

AS TABLED IN THE HOUSE OF ASSEMBLY

A BILL

entitled

LIQUOR LICENCE AMENDMENT ACT 2014

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WHEREAS it is necessary to amend the Liquor Licence Act 1974 to make examining photographic identification as proof of age of every person who appears to be a minor before the sale or supply of intoxicating liquor or access to a licensed premises a mandatory condition of a liquor licence; to create offences of failing to examine photographic identification before the sale or supply of intoxicating liquor, allowing entry to a licensed premises without examining photographic identification and providing a false or altered photographic identification; and for related purposes;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act, which amends the Liquor Licence Act 1974 ("the principal Act"), may be cited as the Liquor Licence Amendment Act 2014.

Amends section 1

2 Section 1 of the principal Act is amended by inserting the following in the appropriate alphabetical order—

“ “minor” means a person who is under the age of eighteen years;”.

Amends sections 10, 35, 40 and 42

3 The principal Act is amended—

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- (a) in section 10(4) by deleting paragraph (a) and substituting the following—
 - “(a) a minor;”;
- (b) in section 35—
 - (i) in the headnote by deleting “young persons” and substituting “minors”;
 - (ii) in subsection (1) by deleting “no licenced person shall employ in the licensed premises a person who is under the age of eighteen years” and substituting “no licensed person shall employ a minor in a licensed premises”;
 - (iii) in subsection (1A) by deleting “person who is under the age of eighteen years” and substituting “minor”;
- (c) in sections 40(1)(f) and (5) by deleting “person under the age of eighteen years” wherever it occurs and substituting “minor”;
- (d) in section 42 by deleting “person under the age of eighteen years” wherever it occurs and substituting “minor”.

Inserts section 17A

- 4 The principal Act is amended by inserting the following after section 17—

“Mandatory condition of licences

17A (1) The holder of a Licence (A), a Restricted Licence (A), a Hotel Licence, a Restaurant Licence, a Propriety Club Licence, a Member’s Club Licence, a Tour Boat Licence or an Occasional Licence, his servant or agent shall examine the photographic identification as proof of age of any person in the licensed premises who appears to be a minor before the sale or supply of intoxicating liquor.

(2) The holder of a Licence (B) or a Night Club Licence, his servant or agent shall examine the photographic identification as proof of age of any person seeking entry to the licensed premises before granting access.

(3) Notwithstanding subsection (1), where the holder of a Restaurant Licence engages the services of a disc jockey, or has a live band or live music on the licensed premises after 10:00 p.m., the holder of the licence, his servant or agent shall examine, commencing at 11:00 p.m., the photographic identification of any person seeking entry to the licensed premises who appears to be a minor before granting access.

(4) In this section “photographic identification” means identification which bears a photograph of the person, his date of birth and a holographic mark and includes —

- (a) a valid driver’s licence;
- (b) a valid passport; or
- (c) other valid government issued identification.

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(5) Where a person is required to provide photographic identification as proof of age and fails to produce any photographic identification, a licensed person, his servant or agent shall—

- (a) refuse to sell or supply intoxicating liquor to that person; or
- (b) refuse entry to that person, and

shall require him to leave the licensed premises.”.

Amends section 40

5 Section 40 of the principal Act is amended—

- (a) by repealing subsection (2) and replacing it with the following—

“(2) If the holder of a Licence (B) or a Night Club Licence, his servant or agent—

- (a) fails to examine photographic identification before granting access to the licensed premises contrary to section 17A(2);
- (b) allows a minor to gain entry to or be in a licensed premises at a time when intoxicating liquor is on sale at those licensed premises,

he commits an offence.”;

- (b) by inserting the following after subsection (2)—

“(2A) If the holder of a Licence (A), a Restricted Licence (A), a Hotel Licence, a Restaurant Licence, a Propriety Club Licence, a Member’s Club Licence, a Tour Boat Licence or an Occasional Licence, his servant or agent fails to examine the photographic identification of a person who appears to be a minor contrary to section 17A(1), he commits an offence.”;

- (c) by repealing subsection (3) and replacing it with the following—

“(3) If the holder of a Restaurant Licence, his servant or agent fails to examine the photographic identification of a person who appears to be a minor before granting access to the licensed premises contrary to 17A(3), he commits an offence.”;

- (d) by repealing subsection (4) and replacing it with the following—

“(4) Any person who—

- (a) fails to leave a licensed premises on being asked by a licensed person, his servant or agent to leave contrary to section 17A(5); or
- (b) produces any photographic identification that has been altered or is false,

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commits an offence and is liable on summary conviction to a fine not exceeding \$500.”;

(e) in subsection (5) by deleting “paragraph (f) of subsection (1) or under subsection (2)” and substituting “subsection (1)(f), (2), (2A) or (3);

(f) in subsection (6) by deleting “paragraph (f) of subsection (1) or subsection (2)” and substituting “under subsection (1)(f), (2), (2A) or (3)”.

Commencement

6 This Act shall come into operation on such day as the Minister may appoint by notice in the Gazette.

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EXPLANATORY MEMORANDUM

This Bill seeks to amend the Liquor Licence Act 1974 (“the principal Act”) to make it mandatory (1) to examine the photographic identification as proof of age of every person who appears to be a minor before supplying or selling alcohol; (2) to examine photographic identification of every person before allowing entry to certain licensed premises; (3) for the holder of a Restaurant Licence whose licensed premises operates as a bar/club to check the photographic identification of a person who appears to be a minor seeking to enter the licensed premises at a specified time; and to create the offences for: failing to examine photographic identification before the sale or supply of intoxicating liquor to anyone who appears to be a minor, allowing entry to a licensed premises without examining the photographic identification, the holder of a Restaurant Licence failing to examine the photographic identification of any person who appears to be a minor seeking entry to the premises after 11:00 p.m. and providing a false or altered photographic identification.

Clause 1 provides the title of the Bill.

Clause 2 provides the definition of a “minor”.

Clause 3 amends sections 10, 35, 40 and 42 that refer to a “person under the age of eighteen years” to reference a “minor”, accommodating the new definition of “minor”.

Clause 4 inserts section 17A into the principal Act to provide that (1) the holder of a Licence (A), a Restricted Licence (A), a Hotel Licence, a Restaurant Licence, a Propriety Club Licence, a Member’s Club Licence, a Tour Boat Licence or an Occasional Licence, his servant or agent, must check photographic identification of anyone who appears to be a minor before selling or supplying intoxicating liquor; (2) that the holder of a Licence (B) and a Night Club Licence must check photographic identification before a person is granted entry to the licensed premises; and (3) where a Restaurant operates as a bar/club after 10:00 p.m., photographic identification of a person seeking entry who appears to be a minor must be checked starting at 11:00 p.m. A definition of “photographic identification” is also provided.

Clause 5 amends section 40 of the principal Act to provide the offences for (1) failing to check the photographic identification of a person who appears to be a minor before the sale or supply of alcohol; (2) allowing entry to a licensed premises without checking photographic identification; and (3) providing a false or altered photographic identification.

Clause 6 provides the commencement of the Bill.