

REPUBLIC OF KIRIBATI



(No. 12 of 2025)



I assent,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Beretitenti

6/12/2026

AN ACT

entitled

AN ACT TO REGULATE AND CONTROL THE LICENSING, SUPPLY AND CONSUMPTION OF LIQUOR AND OTHER RELATED MATTERS

Commencement

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

**PART I**  
**PRELIMINARY**

**1. Short Title**

This Act may be cited as the *Liquor Act 2025*.

**2. Interpretation**

In this Act, unless the context otherwise requires:

"area" in relation to a Committee, or "licensing area" means the defined area in respect of which that Committee has been appointed;

"blackspot" means a place declared by the police to be a prohibited area to drink liquor;

"beer" includes ale, porter, stout, cider, perry, spruce beer, black beer or any other kind of beer and extends to any liquor made or sold as beer or as a substitute for beer containing of not more than 5% of alcohol as herein defined;

"committee" or licensing committee" means the liquor licensing committee appointed by notice under section 30 in respect of the area of its jurisdiction as defined in the notice;

"gas lighter" includes matches;

"kakaraoi" means an admixture of water with any ingredient to produce liquor containing 5% alcohol;

"licensed premises" means any premises or place in respect of which a licence, has been granted;

"licensee" means a person to whom a licence, has been granted;

"liquor" means any liquid, containing more than 5% alcohol or any liquid distilled, brewed or mixed with any ingredients containing more than 5% alcohol intended or fit for use or consumption by a person as a beverage to cause a person intoxicated;

"prohibition order" means an order made under section 48;

"prohibited person" means a person in relation to whom such a prohibition order has been made;

"sour toddy" means any intoxicating beverage produced by the fermentation of the sap from the incised spathe of any coconut palm;

"Secretary" means the Secretary responsible for the administration of this Act;

"snack" means a small portion of food generally eaten between meals including packaged snack foods but not limited to finger foods and readymade or cooked foods prepared in closed containers and wrappers or foil;

"to cause a person intoxicated" includes a mere effect of alcohol on a person; and

"vicinity" means the area of 1 squared meter surrounding the licensed premises.

## **PART II**

### **LICENCES**

#### **3. Categories of licence**

(1) No person shall sell liquor unless he/she is the holder of one of the following licences:

- (a) an off-licence;
- (b) a publican's licence;
- (c) a club licence;
- (d) a table licence;
- (e) a special hours licence;
- (f) sour toddy producer's licence; and
- (g) a manufacture licence.

(2) A licence specified in subsection (1) may authorise the sale of liquor.

(3) No person shall sell sour toddy unless he/she is the holder of one of the following licences

- (a) a publican's licence; or
- (b) a sour toddy producer's licence.

#### **4. Disqualification from holding a licence**

(1) The following persons shall be disqualified from holding a licence:

- (a) a person who is under the age of 21 years;
- (b) a person who has been convicted of any sexual offence, murder, manslaughter or grievous harm offence;
- (c) a corporate body or an unincorporate body other than an unincorporated members' club;
- (d) a person who is in prison or insane;
- (e) a person who is unable for any reason to properly supervise the licensed premises; or
- (f) a person whose premises intended to be licensed is located within, around or close to the vicinity of churches, schools and the Maneaba ni Maungatabu and other places considered by the Committee to be not appropriate to be granted with a licence applied for.

(2) An application for any licence must, in addition to other requirements as the Committee may impose, be accompanied by any form of the applicant's recognized identification.

#### ***A. Off-Licences***

#### **5. Prohibition of sale of sour toddy**

For the purposes of this section the sale of sour toddy is not allowed under an off-licence.

#### **6. Off-licences either wholesale or retail**

(1) Off-licences authorise the sale of liquor either by wholesale or retail.

(2) The holder of an off-licence who authorises the sale of liquor by:

- (a) retail may sell liquor in any quantity of or less than 1 carton of liquor or in similar quantity per sale; or
- (b) wholesale may sell liquor in any quantity of or more than 1 carton of liquor or in a similar quantity per sale.

(3) Any licence holder who contravenes subsection 2 commits an offence and is liable to a minimum fine of \$500 and not exceeding \$5,000 or 3 months imprisonment.

#### **7. Liquor to be sold in unopened containers**

The holder of an off-licence who stores, sells, exposes for sale or delivers liquor otherwise than in unopened containers commits an offence and shall be liable to a minimum fine of \$500 and not exceeding \$5,000 or 3 months imprisonment.

## **8. Consumption off premises**

- (1) Any person who consumes liquor on or in the vicinity of premises in respect of which an off-licence is in force commits an offence and shall be liable to a minimum fine of \$500 and not exceeding \$5,000 or 3 months imprisonment.
- (2) The holder of an off-licence, agent, employee or servant who permits liquor to be consumed on the licensed premises shall be liable to the following penalties:
  - (a) first offence – a minimum fine of \$500;
  - (b) second offence – a minimum fine of \$500 and not exceeding \$1,000;
  - (c) third offence – a minimum fine of \$1,000 and not exceeding \$2,000; and
  - (d) any offence committed after the third time, the Court shall impose the maximum penalty of \$5000 or 5 years imprisonment and all articles connected to the commission of an offence shall be forfeited and disposed of as the Court thinks fit.

## **9. Hours of business**

- (1) The holder of an off-licence, agent, employee or servant shall not sell, supply, or deliver at or from his/her licensed premises any liquor:
  - (a) on Sundays; and
  - (b) on any other day except between the hours of 8 a.m. to 6pm.
- (2) The holder of an off-licence, agent, employee or servant who sells or supplies liquor at or from, and any person who buys liquor at or take liquor from, the licensed premises in contravention of this section shall be liable to a minimum fine of \$500 and not exceeding \$5,000 or 3 months imprisonment.
- (3) In addition to the penalty under subsection (2) the court may order for cancellation of licence and serve a copy of the order to the Committee and the Chairperson not later than 3 days from the date of the order.

### ***B. Publican's Licence***

## **10. Holder of a publican licence**

The holder of a publican licence may also sell, in addition to liquor whichever is authorised by his/her licence, cigars, cigarettes, tobacco, gas lighter, snacks and non-alcoholic beverages.

## **11. Hours of sale**

- (1) Subject to subsection (3), no person shall, except during the permitted hours himself/herself or by his/her servant or agent:
  - (a) be permitted to sell or supply in or from licensed premises any liquor, whether to be consumed on or off the premises; or
  - (b) keep open licensed premises used exclusively or mainly for the sale of liquor; or
  - (c) consume in or take from licensed premises any liquor.
  
- (2) In addition to the restrictions imposed by subsection (1) no person shall after 10 p.m. leave the licensed premises with any liquor.
  
- (3) Nothing in this section shall prohibit the sale or supply of liquor to a bona fide lodger or the consumption of liquor by a bona fide lodger or by any guest of his/her at any time in licensed premises:

Provided that a lodger or his/her guest shall not, except during the permitted hours, consume liquor at a bar in the premises or in a room in which a bar is situated.
  
- (4) In this section "licensed premises" means any premises or place in respect of which a publican's licence has been granted.
  
- (5) Any person who contravenes this section shall be liable to a minimum fine of \$500 and not exceeding \$5,000 or to imprisonment for 3 months.

## **12. Young persons prohibited from certain licensed premises**

- (1) Subject to this section, the holder of a publican's licence shall not allow any person under the age of 21 years to be in or within the curtilage of his/her licensed premises during the permitted hours.
  
- (2) The holder of a publican's licence, the agent, servant, or employee shall demand any form of a recognized identification from any person before entry.
  
- (3) Subject to this section, no person shall cause or procure, or attempt to cause or procure, any person under the age of 21 to be in or within the curtilage of licensed premises during the permitted hours.
  
- (4) Where it is shown that a person under the age of 21 is in or within the curtilage of licensed premises during the permitted hours the holder of the publican's licence granted in respect

of those premises shall be guilty of an offence under this section unless he/she proves either:

- (a) that he/she used due diligence to prevent the person under the age of 21 from being admitted to or coming within the curtilage of the licensed premises, or
  - (b) that the person under the age of 21 had apparently attained that age.
- (5) No offence shall be committed under this section if the person under the age of 21:
- (a) is the licence holder's child, or
  - (b) resides in the premises;

Provided that this subsection shall not apply where the person under the age of 21 is in a room in which a bar is situated unless he is there solely for the purpose of passing to or from some part of the premises in which there is no bar and to and from which there is no other convenient means of access or egress.

- (6) In this section "licensed premises" means any premises or place in respect of which a publican's licence has been granted and which are used exclusively or mainly for the sale of liquor.
- (7) Any person who contravenes this section shall be liable to a minimum fine of \$500 and not exceeding \$5,000 or 3 months imprisonment.

### **13. Hawkers to be prohibited from certain licensed premises.**

- (1) The holder of a publican's licence shall not allow any person to hawk any goods or articles in or within the curtilage of his/her licensed premises during the permitted hours.
- (2) Where it is shown that a person was hawking any goods or articles in or within the curtilage of licensed premises during the permitted hours the holder of the publican's licence granted in respect of those premises shall be guilty of an offence under this section unless he/she proves:
  - (a) that he/she used due diligence to prevent such hawking, and
  - (b) that on becoming aware that such hawking was taking or had recently taken place he/she immediately took all reasonable steps to expel the hawker from the premises and from the curtilage thereof.

- (3) In this section "licensed premises" means any premises or place in respect of which a publican's licence has been granted and which are used exclusively or mainly for the sale of liquor.
- (4) Any person who contravenes this section shall be liable to a minimum fine of \$500 and not exceeding \$5,000 or 3 months imprisonment.

#### **14. Permitted hours**

- (1) For the purposes of sections 11, 12 and 13 the permitted hours in any premises or place in respect of which a publican's licence has been granted shall be:
  - (a) on any days except Sundays;
  - (b) the hours from 5:30pm to 12 am; or
  - (c) from 10pm to 12am if the holder also has a table licence or club licence; or
  - (d) for an extra hours from 12am to 2am as specified in a permit issued under subsection (2).
- (2) The holder of a publican's licence in respect of premises not exclusively or mainly used for the sale of liquor may, having obtained a permit from the Licensing Committee and on payment of the prescribed fee, sell or supply liquor during such hours in addition to those specified in subsection (1)(a) and on such days as may be specified in the permit.

#### **15. Interpretation of " liquor "**

For the purposes of sections 10, 11, 12, 13 and 14 " liquor " includes sour toddy.

#### ***C. Club Licence***

#### **16. Club licence**

- (1) A club licence may only be granted in respect of a club legally established for recreational and social purposes only, which occupies premises habitually used for the purposes of such club and in which it is desired to supply liquor for consumption by members and guests.
- (2) For the purpose of this section, recreational activity includes an activity undertaken for fun or relaxing and not for gaining money or any activity approved by the Chairperson of Licensing Committee to be a recreational activity.

### **17. Effect of club licence**

The granting of a licence to a club shall not constitute the club licensed premises or authorise any sale of liquor therein which would otherwise be illegal.

### **18. Illegal sales by club**

(1) If any liquor is sold or supplied in a licensed club:

- (a) for consumption on the premises to any person other than a member or bona fide guest of a member;
- (b) for consumption off the premises to any person other than a member,

the secretary of the club, members of the club, the person selling or supplying the liquor, and the person obtaining the liquor shall be liable to a minimum fine of \$500 and not exceeding \$5000 or to a maximum imprisonment of 3 months.

(2) If a person to whom liquor has been lawfully sold or supplied under subsection (1) takes such liquor out of the club premises and delivers it into the hands of any other person, the person delivering the liquor and the person receiving it shall each be liable to a minimum fine of \$500 and not exceeding \$5000 or to a maximum imprisonment of 3 months.

### **19. Liquor in unlicensed clubs**

If any liquor is stored, sold or supplied in the premises of an unlicensed club, every officer and member of that club shall be liable to a minimum fine of \$500 and not exceeding \$5000 unless he/she proves to the satisfaction of the court that he/she has no knowledge that liquor was so stored, sold, or supplied, as the case may be.

### **20. Permitted Hours**

The permitted hours in any premises or place in respect of which a Club licence has been granted shall be the hours from 9 a.m. to 10 p.m.

## ***D. Table Licence***

### **21. Table licence of premises**

A table licence may be granted in respect of any premises or place where table meals are sold in the ordinary course of business for consumption on or at those premises or that place provided that the liquor served shall not exceed 6 beers or in any similar quantity.

### **22. Hours of sale and other terms of table licence**

- (1) The holder of a table licence may during the hours from 11am to 10 pm sell or supply liquor in his/her licensed premises to a person taking a substantial table meal for consumption as an ancillary to that meal.
- (2) The holder of a table licence shall not sell or supply in or from his/her licensed premises any liquor, whether to be consumed in or off those premises:
  - (a) except as provided in subsection (1); or
  - (b) the holder of a table licence shall not sell liquor to a person who appears to be drunk.
- (3) In this section and in section 21 "table meal" means a meal eaten by a person seated at a table or at a counter or other structure which serves the purpose of a table and is not used for the service of meals for consumption by persons not seated at a table or structure serving the purpose of a table.
- (4) No person shall on or at any premises or place in respect of which a table licence has been granted consume liquor unless that liquor has been sold or supplied to him in accordance with this section.
- (5) Any person who contravenes this section shall be liable to a minimum fine of \$500 and not exceeding \$5,000 or to a maximum imprisonment of 3 months.

#### ***E. Special Hours Licence***

#### **23. Special hours licence**

- (1) Subject to the provisions of this section and to any conditions the Chairperson of the Licencing Committee may think fit to impose, a special hours licence may be granted in respect of any premises or place in respect of which a publican's licence authorising the sale of liquor is in force (in this section referred to as the licensed premises).
- (2) Subject to subsection (1), the Chairperson, after issuing a licence must report the number of licences issued in respect of applications granted with special hours, to the Secretary and the Committee, immediately after (issuance of a licence) or on the first working day of the week if the issuance falls on a non-working day.
- (3) Any member of the Committee may act as Chairperson for the purpose of this section in the absence of and after being nominated by the Chairperson.
- (4) For the purposes of this section the permitted special hours under a special-hour's licence shall be on any day from 12 am to 2am.

(5) Without prejudice to any liability under section 11, no person shall –

- (a) during the permitted special hours, himself/herself or by his/her servant or agent sell or supply on or from the licensed premises any liquor except as authorised by the special hours licence in force in respect of those premises and in accordance with the conditions, if any, imposed by the Chairperson; or
- (b) consume any liquor sold or supplied on or from the licensed premises during the permitted special hours unless that liquor has been sold or supplied to him in accordance with this subsection;

and any person who contravenes this subsection shall be liable to a minimum fine of \$500 and not exceeding \$5000 or to a maximum imprisonment of 3 months.

(6) A special hours licence may be cancelled by the Chairperson if:

- (a) there has been any contravention of the conditions imposed by the Committee on the grant of the licence; or
- (b) a publican's licence is no longer in force in respect of the premises to which the special hours licence applies; or
- (c) the licensee has been convicted of an offence under this Act.

(7) The grant of a special hours licence shall be notified forthwith by the Chairperson of the Committee to the Commissioner of Police within 24 hours from the date of the Committee's decision.

(8) For the purposes of this section "liquor" includes sour toddy,

#### ***F. Sour Toddy Producer's Licence***

#### **24. Sour toddy producer's licence**

- (1) A sour toddy producer's licence may be granted authorising the sale of sour toddy by any person who makes the same from a separate building other than a residence or a store operating under the business licence, directed and approved by the Local Government Council.
- (2) The holder of a sour toddy producer's licence shall sell sour toddy in closed bottles or containers.

- (3) Any person who consumes sour toddy on or in the vicinity of premises in respect of which a sour toddy producer's licence is in force and the holder of such a licence who permits sour toddy to be so consumed shall each be liable of an offence.
- (4) Any person who contravenes subsection 2 and 3, shall be liable to a minimum fine of \$500 and not exceeding \$5,000 and in the latter case the court shall order cancellation of the licence.
- (5) Any person who consumes sour toddy on or in the vicinity of premises in respect of which a sour toddy producer's licence is in force and the holder of such a licence who permits sour toddy to be so consumed shall each be liable to a minimum fine of \$500 and not exceeding 5,000 and in the latter case the court shall order cancellation of the licence.
- (6) Notwithstanding the other provisions of this Act, the licensing authority in respect of a sour toddy producer's licence shall be the Local Government Council within whose area of authority the premises in question are situated or, where there is no such Council the administrative officer in charge of the district or area in question.
- (7) Licence fees payable in respect of a sour toddy producer's licence including other fees shall be paid to and form part of the revenues of that Council.
- (8) Sections 31, 33 and 34 shall apply *mutatis mutandis* to a licensing authority in respect of a sour toddy producer's licence as if every reference therein to a Licensing Committee were a reference to such a licensing authority.
- (9) The procedure prescribed by Part IV shall apply *mutatis mutandis* to a sour toddy producer's licence as if it were an off licence:

Provided that

- (a) upon the grant of an application for the grant or renewal of a sour toddy producer's licence and on receipt of the prescribed fee the licensing authority shall forthwith issue a sour toddy producer's licence in a prescribed form;
  - (b) upon the grant of an application for the removal of a sour toddy producer's licence and on receipt of the prescribed fee the licensing authority shall forthwith endorse the existing licence with the address of the substituted premises—or issue a new licence, as it may think fit.
- (10) Where any person is convicted of an offence under the Food Safety Act 2006 and other relevant laws in respect of sour toddy that has at any time been stored, exposed for sale, sold, supplied or delivered at or from premises in respect of which a sour toddy producer's

licence was then in force, the licensing authority shall forthwith cancel the licence unless the licence holder proves that he/she was wholly unconnected with the offence.

**25. Hours of sale and other terms of sour toddy producer licence**

The holder of a sour toddy producer's licence may during the hours from 6 a.m. to 10 p.m., except Sunday, sell or supply liquor from the licensed premises.

***G. Manufacture of Liquor Licence***

**26. Manufacture, etc. of liquor without a licence is an offence**

Subject to section 28, no person:

- (a) shall brew or distill or aid or assist or be otherwise concerned in brewing or making or distilling any liquor; or
- (b) shall knowingly supply any materials for brewing or making or distilling any liquor to any person other than a manufacturer licensed under this Act; or
- (c) shall have in his/her possession or custody any liquor made or distilled in the Republic by any person other than a brewer or manufacturer licensed under this Act; or
- (d) shall convey or conceal, or aid or assist in conveying or concealing, or upon whose premises liquor is found brewed or made or distilled in the Republic by any person other than a brewer or manufacturer licensed under this Act.

**27. Application for licence to manufacture liquor**

- (1) A taskforce is hereby established in accordance with this section and will provide recommendations and advise the Minister on significant issues in relation to manufacturing liquor.
- (2) The taskforce is not a permanent body but form at the discretion of the Minister on an ad hoc basis to deal with significant issues and matters and to advise on manufacturing projects and development as they arise.
- (3) The appointment of members from relevant authorities, qualification required of members, manner of meetings, rules and procedures of the taskforce shall be prescribed by regulation.
- (4) The Minister may in consultation with the Cabinet, issue a licence to manufacture, and sell wholesale, liquor, on such terms and conditions as the Minister may impose.

- (5) A breach of any terms and conditions of a licence issued under subsection (4) of this section shall be an offence against this Act.

## **28. Obstruction and bribery**

- (1) Any person who gives, offers, promises to give or procures to be given any bribe recompense, or reward to, or makes any collusive agreement with a police officer;
- (a) to induce neglect of the police officer's duty in the investigation of any offence or suspected offence against this Act; or
  - (b) to conceal or connive at any act whereby the provisions of this Act may be evaded,
- shall be guilty of an offence.
- (2) Any person who obstructs a police officer in the investigation of an offence or suspected offence against this Act shall be guilty of an offence.
- (3) Any person who has committed an offence under subsection (1) of this section shall be liable upon conviction to a minimum fine of \$5000 and not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both.

## **29. Penalty**

Any person found guilty of an offence under this Part for which a penalty is not otherwise provided for, shall be liable upon conviction to a minimum fine of \$5000 and not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both.

**PART III**  
**LIQUOR LICENSING COMMITTEE**

**30. Appointment of Committee and quorum.**

- (1) The Minister may by notice:
  - (a) appoint 1 or more licensing committee to consist of not less than 4 members with an officer from the responsible Ministry as Chairperson including the Commissioner of Police from the Kiribati Police Service and a legal counsel from the Office of the Attorney General for South Tarawa Licensing Committee and an Officer Commanding Station for the Outer Island Licensing Committee; and
  - (b) define the part or area of Kiribati over which a Licensing Committee so appointed shall exercise its authority.
- (2) A member of a Committee shall hold office until:
  - (a) the term of his/her appointment lapses after 2 years;
  - (b) he/she is convicted of an offence of murder and any sexual offence;
  - (c) his/her appointment is revoked; or
  - (d) he/she submits his/her resignation in writing to the Minister.
- (3) In the absence of the Chairperson from any meeting of a committee, a Vice Chairperson appointed by the Chairperson shall preside the meeting or any member appointed by other members present to act as Chairperson in the absence of both the Chairperson and Vice Chairperson.
- (4) Four members of the committee shall form a quorum.

**31. Meetings of the Committee**

- (1) There shall be two meetings of the committee, namely the annual and a regular meeting.
- (2) During the annual meeting, the committee shall sit in October to hear administrative matters and other relevant issues.

- (3) The regular meetings shall be held in December after the annual meeting and in June the following year to review liquor applications.
- (4) A Committee shall give at least 2 months' notice of the time, day and place appointed for its regular meetings by:
  - (a) publishing such notice in any Government publication; or
  - (b) posting such notice at each police station in the licensing area; or
  - (c) social media; or
  - (d) any other means of publication.
- (5) No application shall be entertained by a Committee unless such application has reached the Committee at least 28 days or 4 weeks after the notice has been issued.
- (6) Ten (10) days after the application closed as per subsection 5 above, the Committee shall publish the names of all applicants together with the location of their intended licensed premises and invite objectors to lodge their objections, ten (10) days of the invitation.
- (7) The Committee shall at least give 5 days after the invitation of objections under subsection 6 above, the notice in writing of the time, day and place appointed for the meeting to:
  - (a) for South Tarawa, the Commissioner of Police;
  - (b) the Officer Commanding Station for Kiribati and outer islands;
  - (c) applicants, the Committee has received objections on their applications; and
  - (d) every objector.
- (8) The Committee shall hold or call for special meetings to entertain late applications.
- (9) The process under subsections 6 and 7 above applies in entertaining late applications.

### **32. Sitting Allowance**

- (1) In the case of annual meeting of the Committee, the Ministry shall pay the standard sitting allowance.
- (2) In the case of regular meetings of the Committee, the Ministry of Culture and Internal Affairs shall pay the standard sitting allowance.
- (3) In the case of special sittings of the Committee to consider late applications, all necessary expenses decided by the Committee shall be met by the applicant including payment of a late fee \$50 to the consolidated fund.

### **33. Functions of the Committee**

- (1) The functions of a Committee, in respect of all licences that may be issued under this Act other than special hours licence, are:
  - (a) to consider and determine all applications;
    - (i) for the grant and renewal of licences;
    - (ii) for the removal of any licence; and
    - (iii) for the transfer of a licence;
  - (b) to cancel or vary the terms of any licence.
- (2) In the exercise of its functions under subsection (1), any decision of the Committee, subject to section 46, shall be final.

### **34. Jurisdiction of the Committee**

- (1) Applications for licences shall be made to the Committee of the area in which the premises intended to be licensed are situated.
- (2) A Committee before granting any licence must be satisfied that:
  - (a) the premises to which the application relates are fit and proper for the purpose of selling liquor, having regard to the type of licence applied for;
  - (b) the parts of the premises on which liquor is to be stored and sold are sufficiently defined in the application, or delineated on a plan annexed thereto;
  - (c) storage shall be prescribed on the application form;
  - (d) the applicant is a proper person to hold such licence; and
  - (e) the byelaw of the island in which the Licensing Authority is located allows the sale of liquor on that island.

## PART IV

### APPLICATION PROCEDURE RELATING TO LICENCES

#### 35. Application for off-licences, publican licence, club licence and table licence

An application for the grant, renewal or removal or transfer of an off-licence, a publican's licence, club licence and a table licence shall:

- (a) be accompanied by a national id card or any other recognized identification;
- (b) be made in a prescribed form and signed by the applicant;
- (c) set forth the applicant's name, address and occupation;
- (d) state whether authority is required for the sale of liquor;
- (e) contain a full and accurate description of the premises, its location, or of the parts thereof, intended to be licensed; and
- (f) be accompanied by a plan of such premises intended to be licensed.

Provided that in the case of an application for the renewal of any such licence, the requirements of paragraphs (e) and (f) need not be set out unless the Committee so directs or unless structural alterations were made to the licensed premises during the currency of the existing licence.

#### 36. Applications in respect of separate parts of the same premises

- (1) An applicant may apply for any of the licences in respect of separate parts of the premises intended to be licensed.
- (2) The Committee, taking into consideration the nature of the premises, the relative location of the separate parts and the business intended to be done by the applicant at the separate parts of the premises, may, at its discretion:
  - (a) restrict the application to a specific part of the premises;
  - (b) grant 1 licence in respect of 2 or more separate parts; or
  - (c) grant such number of licences as it deems appropriate in respect of the separate parts.

### **37. Application for a club licence**

An application for a club licence or for the renewal thereof shall be made in a prescribed form and signed by the secretary of the club in the name of and on behalf of the club, and shall include particulars of the objects of the club, the address of the club's premises, the names and addresses of the officers and Committee of management of the club, together with a copy of the rules of the club, and shall state whether authority is required for the sale of liquor.

### **38. Application for special hours licence**

An application for the grant, of a special hour licence shall:

- (a) be made in a prescribed form and signed by the applicant; and
- (b) contain sufficient particulars clearly to identify the premises in question.

### **39. Consideration of application**

- (1) Applicants and objectors shall have the right to appear before the Committee either in person or through an accredited representative.
- (2) Applications for the grant:
  - (a) of any licence to the issue of which objection has been made; and
  - (b) of a publican's licence;

shall not be considered by the Committee unless;

- (i) in the case of an application under paragraph (2)(a) the Committee is satisfied that both the applicant and objector have had reasonable notice of the day of the meeting at which the application is to be considered;
  - (ii) in the case of an application under paragraph (2)(b) the applicant either by himself or his/her representative appears or, where no objection has been made to such application, is expressly dispensed from appearing by the Committee.
- (3) The Commissioner of Police/OIC of the licensing area shall attend each meeting of the Committee.
  - (4) The Committee shall have the discretion to decide its own procedure in hearing the applicant and objectors.

#### **40. Certificate to issue licence**

- (1) Upon the grant of an application for a new, renewal, or removal of a licence, the Committee shall issue to the applicant a certificate in a prescribed Forms 1 and 2 under Schedule 1.
- (2) The applicant shall present his/her certificate to the Secretary who, upon receipt of the appropriate licence fee, shall:
  - (a) issue the licence accordingly; or
  - (b) in the case of a certificate for the removal of a licence, endorse the existing licence with the address of the substituted premises; or issue a new licence, as he/she may think fit.
- (3) A certificate shall be void unless presented to the Secretary, together with the appropriate licence fee, within 2 months from the date of issuance.

#### **41. Conditional certificate for premises to be erected or altered.**

- (1) Whenever a person desires to obtain a new publican's licence for premises not yet erected or for premises requiring alterations or additions to make them suitable to be licensed under this Act, he/she may submit an application to the Committee for a conditional certificate and, in such case, shall furnish the Committee with a properly drawn plan showing the precise locality of the premises, the number and size of rooms and all other information necessary to enable the Committee to form a correct estimate of the appropriateness of such proposed premises.
- (2) Having considered the application and any objection that may be made thereto in accordance with section 45, the Committee may grant a conditional certificate which shall remain in force until the completion of the premises provided the completion is effected within 12 months of the date of such a certificate or within such further period as the Committee may allow.
- (3) Upon completion of the premises in accordance with the specifications of the plan furnished under subsection (1), the Committee shall, upon application being made to that effect in the manner prescribed by section 35, issue a certificate for the grant of a publican's licence unless it is satisfied that the character of the applicant is objectionable.

#### **42. Removal of licence**

A licence is only removable if the premises from and to which it is removed are within the same licensing area.

#### **43. Destruction of premises**

If the premises of the holder of an off-licence or of a publican's licence are, by fire, tempest or other calamity, rendered unfit for the carrying on of his/her business, the Licensing Committee, upon application by or on behalf of such holder, may, if it thinks fit, by order in writing, authorise him/her temporarily to carry on his/her business in some neighbouring premises until the expiry of his/her current licence, or, if the licence is renewed, for a period not exceeding 12 months.

#### **44. Cancellation or variation of terms of licence**

Where the Committee grants an application subject to structural alterations and modifications being made to the licensed premises within such period as the Committee may specify, the Committee may, upon being satisfied that the licensee has failed to carry out the alterations or has carried them out inadequately, vary the terms of the licence or cancel it.

#### **45. Objectors and objections**

(1) Objections to the grant of any certificate under this Act other than a certificate granted under section 41(3), or to the grant of a conditional certificate may be made to the Committee by-

- (a) any other licensee in the licensing area, or any 3 or more residents of the licensing area, in which the premises to which the application refers are situated or intended to be situated;
- (b) any police officer;
- (c) any sanitary inspector or any person authorised in writing by the Secretary; on any of the following grounds-
  - (i) that the applicant is a person of drunken or dissolute habits or otherwise of bad repute;
  - (ii) that the applicant's licence has, within the 12 months preceding the date of application, been cancelled;
  - (iii) that within the same period, the applicant has been convicted of selling liquor without a licence, or of selling adulterated liquor under any law or the time being in force, or has committed an offence against this Act;
  - (iv) that frequent breaches of the law have occurred on the licensed premises;
  - (v) that the premises intended to be licensed are unhygienic or otherwise unsuitable for the sale of liquor;

(vi) that the reasonable requirements of the neighbourhood do not justify the issue of the licence;

(vii) that the premises intended to be licensed are in the immediate vicinity of a place of public worship, hospital or school;

(viii) that the quiet and good order of the neighbourhood in which the premises intended to be licensed are situated will be disturbed if the certificate be granted; or

on any other ground (not being frivolous or vexatious) that appears, to the Committee to be sufficient.

- (2) Upon an application for the grant of a certificate under section 41(3) objection may only be taken on any of the grounds specified at paragraphs (i), (ii) and (iii) of subsection (1).
- (3) The Committee shall as soon as practicable after an objection has been lodged give notice of such objection to the applicant and to the senior police officer of the licensing area.
- (4) Where objections are made of which the applicant has not had prior and reasonable notice, the applicant shall be entitled to an adjournment.

#### **46. Case stated**

Any applicant or objector aggrieved by a decision of a Committee on the ground that it is erroneous in point of law may apply to that Committee to state a special case to the High Court and the Committee shall state a case accordingly.

### **PART V**

#### **PROHIBITION ORDERS.**

#### **47. Prohibition order**

- (1) A magistrate may, upon application being made to him/her by any person and upon being satisfied that the person in relation to whom the application is made is of confirmed intemperate habits, order that such person be prohibited from drinking or having liquor in his/her possession for such period not exceeding 12 months as shall be specified in the order.
- (2) Whenever any person is convicted by any court of any offence involving drunkenness and upon such conviction the court is satisfied that such person has within 12 months prior to such conviction, been convicted at least twice of offences involving drunkenness, the court may make a prohibition order.

- (3) Any liquor found in the possession of a prohibited person may be seized by any police officer and shall thereupon be forfeited.

#### **48. Notice of prohibition order to be given**

When a prohibition order has been made, the magistrate or court, as the case may be, shall cause notice thereof to be given to:

- (a) every Officer Commanding Station in charge of a police station;
- (b) every licensee whose licensed premises are; and
- (c) the Secretary of a licensed club whose premises are;  
on the island where the prohibited person normally resides.

#### **49. Prohibited person not to drink or have liquor in his/her possession**

- (1) A prohibited person who is found drinking liquor or in possession of liquor shall be liable to a minimum fine of \$500 and not exceeding \$5000 or to a maximum imprisonment of 3 months.
- (2) A prohibited person who is found drunk on licensed premises, or in a licensed club or in any public place shall be liable to imprisonment for 12 months without the option of a fine, unless for reasons special to the prohibited person the court considers that a fine shall be adequate in which case he/she shall be liable to a minimum fine of \$500 and not exceeding \$5000 or to a maximum imprisonment of 3 months.

#### **50. Unlawfully supplying liquor to a prohibited person**

- (1) Any person who knowingly gives, sells, supplies or in any way procures or assists in procuring any liquor to or for a prohibited person shall be liable to a minimum fine of \$500 and not exceeding \$5000 or to a maximum imprisonment of 3 months.
- (2) Where the offender under subsection (1) is a person, or the servant or employee of a person, to whom notice has been given in accordance with paragraphs (b) and (c) of section 48, such person and any servant or employee of such person shall be deemed to have known, until proof to the contrary is made by him/her, that a prohibition order was in force in respect of the prohibited person concerned.

### **51. Prohibited person not to remain on certain licensed premises**

A licensee under a publican's licence whose licensed premises are exclusively or mainly used for the sale of liquor who permits any prohibited person to be or remain on the premises shall be liable to a minimum fine of \$500 and not exceeding \$5000 or to a maximum imprisonment of 3 months.

### **52. Definition of "liquor" under Part V**

For the purposes of this Part "liquor" includes sour toddy

## **PART VI**

### **ENFORCEMENT**

### **53. Enforcement Measures**

(1) There shall be an enforcement team consisting of:

- (a) Secretary as Chairperson;
- (b) Chairperson of licensing Committee;
- (c) Director of Public Prosecutions;
- (d) Commissioner of Police;
- (e) Director of Public Health; and
- (f) any other person the Secretary may consider necessary.

(2) The Enforcement team shall:

- (a) oversee that all sections of this Act are implemented well; and
- (b) report on the progress of the Act in their respective areas of employment as required under this Act.

(3) The report shall include:

- (a) the effectiveness and efficiency of the Act;
  - (b) the issues for enforcement and implementation; and
  - (c) the plan of the Ministry in overcoming issues.
- (4) The Secretary as the Chairperson of the Enforcement Team shall:
- (a) convene the meeting of an Enforcement team quarterly; and
  - (b) provide a report to Cabinet one week after the sitting of the Enforcement team.
- (5) Failure to provide this report on a timely manner entitles the Secretary to the Cabinet to demand an explanation from the Secretary.

## **PART VII**

### **OFFENCES**

#### **54. Selling liquor without licence**

Any person who sells or exposes for sale any liquor without holding a licence authorising the sale of that liquor shall be liable on conviction to a minimum fine of \$500 and not exceeding \$5,000 or to a maximum imprisonment of 3 months.

#### **55. Possession of liquor**

Any person, with intent to sell, has liquor in his/her possession at any place without holding a license commits an offence and is liable to a minimum fine of \$500 and not exceeding \$5,000 or to a maximum imprisonment of 3 months.

#### **56. Liquor of any kind not authorised to be kept on premises**

If liquor of any kind not authorised by the licence is found on premises or in a licensed club, any person, the licensee or the secretary of the club, as the case may be, and any person consuming or in possession of such liquor shall be liable to a minimum fine of \$500 and not exceeding \$5,000 or to a maximum imprisonment of 3 months.

#### **57. Sale by other person than a licensee**

If any person other than a licensee, or his/her servant or agent, sells liquor on that licensee's licensed premises, that person and the licensee shall be liable to a minimum fine of \$500 and not exceeding \$5,000 or to a maximum imprisonment of 3 months.

### **58. Sale of liquor at places other than licensed premises**

If any person holding a licence, sells or exposes for sale any liquor except at the place at which that licence authorises him/her to sell that liquor, he/she commits an offence and is liable to a minimum fine of \$500 and not exceeding \$5,000 or to a maximum imprisonment of 3 months.

### **59. Refusal to produce licence**

If on the licensed premises, any licensee, employee, agent or servant of the licensee, on demand by any police officer refuses or neglects to produce his/her licence, he/she commits an offence and is liable to a minimum fine of \$500 and not exceeding \$5000 or to a maximum imprisonment of 3 months.

### **60. Preserving order in licensed premises**

- (1) A licensee shall not permit drunkenness or any violent, quarrelsome, or riotous conduct to take place on the licensed premises.
- (2) A licensee shall not sell liquor to a drunken person.
- (3) If a licensee is charged under subsection (1) with permitting drunkenness, and it is proved that any person was drunk on the licensed premises, the burden of proving that the licensee and the persons employed by him took all reasonable steps for preventing such drunkenness shall be on the licensee.
- (4) A licensee who contravenes this section shall be liable to a minimum fine of \$500 and not exceeding \$5,000 or to imprisonment of 3 months.
- (5) In this section "licensee" includes the secretary of a licensed club, and "licensed premises" includes a licensed club.

### **61. Procuring drink for drunken person**

- (1) Any person who, on licensed premises or in a licensed club, procures or attempts to procure any liquor for consumption by a drunken person, shall be liable to a minimum fine \$500 and not exceeding \$5,000 or to imprisonment of 3 months.
- (2) Any person who aids a drunken person in obtaining or consuming liquor on licensed premises or in a licensed club, shall be liable to a minimum fine \$500 and not exceeding \$5,000 or to imprisonment of 3 months.

## **62. Signs relating to unlicensed premises**

Any person, not being an holder of a licence, has on his/her premises any sign, writing, painting or other mark displayed which may imply or give reasonable cause for believing that such premises are licensed for the sale of liquor or that liquor is sold or supplied, commits an offence and is liable to a minimum fine of \$500 and not exceeding \$5000 or to a maximum imprisonment of 3 months.

## **63. Prostitutes, etc., on licensed premises**

A licensee who allows or permits any common prostitutes, drunken or disorderly persons or persons of notoriously bad character to assemble or continue to reside upon/in/at his/her licensed premises commits an offence and is liable to a minimum fine of \$500 and not exceeding \$5000 or to a maximum imprisonment of 3 months.

## **64. Power to exclude certain persons from licensed premises**

- (1) Without prejudice to any other right to refuse a person admission to premises or to expel a person from premises, a licensee may refuse to admit to, or may expel from, the licensed premises any person who is drunken, violent, quarrelsome or disorderly, or who is using foul language, or any person suffering from an infectious disease or whose presence on his/her premises would subject him/her to a penalty under this Act.
- (2) If any person liable to be expelled from licensed premises under this section, when requested by the licensee or his/her servant or agent or any police officer to leave the premises, fails to do so, he/she shall be liable to a minimum fine of \$500 and not exceeding \$5,000 or to a maximum imprisonment of 3 months.
- (3) A police officer shall, on the demand of the licensee or his/her servant or agent, expel from the licensed premises any person liable to be expelled under this section and may use any reasonable degree of force required for that purpose.

## **65. Search warrant**

- (1) The Magistrate Court, upon being satisfied by information on oath that there is reasonable ground for believing that –
  - (a) any liquor is sold or exposed or kept for sale at, or in, a place not licensed for such purpose; or
  - (b) a person under 21 years of age is, without lawful justification, present in a place not licensed for sale of liquor and is consuming liquor or is in the company of those consuming liquor,

may issue a search warrant to a police officer authorising him to enter that place which shall name in the warrant, by force if need be, and search the place for liquor or a person under 21 years of age and seize and remove any liquor that the police officer has reasonable grounds for supposing to be in the place for the purpose of unlawful sale there or elsewhere, and the receptacles containing such liquor, or removing a person under 21 years of age therefrom.

- (2) Where a police officer seizes any liquor in pursuance of a warrant under this section, any person found in the place shall, unless he/she proves that he/she is there for a lawful purpose, be liable to a minimum fine of \$500 and not exceeding \$5,000 or to a maximum imprisonment of 3 months.

#### **66. Person's underage**

- (1) The holder of a licence who knowingly or carelessly sells or supplies, or allows to be sold or supplied, or any servant of his/her who knowingly sells or supplies any liquor to any person under the age of 21 years commits an offence and is liable to a minimum fine of \$500 and not exceeding \$5000 or to imprisonment of 3 months.

- (2) Subject to the provisions of this Act, any person under the age of 21 years who:

- (a) is or within the curtilage of any licensed premises during the permitted hours; or

- (b) is present in a place where alcohol is being consumed and continues to remain there after having been warned to depart therefrom,

is guilty of an offence and shall be liable to a minimum fine of \$500 and not exceeding \$5,000 or in default of payment, to a maximum imprisonment of 3 months.

- (3) Any person under the age of 21 years who:

- (a) obtained, or attempts to obtain, liquor on or from any licensed premises or licensed club;

- (b) has in his/her possession, or consumes, liquor in any licensed premises or licensed club, or in any public place

shall be liable to a minimum fine of \$500 and not exceeding \$5,000 or to a maximum imprisonment of 3 months.

- (4) The holder of a licence who employs any person under the age of 21 to sell or serve liquor shall be liable to a minimum fine of \$500 and not exceeding \$5,000 or to a maximum imprisonment of 3 months.

#### **67. Influencing a police officer on duty**

Any licensee who:

- (a) keeps, influence, or cause any police officer by all means to remain on his/her licensed premises for any police officer during any time appointed for that officer to be on duty, except for the purpose of that officer's duty; or
- (b) supplies any liquor or meals or anything, whether by way of gift or sale, to any police officer on duty except by authority of a superior officer of that officer,

shall be liable to a minimum fine of \$500 but not exceeding \$5,000 or to a maximum imprisonment of 3 months.

#### **68. Gaming on licensed premises**

- (1) A licensee who causes any person to play or operate any gaming on his/her licensed premises commits an offence and shall be liable to a minimum fine of \$500 and not exceeding \$5,000 or to a maximum imprisonment of 3 months.
- (2) In this section "gaming" has the same meaning ascribed to it by section 2 (1) of the Gaming and Lotteries Ordinance.

#### **69. Liquor not to be consumed within curtilage of licensed premises**

- (1) Any licensee who knowingly suffers or permits the consumption of any liquor by any person other than a *bona fide* lodger or inmate or the *bona fide* guest of such person, in any place within the curtilage of his licensed premises, not being a place which is part of the licensed premises as described and defined in the licence shall be liable to minimum fine of \$500 and not exceeding \$5000 or to a maximum imprisonment of 3 months.
- (2) Any person found consuming liquor in any place in which such consumption is contrary to subsection (1) who, upon being requested by the licensee or his/her servant or by any police officer to quit such place, refuses or fails to do so, may be expelled from such place with any reasonable degree of force required for that purpose and shall be liable to a minimum fine of \$500 and not exceeding \$5,000 or to a maximum imprisonment of 3 months.

#### **70. Liquor not to be consumed in prohibited areas**

- (1) Any person found consuming liquor in any place other than premises licensed for that purpose in any part of a prohibited area to which the public have access shall be liable to a minimum fine of \$500 and not exceeding \$5,000 or to a maximum imprisonment of 3 months.
- (2) The Minister may by notice (order) declare any area to be a prohibited area for the purposes of this section.

## **71. Non-compliance with conditions of licence**

- (1) The holder of a licence who fails to comply with any of the conditions of his/her licence or of a permit issued to him/her under this Act shall be liable to a minimum fine of \$500 and not exceeding \$5,000 or to a maximum imprisonment of 3 months.
- (2) The holder of any licence shall keep painted on the front of his/her licensed premises a permit, in letters at least 3 inches high, his/her name in full in the case of a "liquor" licence, by the words "licensed to sell liquor".
- (3) The holder of any licence shall affix such permit in a conspicuous place on his/her licensed premises.
- (4) The licensee who fails to comply with the requirements of this section shall be liable to a minimum fine of \$500 and not exceeding \$5,000 or to a maximum imprisonment of 3 months.

## **72. Possession of weapons**

Any person who –

(a) whilst in a licensed club or in licensed premises other than weapons premises in respect of which an off-licence is in force; or

(b) whilst under the influence of liquor

is found in possession of any dangerous or offensive weapon or instrument which in the opinion of any reasonable person can cause harm to any person, shall be liable to a minimum fine of \$500 and not exceeding \$5,000 or to a maximum imprisonment of 3 months.

## **73. General offence**

A breach of any provision of this Act is an offence with a maximum fine of \$500 and not exceeding \$5000 or 3 months imprisonment.

## **74. Interpretation of "liquor" in Part VII**

For the purpose of this Part "liquor" includes sour toddy.

## Part VIII

### MISCELLANEOUS

#### **75. Burden of proof**

(1) In any prosecution for an offence under this Act, an averment in the summons that -

- (a) any liquid the subject of the prosecution is liquor;
- (b) that any liquor the subject of the prosecution was made or distilled in the Republic; or
- (c) that any person can get drunk from drinking such a liquid

shall be prima facie evidence of the facts so averred.

(2) Notwithstanding the requirement to prove that liquor contains 5% alcohol, ~~In~~ any proceedings for an offence under this Act involving liquor, sour toddy or kakaraoi, the opinion of an indigenous person that a liquid is liquor, sour toddy or kakaraoi shall be deemed to prove that a liquid is liquor containing not less than 5% alcohol.

#### **76. Presumptions and liability of servants**

(1) In any proceedings under this Act-

- (a) a certificate purporting to be signed by a Government chemist or analyst specifying the nature and contents of any liquid shall be prima facie evidence of the nature and contents of such liquid;
- (b) where the prosecution alleges any liquid to be liquor, sour toddy or kakaraoi the liquid shall be deemed to be liquor, sour toddy or kakaraoi containing not less than 5%, as the case may be, unless the contrary is proved;
- (c) the delivery of any liquor or sour toddy shall be prima facie evidence of sale so as to support a conviction, unless the contrary is proved; and
- (d) evidence that any person, other than the licensee or his/her servant, consumed or intended to consume liquor on the licensed premises shall be prima facie evidence that such liquor was sold by or on behalf of the licensee to that person.

(2) Where an offence for which the holder of a licence is liable under this Act has, in fact, been committed by his/her servant or agent, the holder of the licence and his/her servant or agent shall be liable as joint principals in the first degree and each shall be liable to a minimum fine of \$500 and not exceeding \$5000 or to a maximum imprisonment of 3 months.

### **77. Action for price of liquor sold**

No licensee shall maintain any action for, or recover in any court, any debt or demand for any liquor sold for consumption on the premises unless such liquor has been sold or supplied by such licensee to a *bona fide* lodger or for consumption with a meal.

### **78. Powers of entry of police officers**

- (1) Any police officer, upon reasonable belief, may for the purpose of preventing or detecting the commission of any offence against this Act at any time enter any licensed premises or any other place where the offence against this Act is being committed or likely to be committed.
- (2) If any person by himself/herself or by any person in his/her employ or acting with his/her consent refuses or fails to admit any police officer who demands entry in pursuance of subsection (1), that person shall be liable to a minimum fine of \$500 and not exceeding \$5,000 or to a maximum imprisonment of 3 months.

### **79. Liquor in shops**

- (1) Any person owning or managing a shop, who without a licence under this Act, stores or keeps or permits to be stored or kept any liquor in any part of the shop, or in excess of his/her own reasonable personal requirements in any building used as a dwelling-house communicating by a passage-way or otherwise with such shop, shall be liable to a minimum fine of \$500 and not exceeding \$5000 or to a maximum imprisonment of 3 months.
- (2) Any police officer may at any reasonable time enter any such shop or building and may search for liquor, and if any liquor be found, the same shall, be seized as evidence and upon a conviction under subsection (1), be forfeited.

### **80. Seizure of liquor and forfeiture**

Without-prejudice to any other provision of this Act, whenever a police officer believes or has reason to believe that an offence has been, or is being, or is about to be committed under this Act, he/she may seize and take away all liquor and all receptacles and articles connected with such offence, and the same may, upon conviction in respect of such offence, be forfeited by the court.

### **81. Cancellation of licence**

- (1) Without prejudice to any other provision of this Act, if the holder of a licence is:

- (a) sentenced to imprisonment for a term exceeding 6 months;
- (b) that it is not conducted in good faith or habitually used for any unlawful purpose;
- (c) that there is frequent drunkenness on the licensed premises;
- (d) that illegal sales of liquor have taken place on the licensed premises;
- (e) convicted within a period of 12 months of a second offence against this Act;
- (f) convicted of failing to comply with any of the conditions of his/her licence; and
- (g) that an offence has been committed by or at a licensed premises.

the Licensing Committee, in the case of paragraph (a), (b), (c), (d), and the court of conviction, in the case of paragraph (e), (f) and (g) may cancel the licence.

- (2) Where any licensee is convicted of an offence under this Act or where any other person is convicted of an offence under this Act committed on licensed premises or on the premises of a licensed club, the Chief Registrar so convicting shall within 7 days transmit to the Licensing Committee a written summary of the facts.

## **82. Prohibition of transfer licence**

- (1) The licensed holder being unable to continue business by any reason shall not transfer his/her licence to another person.
- (2) The licence holder's licence ceases to take effect for any reason under subsection (1).
- (3) Any person having a lawful interest in the licensed premises to which such licence relates, when such holder is incapable to perform his/her duties by all means, is imprisoned, becomes insane, or is lawfully evicted from the premises, shall apply for a new licence.

## **83. Prohibition of selling admixture of yeast or kakaraoi**

- (1) Notwithstanding anything contained in this Act, selling admixture of yeast is prohibited and no such licence shall be issued.
- (2) Any person who contravenes subsection (1) commits an offence and is liable to a minimum fine of \$500 and not exceeding \$5,000 or to a maximum imprisonment of 3 months.

#### **84. Limitation**

A prosecution in respect of any offence shall not be instituted under this Act after the expiration of 12 months from the date on which the offence was committed.

#### **85. Exemption of auctioneer**

Notwithstanding anything contained in this Act an auctioneer may, when an auction is held by the direction of the Minister or of a court, sell liquor without a licence.

#### **86. Interpretation of "liquor"**

For the purpose of sections 77, 79, 80 and 85 "liquor" includes sour toddy.

#### **87. Minister may order closure of licensed premises**

- (1) Notwithstanding anything contained in this Act the Minister may by order in writing, whenever he/she deems it expedient to do so, direct the closure of any licensed premises on such day or days and for such times as may be specified in the order.
- (2) A licensee who fails to comply with an order made under subsection (1) commits an offence and is liable to a minimum fine of \$500 and not exceeding \$5000 or to a maximum imprisonment of 3 months.

#### **88. Power to close licensed premises during riot or tumult**

- (1) When any riot or tumult occurs or is expected to occur in any place, the officer in charge of police in the area where that place is, may order any licensed premises in or near that place to be closed during such times as he/she may deem fit, and any person carrying out such order may use such force as may be necessary for closing such premises.
- (2) Any person resisting or obstructing the execution of an order made under subsection (1) and any licensee failing to comply with such order shall be liable to a minimum fine of \$500 and not exceeding \$5000 or to a maximum imprisonment of 3 months.

#### **89. Liquor Registry**

- (1) The liquor registry unit is hereby established under Administration within the Ministry.

- (2) The registry has the following roles and responsibilities as set out in the regulations including training and awareness to all licensees and club licence holders.

#### **90. Licence Forms Schedule 3**

- (1) A licence shall be in a prescribed form.
- (2) The Minister may by order amend any form specified in subsection (1).

#### **91. Fees Schedule 2**

- (1) The fees payable in respect of the several matters listed in Schedule 2 shall be those specified in the appropriate columns thereof.
- (2) The Minister may by order amend Schedule 2.

#### **92. Power to make regulations**

The Minister may, acting in accordance with the advice of the Cabinet, make regulations for all or any of the following matters:

- (a) dispensing with or relaxing any of the provisions of this Act in respect of any licensing area and in relation to any person or class of persons; and
- (b) generally, carrying into effect the provisions of this Act.

#### **93. Administrative Penalties – Spot Fines**

- (1) Liquor Spot Fine Notice
  - (a) A police officer under this Act shall issue a spot fine notice in the prescribed form to any person who, on reasonable suspicion commits an offence under any section of this Act.
  - (b) Subject to subsection (1), where a notice is not complied with within 14 days, non-compliance amounts to an offence in addition to the breach of a substantive offence.
  - (c) If a person has been served with a penalty notice 3 times, prosecution will proceed against that person for further breach of this law.
  - (d) The spot fine must range from not less than \$100 per offence depending on the gravity of the offence.

(2) Proceeding for Liquor Spot Fine Notice

- (a) The police officer may institute proceedings in respect of the allegation commission of an offence by serving personally upon the person or licensed premises alleged to have committed the offence a notice in the prescribed form.
- (b) A notice shall comply with the following requirements:
- (i) state the name, home island and village of current residence of the person with whom the notice is issued;
  - (ii) state the place, date and time of the offence;
  - (iii) notify the person to whom the notice is issued when and whether the spot fine is to be paid;
  - (iv) require the person to whom the notice is issued to pay within 14 days;
  - (v) in the event of failure to pay the spot fine, legal proceedings shall be instituted thereafter; and
  - (vi) shall bear the date on which it was served on the person charged as the case requires.
- (3) Nothing in this section shall be taken to prevent the institution of proceedings under any other provisions of this Act.
- (4) The penalty must be paid to the Ministry through the Secretary by the date specified in the notice.
- (5) Failure to comply with any notice served under this Part amounts to an offence with a penalty of not less than \$500 but not exceeding \$5000.

**94. Special powers of the Commissioner of Police**

The Commissioner of Police, if it is necessary for the public interest may:

- (a) issue an order to restrict the sale, supply or import of certain types of beer containing more than 5% of alcohol after consulting with the Manufacture taskforce established under section 27; or
- (b) publish a notice for any place declared to be a blackspot.

**95. Jurisdiction of Magistrate Court**

The Magistrate Court shall have jurisdiction to try offences under this Act.

**96. Transitional Provision**

Any licence issued under the Liquor Ordinance Cap 50 and Manufacture of Liquor Act 1997 shall continue to be valid until their expiry date and expected to apply under this Act.

**97. Repeal**

- (1) The Liquor Ordinance Cap 50 including its Regulations, Subsidiary legislation, schedules, notices and other instruments derived from it are hereby repealed.
- (2) The Manufacture of Liquor Act 1977 is hereby repealed.

**SCHEDULE 1**

**(Section 41)**

**FORMS OF CERTIFICATE FOR LICENSE**

**FORM 1**

**(For Issue or Renewal)**

This certificate authorizes the Secretary to issue/renew ..... ,  
..... In the name of ..... In respect of the  
following premises

Subject to the following conditions –

- 1.
- 2.
- 3.
- 4.
- 5.

Dated this ..... Day of .....  
Liquor Licensing Committee for.....

.....

Chairperson

Liquor Licensing Committee

**FORM 2**  
**(For Removal)**

This certificate authorizes the Secretary to remove the existing license held by  
..... to the following premises

.....

Subject to the following conditions—

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....
- 6.....

Dated this ..... Day of .....  
Liquor Licensing Committee for .....

.....

Chairperson  
Licensing Committee

**FORM 3**  
**(For Transfer)**

This certificate authorizes the Secretary to transfer the existing licence held by.....  
in respect of his/her licensed premises at ..... to .....

Subject to the following conditions

1. ....
2. ....
3. ....
4. ....
5. ....

.....

Chairperson  
Licensing Committee

**SCHEDULE 2**

**(Section 89)**

**(FEES)**

		Urban (South Tarawa, Betio, and Kiritimati)	Rural
Off-license Retail	Small scale	\$500	\$250
	Medium scale	\$1,000	\$500
	Large scale	\$1,500	\$750
Off-license Wholesale		\$2000	\$1000
Publican license		\$3000	\$1500
Table license		\$1000	\$500
Club license		\$500	\$250
Special Hours License		\$60	\$30
Sour Toddy Producer's license		\$500	\$250
Manufacture of liquor	Small Scale	\$10,000	
	Medium	\$20,000	
	Large	\$30,000	

**SCHEDULE 3**

**Section 90 (1)**

**FORM 1**

**(For a Licence)**

In accordance with the certificate of the Liquor Licensing Committee for ..... dated the ..... day of ....., and the prescribed fee having been paid to the Local Government Council, a ..... is hereby granted to ..... of ..... in respect of the following premises –

.....  
.....  
.....  
.....  
.....  
.....  
.....

This Licence is issued subject to the following conditions –

- 1.
- 2.
- 3.
- 4.
- 5.

This licence will expire on the ....., unless earlier cancelled.

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

.....  
Secretary

MCIA

**SCHEDULE 4**

**FORM 1**

**Application Form for Liquor Business**

1) New Licence

2) Renewal of Licence

<b>Applicant Full Name</b>	<b>Business Name</b>	<b>Date and Signature</b>
<b>Applying for:-</b>  Please tick one or more  1) an off-licence 2) a publican's licence 3) a club licence 4) a table licence 5) a special hours licence 6) sour toddy producers' licence 7) manufacture liquor licence	<b>Residence Address</b>	<b>Licensed Address</b>  Phone:  Email:

<b>Checklist for New Licence</b>	<b>Checklist for Licence Renewal</b>
National ID Card or any form of recognized identification e.g KPF ID card, Driver's Licence	Police Clearance
CV/Resume	Medical Clearance and Health Certificate
Business Registration Certificate	Prior Licence certificate
Lands Use Compliance Notice	
Police Clearance	
Medical Clearance and Health Certificate	
Map/Plan of Licensed Premises	

## **EXPLANATORY MEMORANDUM**

The Liquor Ordinance 1977 has been the main law for regulating alcohol sales and consumption. Over time, however, it has become clear that there are gaps and challenges in the law that need to be addressed. The Liquor Act 2025 aims to update and improve the law to better suit today's society and economy. While the ordinance was amended in 2005, it remains outdated and unable to keep up with modern changes in the market, which is why the new bill is necessary.

### **Part I – Preliminary**

This section introduces the basic provisions of the Act, including its official name and important definitions needed for understanding and applying the law.

Clause 1 gives the Act its official name, the "Liquor Act 2025," to ensure clear and consistent reference.

Clause 2 provides definitions for key terms used in the Act, helping to clarify its application.

Overall, this part sets the foundation for understanding the law and ensures consistency in how it is applied, especially for regulating liquor activities, issuing licences, and enforcing the law.

### **Part II: Licences**

This section of the Liquor Bill establishes the various types of liquor licences, the eligibility and ineligibility criteria for obtaining a licence, fines for non-compliance, permitted business hours, and provisions for special hours licences. The licensing framework ensures the responsible sale and distribution of liquor while maintaining public order and safety.

The Bill specifies seven distinct types of liquor licences, each with its own conditions and operating regulations. These include the Off-Licence, Publican's Licence, Club Licence, Table Licence, Special Hours Licence, Sour Toddy Producer's Licence and lastly a Licence to manufacture Liquor.

### **Part III: Liquor Licensing Committee**

Part III outlines the structure and responsibilities of the Liquor Licensing Committee. The Minister appoints the Committee, which includes members such as a police officer and legal counsel, and determines the areas they oversee. Committee members serve a two-year term and can be removed under certain circumstances. The Committee holds two main types of meetings annually: an annual meeting in October for administrative matters and regular meetings in December and June to review liquor license applications. Applications must be submitted 28 days after the notice has been issued, and publish applicant's names 10 days after the application closed and also invite objections. Special meetings may be scheduled for late applications. The Committee sets allowances for meetings, including a special fee for late sittings. The Committee's key responsibilities are to review, grant, renew, transfer, or cancel licenses, ensuring that premises meet the necessary standards before granting a license. All decisions are final, with limited exceptions.

#### **Part IV: Procedure Relating to Licences**

The purpose of Part IV is to establish a clear and structured process for applying for, reviewing, and granting liquor licences. It ensures that applications are properly submitted with sufficient notice, provides guidelines for evaluating the suitability of premises, and outlines the necessary documentation for different types of licences. This section also allows for public notice of applications, ensures that both applicants and objectors can participate in the review process, and sets procedures for issuing, renewing, or removing licences. It also provides mechanisms for addressing objections and appeals, ensuring fairness and transparency in the licensing process.

#### **Part V - Prohibition Orders**

The goal of this section is to control individuals with confirmed issues related to alcohol consumption by preventing them from drinking or possessing liquor. Its purpose is to reduce alcohol-related offenses through preventive actions and penalties.

A magistrate may issue a prohibition order to a person with confirmed alcohol abuse, banning them from drinking or possessing liquor for up to 12 months. If someone is convicted of a

drunkenness-related crime and has previous offenses, a court can impose a prohibition order as well. Any liquor found in the possession of a prohibited person will be confiscated.

Once a prohibition order is made, authorities such as police officers and licensed premises operators must be notified. If a prohibited person is found drinking or possessing liquor, they may face fines or imprisonment. Additionally, anyone who supplies alcohol to a prohibited person can be fined or jailed. Licensees who allow prohibited persons to remain on their premises can also face penalties.

"Liquor" in this context includes sour toddy.

## **Part VI – Enforcement**

This Part establishes an Enforcement Team responsible for overseeing the implementation of the Act. The team consists of key officials, including the Secretary (Chairperson), Chairperson of the Licensing Committee, Director of Public Prosecutions, Commissioner of Police, Director of Public Health, and any additional members deemed necessary by the Secretary.

The Enforcement Team's duties include:

Ensuring compliance with the Act,

Reporting on enforcement and implementation challenges, and

Outlining measures to address identified issues.

The Secretary, as Chairperson, must convene quarterly meetings and submit a report to the Cabinet within a week. Failure to do so allows the Cabinet Secretary to request an explanation.

Additionally, a Liquor Officer position is created within the Ministry of Culture and Internal Affairs to assist with enforcement under the Secretary's direction.

## **Part VII – Offences**

Part VII of the Liquor Bill outlines various offences related to the sale, possession, and consumption of liquor, as well as violations by licensees. It sets penalties ranging from \$500 to \$5,000, and in some cases, imprisonment. Key offences include selling liquor without a licence, possessing liquor without the proper licence, and selling unauthorized types of liquor on licensed premises. Licensees are also prohibited from allowing disorderly conduct, serving liquor to

drunken persons, or permitting underage drinking (under 21 years of age). Other offences include the misrepresentation of liquor licences, influencing police officers during their duty, and allowing gaming on licensed premises. Additionally, it is an offence to consume liquor in restricted areas, such as outside the licensed premises or in areas designated as prohibited. Licensees must comply with all conditions of their licence, and failure to do so can result in fines. The Bill also addresses the possession of dangerous weapons on licensed premises, requiring penalties for anyone found with such items. This part aims to regulate the conduct on licensed premises, ensure public safety, and enforce compliance with the law, with penalties acting as deterrents against violations.

#### **Part VIII – Miscellaneous**

The last part aims to strengthen the enforcement and regulation of liquor laws by establishing legal and administrative provisions. It outlines the responsibilities of license holders, grants police officers the authority to enforce the laws, and imposes penalties for various offenses. The section also prohibits the sale of kākaraoi or any admixture containing yeast, ensuring that no licenses are issued for such activities. Violations of this provision are subject to fines ranging from \$500 to \$5,000 or imprisonment of up to three months. Additionally, the Commissioner of Police is granted special powers to issue orders and spot fines in the public interest, such as restricting the sale, supply, or import of beer containing more than 5% alcohol and publish notice for any place declared to be a blackspot. The Minister can also create regulations, enforce safety standards, and oversee the licensing process effectively.

**CERTIFICATE OF THE CLERK OF THE MANEABA NI  
MAUNGATABU**

This printed impression of the Liquor Act 2025 has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 27<sup>th</sup> November 2025 and is found by me to be a true and correctly printed copy of the said Bill.



.....

**Eni Tekanene**

*for* **Clerk of the Maneaba ni Maungatabu**

Published by exhibition at the Maneaba ni Maungatabu this ..... day  
of ..... 2026.



.....

**Eni Tekanene**

**Clerk of the Maneaba ni Maungatabu**