

REPUBLIC OF VANUATU

THE JOINT LIQUOR LICENSING REGULATION
(AMENDMENT) ACT No. 5 OF 1987

Arrangement of Sections

1. Amendment to the Joint Regulation.
2. Repeal of Joint Regulation No. 10 of 1966.
3. Commencement.

REPUBLIC OF VANUATU

THE JOINT LIQUOR LICENSING REGULATION
(AMENDMENT) ACT No. 5 OF 1987

Assent: 16/6/87

Commencement: 19/10/87

An Act to amend the Joint Liquor Licensing Regulation No. 18 of 1968.

BE IT ENACTED by the President and Parliament as follows:-

AMENDMENT OF JR. No. 18 OF 1968

1. The Joint Liquor Licensing Regulation No. 18 of 1968 (hereinafter called "the Principal Regulation") is amended as follows:-

(a) In section 1 by including the following definitions:

"Area Council Region" means an area council region established in accordance with the Decentralisation Act No. 11 of 1980;

"Controller of Taxes" means a person appointed as such by the Minister or a person acting in such capacity for the purposes of this Regulation;

"Clerk" means a Clerk of a Municipality appointed in accordance with the Municipalities Act No. 5 of 1980;

"Licensing Officer" means a person appointed as such by the Minister for the purposes of this Regulation;

"Minister" means the Minister for the time being responsible for home affairs;

"Municipality" means the area of jurisdiction of a Municipal Council established in accordance with the Municipalities Act No. 5 of 1980;

"Region" means a Local Government Council Region established in accordance with the Decentralisation Act No. 11 of 1980;

"Secretary" means a secretary of a Local Government Council Region appointed in accordance with the Decentralisation Act No. 11 of 1980.

(b) By substituting "licensing officer" for "District Agent" or "District Agents" or "French District Agent" or "British District Agent" wherever these expressions appear throughout the Principal Regulation;

(c) By substituting "Republic of Vanuatu" for "New Hebrides" throughout the Principal Regulation;

(d) By substituting "Minister" for "Resident Commissioners" throughout the Principal Regulation;

(e) By substituting "Region or Municipality" for "District" throughout the Principal Regulation;

- (f) By substituting "by Order" for the following:-
- (i) 'by joint decision',
 - (ii) 'by joint rules' or 'in joint rules',
 - (iii) 'by Decisions',
 - (iv) 'jointly' or 'be jointly',
- throughout the Principal Regulation;
- (g) By substituting "Vanuatu Police Force" for "New Hebrides Constabulary" throughout the Principal Regulation;
- (h) In the references to sums of money (whether by way of fines or otherwise) throughout the Principal Regulation substitute the word "vatu" or the symbol "VT" for the symbol "FNH" and delete the expression "or its equivalent in Australian dollars at the official rate of exchange";
- (i) In section 2 -
- (i) by deleting the word "Joint" in subsection (1);
 - (ii) by deleting the word "jointly" in subsection (2);
 - (iii) by deleting subsection (3) and substituting therefor the following new subsection:

"(3) Any person wishing to obtain such permit shall apply to the Secretary of the Region or, Clerk of the Municipality, as the case may be, in which he resides.";
- (j) In section 3 -
- (i) by deleting the words "town limits of Vila and Santo" in the third line of paragraphs (a) and (b) of subsection (1) respectively and substituting therefor the words "Municipalities of Port Vila and Luganville";
 - (ii) by deleting the proviso to paragraph (c) of subsection (1);
- (k) In section 9A by amending "acordance" to "accordance";
- (l) In section 10 -
- (i) by deleting subsection (1) and its proviso and substituting therefor the following new subsection and proviso -

"(1) Every person wishing to obtain any of the licences provided under this Regulation shall apply to the licensing officer of the region or Municipality or area council region within which he resides:

Provided that a licensing officer may issue Occasional Licences without reference to the Secretary or Clerk."

(ii) by substituting "Controller of Taxes" for "Condominium Treasurer" in the third line of subsection (6);

(m) In section 13 -

(i) by substituting the following subsection for subsection (2) -

"(2) No licensee shall admit to any premises in respect of which there has been obtained a General On-Licence, a Limited On-Licence or to that part of any premises in respect of which a Combined General On- and Off-Licence or a Combined Limited On- and Off-Licence has been obtained, set aside for the sale of liquor on the premises, any person under the age of eighteen unless the said person is accompanied by his father, mother, guardian or any other person being over the age of eighteen in charge of the said person.";

(ii) by substituting the words "Municipalities of Port Vila and Luganville" for "town areas of Vila and Luganville" and deleting the words "as defined by Joint Regulation" in subsection (4);

(iii) by adding the following subsection immediately after subsection (4) -

"(5) Notwithstanding any other provision contained in this Regulation, where a licensee on reasonable grounds suspects that a person to which subsection (2) applies is under the age of eighteen, and except where such person is accompanied by his father, mother or lawful guardian, the licensee may request such person to provide satisfactory evidence as to age and such person shall on demand produce such evidence otherwise the licensee shall be at liberty to refuse such person admission.";

(n) By adding the following new section immediately after section 13 -

"SALE AND CONSUMPTION OF LIQUOR BY YOUNG PERSONS PROHIBITED

13A.(1) Any person who, being under the age of eighteen years, procures, consumes, or without lawful excuse, the proof whereof shall lie upon him, possesses any alcoholic liquor, commits an offence punishable on conviction by a fine not exceeding VT 10.000.

(2) Any person who sells or supplies alcoholic liquor to any other person, who by virtue of the provision of subsection (1) may not lawfully procure such liquor commits an offence punishable on conviction by a fine not exceeding VT 25.000 or by a term of imprisonment not exceeding three months or by both such fine and imprisonment.

(3) For the purposes of this section, "alcoholic liquor" means spirits, beer, wine and generally all fermented and intoxicating liquors and shall include methylated spirits.";

(o) By deleting section 16 and substituting therefor the following section -

"16. For the purpose of suppressing disorders, or in connection with the breach of Regulations, for the purpose of testing the quality of the liquors sold, or for any purpose connected with the fulfilment of their duty, members of the Vanuatu Police Force may enter into any licensed premises at any hour of the day or night if the premises are still open to the public:

Provided that in the case of disturbance or where the safety of those present is endangered members of the Force may at the request or summons of the occupiers enter upon any licensed premises at all material times.";

(p) In section 17 by deleting subsection (2) and adding thereto the following new subsections -

"(2) Any member of the Vanuatu Police Force who is of or above the rank of Sergeant or any licensing officer may order the immediate closure of any licensed premises in the interest of peace and good order;

Provided that such closure shall not be maintained for a period exceeding three days without a confirming order to this effect issued by the Court.

(3) Any confirming order shall be obtained by way of an application to the Court having jurisdiction:

Provided that an application shall not be made unless the applicant shall first cause to be served reasonable notice on the proprietor of the licensed premises against whom an order of closure is being sought.

(4) Any notice served pursuant to subsection (3) shall state the reasons upon which the applicant is relying in seeking an order for the closure of a licensed premises.

(5) Any proprietor of a licensed premises on whom a notice is served pursuant to subsections (3) and (4) may likewise make application to the Court opposing such an application.

(6) The Court upon receiving any applications made pursuant to subsections (3) and (5) shall hear both such applications as one cause, and shall either grant or refuse the orders sought in such applications upon such terms and conditions as it considers appropriate in the circumstances.";

(7) All Island Courts, Magistrates Courts and the Supreme Court of Vanuatu shall have jurisdiction to hear and determine any applications made under this section."

(q) In section 19 -

(i) by deleting the symbols and figures "&stg.50 or 10,750 FNH" and substituting therefor the symbol and figure "VT50.000", and by deleting the symbols and figures "&stg.100 or 2,500 FNH" and substituting therefor the symbol and figure "VT 100.000" in subsection (1);

(ii) by deleting the symbols and figures "&stg.25 or 5,375 FNH" and substituting therefor the symbol and figure "VT 25.000" and by deleting the symbols and figures "&stg.50 or 10,750 FNH" and substituting therefor the symbol and figure "VT 50.000" in subsection (2);

(iii) by deleting the proviso to subsection (2);

(r) By deleting section 18 of the Principal Regulation and substituting therefor the following new section -

"POWER TO MAKE REGULATIONS

18(1) The Minister may by Order make regulations not inconsistent with this Regulation for the better carrying out or giving effect to the provisions of this Regulation.

(2) Without derogating from the generality of subsection (1) the Minister may in such Orders provide for corrections to Schedules made necessary as a consequence of these amendments.

(3) The Minister may from time to time by Order add to or vary or modify any of the Schedules to the Principal Regulation including any matter set out therein."

REPEAL OF JR. No. 10 OF 1966

2. The Joint Consumption and Supply of Liquor Regulation No. 10 of 1966 is hereby repealed.

COMMENCEMENT

3. This Act shall come into force on the day of its publication in the Gazette.