

CHAPTER 192

LIQUOR

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LIQUOR

*Ordinances Nos. 23 of 1962, 19 of 1963, 37 of 1966,
1 of 1969, Act No. 34 of 1975*

AN ACT TO REPEAL THE LIQUOR ORDINANCE AND TO MAKE PROVISION FOR THE CONTROL OF THE SALE, SUPPLY AND CONSUMPTION OF LIQUOR

[31st August, 1962.]

PART I—PRELIMINARY

Short title

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

Interpretation

2. In this Act, unless the context otherwise requires—
 - “bar” means any place on licensed premises exclusively or mainly used for the sale and consumption of liquor;
 - “Board” means the Central Liquor Board constituted under the provisions of this Act;
 - “bona fide lodger” means a person who is lodged on the licensed premises of a publican with the consent of such publican;
 - “club” means a club registered under the provisions of the Registration of Clubs Act; *(Cap. 194.)*
 - “Commissioner” means the Commissioner of the Division in which the licensed premises are situated or in which it is intended to situate them;
 - “counsel” means a barrister and solicitor;
 - “customs airport” means any aerodrome designated by the Minister under the provisions of the Colonial Air Navigation Orders, 1961 to 1965, or under any enactment replacing or amending such Orders, to be a place of landing or departure of any aircraft for the purposes of the enactments relating to customs;
 - “intended person” means any person in respect of whom it is intended to make an application for a prohibition order;
 - “licensed premises” means any premises in respect of which a licence issued under this Act is in force;

- “licensee” means the holder of a licence granted under the provisions of this Act;
- “licensing authority” means the person who is the licensing authority under the provisions of the Business Licensing Act, for the area in which the licensed premises are situated or, in the case of a packet licence, for the port where the vessel is registered; (Cap. 204.)
- “liquor” means any spirit, wine, ale, beer, porter, cider, perry, hop beer or any liquor of a strength exceeding three per cent of proof spirit, but does not include methylated spirits;
- “magistrate” means a magistrate having jurisdiction in the Division in which the licensed premises are situated or in which it is intended to situate them;
- “methylated spirits” includes crude alcohol, power alcohol, rectified spirits, rectified spirits which have been de-natured to a prescribed standard under the Customs Act, industrial spirits or any mixture of such alcohol or spirits whatsoever; (Cap. 196.)
- “plan” means the plan of the licensed premises or the premises intended to be licensed which is to be supplied to the Board or to a Tribunal or to a Commissioner, as the case may be, under the provisions of this Act;
- “prohibited person” means any person in respect of whom a prohibition order is in force;
- “prohibition order” means an order made under the provisions of Part XV, prohibiting the person named therein from drinking or being in possession of liquor;
- “publican” means the holder of a publican’s licence granted under the provisions of this Act;
- “public bar” means a bar described as a public bar, and approved as such by the Board or a Tribunal, on a plan of the licensed premises of a publican, into which women (other than women over the age of twenty-one years employed by a publican to work in a public bar) are not permitted to enter;
- “registered medical practitioner” means a medical practitioner registered under the provisions of the Medical and Dental Practitioners Act; (Amended by 37 of 1966, s. 96.) (Cap. 255.)
- “shop” shall have the same meaning as in the Shop (Regulation of Hours and Employment) Act; (Cap. 100.)
- “Tribunal” means a Divisional Liquor Tribunal constituted under the provisions of this Act.
- (Section amended by 1 of 1959 s. 2, 14 of 1975 s. 43 and 34 of 1975 s. 2.)

PART II—LICENSING AUTHORITIES

Establishment of Central Liquor Board

- 3.—(1) There is hereby constituted a Central Liquor Board which shall consist of a chairman and three other members appointed by the Minister.
- (2) The Minister shall appoint a suitable person to be the secretary to the Board.
- (3) At all meetings of the Board the chairman, or in his absence such member as the other members present may select, shall preside.

(4) Three members of the Board shall constitute a quorum at any meeting of the Board.

(5) The Board shall hold its meetings in private and there shall be no right of audience before it, but nothing in this subsection shall prohibit the Board from hearing any person if it wishes to do so.

(6) At all meetings of the Board, the decision of the majority of members present shall prevail. In the case of any equality of votes on any decision, the person presiding shall have a second or casting vote.

(7) Subject to the provisions of this Act, the Board may regulate its own procedure.

(8) The Board shall cause proper records of its proceedings to be kept.

Functions of Central Liquor Board

4.—(1) The functions of the Board shall be—

- (a) to consider and if it thinks fit, grant provisional approval of applications for the grant of new publicans' licences, new off-licences, new private hotel licences and new restaurant licences;
- (b) to consider and determine applications for aerodrome, packet and special hours licences and for the renewal thereof;
- (c) to cancel, vary the terms of or accept the surrender of aerodrome, packet and special hours licences;
- (d) to decide appeals from Tribunals against conditions imposed by a Tribunal as to the improvement of the licensed premises of a publican under the provisions of section 36;
- (e) from time to time, if it thinks fit, to give to any Tribunal general directions, not inconsistent with the provisions of the Act or of any regulations made thereunder, for guidance as to the exercise of any powers, discretions, or functions under this Act for any regulations made thereunder;
- (f) to advise the Minister in relation to liquor legislation and any other related legislation and to render to him an annual report in relation to the working of this Act and any other related legislation; and
- (g) to perform all functions and carry on all duties imposed upon it under the provisions of this or any other Act.

(2) The reports referred to in paragraph (f) of subsection (1) shall be published as Parliamentary Papers and laid before Parliament.

(3) In the exercise of its powers, duties and functions, the Board shall act in accordance with any general directions given to it by the Minister.

(Inserted by 34 of 1975 s. 3.)

Establishment of Divisional Liquor Tribunals

5. There is hereby constituted a Divisional Liquor Tribunal in respect of each Division in Fiji, each of which shall consist of a magistrate, designated by the Chief Magistrate, who shall be the chairman, the Commissioner of the Division and two persons appointed by the Minister who are not public officers and who are normally resident in the Division. *(Substituted by 34 of 1975 s. 4.)*

Proceedings of Tribunals

6.—(1) At all meetings of the Tribunal the Chairman, or in his absence such member as the other members present may select shall preside.

(2) At all meetings of a Tribunal, the decision of the majority of members shall prevail. In the case of an equality of votes on any decision, the person presiding shall have a second or casting vote.

(3) All meetings of a Tribunal shall be held in public except that a Tribunal may retire to consider any decision in private.

(4) The quorum of a tribunal shall be three.

(5) Subject to the provisions of this Act and any rules made thereunder, a Tribunal may regulate its own procedure.

(6) A Tribunal shall cause proper records of its proceedings to be kept which shall include a sufficient note of any evidence given or legal submission made, and its reasons for any decisions.

Powers of Tribunals

7. Subject to the provisions of this Act, a Tribunal shall have power, in respect of the Division for which it is constituted—

(a) to consider and determine applications for the granting of conditional certificates or for the granting or renewal of publicans' licences, private hotel licences, restaurant licences and off-licences, to accept the surrender of such licences, to cancel off-licences and restaurant licences and to perform all functions imposed upon it under the provisions of this Act;

(b) to exercise all the powers of a magistrates' court in its summary jurisdiction under the Criminal Procedure Code of summoning and enforcing the attendance of witnesses, examining witnesses on oath and enforcing the payment of costs and the production of documents;

(Cap. 21.)

(c) to admit any evidence, whether written or oral and whether or not such evidence would be admissible in civil or criminal proceedings;

(d) to exclude any person if necessary to do so in order to ensure the due conduct of the proceedings or to preserve order;

(e) to award costs.

Interpreter

8.—(1) A Tribunal shall have power to appoint an interpreter.

(2) An interpreter appointed under this section shall take an oath or make an affirmation as to the proper performance of his duties in such form as the Tribunal may require.

(3) Any person appointed by a Tribunal as an interpreter who wilfully gives a false interpretation of any evidence, or makes an untrue translation of any document, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding six months.

Representation by counsel

9. Any applicant to a Tribunal or any objector to the grant of a licence or renewal thereof shall be entitled to be represented by counsel at any meeting of the Tribunal, and any other person who may consider it desirable that he should be so represented may by leave of the Tribunal be represented by counsel.

Protection of members of Board or Tribunal

10.—(1) No member of the Board or a Tribunal shall be liable to be sued in any civil court for any act done or ordered to be done by such Board or Tribunal, as the case may be, in the discharge of its functions under this Act, provided that such member at the time in good faith believed the Board or Tribunal, as the case may be, was acting in the discharge of such functions.

(2) No person bound to execute the lawful orders of the Board or a Tribunal shall be liable to be sued in a civil court for the execution of any such order which he would be bound to execute if within the jurisdiction of the Board or Tribunal issuing the same.

PART III—LICENSING GENERAL

Exemption from holding licence under the Business Licensing Act

11.—(1) Notwithstanding the provisions of this Act or those of the Business Licensing Act, all licences granted under the provisions of this Act except off-licences shall authorise the sale on the licensed premises of non-alcoholic beverages, cigars, cigarettes, tobacco and matches at any hour.

(2) Notwithstanding any provisions of the Business Licensing Act to the contrary, the holder of a publican's licence, private hotel licence or restaurant licence shall not require any licence under the provisions of that Act in respect of supplying meals on the licensed premises. (Cap. 204.)

Applicant and Commissioner to be informed of provisional approval

12. Where under this Act provisional approval to the grant of any licence has been given by the Board, the secretary to the Board shall inform the applicant and the Commissioner of the Division of the decision of the Board.

(Amended by 1 of 1969, s. 3.)

Advertisement of application

13. Where under this Act any application for a licence or renewal thereof is directed to be advertised, the applicant shall advertise his intention of applying for such a licence in newspapers published and circulating in Fiji in the English, Fijian and Hindustani languages, once in a newspaper in each of those languages.

Notice of hearing

14. As soon as practicable after the applicant notifying the secretary of the Board or the chairman of the Tribunal, as the case may be, that he has complied with section 13 and furnishing him with a copy of the newspapers, the secretary of the Board or the chairman of the Tribunal, as the case may be, shall cause the applicant to be notified and a notice to be inserted in newspapers published and circulating in Fiji in the English, Fijian and Hindustani languages, once in a newspaper in each of those languages, specifying the date, time and place of consideration of the application by the Board or of hearing of the application by the Tribunal, which date shall be not less than 10 days after the publication of such notice.

Copies of application and plans to be sent to certain officers

15.—(1) A copy of every application for provisional approval of a licence, for a licence or for the renewal thereof by the Board shall be sent to the Commissioner

of Police, to the senior police officer in the Division concerned and to the Commissioner of the Division.

(2) A copy of every application for a certificate, licence or for the renewal of a licence issued by a Tribunal shall be sent to the senior police officer in the Division.
(Section substituted by 1 of 1969, s. 4.)

Furnishing of plans

16.—(1) Notwithstanding any other provisions of this Act relating to plans, the Commissioner of a Division may request in writing a licensee, or an applicant for a licence, or for renewal thereof, whether an application has to be made to a Tribunal or not, to furnish an accurate and up to date plan of any licensed premises of his situate in such Division, inserting thereon such matters as he may require to be inserted, within a reasonable period to be specified in such written request, and may alter a plan in accordance with any decision of the Board or Tribunal, as the case may be. An applicant for a licence or for the renewal thereof shall furnish within the period to be specified in such written requirement his last audited accounts showing his gross annual turnover. (Amended by 34 of 1975, s. 5.)

(2) Any plan of licensed premises in a Division certified as correct by the Commissioner of that Division shall be prima facie evidence in proceedings under this or any other Act of all matters shown thereon, including the boundaries of licensed premises and the situation and boundaries of any bar or public bar.

(3) Any licensee or applicant for a licence or for renewal thereof, who fails to furnish an accurate and up to date plan of the licensed premises or the premises intended to be licensed when requested to do so in writing by a Commissioner, within the period specified in such request, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred dollars.

Expiry of licences

17. Subject to the other provisions of this Act, all licences issued under this Act, except occasional licences, shall expire on the thirty-first day of December of the year of issue:

Provided that the Board or a Tribunal, as the case may be, to which an application for a renewal of the licence has been made, may extend such licence for any period not exceeding three months in order to enable due consideration to be given to the renewal thereof, or for any other good cause.

Disqualification from holding a licence

18. Notwithstanding any other provisions of this Act, no person shall be granted a licence or the renewal thereof or the transfer thereof if he is a person—

- (a) who is under the age of twenty-one years;
- (b) who is a corporate or unincorporate body;
- (c) who at the time of such grant, renewal or transfer, is in prison or insane or an undischarged bankrupt, or is unable for any reason to properly supervise the licensed premises.

Time for renewals of licences

19.—(1) Every application for the renewal of a licence other than an off-licence shall be made to the Board or a Tribunal, as the case may be, before the fifteenth day of October in every year unless the Board or a Tribunal for any good cause allows an application to be made at a later date.

(2) The hearing of every application for renewal of a licence shall be fixed for some date before the first day of December, provided that the application is received by the Board or Tribunal in sufficient time to enable this to be done.

Objectors

20. Objections to the grant or renewal of any licence other than the grant of an occasional licence and the renewal of an off-licence, may be made in writing to the Board or either in writing or in person or both in writing and in person to a Tribunal—

- (a) any other licensee of licensed premises in the Division, or any three or more residents of the Division, in which the licensed premises are situated or intended to be situated;
- (b) any police officer above the rank of inspector or any police officer authorised in writing by such a police officer;
- (c) any sanitary inspector or any person authorised in writing by the Permanent Secretary for Health; or
- (d) the Town Clerk of any city or town in which the licensed premises are situated or intended to be situated.

(Amended by 14 of 1975, s. 43 and 34 of 1975 s. 6.)

Surrender of licence

21. A licensee may surrender his licence by informing the Board or Tribunal which granted the licence or renewal thereof, in writing, that he wishes to surrender it.

Procedure in relation to cancellation of licences

22. Upon a complaint being made in writing by any person to the Board or Tribunal, as the case may be, concerning any licensee or licensed premises, which in the opinion of the Board or Tribunal discloses any grounds upon which such licence is liable to be cancelled under this Act, the Board or Tribunal, as the case may be, shall inform the licensee of the substance of such complaint and after giving him an opportunity of rebutting it, shall decide whether or not to cancel the licence:

Provided that the provisions of this section shall apply to the cancellation of an off-licence subject to the modifications contained in section 51.

Issue of licence

23. The decision of the Board or a Tribunal signified under the hand of the secretary to the Board or the chairman of the Tribunal, as the case may be, to grant a licence or renewal thereof, shall be sufficient authority to the licensing officer to issue or renew the licence, as the case may be, on payment of the prescribed fee.

Transfer of licence

24.—(1) An application for the transfer of a licence may be made to a Commissioner or magistrate—

- (a) by the holder of such licence or by any person having a lawful interest in the licensed premises to which such licence relates, when such holder is adjudged bankrupt, retires or is dismissed or discharged from his position of licensee or is lawfully evicted from the licensed premises;

(b) by any person having a lawful interest in the licensed premises to which such licence relates, when such holder dies, is imprisoned, becomes insane or is otherwise incapacitated from performing his duties as the licensee.

(2) Where any of the above events occur, whereby a transfer may be made, such licence shall remain in force for a period not exceeding two months from the date of such event and shall then determine unless within such period of two months the licence has been transferred to any suitable person or unless such period of two months has been extended under the provisions of subsection (5). During the period pending transfer of the licence or expiry of two months, as the case may be, the manager of the licensed premises shall be deemed to be the licensee.

(3) A copy of every application for a transfer of a licence shall be sent by the applicant to the senior police officer in the Division in which the licensed premises are situated.

(4) On the receipt of an application for a transfer, the Commissioner or magistrate, as the case may be, may grant or refuse the transfer of the licence, taking into consideration only the character of the intended transferee, unless a dispute exists either between two or more applicants or between an applicant and a licensee, in which case the Commissioner or magistrate, as the case may be, may grant the transfer to such applicant as he thinks fit or refuse to grant a transfer:

Provided that—

(a) the Commissioner or magistrate shall not grant a transfer without giving notice to the senior police officer in the Division and giving him or a person on his behalf an opportunity to object; and

(b) the Commissioner or magistrate shall not refuse the application without allowing the intended transferee to make representations as to any objection made by such police officer or as to any other proposed grounds of refusal.

(5) A Commissioner or magistrate for any good cause may extend the period of time specified under the provisions of subsection (2).

(6) Any person to whom a licence is transferred shall, during the currency of such licence, possess the same rights and shall be liable to the same obligations and penalties as if such licence had been originally granted to him.

Removal of licence to other premises

25. Subject to the provisions of section 26, any licensee who desires to remove any licence held by him from the licensed premises, or vessel, in the case of a packet licence, to any other premises, or vessel, in the case of a packet licence, may make application in that regard in the same manner as for a new licence of the same nature as that held by him in respect of the premises or vessel from which he desires to remove such licence and all of the provisions of this Act, including the requirement for obtaining the provisional approval of the Board where applicable, shall apply to such application as though it were an application for such a new licence. (*Inserted by 1 of 1969, s. 5*)

Temporary licences

26.—(1) If the licensed premises, or vessel, in the case of a packet licence, of any licensee shall, in the course of any alteration or repair, or by fire, tempest or other calamity be or become liable to be rendered unfit for carrying on his business,

a Tribunal may, upon an application being made by such licensee in writing, by order in writing under the hand of the chairman, authorize such licensee to carry on his business in any part of the licensed premises or in any neighbouring premises (notwithstanding, in the case of a publican's licence, that such part of the licensed premises or the neighbouring premises may not possess the accommodation specified in this Act), or in any other vessel, in the case of a packet licence, for any period not exceeding twelve months.

(2) Notwithstanding the provisions of subsection (1), a Tribunal may, in its discretion but subject to the prior consent in writing of the Board, upon an application by the licensee, extend the period of an order made under subsection (1) by a further period or periods not exceeding twelve months on any one occasion. (*Inserted by 1 of 1969, s. 5.*)

Appeal from decision of Tribunal on point of law

27.—(1) Any applicant or objector who is aggrieved by the decision of a Tribunal may, if dissatisfied with such decision as being erroneous in point of law, apply in writing within one month from the date of such decision to the Tribunal to state and sign a special case setting forth the facts and grounds of such determination for the opinion thereon of the Supreme Court. The period of one month may be extended by the Tribunal for good cause.

(2) Upon receiving any such application, the Tribunal shall forthwith draw up a special case and transmit the same to the Chief Registrar of the Supreme Court and thereafter such special case shall be heard and disposed of, *mutatis mutandis*, as though it were an appeal by case stated under the provisions of Part X of the Criminal Procedure Code. (*Cap. 21.*)

PART IV—PUBLICANS' LICENCES

Hours of sale and consumption under a publican's licence

28.—(1) A publican's licence shall authorize—

- (a) (i) the sale of liquor on the licensed premises for consumption on or off the licensed premises, and the consumption of liquor on such premises, from 11 a.m. until 9 p.m. on any day other than Christmas Day, Good Friday or any Saturday or Sunday;
- (ii) the sale of liquor on the licensed premises for consumption on or off the licensed premises, and the consumption of liquor on such premises, from 11 a.m. until 2 p.m. and from 4 p.m. until 9 p.m. on Saturdays;

Provided that the Tribunal, if satisfied that the requirements of any particular area make it desirable, may modify the hours of the midday break in the case of any publican's licensed premises not situated within the cities of Suva or Lautoka or within twenty miles by the nearest public thoroughfare from the nearest boundary of either of those places; so however that there shall be a single break of not less than two hours between the hours of 2 p.m. and 6 p.m.;

(iii) the consumption of liquor on the licensed premises for a quarter of an hour after 9 p.m. on any day other than Christmas Day, Good Friday or any Saturday or Sunday and for a quarter of an hour after the commencement of the midday break and 9 p.m. on Saturdays;

(*Amended by 19 of 1963, s. 2.*)

- (b) The sale of liquor in a dining room on the licensed premises or in any other place on the licensed premises approved by the Tribunal and marked by it on the plan, to, and the consumption of liquor by, any person partaking of a substantial cooked meal in such dining room or other place between the hours of 9 p.m. and 11 p.m., on any day other than Christmas Day, Good Friday or any Sunday;
- (c) the sale of liquor in a dining room on the licensed premises or in any other place on the licensed premises approved by the Tribunal and marked by it on the plan, to, and the consumption of liquor by, any person partaking of a substantial cooked meal in such dining room or other place—
- (i) between the hours of 12 noon and 2.30 p.m. and 6 p.m. and 9 p.m. on Christmas day falling upon a Sunday, on Good Friday or on any Sunday;
 - (ii) between the hours of 12 noon and 2.30 p.m. and 6 p.m. and 11 p.m. on Christmas falling upon any day of the week other than a Sunday;
- (d) except in a public bar, the sale of liquor to, and the consumption of liquor by, any bona fide traveller on the licensed premises—
- (i) between the hours of 11.00 a.m. and 9.00 p.m. on Christmas Day, Good Friday or any Sunday; and
 - (ii) during the mid-day break on Saturdays in any sitting room containing facilities for serving liquor to persons seated at tables; (*Substituted by 1 of 1969 s.6.*)
- (e) the sale of liquor to, and the consumption of liquor by, any bona fide lodger or any guest of his, on the licensed premises, except in a public bar, at any time.

(2) Any publican who sells or supplies liquor, or any person who buys or consumes liquor on, or takes liquor from, the licensed premises in contravention of the provisions of subsection (1), shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred dollars in the case of a publican and forty dollars in the case of any other person.

(3) For the purposes of this section, a person shall not be deemed to be a bona fide traveller unless the place where he lodged during the preceding night is at least fifteen miles distant from the licensed premises where he is supplied with liquor.

(4) Any person who, by falsely representing himself to be a bona fide lodger or to be a guest of a bona fide lodger or to be a bona fide traveller, buys or obtains or attempts to buy or obtain in any premises in respect of which a publican's licence is in force, any liquor during any time during which the sale to him of liquor would not be authorised under subsection (1), unless he were a person of the nature which he represents himself to be, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred dollars.

Minimum accommodation on premises licensed or to be licensed

29.—(1) Before a publican's licence is granted in respect of any premises and during the continuance of such licence, such premises shall contain such minimum furnishings as the Board or Tribunal may specify and shall contain in addition to and exclusive of such reasonable accommodation for the family of the licensee as the Tribunal shall think requisite, at least two sitting rooms, in at least one of which there shall be facilities for serving liquor to persons seated at tables, and four

bedrooms constantly ready and suitably furnished fit for public accommodation, and such other accommodation suitably furnished as the Board may specify under the provisions of section 31. (*Amended by 34 of 1975 s. 7.*)

(2) A publican who fails to maintain the accommodation specified in this section or by the Board, suitable furnished and fit for public accommodation, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred dollars.

Tavern licences

30.—(1) There shall be a special publican's licence, to be known as a tavern licence, to which all the provisions of this Act relating to publican's licences shall *mutatis mutandis* apply:

Provided that—

- (a) a tavern licence may be granted in respect of premises having no bedrooms for public accommodation as is required under the provisions of section 29;
- (b) for the avoidance of doubt it is hereby declared that, notwithstanding the provisions of the definition of "public bar" in section 2, women over the age of eighteen years are permitted to enter any bar in respect of which a tavern licence is held; and
- (c) the provisions of paragraphs (d) and (e) of subsection (1) of section 28 shall not apply to a tavern licence.

(2) The number of tavern licences in force in Fiji at any one time shall not exceed such number as shall be specified from time to time by the Minister by notification in the Gazette. (*Inserted by 34 of 1975 s. 8.*)

PART V—APPLICATIONS FOR CONDITIONAL CERTIFICATES AND PUBLICANS' LICENCES

Application for provisional approval of issue of conditional certificate

31.—(1) Before a publican's licence may be granted application for provisional approval shall be made in writing to the Board enclosing a plan on which the boundaries of the premises and the boundaries and situation of all proposed public bars are clearly marked in such a manner as sufficiently to enable the Board to judge the suitability of the premises for a publican's licence.

(Substituted by 1 of 1969 s. 7.)

(2) The Board, if it grants its provisional approval, may specify numbers of bedrooms, sitting rooms, or sitting room containing facilities for serving liquor to persons seated at tables, in excess of the numbers specified in section 29 and may impose such other conditions as it deems appropriate.

(3) A provisional approval granted by the Board shall determine on its second anniversary if no application for a conditional certificate or for a publican's licence has been made in respect of the premises or proposed premises to which the provisional licence relates before that date. (*Inserted by 34 of 1975 s. 9.*)

Application for conditional certificate

32. If the Board grants its provisional approval, application for a conditional certificate shall be made to the Tribunal having jurisdiction in the Division in which the premises intended to be licensed are situated, and shall be advertised. Every such application shall be accompanied by a plan sufficient to enable the Tribunal to judge the suitability of the premises for publicans' premises.

Objections that may be made to the grant of a conditional certificate

33.—(1) The objections which may be made to the grant of a conditional certificate shall be—

- (a) that the premises do not or will not have the minimum furnishings or standard of accommodation specified in section 29 or by the Board, as the case may be;
- (b) that the premises are or will be unsuitable for publicans' premises on public health or structural or other grounds;
- (c) that the proposed facilities for serving liquor are not satisfactory;
- (d) that the reasonable requirements of the neighbourhood do not justify the grant of a publican's licence;
- (e) that the quiet and good order of the neighbourhood in which the premises are situated will be disturbed if a publican's licence is granted;
- (f) that the premises are in the immediate vicinity of a place of public worship, hospital or school; or
- (g) any objection (not being frivolous or vexatious) which appears to the Tribunal to be sufficient and is an objection relating to the premises and is not an objection personal to the applicant.

(2) The Tribunal may grant a conditional certificate unless it considers that any of the matters contained in paragraphs (a) and (b) of subsection (1) are proved to its satisfaction, in either of which cases it shall refuse the grant of a conditional certificate, or unless it considers any of the matters contained in any other paragraph of that subsection are so proved, in which case it may refuse the application.

Application for a publican's licence

34.—(1) Within two years after the grant of a conditional certificate in respect of any premises, unless the Tribunal upon the grant of such a certificate specifies a shorter period, the person who wishes to become the holder of a publican's licence in respect of such premises shall apply to the Tribunal for a new publican's licence or otherwise the conditional certificate shall determine.

(2) Application for the grant of a new publican's licence shall be made in writing to the Tribunal, and shall be advertised.

Provisional licence

35.—(1) Where a conditional certificate has been granted under section 33, and the premises or proposed premises in respect of which it is granted replace or are to replace premises which were the subject of a publican's licence, a Tribunal may, if it sees fit and notwithstanding that the accommodation specified in section 29 or by the Board, as the case may be, has not yet been provided, grant a provisional licence in respect of a part of such premises existing or when erected.

(2) A provisional licence granted under this section shall expire on the thirty-first day of December in the year of issue but may, if the Tribunal sees fit, be renewed:

Provided that such provisional licence shall cease to have effect upon the grant of a publican's licence in respect of the premises specified in such provisional licence.

(3) Save as otherwise provided in this section a provisional licence under this section shall have effect as if a publican's licence had been issued in respect of the premises therein specified.

Objections to the grant of a new publican's licence

36. The objections which may be made to the grant of a new publican's licence shall be—

- (a) that the applicant is a person of drunken or dissolute habits or otherwise of bad repute;
- (b) that any liquor licence held by him has been cancelled within 12 months preceding the date of the application;
- (c) that the applicant has been convicted of an offence under the provisions of this Act or any Ordinance repealed thereby, or of selling adulterated liquor under the provisions of any law relating to pure food, within twelve months preceding the date of the application;
- (d) that the premises have not been constructed substantially in accordance with the particulars furnished to the Tribunal in relation to the application for a conditional certificate; or
- (e) that a conditional certificate in respect of the premises to be licensed is not in force.

PART VI—RENEWALS OF PUBLICANS' LICENCES

Applications for renewal of publican's licence

37.—(1) An application for the renewal of a publican's licence shall be made by the licensee in writing to the Tribunal of the Division in which the licensed premises are situated, and shall be advertised.

(2) Where the application is for renewal of a publican's licence in existence at the commencement of this Act, such application shall be accompanied by a plan on which the boundaries of the licensed premises and the boundaries and situation of all public bars are clearly marked.

Objections to the renewal of publican's licence

38. The objections which may be made to an application for a renewal of a publican's licence shall be as follows:—

- (a) that the applicant (or any person employed on the licensed premises) has been convicted of any offence committed on such premises against this Act or any Ordinance repealed thereby, or of selling adulterated liquor under the provisions of any law relating to pure food, within twelve months preceding the date of the application;
- (b) that frequent breaches of the law have occurred on the licensed premises within twelve months preceding the application;
- (c) that the minimum standard of furnishings or accommodation specified in section 29 or by the Board, as the case may be, is not being, or has not been, maintained;
- (d) that the quiet and good order of the neighbourhood in which the premises are situated has been disturbed by occurrences on the licensed premises within twelve months preceding the date of the application;
- (e) that the premises are not being maintained to a standard which complies with the provisions of the Public Health Act or of any regulations made thereunder or of any by-laws made under the provisions of the Local Government Act;

(Cap. 111.) (Cap. 125.)

- (f) that the applicant is a person of drunken or dissolute habits or otherwise of bad repute;
- (g) that the facilities for serving liquor are not suitable;
- (h) that the publican has not complied with any condition of his licence imposed by the Board or by the Tribunal; or
- (i) any other objection which appears to the Tribunal to be sufficient.

Conditions in relation to the improvement of accommodation

39.—(1) When granting the renewal of a publican's licence, a Tribunal may impose such conditions as it may think fit as to the improvement of the furnishings, bedrooms, sitting rooms or of the facilities for serving liquor, by way of structural alterations or otherwise, and may specify a time within which such improvement shall be carried out:

Provided that any such condition—

- (a) shall be in accordance with any directions given to the Tribunal by the Board; and
- (b) shall not increase the amount of accommodation to be maintained on the licensed premises specified in section 29 or by the Board, as the case may be.

(2) When granting the renewal of a publican's licence, a Tribunal may also impose such conditions as it may think fit requiring, and generally as to, the service of light refreshments in any public bar. (*Inserted by 34 of 1975 s. 12.*)

(3) Where any condition has been imposed under the provisions of this section, a publican may appeal to the Board by giving notice in writing within thirty days of the renewal of his licence, or within such further period as the Board may for good cause allow.

(4) On receipt of such notice of appeal the Board may appoint a suitable person to hear the appeal, who shall report to the Board who may then give a decision on the appeal, or the Board may decide the appeal without appointing such a person.

Opening hours

40.—(1) A publican shall open and keep open on his licensed premises at least one public bar and one sitting room with facilities for serving liquor to persons seated at tables, during all hours during which liquor may lawfully be sold or consumed in a public bar on such premises under the provisions of this Act, unless he apprehends any breach of the peace on the premises or has obtained permission to close such bars and sitting rooms from the Commissioner or a magistrate.

(*Amended by 34 of 1975, s. 13.*)

(2) A Tribunal may exempt in writing a publican from the provisions of subsection (1) relating to the necessity of opening and keeping open at least one public bar on his licensed premises. (*Inserted by 19 of 1963, s. 3.*)

(3) Such exemption shall remain in force during the currency of such publican's licence and upon any transfer thereof shall be deemed to be transferred therewith. (*Inserted by 19 of 1963, s. 3.*)

(4) Such exemption shall only be granted or renewed if a Tribunal is satisfied that no material inconvenience is caused to the public. (*Inserted by 19 of 1963, s. 3.*)

(5) A publican who contravenes or fails to comply with the provisions of subsection (1) shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred dollars.

Indemnity for distress

41. Every house in respect of which a publican's licence has been granted, shall be held in law to be a common inn, and no goods or chattels whatsoever being the bona fide property of any lodger or traveller putting up thereat which shall be in such house or its appurtenances or any place ordinarily used or occupied therewith, shall be liable to be distrained or seized for rent due in respect of such house or appurtenances or in respect of any other claims whatsoever against the same or the owner or the occupier thereof. If any such goods or chattels shall be distrained or seized, any court may summarily inquire into such matter upon the complaint of any person aggrieved by such distress or seizure, and may order any such goods or chattels so distrained or seized to be restored to their owner, and may award and enforce payment of reasonable costs of the proceedings against the person distraining or seizing such goods or chattels.

Limit of liability for loss of or injury to guests' property

42. A publican shall not be liable to make good to any lodger or guest of his, any loss of or injury to goods or property brought to his licensed premises to a greater amount than the sum of one hundred and twenty dollars, except—

- (a) where such goods or property have been stolen, lost or injured through the wilful act, default or neglect of the licensee, or any servant in his employ; or
- (b) where such goods or property have been deposited expressly for safe custody with the licensee:

Provided always that in the case of such deposit it shall be lawful for the licensee if he thinks fit to require, as a condition of his liability, that such goods or property shall be deposited in a box or other receptacle fastened and sealed by the person depositing the same.

Liability of publican refusing to receive guests' property for safe custody

43. If any publican shall refuse to receive for safe custody as before mentioned any goods or property of his lodger or guest, or, if any such lodger or guest shall, through any default of the publican, be unable to deposit such goods or property as aforesaid, such publican shall not be entitled in respect of such goods or property to any limitation of liability under section 42.

Section 42 to be exhibited in entrance to premises and in every bedroom

44. Every publican shall cause at least one copy of section 42, printed in plain type, to be exhibited in a conspicuous part of the hall or entrance to his licensed premises and in every bedroom, and section 42 shall limit his liability only in respect of such goods or property as shall be brought to the premises while such copies shall be exhibited.

Notices to be maintained by publican

45.—(1) Every publican shall cause to be painted and shall maintain so painted in letters at least two inches high on the front of his premises, his name in full followed by the words "Licensed to retail fermented and spirituous liquors".

(2) Every publican shall at all times prominently display on or near every entrance to a public bar a notice in English, Fijian and Hindustani, in letters at least two inches high, stating that women are prohibited from entering such public bar:

Provided that for the avoidance of doubt it is hereby declared that no such notice need be displayed at any entrance to a bar in respect of which a tavern licence, issued under the provisions of section 30, is held.

(Proviso inserted by 34 of 1975, s. 14.)

(3) A publican who fails to comply with any of the provisions of this section shall be guilty of an offence and on conviction shall be liable to a fine not exceeding twenty dollars.

Publican may sell absconder's goods

46. If any guest or lodger leaves the licensed premises of a publican without paying for his accommodation, the publican may, after the expiration of three months from the date when such guest or lodger left, apply to any court for an order to sell any goods, chattels and effects of such guest or lodger which may have been left in his custody, and the court, on being satisfied of the amount of such debt, may order a sale accordingly:

Provided that—

- (a) such sale shall not take place until fourteen days' notice by an advertisement in some newspaper published in Fiji has been given by such publican. The proceeds of such sale shall be applied in the first place to the satisfaction of such debt, and any excess that may be realized over and above the amount of such indebtedness and expenses shall be paid over to the court in trust for such person or persons as may thereafter be proved to the satisfaction of the court to be entitled thereto; and
- (b) if no claim to any amount so paid to the court be made within twelve months of such payment, the amount unclaimed shall be paid to the Consolidated Fund.

PART VIII—SPECIAL HOURS LICENCES

Special hours licence

47.—(1) Notwithstanding the provisions of Parts IV and V, the Board may grant, or renew, subject to the provisions of this section and to any conditions which the Board thinks fit to impose, a special hours licence to a publican in respect of his licensed premises.

(2) A special hours licence shall not be granted or renewed unless the Board is satisfied—

- (a) that the publican intends to provide regularly for the public, during the hours permitted under the special hours licence, substantial cooked meals or music, dancing or other reputable entertainment together with substantial refreshments, to which the sale of liquor is ancillary; and
- (b) that the premises are or will be structurally adapted and otherwise suitable for the purposes mentioned in paragraph (a).

(3) In considering an application for the grant or renewal of a special hours licence the Board shall have regard, amongst other considerations, to the likelihood of the grant of such a licence being in the interests of the tourist industry of Fiji.

- (4) A special hours licence shall authorise—
- (a) the sale or supply of liquor on the licensed premises during the permitted hours to any person who during the permitted hours on that night partakes of a substantial cooked meal on the licensed premises, such liquor to be consumed by such person on the licensed premises during such permitted hours;
 - (b) on any night on which music, dancing or other reputable entertainment is provided during the permitted hours on the licensed premises, to which the public have access by ticket costing at least one dollar not including the price of any meal or liquor, the sale or supply of liquor for consumption on the licensed premises by holders of such tickets as aforesaid, during the permitted hours on the night when such music, dancing or other reputable entertainment is provided;
 - (c) on any night on which music, dancing or other reputable entertainment is provided for the public during the permitted hours, the sale or supply of liquor on the licensed premises during the permitted hours to any person who has partaken on the licensed premises of a substantial cooked meal between the hour of 7 p.m. on that night and the beginning of the permitted hours on that night, or to any person who partakes of substantial food on the licensed premises during the permitted hours on that night, such liquor to be consumed by such persons on the licensed premises during such permitted hours.
(Amended by 34 of 1975, s. 15.)
- (5) Nothing in this section shall authorise the sale, supply or consumption of liquor at a public bar, and all public bars on the licensed premises shall be closed during the permitted hours under a special hours licence unless an occasional licence is in force during those hours.
- (6) The permitted hours under a special hours licence shall be—
Monday to Saturday (Christmas Day and Good Friday excluded)—9 p.m. to 1 a.m. on the following day:
Provided that such permitted hours shall only apply on nights on which, during the permitted hours, substantial cooked meals are served or music, dancing or other reputable entertainment together with substantial refreshments are provided.
(Amended by 1 of 1969, s. 10 and 34 of 1975, s. 15)
- (7) The grant or renewal of a special hours licence shall be notified forthwith by the Board to the senior police officer in the Division where the licensed premises are situated.
- (8) Without prejudice to any liability under the provisions of section 77, in the event of any contravention of any of the preceding provisions of this section by any person, the publican and such person shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred dollars in the case of a publican or forty dollars in the case of any other person.
- (9) A special hours licence may be cancelled by the Board if the conditions contained in paragraph (a) or paragraph (b) of subsection (2) are no longer complied with or if there has been any contravention of the conditions contained in the special hours licence, or if the premises to which the special hours licence relates, or the music, dancing or other entertainment provided are being conducted in such a manner that such licence should be cancelled, or if a publican's licence is no longer in force in relation to the premises to which the special hours licence applies, or if the licensee has been convicted of an offence against this section.

PART IX—OFF-LICENCES

Off-licences

48. An off-licence shall authorise the holder of the off-licence—
- (a) to sell liquor, of any particular type or types specifically authorised by the Board or a Tribunal, in sealed containers and/or in bulk at or from the premises specified in the licence, for consumption off the premises only; and
 - (b) to deliver at or from the licensed premises or despatch therefrom for delivery, such specifically authorised type or types of liquor in sealed containers and/or in bulk, sold at or from the licensed premises.
(Substituted by 34 of 1975, s. 16.)

Hours of opening

49.—(1) Liquor may be sold at or delivered at or despatched for delivery from the premises specified in the off-licence—

- (a) between 8 a.m. and 6 p.m. on week days other than Saturdays;
- (b) between 8 a.m. and 1 p.m. on Saturdays.

(Amended by 34 of 1975, s. 17)

(2) No liquor shall be sold at, or delivered at or from, or despatched from, such premises on Sundays or on public holidays.

(3) Any licensee who sells or supplies liquor at or from, and any person who buys or consumes liquor at, or takes liquor from, licensed premises in contravention of the provisions of this section shall be guilty of an offence and on conviction shall be liable to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Provisional approval of off-licence

50. Before an off-licence may be granted, application for provisional approval thereof shall be made in writing to the Board enclosing a plan showing the boundaries of the premises intended to be licensed and the boundaries of the proposed liquor store. The number of off-licences in force in Fiji at any one time (wholesale licences converted to off-licences under the provisions of section 103 not counting as off-licences for this purpose) shall not exceed such number as shall be specified from time to time by the Minister by notification in the Gazette.
(Substituted by 1 of 1969, s. 11.)

Application for off-licences

51.—(1) If the Board grants its provisional approval, application for an off-licence shall be made in writing to the Tribunal having jurisdiction in the Division where the premises intended to be licensed are situated, and shall be advertised.

- (2) The following objections may be made to the grant of a new off-licence:—
 - (a) that the applicant is a person of drunken or dissolute habits;
 - (b) that any liquor licence held by him within 12 months preceding the date of the application has been cancelled;
 - (c) that the applicant has been convicted of any offence under the provisions of this Act or any Ordinance repealed thereby, or of selling adulterated liquor under the provisions of any law relating to

- pure food, within twelve months preceding the date of the application;
- (d) that the premises do not contain a secure and suitable place for the storage of liquor;
 - (e) that the reasonable requirements of the neighbourhood do not justify the grant of such licence; or
 - (f) that any other licence under this Act is or will be in force on the premises intended to be licensed.

Renewal of off-licence

52. Subject to the provisions of section 53, an off-licence shall be renewed by a licensing officer on application by the licensee and on payment of the prescribed fee.

Cancellation of off-licence

53.—(1) A Tribunal shall have power, upon application being made to it in accordance with subsection (2), to cancel an off-licence on any of the following grounds:—

- (a) that the licensee is a person of drunken or dissolute habits or otherwise of bad repute;
- (b) that the licensee has been convicted of any offence under the provisions of this Act or any Ordinance repealed thereby, or of selling adulterated liquor under the provisions of any law relating to pure food, within 12 months preceding the date of the application; or
- (c) that the licensee is not maintaining a secure and suitable place on the premises for the storage of liquor.

(2) An application under subsection (1) may only be made by any of the persons or bodies of persons mentioned in paragraphs (a), (b), (c) and (d) of section 20, and the Tribunal shall not cancel such licence without giving the licensee an opportunity to show cause why such licence should not be cancelled.

(3) On cancelling an off-licence the Tribunal shall notify the licensing officer.

Store to be maintained on premises covered by an off-licence

54.—(1) Every holder of an off-licence shall maintain on his licensed premises a secure and suitable place for the storage of liquor in his possession.

(2) All liquor kept on such licensed premises shall be stored in such place of storage, locked and made inaccessible to persons other than the licensee or his servants or agents, between the hours between which liquor may not be sold at the licensed premises:

Provided that it shall be a good defence to any person charged with an offence under this subsection to prove that the offence took place within a quarter of an hour before any opening time or within a quarter of an hour after any closing time, and that no liquor was sold before or after such opening or closing time, as the case may be, and that liquor was in the course of being taken out of or put back into the liquor store, as the case may be.

(3) Any licensee who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred dollars.

(4) If any liquor is found in any part of such licensed premises other than in such place of storage between the hours between which liquor may not be sold at or

from such licensed premises, it may be seized by any police officer, who shall bring such liquor as soon as possible before any magistrate, and such magistrate may order such liquor to be forfeited on conviction of the licensee.

Offences in connexion with off-licences

55.—(1) Where a person having purchased liquor from the holder of an off-licence, consumes such liquor—

(a) on the licensed premises, or

(b) on premises adjoining or near the licensed premises, which belong to the licensee or are under his control or used by his permission, or

(c) on a highway or public place adjoining or near those premises, he shall be guilty of an offence, and if such liquor is consumed as aforesaid with the privity or consent of the licensee, such licensee shall be guilty of an offence.

(2) Nothing in subsection (1) shall be deemed to prohibit or restrict the consumption of liquor by any person who is normally resident on premises adjoining or near to the licensed premises. (*Inserted by 19 of 1963, s. 4.*)

(3) A person convicted of an offence under the provisions of subsection (1) shall be liable to a fine not exceeding two hundred dollars in the case of the licensee and forty dollars in the case of any other person. (*Amended by 37 of 1966, s. 96.*)

(4) If the holder of an off-licence with intent to evade the terms of his licence takes, or suffers any other person to take, any liquor from the licensed premises for the purpose of its being sold on his account or for his benefit or profit, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred dollars.

(5) For the purposes of subsection (4), if liquor is taken for the purpose of being drunk in any house, tent, shed or other building belonging to the holder of the off-licence, or hired, used or occupied by him, the burden of proving that he did not intend to evade the terms of the licence shall lie upon him.

PART X—PRIVATE HOTEL LICENCES

Private hotel licences

56.—(1) A private hotel licence shall authorise—

(a) the licensee at any time to sell and dispose of liquor to bona fide lodgers and their bona fide guests only, for consumption by such bona fide lodgers and guests on the licensed hotel premises but unless a Tribunal orders otherwise, shall not authorise the sale, disposal or consumption of liquor in a bar; and

(b) the sale or supply of liquor on the licensed hotel premises during any unbroken period of the permitted hours to, and the consumption on such premises of liquor by, any person who during that same unbroken period of the permitted hours partakes of a substantial cooked meal on the licensed hotel premises.

(2) The permitted hours under a private hotel licence on any day of the year, including Sundays and public holidays, shall be between—

(a) 12 noon and 2.30 p.m.; and

(b) 6.00 p.m. and 11.00 p.m.

(3) Any holder of a private hotel licence who sells or supplies liquor or any person who buys or consumes liquor in or takes liquor from a private hotel in contravention of the provisions of subsection (1) shall be guilty of an offence and on

conviction shall be liable to a fine not exceeding one hundred dollars in the case of the licensee and forty dollars in the case of any other person.

(4) Before a private hotel licence is granted, and during the continuance of the licence, the premises shall contain, in addition to reasonable accommodation for the licensee and his family, at least one dining room and one sitting room and four bedrooms or at least four detached cottages containing a total accommodation equivalent thereto, constantly ready and suitably furnished fit for public accommodation. (*Section amended by 34 of 1975, s. 18.*)

Applications for private hotel licences

57.—(1) Before a new private hotel licence may be granted, application for provisional approval thereof shall be made in writing to the Board enclosing a plan of the premises showing the boundaries of the premises intended to be licensed, the accommodation prescribed in section 56 and the situation and boundaries of any proposed bar clearly marked in such a manner as sufficiently to enable the Board to judge the suitability of the premises for a private hotel licence.

(*Substituted by 1 of 1969, s. 13.*)

(2) If the Board grants its provisional approval, application for a private hotel licence shall be made in writing to the Tribunal having jurisdiction in the Division in which the premises are situated and shall be advertised.

(3) Any objection which shall seem sufficient to the Tribunal may be made to the grant of a private hotel licence.

(4) When granting an application for a private hotel licence or renewal thereof, a Tribunal may permit the licensee to sell liquor in a bar if, in its opinion, the nature of the premises and the needs of the hotel residents justify this, but the bar shall not have direct access to a street or the outside of the private hotel.

Renewal of private hotel licence

58.—(1) An application for renewal of a private hotel licence shall be made by the licensee in writing to the Tribunal of the Division in which the licensed premises are situated.

(2) If the application is for renewal of a private hotel licence which was in existence at the commencement of this Act, such application shall enclose a plan of the premises complying with subsection (1) of section 57.

(3) Any objection which shall seem sufficient to the Tribunal may be made to the renewal of a private hotel licence.

PART XI—PACKET LICENCES

Packet licences

59.—(1) A packet licence shall authorise the master of a vessel to sell liquor on board a vessel on which passengers are regularly carried for hire or reward, to passengers or members of the crew of such vessel for consumption during her passage:

Provided that no licence shall be necessary to authorise the granting of allowances of liquor to the crew of any vessel or to authorise the sale of liquor to passengers or members of the crew on board such ocean-going steamers as the Board may exempt from the provisions of this section.

(2) Applications for a packet licence or for the renewal thereof shall be made in writing to the Board.

(3) The Board may grant a packet licence or renewal thereof subject to such conditions as the Board in its absolute discretion may deem fit to impose.

(4) A packet licence may be cancelled by the Board for any breach of the conditions thereof or for any other good cause.

(5) Any master of a vessel to whom a packet licence has been issued who sells liquor, or any person who buys liquor on board a vessel or takes liquor from a vessel, in contravention of the provisions of this section shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred dollars in the case of the master and forty dollars in the case of any other person.

(Amended by 37 of 1966, s. 96.)

PART XII—AERODROME LICENCES

Aerodrome licences

60.—(1) An aerodrome licence shall authorise the licensee to sell liquor to any person for consumption on the licensed premises and to any passenger for consumption on or off the licensed premises.

(2) Any holder of an aerodrome licence who sells or supplies liquor, or any person who buys or consumes liquor on or takes liquor from the licensed premises, in contravention of the provisions of subsection (1) or the conditions of an aerodrome licence, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred dollars in the case of the licensee and forty dollars in the case of any other person.

(3) An aerodrome licence shall only be granted in respect of premises which, in the opinion of the Board, are on a customs airport.

(4) For the purposes of this section, the expression—"passenger" means any person who is about to depart by air from Fiji to any place outside Fiji.

Applications for aerodrome licences or for renewal thereof

61.—(1) Any person wishing to be granted an aerodrome licence or renewal thereof shall apply in writing to the Board enclosing, in the case of a new application, a plan containing such information as the Board may require, and shall advertise his application.

(2) The Board may grant such application on such terms and conditions as it may think fit.

Objections

62. The objections which may be made—

(a) to the grant of an aerodrome licence shall relate only to the character of the proposed licensee;

(b) to the renewal of an aerodrome licence shall relate only to the character of the licensee or to the manner in which the business on the licensed premises has been conducted.

Cancellation of aerodrome licences

63. An aerodrome licence may be cancelled by the Board for any good cause.

PART XIII—RESTAURANT LICENCES

Restaurant licences

64.—(1) There shall be two separate and distinct type of licences as provided for in subsections (2) and (3) which shall, where appropriate, be collectively known as a restaurant licence and to both of which the provisions of this Act relating to restaurant licences shall *mutatis mutandis* apply.

(2) (a) A night club licence may be granted to a licensee who provides music, dancing or other reputable entertainment during the permitted hours on the licensed premises, to which the public have access by ticket costing at least one dollar during each separate period of the permitted hours in which the premises are being operated under a night club licence:

Provided that—

- (i) access by the purchase of a ticket shall not be a prerequisite when neither dancing nor entertainment (and only subdued piped or recorded music) is being provided during any complete separate period of the permitted hours, in which event, notwithstanding the provisions of paragraph (b) the provisions of an ordinary restaurant licence shall apply;
- (ii) for the avoidance of doubt, when in the opinion of the Board or of any Tribunal, any application for a licence is in respect of any building or premises in which there will permanently be a separate night club and a separate restaurant or separate night clubs and separate restaurants the Board or the Tribunal may direct that two or more licences must be held in respect of separate parts of the building or premises;

(b) A night club licence shall authorise the sale or supply of liquor for consumption on the licensed premises by holders of the tickets referred to in paragraph (a) during each period of the permitted hours when music, dancing or other reputable entertainment is provided.

(3) (a) An ordinary restaurant licence may be granted to a licensee to authorise him to sell and supply liquor on the licensed premises during any unbroken period of the permitted hours to, and to authorise the consumption on such premises of liquor by, any person who during that same unbroken period of the permitted hours partakes of a substantial cooked meal on the licensed premises.

(b) An ordinary restaurant licence shall authorise the licensee holding it to provide subdued piped or recorded music at the licensed premises:

Provided that there shall be no dancing or other entertainment at the licensed premises.

(4) The permitted hours under a night club licence shall on each day of the year be—

- (a) 12 noon to 2.30 p.m.; and
- (b) 6.00 p.m. to 1 a.m.:

Provided that neither dancing nor entertainment (but only subdued piped or recorded music) may be provided on Good Fridays, Christmas Days or on Sundays.

(5) The permitted hours under an ordinary restaurant licence shall on each day of the year be—

- (a) 12 noon to 2.30 p.m.; and
- (b) 6.00 p.m. to 11.00 p.m.

(6) Without prejudice to any liability under the provisions of section 77, in the event of any contravention of any of the preceding provisions of this section by any

person, the licensee and such person shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred dollars in the case of the licensee and forty dollars in the case of any other person.

(Section amended by 34 of 1975 s. 19.)

Provisional approval of grant of restaurant licence

65.—(1) Application for the provisional approval of the grant of a restaurant licence shall be made in writing to the Board, enclosing a plan of the premises intended to be licensed.

(2) In considering an application for the provisional approval of the grant of a restaurant licence, the grant of such licence or the renewal thereof, the Board or Tribunal, as the case may be, shall have regard amongst other considerations to the likelihood of the grant of such a licence being in the interests of the tourist industry of Fiji. The numbers of each separate type of restaurant licence, namely night club licences and ordinary restaurant licences, in force in Fiji at one one time shall not exceed such number of each such separate type of licence as shall be specified from time to time by the Minister in the Gazette. (Amended by 34 of 1975, s. 20.)

Application for restaurant licence or renewal thereof

66.—(1) If the Board grants its provisional approval, application for the grant of a new restaurant licence, and application for renewal thereof, shall be made in writing to the Tribunal having jurisdiction in the Division where the premises are situated or intended to be situated, and shall be advertised.

(2) A restaurant licence or the renewal thereof shall not be granted unless the Tribunal is satisfied—

- (a) that the licensee intends to provide substantial cooked meals regularly for the public on the licensed premises during the permitted hours up to 11 p.m.; and
- (b) that the premises are or will be structurally adapted and otherwise suitable for the purpose mentioned in paragraph (a).

Objections to the grant or renewal of a restaurant licence

67.—(1) The objections which may be made to the grant of a restaurant licence are—

- (a) that the premises or proposed premises are not or will not be structurally adapted, or are or will be otherwise unsuitable, for the supply of substantial cooked meals and the sale of liquor;
- (b) any other objection which appears to the Tribunal to be sufficient.

(2) The objections which may be made to the renewal of a restaurant licence are—

- (a) that during the twelve months preceding the application substantial cooked meals have not been regularly provided for the public on the licensed premises during the permitted hours up to 11 p.m.;
- (b) any other objection which appears to the Tribunal to be sufficient.

Cancellation of restaurant licences

68. A restaurant licence may be cancelled by a Tribunal—

- (a) if the licensee is not or has not been regularly providing substantial cooked meals on the licensed premises for the public during the permitted hours up to 11 p.m.;

- (b) if the licensed premises have become unsuitable for the supply of substantial cooked meals or for the sale of liquor;
- (c) if the licensed premises or the dancing or other entertainment (if provided) are being conducted in such a manner that such licence should be cancelled; or
- (d) for any other reason which appears to the Tribunal to be sufficient.

PART XIV—OCCASIONAL LICENCES

Occasional licences

69.—(1) An occasional licence shall authorise the licensee to sell liquor by the glass at the place specified in the licence.

(2) Application for an occasional licence and payment of the fee therefor shall be made to a Commissioner or to a district officer.

(3) A Commissioner or any district officer appointed to the Division in which the place to which the application relates is situated, on being satisfied that the occasion in respect of which the application is made is a special occasion and that the place is suitable, may grant an occasional licence to the applicant subject to such conditions as the Commissioner or district officer in his absolute discretion may deem fit to impose, for any period not exceeding twenty-four hours:

Provided that not more than five occasional licences may be issued to any one applicant during a period of one calendar month without the prior approval of the Board. (*Proviso inserted by 34 of 1975, s. 21.*)

(4) Notwithstanding the provisions of subsection (3), where an occasional licence is granted in respect of the licensed premises of a publican, such licence shall not authorise the sale, supply or consumption of liquor in or from a public bar unless the Commissioner or district officer for special reasons so orders and endorses the licence to that effect.

(5) Any holder of an occasional licence who sells or supplies liquor and any person who buys or takes liquor from such holder or consumes liquor in contravention of any of the provisions of this section shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred dollars in the case of the licensee and forty dollars in the case of any other person.

PART XV—PROHIBITION ORDERS

Grant of prohibition orders

70.—(1) (a) If a magistrate is satisfied that a person is of confirmed intemperate habits, it shall be lawful for such magistrate to order that person to be prohibited from drinking or having liquor in his possession for such period as shall be specified in the order.

(b) Application for a prohibition order may be made by any person including an intended person.

(c) At least seven days' notice of the hearing of the application shall be given to the intended person, except in the case of an application by that person.

(2) (a) Whenever any person is convicted by a court of any offence involving drunkenness, and upon such conviction the court is satisfied that such person has, within twelve months prior to such conviction, been convicted at least twice of offences involving drunkenness, it shall be lawful for the court to make a prohibition order.

(b) For the purposes of this subsection, two or more convictions of drunkenness arising out of the same transaction shall be regarded as a single conviction.

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

Notice of prohibition order to be given

71.—(1) Where a prohibition order has been made, the court or magistrate, as the case may be, shall cause notice thereof accompanied by a photograph of the prohibited person to be given as soon as conveniently may be to every police officer in charge of a police station in the Division where the prohibited person named in the order normally resides, and may cause such notice accompanied by such photograph to be given to any or every licensee in such Division, and may also cause such notice to be given accompanied or unaccompanied by a photograph, in whatever other manner the court or magistrate may deem fit.

(2) For the purposes of subsection (1), a court or magistrate may order the prohibited person to supply such number of copies of his photograph of such size and within such reasonable time as the court or magistrate may direct, and if the prohibited person fails to comply with such order he shall be guilty of a continuing offence and shall be liable to a fine not exceeding one dollar for every day during which such default continues. The cost of obtaining such photographs shall be a public expense.

Prohibited person not to drink liquor or have liquor in his possession

72. If any prohibited person is found drinking liquor or in possession of liquor, he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

Unlawfully supplying liquor to a prohibited person

73. Any person, whether licensed to sell liquor or not, who knowingly gives, sells, supplies or in any way procures or assists in procuring any liquor to or for a prohibited person shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Prohibited person found drunk in any public place

74. It shall be an offence for a prohibited person to be found drunk in any public place. Any prohibited person so found may be arrested without a warrant by any police officer, and on conviction shall be sentenced to imprisonment for a term not exceeding 12 months with or without a fine in addition thereto, unless for reasons special to such prohibited person, which shall be recorded in writing, the court considers that some other punishment would be adequate, in which event he shall be liable to a fine not exceeding two hundred dollars.

(Amended by 37 of 1966, s. 96.)

PART XVI—EXEMPTIONS

Exemptions

75.—(1) Notwithstanding any other provision of this Act as to licensing, it shall be lawful—

- (a) for a mess or canteen established by Her Majesty's Forces, the Commissioner of Police, the Controller of Prisons or by a commanding officer of the armed forces of any friendly power, respectively to sell liquor to members of Her Majesty's Forces, members of the Royal Fiji Police Force and Special Constabulary officers of the Fiji Prisons Service and members of the armed forces of a friendly power, for consumption on or off the premises of such mess or canteen;
 - (b) for a club to sell liquor to members thereof, for consumption on or off the premises;
 - (c) to sell or supply liquor for consumption on the premises to any bona fide guest or honorary member in such mess, canteen or club as aforesaid;
 - (d) to sell liquor wholesale from any excise factory brewing, distilling or manufacturing liquor, to any person in the ordinary course of business of such excise factory;
 - (e) to sell liquor made up in medicine to any person;
 - (f) to sell liquor to passengers in flight over Fiji in any aircraft registered outside Fiji and flying between a place in Fiji and a place outside Fiji or between two places outside Fiji;
 - (g) for any licensee to supply liquor for consumption on licensed premises to any private friends of such licensee, bona fide entertained by him at his own expense, and for such friends as aforesaid to consume such liquor on the licensed premises.
- (2) Notwithstanding the provisions of this Act as to the supplying of liquor to, or the drinking of or possession of liquor by prohibited persons, it shall be lawful—
- (a) for any minister of religion to give wine to any prohibited person in conformity with any religious rite, and for such person to receive and drink it;
 - (b) to sell or supply liquor to a prohibited person in quantities not exceeding six ounces at one time on the prescription of a registered medical practitioner, and for such person to possess and drink it.
- (Section amended by 1 of 1969, s. 16, and 34 of 1975, s. 21.)

Prescriptions

- 76.—(1) A prescription given by a registered medical practitioner to a prohibited person prescribing liquor shall—
- (a) be clearly and legibly written in the English language in ink or indelible print;
 - (b) be dated with the date on which it was signed;
 - (c) prescribe the total quantity of liquor (not exceeding six ounces) to be supplied and state the frequency and quantity of the doses;
 - (d) contain the name and address of the patient; and
 - (e) be signed by such registered medical practitioner.
- (2) Any person who supplies liquor on a prescription shall write on the prescription the amount and kind of liquor supplied and the date of such supply and shall retain the prescription for at least six months after such supply.
- (3) Such prescription shall be valid only for the day of signature and for the following day.

Illegal sale of purchase of liquor.

- 77.—(1) Subject to the provisions of this Act, if any person—
- (a) sells or exposes for sale or exposes for supply any liquor without holding a licence authorising him to sell that liquor; or
 - (b) holding a licence, sells or exposes for sale or exposes for supply any liquor except at the place at which that licence authorises him to sell that liquor,

he shall be guilty of an offence.

(2) For the purposes of subsection (1), any liquor which is placed anywhere in any shop shall be presumed to be liquor exposed for sale unless the person concerned proves to the contrary.

(3) If any person commits an offence under this section, he shall be liable—

- (a) on a first conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment;
- (b) on a second conviction to a fine not exceeding four hundred dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment;
- (c) on a third or subsequent conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(4) The court by or before which any person is convicted of an offence under paragraphs (a) or (b) of subsection (1) shall declare all liquor found in his possession and the receptacles containing it to be forfeited.

(Section amended by 34 of 1975, s. 23)

Restrictions in public bar

78.—(1) A licensee of a public bar shall not sell or supply liquor to or for consumption by any person if such person already has liquor which he has not consumed.

(2) A licensee of a public bar shall not sell or supply to any person more than one drink of liquor at a time for consumption by that person. For the purposes of this subsection, "one drink of liquor" shall, in the case of ale, beer, stout, porter or hop beer, mean a bottle, jug or glass containing not more than forty-two fluid ounces or 1.2 litres.

(3) A licensee who contravenes the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty dollars.

(Section inserted by 34 of 1975, s. 24.)

Preserving order in licensed premises

79.—(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 deny entry to the licensed premises and shall cause to be expelled from the licensed premises any person whom he has reasonable cause to believe is drunk, or who is violent, quarrelsome or disorderly. A licensee may call upon a police officer to expel or assist in expelling any such person from the premises, and it shall be the duty of such police officer to comply with any such reasonable request. The licensee, his servant, or a police officer may for the purpose of expelling such person use such minimum force as may reasonably be necessary.

Every licensee shall display in a conspicuous place where it may be conveniently read by persons on the premises a notice bearing the name of the Secretary of the Board in the English, Fijian and Hindustani languages referring to the provisions of this subsection, such notice to be in such form and style and of such size as the Board shall determine. As often as such notice becomes defaced, obliterated, destroyed or removed, such licensee shall forthwith cause it to be replaced.

(3) Any drunken, violent, quarrelsome or disorderly person who, upon being requested by a licensee, his servant or a police officer to quit the licensed premises, refuses or fails to do so, shall, on conviction, be liable to a fine not exceeding one hundred dollars or to six months imprisonment or to both such fine and imprisonment. (*Section amended by 34 of 1975, s. 25.*)

(4) A licensee shall not sell liquor to a drunken person.

(5) If a licensee is charged under subsection (1) with permitting drunkenness, and it is proved that any person is drunk on the licensed premises, the burden of proving that the licensee and the persons employed by him took all reasonable steps for preventing drunkenness on the licensed premises shall lie on him.

(6) A licensee who contravenes any of the provisions of this section shall be guilty of an offence and on conviction shall be liable to a fine not exceeding two hundred dollars.

Procuring drink for drunken person

80.—(1) If any person on licensed premises procures or attempts to procure any intoxicating liquor for consumption by a drunken person, he shall be guilty of an offence.

(2) If any person aids a drunken person in obtaining or consuming liquor on licensed premises, he shall be guilty of an offence.

(3) A person guilty of an offence under this section shall be liable on conviction to a fine not exceeding four hundred dollars.

(*Amended by 34 of 1975, s. 26.*)

Signs relating to unlicensed premises

81. Every person not holding a licence on whose premises any sign, writing, painting or other mark is exhibited 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 thereon, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding forty dollars.

Prostitutes on licensed premises

82.—(1) A licensee shall not knowingly allow the licensed premises to be the habitual resort or place of meeting of reputed prostitutes whether the object of their so resorting or meeting is or is not prostitution:

Provided that this section shall not prohibit his allowing any such persons to remain on the premises for the purposes of obtaining reasonable refreshment for such time as is necessary for that purpose.

(2) If a licensee contravenes this section, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding four hundred dollars.

(*Amended by 34 of 1975, s. 27.*)

Refusal to produce licence

83. If on the licensed premises, any licensee on demand by any police officer refuses or neglects to produce his licence, he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred dollars.

(Amended by 34 of 1975, s. 28.)

Penalty on refusal to receive travellers

84. No publican other than the holder of a tavern licence, shall, if there be accommodation on the licensed premises, refuse to receive any traveller as a guest on his licensed premises who is able and willing to pay for his accommodation, or to supply him with food and lodging, unless such traveller is intoxicated, violent, quarrelsome or disorderly, or is using profane or foul language, or is suffering or apparently suffering from any infectious disease, or is known to be a disreputable person. Every publican contravening this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred dollars.

(Amended by 34 of 1975, s. 29.)

Search warrant

85. Upon complaint on oath before a magistrate, that the complainant suspects and believes any liquor to have been sold at, or in, some place not licensed for such purpose to be specified in such complaint, and upon reasonable grounds being shown for such suspicion and belief, such magistrate may grant a warrant to any police officer to enter and search such place. And such police officer may break open any doors not opened within a reasonable time after demand, and may seize all liquor which he shall then and there find and every receptacle in which the same shall be. And such magistrate shall grant a summons calling upon the occupier of such place to appear before the court to show how and for what purpose he became possessed of such liquor. And upon his so appearing, or if after being so summoned he shall fail to appear, the court shall inquire into the matter and, if it shall be satisfied by reasonable proof, that any liquor was in such place for the purpose of being illegally sold, the court shall adjudge the same and also every such receptacle to be forfeited. Such forfeiture shall not exempt the occupier aforesaid from being proceeded against for selling liquor without a licence as provided for in section 77.

Exclusion of females from public bars

86.—(1) Any female who enters or remains in a public bar and any publican or servant or agent of a publican who permits a female to enter or remain in a public bar shall be guilty of an offence and on conviction shall be liable to a fine not exceeding two hundred dollars.

(2) Any person who sends a female to a public bar for any purpose whatsoever, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding two hundred dollars.

(3) The provisions of subsections (1) and (2) shall not apply to a female over the age of twenty-one years, who is employed by a publican to work in a public bar or to bars in respect of which a tavern licence is held.

(Section amended by 13 of 1973, s. 92 and 34 of 1975, s. 31.)

Employment of women by publican

87. Any publican who employs any woman under the age of twenty-one years to sell liquor, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred dollars.

(Amended by 1 of 1969, s. 20 and 34 of 1975, s. 32.)

Offences relating to liquor in Her Majesty's Forces

88.—(1) No person shall bring on board any of Her Majesty's ships any liquor, without the prior consent of the officer commanding the ship on board which the liquor is brought.

(2) Any officer in Her Majesty's service or warrant or petty officer of the navy, or non-commissioned officer of the marines, may, with or without seamen or persons under his command, search any vessel hovering about or approaching or which may have hovered about or approached any of Her Majesty's ships, and if any liquor be found on board such vessel, may seize such liquor and the same shall be forfeited to Her Majesty.

(3) If any person shall bring any liquor on board any of Her Majesty's ships without such consent as aforesaid or shall approach or hover about any of Her Majesty's ships for the purpose of bringing any liquor on board Her Majesty's ships, without such previous consent or for the purposes of giving or selling without such previous consent, liquor to men in Her Majesty's service, he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred dollars.

(4) Any officer in Her Majesty's service or any warrant or petty officer of the navy or non-commissioned officer of marines or any police officer may apprehend any person whom he reasonably suspects of acting in contravention of this section and bring him or cause him to be brought before a magistrate.

PART XVIII—MISCELLANEOUS

Presumptions

89. In any proceedings under this Act—

- (a) a certificate purporting to be signed by a Government 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 informant relies on the fact or orally alleges that any liquid is or may be liquor, such liquid shall be deemed to be liquor until the contrary is proved;
- (c) the delivery of any liquid shall be prima facie evidence of sale within the meaning of this Act, so as to support a conviction, unless satisfactory proof to the contrary shall be adduced to the court hearing the case; and
- (d) evidence that any person, other than the licensee or his 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.

Actions for price of liquor sold

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

Penalty on taking goods in pledge or as payment for liquor

91. No licensee shall take or receive from any person in payment or in pledge for any liquor supplied on, or from, his licensed premises, any article or thing

whatsoever except current coin, Government currency notes, bank-notes or a cheque, promissory-note or order for money. Any person contravening the provisions of this section shall be guilty of an offence and on conviction shall be liable to a fine not exceeding forty dollars.

Restriction on the conveyance of liquor by vessel or vehicle

92.—(1) No vessel or commercial vehicle shall carry or convey any liquor for transport between one place in Fiji and another unless such liquor is covered by a proper way-bill and contained in packages so marked as clearly to indicate the consignor, the consignee and the fact that they contain liquor.

(2) The master of any vessel or the driver or person in charge of any commercial vehicle shall, when called upon to do so by any police officer or officer of customs, produce for inspection all manifests, way-bills or other documents relating to liquor on board such vessel or such commercial vehicle.

(3) It shall be lawful for any police officer to board and search any vessel or to search any commercial vehicle if such police officer has reasonable grounds to believe that an offence under this section has been committed.

(4) Any person contravening the provisions of this section shall be guilty of an offence and on conviction shall be liable to a fine not exceeding forty dollars.

Powers of entry of police officers

93.—(1) A police officer may for the purpose of preventing or detecting the commission of any offence against this Act at any time enter on any licensed premises.

(2) If any person by himself or by any person in his employ or acting with his consent refuses or fails to admit any police officer who demands entry to licensed premises in pursuance of this section, he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred dollars.

(3) Any police officer may demand the name and address of any person found on licensed premises within any period when they are required by this Act to be closed, and, if he has reasonable grounds to suppose that the name and address is false, may require evidence of the correctness of such name and address and may, if such person fails upon such demand to give his name and address or satisfactory evidence of the correctness of such name and address, apprehend him without warrant.

(4) Any person required by any such police officer to give his name and address who fails to give the same, or gives a false name and address, or makes a false statement with respect to such name and address, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding forty dollars.

Liquor carried about for sale to be seized and forfeited

94.—(1) Any police officer may seize all liquor which he may reasonably suspect to be, or to have been, carried about for sale or exposed for sale in any street, road, footpath, booth, tent, store, shed, vessel, or in any other place whatsoever by any person not holding a licence to sell the same therein respectively, and also every receptacle containing or used for drinking or measuring the same, and every cart, dray, or motor or other vehicle, and every horse or animal carrying or drawing the same, and every vessel conveying the same.

(2) Any person not being the holder of a licence who carries about liquor for sale as aforesaid, shall be guilty of an offence and on conviction shall be liable to a

fine not exceeding one hundred dollars, and the court may adjudge any such liquor, vessel, cart, dray, or motor or other vehicle, horse or other animal, or vessel, to be forfeited.

Minister may order bars to be closed

95.—(1) It shall be lawful for the Minister whenever it may seem to him expedient to do so, by order to direct that the bars of all licensed premises in any area specified in the order shall be closed on such day or days and for such times as may be mentioned in the order.

(2) Any licensee who fails to comply with an order made under this section shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred dollars.

Power to close premises during riot or tumult

96. When any riot or tumult occurs or is expected to occur in any place, any police officer of or above the rank of sub-inspector may order any licensed premises in or near such place to be closed during such times as he may deem fit, and any person carrying out such order may use such force as may be necessary for closing such premises. Any person resisting or obstructing the execution of any such order, and any licensee failing to comply with any such order, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred dollars.

Liquor in shops

97.—(1) Any person owning or managing any shop, whether licensed under the Business Licensing Act or not, if the premises are not licensed under this Act.

(Cap. 204.)

(a) shall not store or keep or permit to be stored or kept, any liquor in any part of such shop to which the public normally have access or in any adjoining building to which the public normally have access;

(b) shall not store or keep or permit to be stored or kept, any liquor in excess of his own reasonable personal requirements in any other part of such shop or adjoining building.

(2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence and on conviction shall be liable to a fine not exceeding two hundred dollars.

(3) It shall be lawful for any police officer of or above the rank of sergeant to enter any shop or adjoining building at any reasonable time to search for liquor and—

(a) if any liquor is found in any part to which the public normally have access; or

(b) if any liquor in excess of the personal requirements of any person owning or managing such shop is found in any other part,

it may be brought before a court and shall be forfeited upon the conviction of any person under this section.

Regulations and rules

98.—(1) The Minister may make regulations for the better carrying out of the provisions of this Act, and rules of procedure for Tribunals.

(2) In particular, and without prejudice to the generality of subsection (1) the Minister may make regulations prescribing forms to be used under this Act.

(3) A town council may make regulations prohibiting the drinking of liquor in public places or in any particular public places in a town.

Drinking in public places

99.—(1) If representations are made to the Minister in writing by the Commissioner of Police concerning the drinking of liquor by persons in any public place outside the boundaries of a city or town, the Minister on being satisfied that drunkenness or disorder or conduct to the annoyance of the public has been frequently occurring in such public place, may by order in the Gazette prohibit the drinking of liquor in such public place.

(2) Any person found drinking liquor in any public place where drinking liquor has been prohibited under any power conferred by this Act shall be guilty of an offence and on conviction shall be liable to a fine not exceeding forty dollars.

Fees

100.—(1) The prescribed fees payable for licences shall be those set out in the Schedule.

(2) Parliament may by resolution from time to time amend or replace the said Schedule.

Disposal of forfeitures

101. All forfeitures under this Act shall be sold or otherwise disposed of as the court may in its discretion direct.

Limitation of time

102. No offence under this Act shall be triable by any court unless the charge or complaint relating thereto is laid within six months from the time when the matter of such charge or complaint arose.

Saving of former wholesale licences

103. Wholesale licences granted under the provisions of the former Liquor Ordinance and in force immediately prior to the commencement of this Act, shall remain in force until the 1st day of January, 1963, and as from that date, upon payment of the fees prescribed under this Act for an off-licence, shall be deemed to be off-licences granted and subsisting under the provisions of this Act.

(Cap. 209. 1955 Edition.)

SCHEDULE

(Substituted by 34 of 1975, s. 34.)

LICENCES

(Section 100)

Aerodrome Licence	\$500
Night Club Licence—	
(i) where the last audited accounts show a gross annual turnover of less than five hundred thousand dollars	\$300
(ii) in any other case	\$500

Occasional Licence, per twenty-four hours	\$10
Off-Licence—	
(i) where the last audited accounts show a gross annual turnover of less than five hundred thousand dollars	\$200
(ii) in any other case	\$500
Ordinary Restaurant Licence—	
(i) where the last audited accounts show a gross annual turnover of less than five hundred thousand dollars	\$100
(ii) in any other case	\$200
Packet Licence	\$50
Private Hotel Licence—	
(i) where the last audited accounts show a gross annual turnover of less than five hundred thousand dollars	\$200
(ii) in any other case	\$300
Publican's Licence—	
(i) where the last audited accounts show a gross annual turnover of less than five hundred thousand dollars	\$600
(ii) in any other case	\$1,000
Special Hours Licence—	
(i) where the last audited accounts show a gross annual turnover of less than five hundred thousand dollars	\$300
(ii) in any other case	\$500
Tavern Licence—	
(i) where the last audited accounts show a gross annual turnover of less than five hundred thousand dollars	\$300
(ii) in any other case	\$500

In addition, for every application for a new licence or renewal, except an application for an occasional licence or for the renewal of an off-licence, a fee of ten dollars shall be payable.

For the purposes of this Schedule "gross annual turnover" means the total amount of money taken in the licensed premises including charges for accommodation and food:

Provided that in the case of an off-licence the expression shall mean only the amount of money taken from the sale of liquor.

Controlled by Ministry of the Attorney-General

CHAPTER 192

LIQUOR

SECTION 64—RESTAURANT LICENCES

Legal Notice 65 of 1976

The numbers of each separate type of restaurant licences in force in Fiji at any one time shall not exceed—

- (a) in the case of night club licences—20;
 - (b) in the case of ordinary restaurant licences—25.
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SECTION 98—LIQUOR (DRINKING IN PUBLIC PLACES)
(BA) REGULATIONS

TABLE OF PROVISIONS

REGULATION

- 1. Short title
 - 2. Prohibition
-

Regulations 20 October 1964

Short title

- 1. These Regulations may be cited as the Liquor (Drinking in Public Places) (Ba) Regulations.

Prohibition

- 2. No person shall, whether or not in or on any vehicle, drink liquor within the town—
 - (a) on or in any road, street or lane; or
 - (b) except with the consent of the person or authority in control, within any public park, reserve, playground or garden.
-

SECTION 98—LIQUOR (DRINKING IN PUBLIC PLACES) (LABASA)
REGULATIONS

TABLE OF PROVISIONS

REGULATION

1. Short title
2. Interpretation

Regulations 18 November 1964

Short title

1. These Regulations may be cited as the Liquor (Drinking in Public Places) (Labasa) Regulations.

Prohibition

2. No person shall, whether or not in or on any vehicle, drink liquor within the town—

- (a) on or in any road, street or lane; or
- (b) except with the consent of the person or authority in control, within any public park, reserve, playground or garden.

SECTION 98—LAMI (DRINKING IN PUBLIC PLACES) REGULATIONS

TABLE OF PROVISIONS

REGULATION

1. Short title
2. Interpretation
3. Prohibition

Legal Notice No. 176 of 1980

Short title

1. These Regulations may be cited as the Lami (Drinking in Public Places) Regulations.

Interpretation

2. In these Regulations, "liquor" means any spirit, wine, ale, beer, porter, cider, perry, hop beer or any liquor of a strength exceeding 3 per cent of proof spirit, but does not include methylated spirits.

Prohibition

3. No person shall, whether or not in or on any vehicle, drink liquor within the town of Lami—

- (a) on any street; or
- (b) except with the consent in writing of the authority in control, within any public park, reserve, playground or garden or on any land owned or controlled by the Council of the said town.

SECTION 98—LAUTOKA (DRINKING IN PUBLIC PLACES) BY-LAWS*

TABLE OF PROVISIONS

BY-LAW

1. Short title
2. Interpretation
3. Prohibition

By-Laws 25 January 1965

Short title

1. These By-Laws may be cited as the Lautoka (Drinking in Public Places) By-Laws.

Interpretation

2. In these By-Laws—

“liquor” means any spirit, wine, ale, beer, porter, cider, perry, hop beer, or any liquor of a strength exceeding 3 per cent of proof spirit but does not include methylated spirits.

Prohibition

3. No person shall, whether or not in or on any vehicle, drink liquor within the city of Lautoka—

(a) on any street; or

(b) except with the consent in writing of the authority in control, within any public park, reserve, playground or garden or on any land owned or controlled by the Council.

SECTION 98—LIQUOR (DRINKING IN PUBLIC PLACES) (LEVUKA) REGULATIONS

TABLE OF PROVISIONS

REGULATION

1. Short title
2. Prohibition

Local Government Notice No. 2 of 1968

*Originally made under the Towns Ordinance and continued in force by section 140 of the Local Government Act (Cap. 125).

Short title

1. These Regulations may be cited as the Liquor (Drinking in Public Places) (Levuka) Regulations.

Prohibition

2. No person shall, whether or not in or on any vehicle, drink liquor within the town—

- (a) on or in any road, street or lane; or
- (b) except with the consent of the person or authority in control, within any public park, reserve, playground or garden.

SECTION 98—LIQUOR (DRINKING IN PUBLIC PLACES) (NADI)
REGULATIONS

TABLE OF PROVISIONS

REGULATION

- 1. Short title
 - 2. Prohibition
-

Regulations 18 November 1964, Local Government Notice No. 4 of 1977

Short title

1. These Regulations may be cited as the Liquor (Drinking in Public Places) (Nadi) Regulations.

Prohibition

2. No person shall, whether or not in or on any vehicle, drink liquor within the town—

- (a) on or in any road, street or lane; or
 - (b) except with the consent of the person or authority in control, within any public park, reserve, playground or garden; or
 - (c) at or in any place designated as a market by the Council.
(Amended by Local Government Notice 4 of 1977.)
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SECTION 98—LIQUOR (DRINKING IN PUBLIC PLACES) (NAUSORI)
REGULATIONS

TABLE OF PROVISIONS

REGULATION

1. Short title
 2. Prohibition
-

Regulations 21 January 1965

Short title

1. These Regulations may be cited as the Liquor (Drinking in Public Places) (Nausori) Regulations.

Prohibition

2. No person shall, whether or not in or on any vehicle, drink liquor within the town—
 - (a) on or in any road, street or lane; or
 - (b) except with the consent of the person or authority in control, within any public park, reserve, playground or garden.
-

SECTION 98—LIQUOR (DRINKING IN PUBLIC PLACES) (SIGATOKA)
REGULATIONS

TABLE OF PROVISIONS

REGULATION

1. Short title
 2. Prohibition
-

Regulations 24 November 1964

Short title

1. These Regulations may be cited as the Liquor (Drinking in Public Places) (Sigatoka) Regulations.

Prohibition

2. No person shall, whether or not in or on any vehicle, drink liquor within the town—
 - (a) on or in any road, street or lane; or
 - (b) except with the consent of the person or authority in control within any public park, reserve, playground or garden.
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SECTION 98—SUVA (DRINKING IN PUBLIC PLACES) BY-LAWS*

TABLE OF PROVISIONS

BY—LAW

1. Short title
2. Interpretation
3. Prohibition

By-Laws 19 December 1964

Short title

1. These By-Laws may be cited as the Suva (Drinking in Public Places) By-Laws.

Interpretation

2. In these By-Laws—

“liquor” means any spirit, wine, ale, beer, porter, cider, perry, hop beer, or any such liquor of a strength exceeding 3 per cent of proof spirit but does not include methylated spirits.

Prohibition

3. No person shall, whether or not in or on any vehicle, drink liquor within the City of Suva—

(a) on any street; or

(b) except with the consent in writing of the authority in control, within any public park, reserve, playground or garden or on any land owned or controlled by the Council.

SECTION 98—LIQUOR (DRINKING IN PUBLIC PLACES) (SAVUSAVU) REGULATIONS

TABLE OF PROVISIONS

REGULATION

1. Short title
2. Prohibition

Local Government Notice No. 5 of 1974

*Originally made under the Towns Ordinance and continued in force by section 140 of the Local Government Act (Cap. 125).

Short title

1. These Regulations may be cited as the Liquor (Drinking in Public Places) (Savusavu) Regulations.

Prohibition

2. No person shall, whether or not in or on any vehicle, drink liquor within the town—

- (a) on or in any road, street or lane; or
- (b) except with the consent of the person or authority in control, within any public park, reserve, playground or garden.

SECTION 99—LIQUOR (DRINKING IN PUBLIC PLACES) (NAVUA)
ORDER

TABLE OF PROVISIONS

PARAGRAPH

- 1. Short title
- 2. Prohibition

Legal Notice No. 130 of 1980

Short title

1. This Order may be cited as the Liquor (Drinking in Public Places) (Navua) Order.

Prohibition

2. No person shall, whether or not in or on any vehicle, drink liquor—
(a) on or in any road, street, lane or beach; or
(b) except with the consent of the person or authority in control, within any public park, reserve, playground or garden,
within a radius of 1.6 kilometres of the Navua Post Office.

SECTION 99—LIQUOR (DRINKING IN PUBLIC PLACES) (VAILEKA)
ORDER

TABLE OF PROVISIONS

PARAGRAPH

- 1. Short title
- 2. Prohibition

Legal Notice No. 14 of 1985

Short title

1. This Order may be cited as the Liquor (Drinking in Public Places) (Vaileka) Order.

Prohibition

2. No person shall, whether or not in or on any vehicle, drink liquor—
(a) on or in any road, street or lane; or
(b) except with the consent of the person or authority in control, within any public park, reserve, playground or garden, within a radius of 2 kilometres of the Vaileka Post Office.

SECTION 99—LIQUOR (DRINKING IN PUBLIC PLACES) (TAVUA)
ORDER

TABLE OF PROVISIONS

PARAGRAPH

1. Short title
 2. Prohibition
-

Legal Notice No. 70 of 1985

Short title

1. This Order may be cited as the Liquor (Drinking in Public Places) (Tavua) Order.

Prohibition

2. No person shall, whether or not in or on any vehicle, drink liquor—
(a) on or in any road, street or lane; or
(b) except with the consent of the person or authority in control in any public park, reserve, playground or garden, within a radius of 1 kilometre of the Tavua Post Office.

Controlled by Ministry of Justice