No. 13 of 2022

VIRGIN ISLANDS

LIQUOR LICENCES ACT, 2022

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I ASSENT
(Sgd.) John Rankin CMG
Governor.
4th January, 2023

VIRGIN ISLANDS

No. 13 of 2022

AN ACT TO REGULATE THE SALE, SUPPLY AND CONSUMPTION OF LIQUOR, TO PROVIDE FOR A LIQUOR LICENSING BOARD AND TO PROVIDE FOR OTHER RELATED AND CONNECTED MATTERS.

[Gazetted 12th January, 2023]

ENACTED by the Legislature of the Virgin Islands as follows:

PART I

PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Liquor Licences Act, 2022.

(2) This Act shall come into force on such date as the Minister may, by Notice published in the *Gazette*, appoint.

Interpretation

2. In this Act, unless the context otherwise requires.

"Appeal Tribunal" means the Appeal Tribunal established under section 66;

"bar" means a building, premises or vessel where the predominant activity at the licensed times is for the sale, supply and consumption of liquor;

"beer" includes ale, stout, porter, spruce beer, black beer and any other description of beer, and any liquor which is made or sold as a description of beer or as a substitute for beer, and which on analysis of a sample at any time is found to contain more than two percent of liquor;

"Board" means the Liquor Licensing Board appointed under section 4;

"drunken person" means a person who is intoxicated by over consuming alcoholic beverages to a degree that mental and physical faculties are noticeably impaired;

"hotel" means any building or group of buildings (including all structures appurtenant thereto or within the curtilage thereof) used or intended to be

used for the accommodation of guests for gain or reward and containing, or intended to contain when complete, not less than three bedrooms for the accommodation of such guests;

“licence” means any licence granted under this Act;

“licensed person” means the person to whom a licence is issued and the premises or vehicle in respect of which a licence is granted under this Act;

“licensed premises” means premises in respect of which a licence has been granted to a person where liquor may be sold, supplied, offered for sale or exposed for sale;

“Licensing days” means days appointed by the Board to be held under this Act for licensing purposes;

“liquor” includes spirits, rum, wine, porter, cider, perry and any fermented, distilled or spirituous liquor;

“members club “means a private club where all the property, funds and assets belong jointly to the members, whether such are vested in trustees for the members or otherwise;

“Minister” means the Minister charged with responsibility for Trade;

"nightclub" means licensed premises in respect of which the primary business is the provision of night time entertainment, usually where music, dancing or other reputable entertainment is provided and members of the public gain access whether or not by purchase of a ticket for one period of permitted hours;

“person” includes any company or association or body of persons, corporate or unincorporate;

“police officer” means a member of the Royal Virgin Islands Police Force;

“Register” means the Liquor licence Register established and kept under section 19;

“renewal of licence” means renewal of a licence that shall have been in force in respect of the same premises and in favour of the same person up to the day on which such renewal commences;

“restaurant” means a building or premises in which meals are regularly supplied on sale to the public for consumption on the premises;

“retail” means the trade of selling liquor in and upon premises in respect of which a licence is granted and for consumption off such premises; and

“sale” includes exchange, barter, offering or exposing for sale.

Non-Applicability

3. The provisions of this Act shall not apply to a medical practitioner, dentist, optician, chemist or druggist registered under the provisions of the Medical Act or any other enactment with respect to any liquor which may be used in preparing or dispensing medicine.

PART II

LIQUOR LICENSING BOARD

Establishment of Licensing Board

4. (1) There is established by this Act a Liquor Licensing Board (hereinafter referred to in this Act as the "Board").

(2) The provisions of Schedule 1 shall have effect with respect to the constitution and procedure of the Board and otherwise in relation thereto.

Functions of Board

5. The functions of the Board are to

(a) receive, consider and determine applications for liquor licences or renewal of liquor licences;

(b) maintain the Register which shall contain a record of liquor licences issued to persons;

(c) advise the Minister on any policy matters, including the total number of licences granted and other matters related to this Act and its administration and any other related legislation;

(d) make recommendations to the Minister on any matter including policy matters related to this Act and its administration and any other related legislation;

(e) to assist the Minister in the formulation of policies and strategies relating to this Act and its administration and any other related legislation; and

(f) do or cause to be done such other things as is considered expedient or necessary for the performance of its functions.

Annual Report

6. (1) The Board shall within six months of the end of each year, prepare and deliver to the Minister a report of the activities of the Board, including its financial report, and the Minister shall make available such report to Cabinet.

(2) A report made available to the Minister and Cabinet under subsection (1), shall be laid on the table of the House of Assembly before the end of the year immediately following the year to which the annual report relates.

PART III

INSPECTORS

Inspectors

7. (1) For the purposes of this Act, the Minister may designate the following public officers as inspectors:

(a) a fire officer;

(b) an environmental health officer;

(c) a police officer;

(d) a chief planner or his or her designate, Town and Country Planning; and

(e) a Trade Inspector.

(2) Notwithstanding subsection (1) the Governor may, from time to time appoint or designate other public officers or such other persons to be an inspector as may be required for the purposes of this Act.

Duties of Inspectors

8. The duties of an Inspector may include, *inter alia*

(a) entering and inspecting premises where an application is made for a liquor licence;

(b) entering and inspecting premises where liquor is sold;

(c) making enquiries to ascertain whether the provisions of this Act are being complied with; and

(d) any other functions as may be deemed necessary for the purposes of this Act.

Submitting Report to Board

9. Where an Inspector or a police officer carries out his or her duties under section 8 and Part XI of this Act, the Inspector or police officer shall submit a report to the Board which shall include the following information;

(a) the name and location of the premises;

(b) the name of the Inspector or police officer;

(c) if there is a search of premises, outline the reason for the search;

(d) the date and time of the search;

(e) things inspected or tested during the search; and

(f) the results or findings of any such search, inspection or test.

Identification

10. An Inspector shall be issued with a form of identification signed by the Minister, and upon entering any licensed premises shall produce such form of identification to the holder of a licence, his or her agent or employee.

Assistance to be rendered by the Police

11. (1) It shall be the duty of a police officer to assist in the enforcement of this Act, and as soon as reasonably possible report any enforcement action taken to the Board.

(2) A police officer shall in relation to the duties assigned to an Inspector have the same powers, authorities and privileges as are given by law to the Inspectors.

PART IV

Liquor not to be sold without licence

12. (1) Except as permitted by this Act or in accordance with the terms of a licence granted under this Act, it shall not be lawful for a person to sell any liquor in the Virgin Islands except by persons licensed to do so or by persons acting on behalf of a licensed person in the course of their immediate employment.

(2) A person who

(a) personally or through his or her agent or employee sells liquor without being licensed to do so at the time of such sale; or

(b) fails to comply with the terms and conditions of his or her licence

commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding six months.

(3) In any proceedings under this section the onus shall be on the defendant to prove that he or she is licensed under this Act.

Description of licence

13. (1) The following kinds of licence may be granted under this Act;

(a) a small dealers retail licence which shall entitle the holder to sell liquor only in and upon the premises in respect of which the licence is granted, and for consumption off such premises;

(b) a retail licence which shall entitle the holder of the licence to sell liquor of every description upon the premises in respect of which the licence is granted and not for consumption on the licensed premises;

(c) a wholesale licence, which shall entitle the holder of the licence to sell liquor in bulk in sealed containers, cases or boxes on the premises named in the licence granted, and not for consumption on the licensed premises

(i) to holders of liquor licences for resale in accordance with the terms and conditions of their licence; and

(ii) to any person for domestic consumption.

(d) a nightclub licence which shall entitle the holder of the licence to sell liquor in and upon the premises in respect of which the licence is granted and for consumption on such premises;

(e) a members club licence which shall entitle the holder of the licence to sell liquor for consumption on or off such premises to members of such club or visitors or guests of such members;

(f) a hotel licence which shall entitle the holder to sell liquor on the premises in respect of which the licence is granted for consumption on such premises;

(g) a restaurant licence which shall entitle the holder of the licence to sell liquor in or upon the premises named in the licence granted and for consumption on or off the premises;

(h) a bar licence which shall entitle the holder of the licence to sell liquor in or upon the premises named in the licence granted and for consumption on or off the premises;

(i) a beer licence, which shall entitle the holder of the licence to sell beer for consumption on or off the premises;

(j) a vessel licence which shall entitle the holder of the licence to operate a bar on an ocean going vessel and to sell liquor to be consumed on the vessel;

(k) a special events licence which shall be a one off licence for special events which shall entitle the holder of the licence to sell liquor at such time, place or premises as may be stipulated in the licence;

(l) a stills licence which shall entitle the holder of the licence to manufacture and sell liquor on such premises; and

(m) a general liquor licence for any business not provided for under subparagraphs (a) to (l), for the purpose of which a person engages in the sale of liquor.

(2) For the purposes of this section a special event includes any entertainment, show, race, festivity, meeting, athletic or other sports and at any other social meeting or gathering where

(a) the general public may be admitted whether with or without charge; and

(b) refreshments, including liquor are likely to be sold for such period and subject to such conditions as may be set out in the licence.

Stills licence

14. (1) Liquor shall not be manufactured on a large scale for sale on any premises or place unless the owner shall have paid a fee for a stills licence in the sum prescribed in Schedule 4.

(2) Except as provided in subsection (1), no licence under this Act shall be granted in respect of any premises or place where liquor is manufactured.

Authority conferred by licences

15. (1) A licence granted under this Act shall authorise the holder of such licence to sell liquor according to its tenor and not otherwise and any licensed person selling liquor otherwise than in accordance with the tenor of his or her licence shall, in respect of any such sale be deemed to be unlicensed for all intents and purposes.

(2) Subject to the provisions of this Act, a person may apply for and hold all or any one or more licences provided for under this Act.

Transfer of licence

16. (1) A licence granted under this act is non-transferable.

(2) Notwithstanding subsection (1) the Minister may, in the event of the death of a licensed person transfer a licence to the personal representative of the licensed person or to the appointee of such personal representative for the remainder or duration of the licence upon such terms and conditions as he or she deems appropriate, and such transfer shall, upon payment of a transfer fee of a sum equivalent to twenty per cent of the licence fee, be made by endorsement on the original licence in the prescribed form.

(3) For the purposes of this section, personal representative means an executor or an administrator for the time being of a deceased person.

Presumption of sale on supply of liquor

17. Where a person supplies another person with food, aerated or other drink and liquor, and receives payment, the presumption that such supply of liquor was in pursuance of a contract of sale, shall not be rebutted by any suggestion, allegation or pretence that the payment was in respect of the food, aerated or other drink only.

Fees for licence. Schedule 4

18. For each licence applied for and granted under this Act there shall be paid the respective fee as set out in Schedule 4.

Register

19. (1) The Board shall keep a register to be known as the Liquor Licence Register, which shall be maintained in such form as may be prescribed by the Board, including in an electronic form.

(2) The Register shall contain particulars of all licences granted including,

(a) the name of the owner of the premises;

(b) the names and addresses of all persons licensed under this Act;

(c) the premises for which the licence is granted;

(d) the date the license is issued; and

(e) such other particulars as the Board may consider appropriate.

(3) The Board shall cause to be entered in the Register, in such form as may be prescribed by the Board, notice of any conviction of a licensed person and notice of any disqualification imposed upon such person under the provisions of this Act.

(4) The Register shall be kept at such place as the Board may from time to time determine which

(a) shall be open to inspection and search by the public during regular office hours; and

(b) upon payment of the prescribed fee by a person, copies of pages of the Register may be made.

(5) A person licensed under this Act shall notify the Board in writing of any change in the information provided to the Board at the time of Licensing and shall furnish the relevant current information as soon as practicable.

(6) The Board shall publish annually, the names of Liquor Licence holders, in the *Gazette* and in such other manner as the Board may determine.

PART V

PROCEDURE FOR OBTAINING LICENCES

Licensing days

20. (1) For the purposes of this Act the Board shall meet at such times as may be required during the year, which days shall be referred to as licensing days, for the purpose of hearing and considering applications for licences for the sale of liquor.

(2) The Secretary of the Board shall notify the public of such licensing days and the requirements for applications on such days by public advertisement

(a) in the *Gazette*;

(b) electronically as may be determined by the Board; and

(c) in at least one local newspaper,

at least three months before the licensing day.

Notice of application for licence

21. (1) With the exception of a special events licence under subsection (6), a person who wishes to obtain a license or licenses for the sale of liquor shall at least sixty days but no later than fourteen days prior to a licensing day

(a) serve on the Board, an application for a liquor licence; and

(b) publish in a newspaper in the Virgin Islands a notice in writing of his or her intention to make such application.

(2) An application to the Board made under subsection (1) shall be accompanied with the requisite non-refundable processing fee as set out in Schedule 4.

(3) An application to the Board shall be in the form set forth in Schedule 5 and shall specify the description of the licence for which such person intends to apply, the physical location and description of the premises in respect of which he or she intends to apply and the licensing day on which he or she intends to apply.

(4) An application made under subsection (1) may be submitted to the Board electronically.

(5) For the purposes of this Act a person may apply for one or more licence provided for under this Act.

(6) A person applying for a licence for the sale of liquor may before the Licensing day amend or vary the application by notice to the Board.

(7) An application for a special events licence shall be made at least ten days before the date of a special event.

(8) The Board shall sit to hear applications for the grant of special events licence at such place and on such date as may be necessary.

Inspection of premises

22. (1) It shall be lawful for an Inspector after service of an application to the Board as provided for in section 21, to enter the premises in respect of which such application is given at reasonable times and inspect the premises.

(2) A person who either personally or by any person in his or her employ or acting with his or her consent, fails to admit an Inspector who demands entry to the premises under subsection (1), commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or in default of payment of the fine to imprisonment for a term not exceeding six months.

Requirements of premises

23. (1) A persons premises shall not be licensed under this Act, unless the person applying for such licence produces evidence that he or she

(a) obtained appropriate planning permission;

(b) obtained appropriate fire safety certificates;

(c) has in his or her possession a valid trade licence for the business being operated; and

(d) any other information as may be deemed necessary by the Board.

(2) The cost of obtaining such evidence under subsection (1) shall be borne by the applicant.

(3) In addition to the requirements under subsection (1)

(a) a nightclub Licence shall not be granted or renewed in respect of any premises unless the Board is satisfied of the following:

(i) that there is on such premises security guards hired by a private security service provider licensed in accordance with the Private Security Industry Act, 2007, No. 10 of 2007;

(ii) proper and adequate lighting inside and outside of the premises, maintained for the safety of persons entering and leaving the premises;

(iii) that there shall be installed proper security cameras operating at all times with images being retained for a period of twenty one days which can be made available to a police officer conducting an active investigation;

(iv) an incident log book of all disorderly conduct on the premises maintained by the licensee and kept on the premises; and

(v) any other conditions as may be determined by the Board;

(b) a bar Licence shall not be granted or renewed in respect of any premises unless that there shall be installed proper security cameras operating at all times with images being retained for a period of twenty one days which can be made available to a police officer conducting an active investigation; and

(c) a liquor licence shall not be granted under this Act, to a person who carries out a food business unless the person satisfies the requirements of the Public Health (Food Hygiene) Regulations, 1972, SRO 56/1976.

Hearing of application

24. A person applying for a licence shall appear before the Board on a licensing day, and the Board shall hear any objection which may be made by the Commissioner of Police, the Commissioner of Inland Revenue or any other person to the granting of the licence.

Issue of licence by the Board

25. (1) Where the Board considers that a licence should be granted, it shall within fourteen days grant to the applicant a certificate specifying the particular licence to be granted and the physical location of the premises in respect of which the licence shall be granted.

(2) The Board shall forward a copy of the certificate granted under subsection (1) to the Commissioner of Inland Revenue.

(3) Upon production of the certificate and on payment of the required fee to the Commissioner of Inland Revenue as prescribed by this Act the Board shall issue to the person named in the certificate a licence of the kind and in the relevant form as specified in Schedule 7.

(4) A person who fails to pay the fee payable under subsection (3) within fourteen days of the day on which the certificate was granted by the Board shall pay in addition to the fee, a penalty of twenty per cent of the fee.

(5) The licence granted in subsection (3) shall be sufficient authority for the person named in the licence to sell liquor on the premises and in the manner prescribed.

Duration of licence

26. A licence granted under this Act shall be in force for a period of one year from the date of issue.

Licence not to be granted to persons under age of 18 years

27. A licence under this Act shall not be granted to a person under the age of eighteen years.

Grounds for refusal of application

28. An application for a licence or renewal of a licence under this Act may be refused on any one of the following grounds;

(a) in the case of premises not already licensed, if it is unfit for the purpose of the licence for which the application is made, or in the opinion of the Board undesirable to be licensed;

(b) the applicant is not a fit and proper person;

(c) the applicant, having been within the preceding five years the holder of a licence in any part of the Virgin Islands, has allowed the licensed premises to become a nuisance to the neighbourhood;

(d) the premises for which the application is made are so situated that they cannot be kept under effective police control, or are likely to be a nuisance to the neighbourhood;

(e) the applicant has neglected to comply with the provisions of this Act in making his or her application;

(f) there are sufficient number of premises already licensed to meet the needs of the neighbourhood;

(g) the applicant is already the holder of, or the applicant for, a licence within three miles of the place in respect of which the application is under consideration;

(h) a licence previously held by the applicant in respect of premises under his or her own management or immediate supervision has been endorsed or forfeited under the provisions of this Act or of a repealed Liquor Licence Act relating to the endorsing or forfeiture of licences;

(i) the applicant is a person who has not attained the age of eighteen;

(j) the premises do not comply with the provisions of section 23.

Application for renewal of a licence

29. (1) The holder of a licence shall within sixty days but not later than fourteen days before the expiration of a licence granted under this Act apply to renew such licence and the licensing day on which he or she intends to apply.

(2) An application to the Board for the renewal of a licence made under subsection (1) shall be accompanied with the requisite non- refundable processing fee as set out in Schedule 4.

(3) An application to renew a licence shall be in the form set forth in Schedule 6 and shall specify the description of the licence for which such person intends to apply, the physical location and description of the premises in respect of which he or she intends to apply and the licensing days on which he or she intends to apply.

(4) The following provisions shall have effect with respect to an application under subsection (1)

(a) the applicant need not attend in person unless he or she is required by the Board to attend;

(b) the Board shall not entertain any objection to the renewal of such licence or take any evidence with respect to the renewal of such licence, unless written notice of an intention to object has been served on the holder of the licence and on the Board seven days at least before the licensing day;

(c) if the applicant raises objection to the notice served on him or her under this section, and the Board on such objection raised finds the notice defective in form or substance, or that it is served out of

time, it shall be lawful for the Board to adjourn the session on a licensing day to any convenient day not being less than seven days from such adjournment, in order to allow a fresh notice to be served on the applicant within a time ordered by the Board.

Issue of licence on renewal

30. (1) After considering the application for the renewal of a licence the Board shall, unless cause be shown to the contrary, within fourteen days grant to the applicant a certificate authorising the renewal of the licence.

(2) Upon production of the certificate, the expired licence and payment of the required fee in respect of such licence, the Commissioner of Inland Revenue shall issue to the person named in the licence a licence of the kind and in the relevant form as specified in Schedule 7 authorising the renewal.

Suspension or revocation of licence

31. The Minister may suspend for a specific period or revoke a licence

(a) where the Minister is satisfied that the licensee is not complying with a condition of the licence;

(b) where the licensee is a company

(i)the company has ceased to carry on business in the Territory; or

(ii) the company concerned goes into liquidation or is wound up or otherwise dissolved.

Theft, loss or destruction of licence

32. (1) Where a licensed persons licence is lost, stolen, damaged or destroyed he or she may apply to the Board for the replacement of such licence.

(2) For the purposes of subsection (1) the Board shall require the licensed person to provide the Board with a statement verifying that the original licence has been lost, stolen, damaged or destroyed.

(3) Where the Board is satisfied that the licensed person's original certificate has been lost, stolen, damaged or destroyed the Board may issue a replacement licence for a prescribed fee.

License authorising relocation

33. (1) A holder of a licence who wishes to be relocated to some other premises than the premises mentioned in his or her licence shall before the expiration of his or her licence apply to the Board, and the Board upon being satisfied of the fitness of the premises to which such holder wishes to be relocated, may grant a licence authorising the relocation.

(2) In satisfying the Board of fitness of the premises under sub-section (1) the holder of a licence who wishes to relocate shall provide evidence that the appropriate planning permission, fire safety certificates and other information as may be deemed necessary by the Board, have been obtained.

(3) In granting a licence authorising relocation of premises the Board shall endorse on the licence the description of such premises to which such relocation

is authorised and thereupon such premises shall become the licensed premises of the holder of such licence.

Penalty for permitting premises to be used for offences against the Drugs (Prevention of Misuse) Act

34. (1) A licensed person who permits his or her premises to be used for the commission of any offence under the Drugs (Prevention of Misuse) Act, Cap. 178, commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or in default of payment of the fine to imprisonment for a term not exceeding twelve months.

(2) Subject to subsection (1) and notwithstanding any other provisions in this Act in addition to the penalty the Court before whom the case is heard may order that the licence be revoked forthwith and that the licensed person be disqualified from holding a licence at such premises or anywhere within the Virgin Islands for such period not exceeding five years as the Court may determine.

(3) For the purposes of this section where the licence holder is a body corporate if any director, secretary of 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 commits an offence and is liable to the penalties under subsection (1).

PART VI

ILLICIT SALES

Prohibition of sale of liquor without a licence

35. (1) A person who sells, offers, exposes or keeps for sale any liquor without being licensed or permitted to do so under this Act or at any place where or during any hours when he or she is not authorised by his or her licence to do so commits an offence and is liable

(a) on a first conviction to the administrative penalty as specified in Schedule 3;

(b) on a second or subsequent conviction to the administrative penalty as specified in Schedule 3, and he or she may in addition to the administrative penalty be disqualified from holding a licence for the sale of liquor for such term as the Board thinks fit.

(2) Where a person who commits an offence under

(a) subsection (1)(a) fails to pay the administrative penalty imposed in the time specified he or she shall be proceeded against in Court and if convicted shall be liable to a fine not exceeding five thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding six months;

(b) subsection (1)(b) fails to pay the administrative penalty imposed in the time specified he or she shall be proceeded against in Court and if convicted shall be liable to a fine not exceeding ten thousand

dollars or in default of payment of the fine to a term of imprisonment not exceeding six months.

(3) In the case of a conviction for an offence under this section the Court may if it thinks expedient so to do, declare liquor found in the possession of the offender, and the vessels containing such liquor to be forfeited.

Occupier of unlicensed premises liable for sale

36. The occupier of an unlicensed premises in which any liquor is sold, or where such premises are occupied by more than one person, every occupier of the premises shall if it is proven that he or she was privy or consenting to the sale, commits an offence and shall be liable to the penalties imposed upon persons for the sale of liquor without a licence under section 35.

Truck system unlawful

37. (1) It shall not be lawful to barter, truck, charge, substitute for money, give or deliver in payment or part payment for wages any liquor.

(2) Any barter, truck, charge, substitution, gift or delivery of any liquor contrary to this section shall be deemed a sale of liquor without a licence under section 35, subject to the penalties imposed upon persons for the sale of liquor without a licence under section 35.

Penalty for supplying liquor to be unlawfully retailed

38. A person who knowingly sells, delivers or causes to be sold or delivered, directly or indirectly, any liquor to any person to the end that the liquor may be unlawfully sold or consumed in any part of the Virgin Islands, commits an offence and shall be liable to the same penalty as if he or she had sold such liquor without a licence under section 35.

Sale of liquor to children and young persons

39. (1) A holder of a licence or his or her agent or employee who

(a) knowingly sells or delivers or allows any person to sell or deliver any liquor to any person under the age of eighteen years, whether for that person's own use or not; or

(b) allows a person under the age of eighteen years to enter or remain in a licensed premises during the permitted hours for that licence unless he or she is accompanied by or in the responsible care of an adult,

commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding six months for the first offence and for a second and any subsequent offence to a fine not exceeding two thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding one year imprisonment.

(2) A person who

(a) purchases or obtains liquor for a person under the age of eighteen years; or

(b) requests that a person under the age of eighteen purchases liquor on his or her behalf,

commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding six months.

(3) It shall be a defence to any charge under this section for the person charged to prove that when the liquor was sold or supplied, the person had presented a document of identification to the person selling or supplying the liquor showing that he or she was eighteen years or older.

(4) The holder of a licence or his or her agent or employee, shall refuse to sell or supply liquor to a person unless the person satisfies the holder of the licence, his or her agent or employee of his or her age by showing a document of identification.

(5) For the purposes of this section "document of identification" means a valid driver's licence, passport or any other valid form of identification issued by the government of the Virgin Islands or a passport or any other form of identification issued by a foreign government that

(a) contains a photograph; and

(b) indicates that the person to whom the document was issued is eighteen years old or older.

PART VII

REGULATION OF LICENSED PREMISES AND TRAINING

Licence to be displayed on premises

40. (1) A holder of a licence to sell liquor shall display his or her licence in a prominent or conspicuous place on the premises in respect of which the licence is granted.

(2) A person who fails to comply with the requirements of subsection (1) commits an offence and is liable on summary conviction to a penalty not exceeding one hundred dollars for each day on which such failure continues.

Penalty for using uncovered lights etc

41. A person who uses an open or uncovered light of any description when throwing up or drawing off liquor in any cellar, room or place where liquor is kept or stored, commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or in default of payment of the fine to a term of imprisonment not exceeding six months.

Sign board to be affixed to premises

42. (1) A holder of a licence to sell liquor shall place and fix a sign, which may include an electronic sign, on his or her premises and shall be publicly visible and legible, with his or her name or where the trade is carried on by a company or firm, the name of the company or firm and after the name the word "licensed" adding the words necessary to express the trade for which the licence has been granted.

(2) For the purposes of this Act electronic signs shall be prohibited in residential areas.

(3) Where a person fails to place and fix such a sign on his or her licensed premises, he or she commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars for each day during which such failure continues.

Training

43. (1) A holder of a bar licence or nightclub licence shall require his or her employee or agent in charge of the bar from which alcohol is provided or sold for consumption on the licensed premises, to be certified as having completed a training programme on responsible alcohol sales and service as may be prescribed by regulations made under this Act.

(2) A licensed person, his or her employee or agent in charge of a bar shall while on duty carry on his or her person his or her certificate as evidence that he or she has been certified as successfully completing the training programme referred to in subsection (1), and shall produce his or her certificate for inspection at the request of an Inspector or police officer under this Act.

(3) A licensed person, his or her employee or agent who fails to comply with subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars.

PART VIII

ADULTERATION

Penalty for adulteration of liquor

44. (1) A person who

(a) unlawfully mixes or causes to be mixed with any liquor sold or exposed by him or her

(i) any deleterious ingredient that is to say any of the ingredients specified in Schedule 8; or

(ii) any ingredient deleterious to health;

(b) knowingly sells or keeps or exposes for sale any liquor mixed with any deleterious ingredient (in this Act referred to as adulterated liquor); or

(c) being a licensed person has in his or her possession any adulterated liquor knowing it to be adulterated or any deleterious ingredient specified in Schedule 8, or added to such Schedule, for the possession of which he or she is unable to account to the reasonable satisfaction of the Court,

commits an offence and is liable on summary conviction for the first offence to a fine not exceeding ten thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding five years and for a second or any subsequent offence to a fine not exceeding twenty thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding ten years and in either case all

adulterated liquor in his or her possession with the vessels containing it shall be forfeited.

(2) A person convicted for an offence under this section may, by order of the Court be disqualified from holding a licence for the sale of liquor for such term as the Court may think fit.

PART IX

HOURS OF OPENING AND CLOSING

Opening hours

45. (1) The hours of opening and closing in respect of the sale or supply of liquor in or upon premises licensed under this Act shall be as specified in Schedule 9.

(2) For the removal of doubt this section does not affect the operating hours of businesses under any other enactment.

(3) Notwithstanding subsection (1), it shall be lawful for the Board on an application made in writing to grant a special licence to keep any premises open until after the prescribed hour on any special occasion on such day or days and for such times as may be specified in the licence.

(4) A special licence under subsection (3) shall only apply for the day or days and premises for which it is granted and the proof of any such special licence in any proceedings taken for an offence against this law shall be on the defendant.

(5) A person who fails to comply with the provisions of this section and section 46 commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars and for any subsequent offence to a fine not exceeding five thousand dollars.

Prohibitions during hours of closing

46. Except during the permitted hours under this Act,

(a) a licensed holder shall not personally or by his or her employee or agent

(i) sell liquor in the licensed premises; or

(ii) permit the consumption of liquor in the licensed premises;

(b) a person shall not purchase liquor in the licensed premises;

(c) a person shall not consume liquor in the licensed premises; or

(d) a person shall not take liquor from the licensed premises.

Penalty for persons found on premises during closing hours

47. Where during any period during which any premises are required under the provisions of this Act to be closed and any person is found on such premises, he or she unless the Court is satisfied that his or her presence on such premises was not in contravention of the provisions of this Act with respect to the closing

of licensed premises, commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars.

PART X

PROVISIONS FOR PRESERVING ORDER

Penalties for permitting drunkenness, keeping disorderly house, permitting gaming etc

48. (1) The holder of a licence shall not permit drunkenness or any violent, quarrelsome or riotous conduct to take place in his or her licensed premises.

(2) Where a licensed person¬

(a) permits drunkenness or any violent, quarrelsome or riotous conduct to take place on his or her licensed premises;

(b) sells any liquor to any drunken person;

(c) knowingly permits his or her premises to be the habitual resort or place of meeting of reputed prostitutes, whether the object of their so resorting or meeting is for or not for prostitution, if he or she allows them to remain there longer than is necessary for the purpose of obtaining a reasonable refreshment;

(d) bribes or attempts to bribe any police officer or Inspector; or

(e) allows any gaming or unlawful games to be carried on in his or her premises,

he or she commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding six months.

(3) Where a licensed person is charged under subsection (2)(a) with permitting drunkenness, and it is proved that any person was drunk on the licensed premises, the burden of proving that the licensed person and the persons employed by the licensed person took all reasonable steps for preventing drunkenness in the premises shall lie upon the licensed person.

Penalty for permitting premises to be a brothel

49. Where a licensed person permits his or her premises to be a brothel or as the habitual resort or place of meeting of reputed prostitutes whose object is to attract or solicit prostitution services, he or she commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding two years and he or she shall be disqualified indefinitely from holding any licence for the sale of liquor.

Power to exclude drunkards from licensed premises

50. (1) A licensed person may refuse to admit to and may expel from the licensed premises, any person who is drunken, violent, quarrelsome or disorderly,

or whose presence in his or her premises would subject the licensed person to a penalty under this Act.

(2) A person who upon being requested in pursuance of this section by a licensed person, or his or her agent or employee or any police officer to leave the premises, and refuses or fails to do so commits an offence and is liable to an administrative penalty as specified in Schedule 3.

(3) Where a person who commits an offence under subsection (2) fails to pay the administrative penalty imposed in the time specified he or she shall be proceeded against in Court and if convicted shall be liable to a fine not exceeding one thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding three months.

(4) A police officer shall on the request of a licensed person or his or her agent or employee, help to expel any person liable to be expelled from the premises under this section and may use reasonable force as may be required for the purpose.

Security guards ratio

51. (1) A licensed person with a nightclub licence shall for the preservation of order engage the services of a private security service provider in accordance with section 23(3)(a)(i) and the ratio of the capacity of the licensed premises to the number of security guards shall be as follows;

(a) for licensed premises with a capacity not exceeding fifty persons, at least one security guard;

(b) for licensed premises with a capacity exceeding fifty persons but not exceeding one hundred persons at least two security guards; and

(c) for licensed premises with a capacity exceeding one hundred persons at least three security guards.

(2) A licensed person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding three thousand dollars.

PART XI

ENTRY ON PREMISES

Inspector may enter licensed premises for enforcement of Act

52. (1) An Inspector or police officer may,

(a) where there is reasonable grounds to suspect that there is violation of the provisions of this Act; and

(b) for the purpose of preventing or detecting the violation of any of the provisions of this Act,

at any reasonable time enter a licensed premises.

(2) For the purposes of this Part an Inspector may at anytime be accompanied by a police officer to carry out his or her duties.

(3) An Inspector may as often as he or she thinks fit at any time during which a licensed premises may legally be open, visit and enter such premises and inspect, open, gauge, test and examine all and any casks, vessels and packages on such premises, containing or which he or she may supposed to contain such liquor, and take account of all liquor on such premises.

(4) A person who either personally or by any person in his or her employment or acting with his or her consent, refuses or fails to admit an Inspector who demands entry in pursuance of this section, commits an offence and is liable to an administrative penalty specified in Schedule 3.

(5) Where a person who commits an offence under subsection (3) fails to pay the administrative penalty imposed in the time specified he or she shall be proceeded against in Court and if convicted shall be liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding three months.

Procuring samples of liquor

53. (1) An Inspector may procure samples of liquor from a person selling, keeping or exposing the liquor for sale.

(2) For the purposes of this section and section 54 a person selling, keeping or exposing liquor for sale shall be referred to as a vendor.

(3) An Inspector may procure samples of liquor from a vendor either by purchasing it or by requiring the vendor to show and allow him or her to inspect the vessels in which any liquor in the possession of the vendor is stored and the place of storage, and the vendor shall give the Inspector samples of liquor on payment or tender of the value of such samples.

(4) Where a vendor, his or her agent or employee, when required in pursuance of this section,

(a) refuses or fails to admit an Inspector;

(b) refuses or willfully omits to show any of the vessels in which liquor is stored, or the place of the storage of the liquor to the Inspector;

(c) refuses to permit the Inspector to inspect the liquor;

(d) refuses to give any samples of the liquor to the Inspector; or

(d) interrupts or obstructs any Inspector while in the execution of his or her duties,

he or she commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding six months.

Analysing of samples of liquor

54. (1) Where an Inspector procures samples of liquor under the provisions of this Act he or she shall cause the sample to be analysed by such person as the Board may from time to time appoint to analyse samples.

(2) Subject to subsection (1), reasonable notice shall be given by the Inspector procuring the samples, to the vendor by whom such samples were

furnished, to enable the vendor, if he or she so desires, to attend at the time when the samples are opened for analysis.

(3) A vendor may require the Inspector procuring the samples under section 54, to annex the vendor's name and address in his or her presence to every vessel containing samples for analysis, and the vessel containing such samples and the name and addresses annexed to the vessel shall be sealed in such manner that the vessel cannot be opened, or the name and address taken off unless such seals are broken.

(4) Any expense incurred in analysing any liquor of a vendor in pursuance of this section shall, if such vendor is convicted of an offence under section 44, be deemed to be a portion of the costs of the proceedings against the vendor and shall be paid by the vendor.

Licensed persons to point out liquor to Inspector

55. (1) A licensed person shall when required to by an Inspector point out to such Inspector all liquor on his or her licensed premises.

(2) A licensed person who acts in contravention of subsection (1) commits an offence and is liable to an administrative penalty as specified in Schedule 3.

(3) Where a person who commits an offence under subsection (2) fails to pay the administrative penalty imposed in the time specified he or she shall be proceeded against in Court and if convicted shall be liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding three months.

Search warrant for detection of liquor sold or kept contrary to law

56. (1) A Magistrate, if satisfied by information on oath that there is reasonable grounds to believe that any liquor is

(a) sold;

(b) exposed;

(c) kept for sale; or

(d) unlawfully concealed,

at any place in the Territory, whether in a building or not, in which such liquor is not authorised to be sold, he or she may in his or her discretion grant a warrant under his or her hand, by virtue where it shall be lawful for a police officer, at any time or times within one month from the date the warrant is issued, to enter the place named in the warrant.

(2) A police officer who obtains a warrant under subsection (1) may enter the place named in the warrant by force, if need be, and search the place for liquor and seize and remove any liquor found or vessels containing such liquor found in the place, which the police officer has reasonable grounds for supposing to be in the place for the purpose of unlawful sale at that place or any other place.

(3) A person who either personally or by any other person in his or her employment, or acting with his or her consent, refuses or fails to permit a police officer demanding to enter in pursuance of this section into any premises or place occupied by or under the control of such person commits an offence and is liable to an administrative penalty as specified in Schedule 3.

(4) Where a person who commits an offence under subsection (3) fails to pay the administrative penalty imposed in the time specified he or she shall be proceeded against in Court and if convicted shall be liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding three months.

(5) When a police officer enters any premises in pursuance of this section and seizes and removes such liquor, any person found at the time on the premises shall, until the contrary is proven, be deemed to have been on such premises for the purpose of illegally dealing in liquor and commits an offence and is liable to an administrative penalty as specified in Schedule 3.

(6) Where a person who commits an offence under subsection (5) fails to pay the administrative penalty imposed in the time specified he or she shall be proceeded against in Court and if convicted shall be liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding three months.

Police to close premises in case of riot

57. (1) A police officer of the rank of Superintendent or above, in event of a riot, tumult or civil unrest happening or is expected to happen, may order every licensed person whose licensed premises are in or near the place where such riot, tumult or civil unrest happens or is expected to happen, to close such premises for such time as may be specified by the police officer of the rank of Superintendent or above for the preservation of public peace.

(2) Where a person keeps open his or her premises for the sale of liquor in contravention of an order under subsection (1), it shall be lawful for any person, acting by order of a police officer of the rank of Superintendent or above, to use such force as may be necessary for the purpose of closing such premises and the person so keeping open his or her premises commits an offence and is liable to an administrative penalty as specified in Schedule 3.

(3) Where a person who commits an offence under subsection (2) fails to pay the administrative penalty imposed in the time specified he or she shall be proceeded against in Court and if convicted shall be liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding three months.

PART XII

REPEATED CONVICTIONS

Forfeiture of licence on third conviction

58. (1) Where a licensed person whose license is recorded with two convictions for offences committed by him or her against this Act and is convicted of any other offence against this Act, a Magistrate may order

(a) that the licence of such person is forfeited and that he or she be disqualified from holding a licence for a period not exceeding ten years from the date of the third conviction; and

(b) that the premises in respect of which his or her licence was granted be disqualified from receiving any licence for a term not exceeding five years from the date of the third conviction.

(2) Nothing in this section shall be construed as intending to limit or effect any liability or disqualification to which any person may be subject under any other section of this Act.

PART XIII

ADMINISTRATIVE PENALTIES

Administrative penalties

59. (1) The Board may, subject to subsection (2), impose an administrative penalty on a person who fails to comply with a requirement imposed by this Act.

(2) The Board shall not impose a penalty if it is satisfied that the person took all reasonable steps and exercised due diligence to ensure that the requirement would be complied with.

(3) The Board, in deciding whether to impose a penalty on a person under subsection (1), shall take into account the matters specified in section 62.

(4) A person who commits the offences outlined in Column 2 of Schedule 3 is liable to the administrative penalties prescribed in Column 3 of Schedule 3.

(5) The Board may recover a penalty imposed by virtue of this section in civil proceedings as a debt.

(6) A penalty imposed by virtue of this section shall be paid into the Consolidated Fund.

Procedure to be followed by Board

60. (1) The Board shall, before imposing an administrative penalty under this Act, give written notice of the proposed penalty to the person stating

(a) the contravention in respect of which it proposes to impose the penalty;

(b) the amount of the proposed penalty; and

(c) the entitlement of the person to make representation to the Board in accordance with subsection (3).

(2) The penalty notice shall inform the person that if he or she does not wish to be prosecuted for the alleged offence in Court, he or she may pay to the Board within the time specified the amount of the administrative penalty as specified for the offence.

(3) Where a person receives a penalty notice, that person shall, within twenty-one days from the date of the notice, make representation to the Board as to why he or she should not be required to pay the penalty or as to why the proposed penalty must be reduced.

(4) The Board may at any time prior to the issuing of a penalty notice under subsection (1), withdraw the notice and substitute a new notice of proposed penalty stating a different penalty.

(5) The Board shall notify the person of its decision under subsection (4) and, where it varies the penalty, of the further steps (if any) it has taken in relation to the person.

(6) Subject to subsection (7), following the expiration of twenty one days from the date of the proposed penalty notice, impose an administrative penalty on the person in an amount not exceeding the amount stated in the proposed penalty notice.

(7) Before imposing an administrative penalty on a person, the Board shall consider any representations received under subsection (3).

(8) Subject to subsection (9), a person that receives a penalty notice shall pay the penalty stated in the notice to the Board within fourteen days of receipt of the notice.

(9) The Board may agree to the payment of an administrative penalty in installments over such period of time as it considers appropriate.

Limitation period

61. (1) The Board shall not issue a penalty notice to a person with respect to a contravention after the end of the period of two years commencing on the date that the Board first knew of the contravention.

(2) For the purposes of subsection (1), the Board is deemed to know of a contravention if it has information from which the contravention can reasonably be inferred.

Determination of appropriate penalty

62. In determining the administrative penalty to be imposed on a person, the Board

(a) shall take into account the following matters:

(i) the nature and seriousness of the contravention;

(ii) whether the person has previously contravened the Act or any regulatory legislation;

(iii) whether the contravention was deliberate or reckless or caused by the negligence of the person;

(iv) whether any loss or damage has been sustained by third parties as a result of the contravention; and

(v) the ability of the person to pay the penalty, including any gain resulting to the person as a result of the contravention; and

(b) may take into account such other matters as it considers appropriate.

Failure to pay administrative penalty

63. A person who receives a penalty notice and fails to pay the administrative penalty as provided in Schedule 3 within the time specified in the notice shall be deemed to have declined to be dealt with under the provisions of

this part and shall be proceeded against in Court and if convicted shall be liable to the court penalties as specified in this Act.

Certificate of payment or non-payment of administrative penalty

64. In any proceedings a certificate that payment of an administrative penalty was or was not made to the Board by the date specified in the notice shall, if the certificate purports to be signed by the Secretary of the Board be sufficient evidence of the facts stated, unless the contrary is proven.

PART XIV

APPEALS PROCESS

Appeals Tribunal

65. (1) There is established by this Act an Appeal Tribunal which shall perform the function of hearing appeals from any decision of the Board.

(2) The provisions of Schedule 2 have effect with respect to the constitution and procedure of the Appeal Tribunal and otherwise in relation thereto.

Appeal to Tribunal

66. (1) A person aggrieved by any decision of the Board may, within fourteen days of receiving written notice of the decision, appeal to the Appeal Tribunal in the manner prescribed.

(2) An appeal of a decision of the Board to impose an administrative penalty shall not operate as a stay on the obligation of the person to pay the penalty.

(3) An appeal under subsection (1) shall set out

(a) the decision being appealed against;

(b) the name and address of the appellant; and

(c) concisely the grounds on which the appellant wishes to appeal against the decision.

Procedure of Appeal Tribunal

67. (1) In hearing an appeal the Appeal Tribunal shall

(a) have regard to any documentary or other evidence which the Board has relied upon in arriving at its decision;

(b) have regard to the decision of the Board and the reasons for the decision;

(c) have regard to any documentary or other evidence provided by the appellant; and

(d) allow the appellant and the Board, if any of them wishes to do so, to be represented by a legal practitioner or other representative of choice.

Decision of Appeal Tribunal

68. (1) The Appeal Tribunal may after hearing an appeal

(a) affirm the decision appealed against;

(b) vary the decision appealed against; or

(b) set aside the decision appealed against and remit the matter concerned for reconsideration by the Board in accordance with such direction as the Tribunal may consider fit and specify.

(2) As soon as reasonably practicable after the decision of the Appeal Tribunal, the Secretary of the Appeal Tribunal shall send to the appellant, the Board and the Minister, written notification of the determination of the appeal together with reasons for the determination.

Permission to sell while appeal is pending

69. Where the Board refuses to grant a certificate for the renewal of a licence for the grounds required under section 28 and an appeal against such refusal is made and such licence expires before the appeal is determined, the Board may if it thinks fit permit the person whose licence is refused to carry on his or her business during the pendency of the appeal upon such conditions as it thinks just.

Appeal before High Court

70. Nothing in this Act shall affect the right of a person to a cause of action before the High Court.

PART XV

MISCELLANEOUS

Application of penalties

71. All goods or items forfeited under this Act shall be sold or otherwise disposed of as the Court may in its discretion direct, and the proceeds shall be paid into the Consolidated Fund.

Proof of sale or consumption of liquor

72. (1) In proving the sale or consumption of liquor under this Act whether in respect of a licensed or unlicensed premises, it shall not be necessary to prove that any money actually passed, or that 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 or had taken place.

(2) Proof of consumption or intended consumption of liquor on any premises whether licensed or unlicensed, by some person other than the owner or occupier of, or an agent or employee employed on, such premises shall be evidence that such liquor was sold in or on such premises by or on behalf of the holder of the licence, where such premises are licensed, or by or on behalf of the owner or occupier of the unlicensed premises, where such premises are unlicensed.

Service of notice

73. Any notice or other document required or authorised to be given or served under this Act or under any regulation, order, direction or other instrument made under this Act may be served on or given to the person concerned

(a) by delivering it to that person;

(b) by leaving it at the usual or last known place of abode of that person;

(c) by sending it by registered mail addressed to that person at his or her usual or last known place of abode or business or, where an address for service has been given by that person, to that address;

(d) in the case of a body corporate, or unincorporated body, by delivering it to the secretary or other officer of that body at its registered or principal office in the Territory, or by sending by registered mail addressed to the secretary or other officer of that body at that office;

(e) where a facsimile number has been provided by a person, by a facsimile transmission which provides confirmation of receipt; or

(f) where an email address has been provided by a person, by forwarding the document or notice by email.

Production of licence

74. (1) A holder of a licence under this Act shall either personally or by his or her agent or employee produce such licence within forty eight hours after the production of the licence is demanded by a Magistrate, Inspector or police officer and he or she shall deliver the licence to be read and examined.

(2) A person who fails to comply with the provisions of this section commits an offence and is liable to an administrative penalty as specified in Schedule 3.

(3) Where a person who commits an offence under subsection (2) fails to pay the administrative penalty imposed in the time specified he or she shall be proceeded against in Court and if convicted shall be liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment of the fine to a term of imprisonment not exceeding three months.

Making false statements or declarations

75. A person who makes a false declaration or statement to the Board or any person authorised to act under this Act, knowing it to be false or having no reason to believe it to be true commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.

Amendment of Schedules

76. Cabinet may, by Order published in the Gazette, and after consultation with the Board, amend the Schedules to this Act in such manner as it considers necessary.

Regulations

77. The Minister may make regulations, not inconsistent with this Act, for or with respect to any matter that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Repeal

78. The Liquor Licence Act, Cap. 106, is repealed.

Transitional provision

79. (1) A licence in force granted under the Liquor Licence Act, Cap. 106, immediately before the commencement of this Act shall continue in force and be subject to the permitted hours and the sums payable made under this Act until its expiry.

(2) Where an application for the renewal of a licence or relocation of premises has been made prior to the commencement of this Act but not completed up on the commencement of this Act, such application shall be dealt with and finalised as if made under this Act.

SCHEDULE 1

[Section 4(2)]

CONSTITUTION AND PROCEDURE OF THE BOARD

Membership of Board and gazetting of membership

1. (1) The Board shall consist of the following members;

(a) a legal practitioner with at least five years' standing to be nominated by the Leader of the Opposition;

(b) a representative of the tourism and hospitality sector;

(c) a representative of the Premier's Office nominated by the Minister responsible for Trade *ex officio*;

(d) a person possessing a social work background;

(e) a senior police officer *ex officio;*

(f) a representative from the Town & Country Planning Department *ex officio;*

(g) a representative from the business community;

(2) For the purposes of subsection (1) a representative shall include a person residing on each of the three main Sister Islands.

(3) The members of the Board shall be appointed by the Cabinet acting on the advice of the Minister.

(4) The names of all members of the Board as first constituted, and every change in the membership of the Board shall be published in the *Gazette*.

Tenure of office

2. A member of the Board shall hold office for a period not exceeding three years, and may be eligible for re-appointment.

Remuneration

3. The members of the Board shall be paid such remuneration as may be prescribed by the Minister upon consultation with Cabinet, and such remuneration shall be charged on the Consolidated Fund.

Chairperson

4. The Minister shall appoint one of the members of the Board to be the Chairperson and another to be the Deputy Chairperson of the Board.

Resignation

5. (1) The Chairperson may at any time resign from the Board by notice in writing addressed to the Minister.

(2) A member of the Board, other than the Chairperson, may at any time resign from the Board by notice in writing addressed to the Minister and transmitted through the Chairperson.

Removal from office.

6. The Cabinet may, by notice in writing, revoke the appointment of a member, other than an *ex officio* member, if satisfied that the member

(a) is incapable, for any reason, of discharging his or her functions as a member;

(b) has, without the consent of the Chairperson, been absent from three consecutive meetings of the Board;

(c) is, or becomes disqualified from being appointed as a member of the Board pursuant to paragraph 1(2); or

(d) is guilty of misconduct.

Filing of Vacancy

7. If any vacancy occurs in the membership of the Board, such vacancy shall be filled by the appointment of a new member, who shall hold office for the remainder of the period for which the previous member was appointed.

Secretary to the Board

8. (1) The Minister shall designate a suitable public officer to act as Secretary to the Board and on such terms and conditions as the Minister may determine, including the period of tenure of the public officer.

(2) There shall be a Secretary to the Board who shall be responsible for

(a) keeping a record of the proceedings of the Board;

(b) issuing correspondences as directed by the Board; and

(c) performing such other duties as the Board may direct.

(3) The Secretary shall at all times devote adequate time to the work of the Board in order to ensure the efficient and effective transaction of the business of the Board.

Meetings of the Board

9.(1) The Chairperson shall preside at all meetings of the Board and in his or her absence the Deputy Chairperson shall preside.

(2) In the absence of both the Chairperson and the Deputy Chairperson, the members present shall elect one of the members present to preside.

(3) The quorum of the Board at any meeting shall be four persons.

(4) The Board shall meet as and when necessary for the transaction of its business and such meetings shall be held at a time and a place the Chairperson may determine.

(5) Three or more members of the Board may submit a petition in writing to the Chairperson requesting special meeting of the Board and the Chairperson upon receipt of such petition shall convene a special meeting of the Board.

(6) The decisions of the Board shall be by a majority vote of the members present and in the event of a tie the Chairperson or in his or her absence, the member presiding at a meeting shall have a casting vote.

(7) The Board shall cause proper records of its proceedings to be kept and maintained in proper form by the Secretary.

(8) The proceedings of the Board shall not be invalid by reason only of the existence of a vacancy amongst the members of the Board or by any defect in the appointment of any member of the Board.

Incapacity of members

10. In the event of the temporary incapacity of a member, whether by reason of illness or other sufficient cause, or the temporary absence from the Territory of any member, the Minister may appoint some other person to act as a temporary member for so long as the incapacity or absence continues.

Disclosure of interest

11. (1) Where a matter is to be decided by the Board at a meeting, any member present at the meeting who has an interest in the matter shall, at that meeting disclose the nature of the interest in advance of any consideration of the matter.

(2) Where a member discloses an interest under this section

(a) the disclosure shall be recorded in the minutes of the meetings; and

(b) the member shall not, unless the Board otherwise determines

(i) be present during any deliberations by the Board on that matter; or

(ii) take part in any decision of the Board relating to the matter.

(3) A member who fails to declare an interest as required under subsection (1) or in making a declaration provides a false or misleading statement in the declaration shall be liable to be removed from office.

Confidentiality

12. Members of the Board shall treat as absolutely confidential all matters brought before the Board.

Members not personally liable

13. No member of the Board shall be personally liable for any act or default done or omitted to be done in good faith in the performance of his or her or the Boards functions under this Act.

Seal of the Board

14. (1) The Board shall have and use as occasion may require a Seal, having a device or impression with the inscription “Liquor Licensing Board”.

(2) The Seal of the Board shall be kept in the custody of the Secretary, and shall be affixed to all documents issued by the Board.

(3) The seal shall be authenticated by the signatures of the Chairperson and the Secretary, or such other member authorised to do so by the Board.

Board to prescribe its own procedure

15. Subject to the provisions of this Act, the Board may prescribe its own procedure.

SCHEDULE 2

[Section 65(2)]

CONSTITUTION AND PROCEDURE OF THE TRIBUNAL

Constitution and membership

1. (1) The Tribunal shall consist of the following persons;

(a) the Financial Secretary or his or her representative;

(b) a legal practitioner with at least ten years' experience;

(c) a person with knowledge, experience and expertise in medical practice;

(d) a person with knowledge, experience and expertise in social work; and

(e) a fit and proper person representing an island in the Virgin Islands, other than Tortola.

(2) The members of the Tribunal shall be appointed by the Cabinet acting on the advice of the Minister.

(3) The names of all members of the Tribunal as first constituted, and every change in the membership of the Tribunal shall be published in the Gazette.

Tenure of office

2. The tenure of office of a member shall, subject to this Schedule, be a period not exceeding two years, and such members may be eligible for re-appointment.

Remuneration

3. For each sitting of the Tribunal the members, shall be paid such remuneration as may be prescribed by the Minister upon consultation with Cabinet, and such remuneration shall be charged on the Consolidated Fund.

Chairperson and Deputy Chairperson

4. The Minister shall appoint one of the members of the Tribunal to be the Chairperson and another to be the Deputy Chairperson of the Tribunal.

Resignation

5. A member of the Tribunal may resign from his or her office at any time by notice in writing to the Minister.

Removal from office

6. The Cabinet may, by notice in writing, revoke the appointment of a member, other than an ex-officio member, if satisfied that the member

(a) is incapable, for any reason, of discharging his or her functions as a member;

(b) has, without the consent of the Chairperson, been absent from three consecutive meetings of the Tribunal;

(c) is, or becomes disqualified from being appointed as a member of the Tribunal pursuant to paragraph 1(1); or

(d) is guilty of misconduct.

Staff of the Tribunal

7. (1) The Minister shall designate a secretary to the Tribunal and such other officers as may be necessary to provide assistance to the Tribunal.

(2) The Secretary to the Tribunal shall

(a) be responsible for receiving notices of appeal and other documentation which the Appeal Tribunal has authority to receive and deal with;

(b) be responsible for ensuring that appeals received by the Appeal Tribunal are in compliance with the provisions of this Act and the Regulations;

(c) be responsible for sending out notices and other correspondences to parties to an appeal; and

(d) perform such other duties as the Appeal Tribunal may direct from time to time.

(3) The acts of the Appeal Tribunal shall be authenticated by the signature of the Chairperson or Secretary of the Tribunal.

Filling of vacancies

8. If any vacancy occurs in the membership of the Tribunal such vacancy shall be filled by the appointment of another member who shall hold office for the remainder of the period for which the previous member was appointed and the appointment shall be made in the same manner and from the same category of persons as the appointment of the previous member.

Meeting of Tribunal

9. (1) The Tribunal shall meet at such times as may be necessary or expedient for the transaction of business and hearing of appeals, and such meetings shall be held at such places and times and on such days as the Tribunal determines.

(2) The Chairperson, or in his or her absence the Deputy Chairperson shall preside at meetings of the Tribunal.

(3) If, at any meeting of the Tribunal, the Chairperson and Deputy Chairperson are absent, the members present shall elect one of the members present to preside.

(4) The quorum of the Tribunal shall be three members.

(5) The decisions of the Tribunal shall be by a majority of votes of members present and voting, and in the event of an equality of votes, the Chairperson shall have a casting vote in addition to his or her own original vote.

Declaration of interest

10. (1) It shall be the duty of a member of the Tribunal who is in any way directly or indirectly interested in a matter coming before the Tribunal to declare the nature of his or her interest in the matter as soon as it is practicable for him or her to do so, and he or she shall remove himself or herself from any meeting of the Tribunal on that matter, and take no part directly or indirectly in any decision, deliberation, discussion, consideration or similar activity of the Tribunal on that matter.

(2) Where the Tribunal lacks a quorum in relation to an appeal owing to the number of members, who have declared an interest in that appeal, the Minister shall, for the purposes of that appeal, revoke the appointment of those members and appoint other persons in their stead.

(3) A member who fails to declare an interest as required under subsection (1) or in making a declaration provides a false or misleading statement in the declaration shall be liable to be removed from office.

Validity of proceedings

11. The validity of any proceedings of the Tribunal shall not be affected by any vacancy amongst the members or by any defect in the appointment of a member.

Members not personally liable

12. No member of the Tribunal shall be personally liable for any act or default done or omitted to be done in good faith in the performance of his or her or the Tribunal's functions under this Act.

Regulating proceedings

13. Subject to this Schedule, the Tribunal shall have power to regulate its own proceedings.

SCHEDULE 3

[Sections 35(1) (a) & (b), 50(2), 52(4), 55(2), 56(3), 56(5), 57(2), 74(2)]

ADMINISTRATIVE PENALTIES

Section of Act Breached	**Type of Breach**	**Administrative Penalty**
Section 35(1)(a) Section 35(1)(b)	Sale of liquor without a licence- first conviction second conviction	 $2,000.00 $5,000.00
Section 50(2)	Refusing to leave premises when requested to do so.	$250.00
Section 52(4)	Refusing to admit Inspector to enter on premises.	$500.00
Section 55(2)	Refusal to point out liquor to Inspector.	$500.00
Section 56(3)	Refusal to allow police officer to enter to carry out a search warrant to detect liquor sold or kept contrary to the law.	$500.00
Section 56(5)	Illegally dealing in liquor.	$800.00
Section 57(2)	Keeping premises for the sale of liquor in contravention of order to close.	$500.00
Section 74(2)	Failure to produce licence for inspection.	$500.00

SCHEDULE 4

[Section 18]

LICENCE FEES

Type of Licence	Fee
Processing fee for licence and renewal of licence	$25.00
Small Dealer Retail Licence	$300.00
Retail Licence	$500.00
Wholesale Licence	$2,000.00
Nightclub Licence	$1,000.00
Members Club Licence	$300.00
Hotel (with less than 10 rooms) Hotel (with 10 - 25 rooms) Hotel (with 26 - 50 rooms) Hotel (with more than 50 rooms) Hotel (Bars under the proprietorship of the Hotel) Hotel (Restaurants under the proprietorship of the Hotel)	$200.00 $300.00 $400.00 $600.00 The Hotel fee based on the number of rooms and an additional fee of $150.00 for a bar under the proprietorship of the Hotel. The Hotel fee based on the number of rooms and an additional fee of $250.00 for a restaurant under the proprietorship of the Hotel.
Restaurant Licence	$500.00
Bar Licence	$200.00
Beer Licence	$100.00
Vessel Licence	$200.00

Special Events Licence	$50.00 (3 or more consecutive days at $25.00 per day)
General Liquor licence	$100.00
Stills Licence	$250.00

SCHEDULE 5



APPLICATION FOR LIQUOR LICENCE

[Section 21(2)]

To: The Liquor Licensing Board

I/We ……..... now residing
Name of Applicant(s)

at ....., Virgin Islands and doing
Full Address

business as ……..……..……
Insert Name of Establishment/Trading name

do hereby apply to the Liquor Licensing Board to be held at Road Town, on the .....day of ..... 20..... for a

[ ] Small Dealer Retail Licence
[ ] Retail Licence
[ ] Wholesale Licence
[ ] Nightclub Licence
[ ] Members Club Licence
[ ] Hotel (with less than 10 rooms)
[ ] Hotel (with 10 - 25 rooms)
[ ] Hotel (with 26 - 50 rooms)
[ ] Hotel (with more than 50 rooms)
[ ] Hotel (Bars under the proprietorship of the Hotel)
[ ] Hotel (Restaurants under the proprietorship of the Hotel)
[ ] Restaurant Licence
[ ] Bar Licence
[ ] Beer Licence
[ ] Vessel Licence
[ ] Special Events Licence
[ ] Stills Licence
[ ] General Liquor Licence

(check one only)

Licence to sell liquor at my/our premises situated at ……....., on the island of ….……..…… in the Territory of Virgin Islands and registered as Parcel Number …….. of Block …….. of the ……..... Registration Section in the Land Registry of the Virgin Islands. (Indicate exact location of business)

I also *[certify/do not certify] that I have Development Planning Permission and a fire safety certificate to operate at the location from which I propose to operate the licensed premises. A copy of the Development Planning Approval and fire safety certificate for the said premises *[is/ is not] attached to this application.

I further *[certify/do not certify] that I have a valid Trade Licence to operate the type of business for which I am applying to be licensed from the location contained in this application. A copy of my Trade Licence evidencing the same *[is/is not] attached.

Dated this ..... day of ..... 20.....

Signed ..... Signed .....
Applicant (number 1) Applicant (number 2)

Print Name ..... Print Name .....

....
Notary Public/Commissioner for Oaths Notary Public/Commissioner for Oaths

Contact Details for Applicant:

Telephone No..…….....

Email Address …….……..

SCHEDULE 6



APPLICATION TO RENEW LIQUOR LICENCE

[Section 29(2)]

To: The Liquor Licensing Board

I/We ..... now residing
Name of Applicant(s)

at ....., Virgin Islands
Full Address

and doing business as .....……..……..……
Insert Name of Establishment/Trading name

do hereby apply to renew his or her Liquor licence before the Liquor Licensing Board on the .....day of ..... 20..... for a

[ ] Small Dealer Retail Licence
[ ] Retail Licence
[ ] Wholesale Licence
[ ] Nightclub Licence
[ ] Members Club Licence
[ ] Hotel (with less than 10 rooms)
[ ] Hotel (with 10 - 25 rooms)
[ ] Hotel (with 26 - 50 rooms)
[ ] Hotel (with more than 50 rooms)
[ ] Hotel (Bars under the proprietorship of the Hotel)
[ ] Hotel (Restaurants under the proprietorship of the Hotel)
[ ] Restaurant Licence
[ ] Bar Licence
[ ] Beer Licence
[ ] Vessel Licence
[ ] Special Events Licence
[ ] Stills Licence
[ ] General Liquor Licence

(check one only)

Licence to sell intoxicating liquor at my/our premises situated at ……....., on the island of ….…… in the Territory of Virgin Islands and registered as Parcel Number …….. of Block …….. of the ……..... Registration Section in the Land Registry of the Virgin Islands. (Indicate exact location of business)

I *[certify/do not certify] that I have a valid Trade Licence to operate the type of business for which I am applying to be licensed from the location contained in this application. A copy of my Trade Licence evidencing the same *[is/is not] attached.

Signed ..... Signed .....
Applicant (number 1) Applicant (number 2)

Print Name ..... Print Name .....

....
Notary Public/Commissioner for Oaths Notary Public/Commissioner for Oaths

Contact Details for Applicant:

Telephone No ..…….....

Email Address ……..……..

SCHEDULE 7

[Sections 25(3) and 30(2)]

FORM A

LIQUOR LICENCES ACT.

SMALL DEALERS RETAIL LICENCE

_____is hereby granted a small dealers retail licence to sell liquor on his/her premises situated at _____between the hours provided in the Liquor Licences Act. This licence shall continue in force from the___ day of _____20___, to the _____day of_____, 20___ unless the same shall be forfeited under any of the provisions of the Liquor Licences Act or any amendment/s thereto.

Dated this _____day of_____20___.

_____
Chairperson of the Board

FORM B

LIQUOR LICENCES ACT.

RETAIL LICENCE.

_____is hereby granted a retail licence to sell liquor on his/her premises situated at _____between the hours provided in the Liquor Licences Act. This licence shall continue in force from the___ day of _____20___, to the _____day of_____, 20___ unless the same shall be forfeited under any of the provisions of the Liquor Licences Act or any amendment/s thereto.

Dated this _____day of_____20___.

_____
Chairperson of the Board

FORM C

LIQUOR LICENCES ACT

WHOLESALE LICENCE

_____is hereby granted a wholesale licence to sell liquor on his or her premises situated at_____between the hours provided in the Liquor Licence Act. This licence shall continue in force from the ____day of_____, 20___, to the _____day of_____, 20___ unless the same shall have been forfeited under any of the provisions of the Liquor Licences Act or any amendment/s thereto.

Dated this _____day of_____ , 20___.

_____
Chairperson of the Board

FORM D

LIQUOR LICENCES ACT.

NIGHTCLUB LICENCE.

_____ is hereby granted a Nightclub licence to sell liquor by retail to be consumed on the said Nightclub premises situated at _____ between the hours provided in the Liquor Licence Act. This licence shall continue in force from the____ day of_____ , 20___ to the _____day of_____ , 20___ unless the same shall have been forfeited under any of the provisions of the Liquor Licences Act or any amendment/s thereto.
Dated this_____ day of _____, 20____.

_____
Chairperson of the Board

FORM E

LIQUOR LICENCES ACT.

MEMBERS CLUB LICENCE.

_____ is hereby granted a Members club licence to sell liquor by retail to be consumed on or off the said Members Club premises situated at _____ between the hours provided in the Liquor Licence Act. This licence shall continue in force from the____ day of_____ , 20___ to the _____day of_____ , 20___ unless the same shall have been forfeited under any of the provisions of the Liquor Licences Act or any amendment/s thereto.
Dated this_____ day of _____, 20____.

_____
Chairperson of the Board

FORM F

LIQUOR LICENCES ACT.

HOTEL LICENCE

_____is hereby granted a hotel Licence to sell liquor to be consumed on his/her premises situated at_____ between the hours provided in the Liquor Licence Act. This licence shall continue in force from the _____day of_____ , 20___to the____ day of_____ , 20__ unless the same shall have been forfeited under any of the provisions of the Liquor Licences Act, or any amendments thereto.
Dated this_____day of_____ , 20____.

_____
Chairperson of the Board

FORM G

LIQUOR LICENCES ACT.

RESTAURANT LICENCE.

_____is hereby granted a Restaurant licence to sell liquor to be consumed on or off his/her premises situated at_____ between the hours provided in the Liquor Licence Act . This licence shall continue in force from the _____day of_____ , 20___to the____ day of_____ , 20__ unless the same shall have been forfeited under any of the provisions of the Liquor Licences Act, or any amendments thereto.
Dated this_____day of_____ , 20____.

_____
Chairperson of the Board

FORM H

LIQUOR LICENCES ACT.

BAR LICENCE.

_____is hereby granted a Bar licence to sell liquor to be consumed on or off his/her premises situated at_____ between the hours provided in the Liquor Licence Act. This licence shall continue in force from the _____day of_____ , 20___to the____ day of_____ , 20__ unless the same shall have been forfeited under any of the provisions of the Liquor Licences Act, or any amendments thereto.
Dated this_____day of_____ , 20____.

_____
Chairperson of the Board

FORM I

LIQUOR LICENCES ACT.

BEER LICENCE.

_____is hereby granted a Beer licence to sell liquor to be consumed on or off his/her premises situated at_____ . This licence shall continue in force from the _____day of_____ , 20___to the____ day of_____ , 20__ unless the same shall have been forfeited under any of the provisions of the Liquor Licences Act, or any amendments thereto.
Dated this_____day of_____ , 20____.

_____
Chairperson of the Board

FORM J

LIQUOR LICENCES ACT.

VESSEL LICENCE.

_____is hereby granted a Vessel licence to sell liquor for consumption on or off an ocean going vessel at any port in the Virgin Islands. This licence shall continue in force from the _____day of_____ , 20___to the____ day of_____ , 20__ unless the same shall have been forfeited under any of the provisions of the Liquor Licences Act, or any amendments thereto.
Dated this_____day of_____ , 20____.

_____
Chairperson of the Board

FORM K

LIQUOR LICENCE ACT.

SPECIAL EVENTS LICENCE.

_____is hereby granted a Special Events Licence to sell liquor to be consumed at_____ from ____(a.m/p.m) to _____(a.m/p.m). This licence shall continue in force from the _____day of_____ , 20___to the____ day of_____ , 20__ unless the same shall have been forfeited under any of the provisions of the Liquor Licences Act, or any amendments thereto.

Dated this_____ day of_____ , 20____.

_____
Chairperson of the Board

FORM L

LIQUOR LICENCE ACT.

GENERAL LIQUOR LICENCE.

_____is hereby granted a General Liquor Licence to sell liquor to be consumed at_____ from ____(a.m/p.m) to _____(a.m/p.m). This licence shall continue in force from the _____day of_____ , 20___to the____ day of_____ , 20__ unless the same shall have been forfeited under any of the provisions of the Liquor Licences Act, or any amendments thereto.

Dated this_____ day of_____ , 20____.

_____
Chairperson of the Board

FORM M

LIQUOR LICENCES ACT.

STILLS LICENCE.

_____is hereby granted a Licence to manufacture rum or other liquor at his premises situated at_____ and to sell same. This licence shall continue in force from the_____ day of_____ , 20____ to the____ day of_____ , 20___.
Dated this_____ day of_____ , 20____.

_____
Chairperson of the Board

SCHEDULE 8

[Section 44]

DELETERIOUS INGREDIENTS

Cocolus Indius

Chloride of sodium- common salt

Copperas

Opium

Strychnine

Darnel Seed

Extract of logwood

Salt of Zinc or lead

Alum

Tobacco

and any extract or compound of the above ingredients.

SCHEDULE 9

[Section 45(1)]

Type of Licence	Daily	Good Friday
Small Dealers Retail Licence	7:00 a.m - 12:00 midnight	6:00 p.m - 12:00 midnight
Retail Licence	7:00 a.m - 12:00 midnight	6:00 p.m - 12:00 midnight
Wholesale Licence	7:00 a.m - 12:00 midnight	6:00 p.m - 12:00 midnight
Nightclub Licence	2:00 p.m - 6:00 a.m	6:00 p.m - 6:00 a.m
Members Club Licence	7:00 a.m - 2:00 a.m	6:00 p.m - 2:00 a.m
Hotels	24 hours	6:00 p.m - 12 midnight
Restaurant Licence	7:00 a.m - 2:00 am	6:00 p.m - 2:00 am
Bar Licence	8:00 a.m - 2:00 am	6:00 p.m - 2:00 a.m

Passed by the House of Assembly this 24th day of November, 2022.

(Sgd.) Neville A. Smith,
Deputy Speaker.

(Sgd.) Phyllis Evans,
Clerk of the House of Assembly.