

AS TABLED IN THE HOUSE OF ASSEMBLY

A BILL

entitled

LIQUOR LICENCE AMENDMENT ACT 2016

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WHEREAS it is expedient to create a new type of liquor licence in relation to tourism events, and to increase the fees associated with other classes and types of licence;

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 2016.

Amends section 17A

2 Section 17A of the principal Act is amended in subsection (1) by deleting "or an Occasional Licence" and substituting ", an occasional licence or a tourism event licence".

Amends section 22

3 Section 22 of the principal Act is amended by repealing subsection (3D).

Inserts section 22A

4 The principal Act is amended by inserting the following next after section 22—

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“Tourism event licence

22A (1) For the purposes of this section, a “tourism event” is an event approved as such in writing by the Chairman of the Bermuda Tourism Authority (as established under section 3 of the Bermuda Tourism Authority Act 2013).

(2) The chairman may, on an application duly made by or on behalf of a person who promotes tourism events, grant a licence (in this Act referred to as a “tourism event licence”) authorizing that person to sell intoxicating liquor to persons attending such event as specified in the tourism event licence for a period not exceeding three consecutive days between the hours of 6 p.m. on the first day and 2 a.m. on the last day.

(3) A tourism event licence granted under subsection (2) shall specify—

- (a) the periods of time within which intoxicating liquor may be sold;
- (b) the place or places at which intoxicating liquor may be sold.

(4) A single tourism event licence may be granted so as to relate to a number of specified disparate sub-events that are to be staged in different places but as constituent parts of a centrally organized event.

(5) An application under this section shall be made by notice in writing to the chairman and a copy of the application shall be served on the Commissioner of Police.

(6) A tourism event licence shall be produced forthwith on the request of a police officer by the person responsible for the sale of intoxicating liquor at the event.

(7) A person who fails to produce a tourism event licence under subsection (6) commits an offence and shall be liable on summary conviction to a fine of \$500.”.

Amends section 27

5 Section 27 of the principal Act is amended—

- (a) in subsection (2) by deleting “\$60” and substituting “\$100”;
- (b) in subsection (3)—
 - (i) by deleting “\$125” and substituting “\$500”;
 - (ii) by deleting “\$25” and substituting “\$50”;
- (c) by inserting the following after subsection (2)—

“(2A) In respect of a tourism event licence, the applicant shall pay, on application—

- (a) a fee of \$150 for a one-day event;
- (b) a fee of \$300 for a two-day event;

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(c) a fee of \$450 for a three-day event.”.

Amends the First Schedule

6 The First Schedule to the principal Act is amended in paragraph 12 by deleting the second paragraph and substituting—

“The annual fees for the issue of an island boat liquor permit under this paragraph are—

“ where the boat is licensed under the Marine Board (Island Boats) Regulations 1965—	
to carry not more than 10 passengers	\$150
to carry not more than 50 passengers	\$300
to carry not more than 100 passengers	\$500
to carry more than 100 passengers	\$525

Repeals and replaces the Second Schedule

7 The Second Schedule to the principal Act is repealed and replaced by the following—

“SECOND SCHEDULE

(Section 27)

LICENCE FEES

Class of Licence	Fee
Licence (A)	\$2,000
Restricted Licence (A)	\$1,100
Licence (B)	\$1,200
Hotel Licence—	
(a) where sleeping accommodation is provided for not less than 30 but not more than 100 guests	\$1,500
(b) where sleeping accommodation is provided for more than 100 but not more than 300 guests	\$2,500
(c) where sleeping accommodation is provided for more than 300 guests	\$4,000
Restaurant Licence	\$1,500
Night Club Licence	\$4,000
Proprietary Club Licence	\$1,100
Members' Club Licence	\$1,000
Tour Boat Licence—	

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where the boat is licensed under the Marine Board (Island Boats) Regulations 1965—	
(a) to carry not more than 50 passengers	\$250
(b) to carry not less than 50 passengers but not more than 100 passengers	\$500
(c) to carry more than 100 passengers	\$525

”.

Consequential amendment

8 The Schedule to the Liquor Licence (Forms) Regulations 1974 is amended by inserting the following after item “Form 15”—

“FORM 16

TOURISM EVENT LICENCE

Issued under the Liquor Licence Act 1974

THIS LICENCE issued under section 22A of the Liquor Licence Act 1974 authorizes [blank] on behalf of [blank] being a person who promotes tourism events to sell intoxicating liquor to persons attending an event namely [blank] to be held at [blank] on the days [blank] through [blank].

The sale of intoxicating liquor under this licence is permitted between the hours of [blank] on [blank], 20[blank] and [blank] on [blank], 20[blank].

This licence is authority for the sale of intoxicating liquor for consumption only at the places specified above.

This licence is granted subject to the following conditions—

Given under my hand this [blank] day of [blank] 20[blank].

[blank] Chairman of the Licensing Authority”.

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EXPLANATORY MEMORANDUM

This Bill seeks to amend the Liquor Licence Act 1974 (“the principal Act”) to create a new type of liquor licence in relation to tourism events and to increase the fees for other classes and types of licence.

Clause 1 is the title of the Bill.

Clause 2 amends section 17A of the principal Act to include a tourism event licence in the mandatory condition of licences provision.

Clause 3 amends section 22 of the principal Act by repealing subsection (3D).

Clause 4 inserts section 22A into the principal Act to create a new type of liquor licence in circumstances where the promotion of tourism events approved by the Bermuda Tourism Authority.

Clause 5 amends section 27 of the principal Act to increase the application fees for an occasional licence and a provisional licence, and inserts the application fee for a tourism event licence.

Clause 6 amends the First Schedule to the principal Act by increasing the annual fees for an island boat liquor permit.

Clause 7 repeals and replaces the Second Schedule to the principal Act to increase licence fees for the various classes of liquor licence.

Clause 8 provides a consequential amendment to insert the form for a tourism event licence into the Liquor Licence (Forms) Regulations 1974.