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 or place as aforesaid shall be deemed to be a seller of liquor without a licence and is liable to a penalty as provided by section 26.

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

22. 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 existing licence, such licensed dealer or licensed person shall apply to the Magistrate, and the Magistrate may if he 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.

(Act 6/2010, s. 41)

In case of death executor to enjoy use of licence

23. 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 licence had been originally granted to the applicant or applicants personally.

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Executor or administrator to be personally liable

24. 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

25. 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. Such licence shall be in the form, and contain all the particulars, required and specified in such form, as set forth in Schedule 8, 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 Schedule 9, to the effect that the particulars as specified in such licence are to the best of his knowledge and belief true.

(Act 6/2010, s. 41)

Penalty for selling liquor without a licence

26. Any person who shall sell, expose for sale, or keep for the purpose of selling, any liquor whatsoever, without having obtained a licence as required under the provisions of this Act, is liable to a penalty of $9,600.

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

27. Any person who shall, either by himself or his servants, do, permit to be done, or be in any way privy to, any of the following matters or things as hereinafter specified, shall be deemed guilty of offending against the provisions of this Act, and shall in respect of every such offence be liable to a penalty (unless otherwise provided) of $9,600—

(a) sells any liquor in any quantity not authorised by the licence issued to him;

(b) sells any liquor at any place or to any person not authorised by the licence issued to him;

(c) sells, or has in his possession, or in or upon his premises, any liquor of any other kind, sort or description than that authorised by the licence issued to him;

(d) sells any liquor, or permits any person to be in or upon his 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 licensed premises;

(f) sells any liquor to any drunken person or to any child under 18 years of age;

(Act 17/2008, s. 1)

(g) permits or suffers any gaming or unlawful game to be carried on at his licensed premises;

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(h) being the occupier of any unlicensed premises on which any liquor is sold, is privy or party to such a sale.

Permitting premises to be used for offences under the Drugs (Prevention of Misuse) Act

28. (1) Any licensed person who permits his premises to be used for the commission of any offence under the Drugs (Prevention of Misuse) Act is guilty of an offence and is liable on summary conviction to a fine of $2,000 and to imprisonment for 12 months and, notwithstanding any other provision of this Act, in addition thereto the court may order that the licence be revoked forthwith and that the licensed person be disqualified from holding a licence at the premises or anywhere within Anguilla for a period not exceeding 5 years as the court may determine.

(2) For the purposes of subsection (1), if the licence holder is a body corporate then if any director, manager, secretary or other officer of the body corporate or any manager or person in charge of such licensed premises permits the commission of an offence under the Drugs (Prevention of Misuse) Act on such premises, then both such person and the body corporate are guilty of an offence under subsection (1) and are liable to the penalties (including disqualification) thereunder.

Power to eject or refuse admittance to certain persons

29. (1) Any licensed person may refuse to admit, and may turn out of his licensed premises, any person who is either drunk, violent, quarrelsome or disorderly, or any person whose presence on such licensed premises would subject him 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 agent or his servant, or any police officer to quit such licensed premises, refuses or fails to do so, is liable to a penalty of $960; and all police officers shall, on demand of such licensed person, or his agent or servant, expel or assist in expelling such person, and may use force in so doing.

Penalty for being found on licensed premises during prohibited hours

30. 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 is, unless he satisfies the court that he was either an inmate, servant or lodger on such premises, or otherwise satisfactorily accounts for his presence on such licensed premises, is liable to a penalty of $384.

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

31. 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, is liable to a penalty of $240 for each day on which he 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, is liable to be forfeited.

Penalty for using uncovered light when drawing off spirits

32. Any licensed dealer or licensed person who either by himself, his agent or his servant, shall use an open or uncovered light of any description whatsoever, 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, is liable to a penalty of $19,200.

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Penalty for consuming liquor on premises not licensed for same

33. Where any liquor sold by any licensed dealer to whom a licence has been issued to sell it, to be consumed off or away from his licensed store, is consumed at such licensed store, such licensed dealer is guilty of an offence, and on conviction therefor is liable to a penalty of $3,840.

Penalty for removing and receiving liquor without sale note

34. Every licensed dealer, licensed person or other person who by himself, his servant or agent sends out, delivers, or removes from, or receives into his stock, custody or possession, any spirits in any quantity of 1 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 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 Anguilla 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, is, for each and every such offence, liable to a penalty of $9,600, over and above every other penalty and forfeiture to which such person may be liable under any of the trade or revenue laws of Anguilla, and every person so offending may be arrested without warrant by any member of the Police Force.

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

35. 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.

(Act 6/2010, s. 41)

Penalty for buying liquor from any unlicensed dealer or person

36. Every licensed dealer and licensed person, or anyone 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 50 gallons, is guilty of an offence and is liable to a penalty of $19,200, but the Comptroller may, whenever any special reason therefor is shown to him, should he see fit, permit the removal of any rum, for sale, from any distillery, of a less quantity than 50 gallons.

(Act 6/2010, s. 41)

Forfeiture of spirits not accounted for by a sale note

37. 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 are 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 is deemed a person who has illegally received such spirits into his possession contrary to the provisions of section 17, and is liable to a penalty of $9,600.

Penalty where excess in quantity and strength of spirits is found

38. 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, the Comptroller shall state

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to the licensed dealer or licensed person, as the case may be, or to his agent or servant in charge of such licensed store or licensed premises, what quantity, what strength and what kind of spirits he claims to be in excess, and it shall be the duty of such licensed dealer or licensed person, or his agent or servant to satisfactorily account for such excess in quantity or strength of spirits by the production of his 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 Anguilla, and such spirits shall be forfeited, and such licensed dealer or licensed person, or his agent, or servant, as the case may be, is liable to a fine of $9,600, and the licence issued to such licensed dealer or licensed person forfeited.

(Act 6/2010, s. 41)

Identification of particular vessels of spirits not necessary

39. 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

40. 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 may be liable, and no licence shall be issued to him or to any other person acting in his interest or in any way related to him to sell spirits without the written consent of the Comptroller.

(Act 6/2010, s. 41)

Penalty for selling liquor injurious to health

41. 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 is liable upon conviction to a fine of $9,600. 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 to any person acting in his interest, or related to him, without the written consent of the Comptroller.

(Act 6/2010, s. 41)

No debt for spirituous liquor to be recovered unless contracted at one time to amount to $2.40

42. 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 $2.40, 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 $2.40 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, but this section shall not apply to sales by merchants and shopkeepers of liquor by the bottle and not to be consumed on the premises.

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Penalty for obstructing, etc.

43. 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, is liable on conviction thereof to a penalty of $9,600.

(Act 6/2010, s. 41)

Comptroller may enter and search any place for certain purposes

44. It shall be lawful for the Comptroller, or any person duly authorised by him in that behalf, without any search warrant, to enter at any time and search any place, whether licensed or not, wherein he 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; or

(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.

(Act 6/2010, s. 41)

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

45. It shall be lawful for the Comptroller, or any person duly authorised by him 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 may believe to contain, any liquor, and if he is refused entrance to any such place, or the place is unoccupied in which he may believe such liquor to be, he may force and break an entry, and break any doors on such place, for the purpose of making such inspection and search.

(Act 6/2010, s. 41)

Comptroller or police may enter licensed store or licensed premises

46. It shall be lawful for the Comptroller or for any police officer 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.

(Act 6/2010, s. 41)

Warrant to enter and search where liquor being sold, etc., at any unauthorised place

47. (1) Magistrate or a 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 1 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.

(Act 6/2010, s. 41)

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(2) 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 is proved, be deemed to have been on such premises for the purposes of illegally dealing in intoxicating liquor, and is liable to a penalty of $384.

(Act 6/2010, s. 41)

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

(Am. in L.R. 15/12/2010)

Persons detained and searched

48. (1) It shall be lawful for any compliance officer or member of the Police Force to stop and detain any person whom he reasonably supposes to be removing or carrying any spirits, and to stop and to search and examine any conveyance and any package which he 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 compliance 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 compliance officer or member of the Police Force and dealt with in the same manner as any other offender liable to arrest, and the spirits, package and conveyance shall be forfeited, and every such person is liable to a penalty of $9,600.

(Act 6/2010, s. 41)

Power to close licensed premises

49. (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 premises during any time which the Justice of the Peace may order.

(2) Any person who keeps open his premises for the sale of intoxicating liquors during any time at which the Justice of the Peace has ordered them to be closed is liable to a penalty of $9,600, 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.

Fines and penalties, how recoverable

50. All fines and penalties imposed under any of the provisions of this Act shall be recovered in a summary manner before the Magistrate, in accordance with the provisions of the Magistrate's Code of Procedure Act.

False declaration perjury

51. Any person who shall wilfully make any false declaration with respect to any matter necessary to be made, under the provisions of this Act, is liable on conviction thereof to a penalty of $9,600.

General penalty

52. 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 of $9,600.

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

53. All liquor found in any place whatsoever, where under the provisions of this Act the liquor should not be kept, or be, is liable to be seized, and, when so seized, shall be sold by the Comptroller and the proceeds of the sale shall be paid into the Consolidated Fund.

(Act 6/2010, s. 41)

Power to refuse licence

54. Wherever the Comptroller has reasonable cause to believe that any licensed dealer or licensed person, or his agent, servant or other person in charge of his 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 may, notwithstanding anything contained in section 9, refuse to issue a licence to such licensed dealer or licensed person or to any other person acting in his interest, or related to him, who may desire to sell liquor within Anguilla, but 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 Governor, who shall affirm or disallow the decision of the Comptroller.

(Act 6/2010, s. 41)

Proof of sale or consumption of liquor

55. 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 is 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.

Regulations

56. The Governor in Council may by regulation prescribe the licence fees payable for the following licences—

(a) a wholesale licence;

(b) a retail licence;

(c) a beer licence;

(d) a restaurant licence.

Citation

57. This Act may be cited as the Liquor Licences Act, Revised Statutes of Anguilla, Chapter L75.

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SCHEDULE 1

(Section 4)

NOTICE

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

I, ……..……., now residing at ……..…….……., 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 at ……...…..…… .

Dated this ……..day of.……, 20…… .

Signed

_____

SCHEDULE 2

(Section 7)

CERTIFICATE

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 situated at …….…… 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

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SCHEDULE 3

(Sections 9 and 19)

LICENSED DEALERS LICENCE

Licence is hereby issued to ……...……. to sell liquor wholesale to be consumed off the premises in accordance with the provisions of the Liquor Licences Act, at his store situated at ……. .

This licence expires on 5th January next following the date of issue.

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

Comptroller

(Act 6/2010, s. 41)

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SCHEDULE 4

(Sections 9 and 19)

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 Licences Act, at his premises situated at …… .

This licence expires on 5th January next following the date of issue.

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

Comptroller

(Act 6/2010, s. 41)

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SCHEDULE 5

(Section 9)

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 Licences Act, at his premises situated at …… .

This licence expires on 5th January next following the date of issue.

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

Comptroller

(Act 6/2010, s. 41)

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SCHEDULE 6

(Section 11)

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 Licences Act, at his restaurant situated at …… .

This licence expires on 5th January next following the date of issue.

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

Comptroller

(Act 6/2010, s. 41)

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SCHEDULE 7

(Sections 1 and 17)

SALE NOTE

No. ……

I hereby certify that I have this …… day of ……, 20…….. sold to …… the following spirits …….. to be conveyed to the house or shop of …….. at …… .

Licensed Liquor Dealer

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SCHEDULE 8

(Section 25)

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

(Act 6/2010, s. 41)

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SCHEDULE 9

(Section 25)

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 Licences Act, are to the best of my knowledge and belief true.

Signed

Auctioneer

Date

(Act 6/2010, s. 41)

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