

**LIQUOR (AMENDMENT)
ACT 1988**

(NO. 15 OF 1988)



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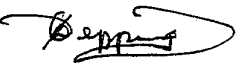
(NO. 15 OF 1988)

Passed by the National Parliament this twenty-second day of June 1988.

This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the said Bill.


J.M. Tuhaika
Clerk to the National Parliament

Assented to in Her Majesty's name and on Her Majesty's behalf this second day of August 1988.


G. Lepping
Governor-General

Date of commencement: see section 1.

AN ACT to amend the Liquor Act.

ENACTED by the National Parliament of Solomon Islands.

LIQUOR (AMENDMENT) ACT 1988

ARRANGEMENT OF SECTIONS

Section:

1. Short title and commencement.
2. Amendment to Cap. 33.
3. Transitional and Savings.

SCHEDULE.

This Act may be cited as the Liquor (Amendment) Act 1988 and shall come into operation on such date as the Minister may appoint by notice published in the Gazette.

Short title
and commence-
ment.

The Liquor Act is amended in the manner set out in the schedule to this Act.

Amendment
to Cap. 33.

Notwithstanding the repeal and replacement of section

Transitional
and savings.

- (a) any liquor licensing Board established under that section and existing at the date of commencement of this Act shall be deemed to be a Board established by and in accordance with this Act; and
- (b) a person who, at the date of commencement of this Act, is a member of that Board may continue as a member of that Board until his term as a member expires or until he resigns or until his appointment as a member is revoked.

SCHEDULE - AMENDMENTS TO CAP. 33 (Section 2)

- (1) Section 3 (categories of licence) -
Section 3 (1) -
At the end of the subsection, add the following paragraph:
“(o) a night-club full licence.”
- (2) Sections 5(2), 50(1), 60(2)(b), 70, 74(1) and (2), 78 -
Omit “one hundred dollars” wherever occurring, insert instead “three hundred dollars”.
- (3) Sections 7 (4), 9(2), 42, 58, 63, 66(2), 77 -
Omit “fifty dollars” wherever occurring, insert instead “one hundred dollars”.
- (4) Sections 8(1), 54(3), 60(1)(b), 62(2)(b) -
 - (a) Omit “two hundred dollars” wherever occurring, insert instead “four hundred dollars”;
 - (b) Omit “six months” wherever occurring, insert instead “one year”.
- (5) Sections 8(2), 9(2), 58, 60(1)(a), 62(2)(a), 67(1) and (2), 75(2) -
Omit “one hundred dollars” wherever occurring, insert instead “two hundred dollars”.
- (6) Sections 10(6), 11(2), 12(3), 60(2)(a), 69(1), 71(4), 76 -
Omit “fifty dollars” wherever occurring, insert instead “one hundred and fifty dollars”.
- (7) Section 15A -
After section 15, insert the following section -

“Night-club 15A.(1) A night-club full licence authorises the licensee to sell liquor, cigars, cigarettes, tobacco, snuff, matches and refreshments during the period of entertainment at the night-club.

(2) A night-club full licence granted under this Act is, unless earlier suspended or cancelled, valid for a period of one year commencing on the date the licence is granted and is subject to such conditions as the licensing authority granting the licence may deem proper to impose.

(3) In this section "night-club" means premises used for music and dancing and other similar entertainment between the hours of 6 o'clock in the evening and 2 o'clock in the morning of the following day".

(8) Section 16 -

Omit the section, insert instead the following section -

"Liquor Licensing Board. 16. (1) There is established in each Province a Liquor Licensing Board which shall be the liquor licensing authority for that Province.

(2) The Boards shall consist of the Principal Magistrate in that Province who shall be Chairman and each of the following persons as members -

- (a) a Church representative in that Province;
- (b) a woman representative in that Province;
- (c) a police officer in that Province nominated by the officer in charge of the police force in that Province; and
- (d) a representative of the business sector in that Province.

(3) The members shall be appointed by the Premier of the Province and hold office at the pleasure of the Premier for a period not exceeding one year commencing on the date they are appointed and are eligible for re-appointment.

(4) A member of the Board may resign at any time by giving notice in writing to the Premier and the resignation shall take effect on the date specified in the notice or, if no date is specified, on the date the Premier receives the notice.

(5) Where the Chairman is unable to perform his functions as Chairman, the Premier may appoint one of the members to act as Chairman of the Board.

(6) At any meeting of the Board, the Chairman or in his absence the acting Chairman, and three members shall constitute

a quorum.

(7) The Chairman of the Board shall have a deliberate vote and, in the case of an equality of votes, shall also have a casting vote.

(8) The procedure at each meeting of the Board shall be regulated by the Chairman or, in his absence, the acting Chairman.

(9) In this section, the expression -
 "Province" includes Honiara Town Council;
 "Provincial Secretary" includes the Clerk to Honiara Town Council; and
 "Premier" includes the President of Honiara Town Council.

(9) Section 36(2) -

- (a) Omit "ten dollars", insert instead "twenty dollars";
- (b) Omit "twenty dollars", insert instead "forty dollars".

(10) Section 43(1) -

Omit "six months", insert instead "eighteen months".

(11) Sections 43(1), 76, 78, 84(2), 85(2) -

Omit "two hundred dollars" wherever occurring, insert instead "six hundred dollars".

(12) Sections 51(4), 86(4) -

Omit "twenty five dollars" wherever occurring, insert instead "seventy five dollars".

(13) Section 53 -

Omit the section, insert instead the following section -

"Restriction 53. (1) The Minister may, on application on making by a person and subject to such conditions as liquor" the Minister may deem fit to impose, grant approval in writing to the person to brew or distil liquor in Solomon Islands.

(2) A person who, without the written approval of the Minister,

- (a) imports into or sets up in Solomon Islands any still or any machinery, implement or utensil used or intended to be used for brewing or distilling liquor;

(18) Section 68A -

After section 68, insert the following section -

“Consumption of liquor in vehicles prohibited.

68A.(1) Any person who, consumes liquor in a motor vehicle -

(a) when it is being driven on a road or other public place; or

(b) when it is at rest or parked on a road or other public place,

is guilty of an offence.

(2) Where any person is found guilty of any offence referred to in subsection (1), the driver or the person in charge, as the case may be, at the time of the commission of the offence shall, in the absence of a reasonable excuse be treated as being also in contravention of this section and guilty of an offence.

(3) Any person who is guilty of an offence under this section shall be liable to a fine of one thousand dollars or to imprisonment for twelve months or to both such fine and imprisonment.

(4) In this section, the expressions “motor vehicle” and “road” shall have the meanings assigned to them in the Traffic Act”.

Cap. 19

(19) Section 69(2) -

Omit “twelve months”, insert instead “two years”.

(20) Sections 71(2), 72 -

Omit “twenty dollars” wherever occurring, insert instead “two hundred dollars”.

(21) Section 71(2) -

Omit “one month”, insert instead “six months”.

(22) Section 73(2) -

Omit “twenty dollars”, insert instead “one hundred dollars”.

(23) Sections 74(1), (2), (3), (4) and 75(1) -

Omit “eighteen years” wherever occurring, insert instead “twenty one years”.

- (24) Section 74(3) -
Omit "twenty five dollars", insert instead "two hundred dollars or imprisonment for one year".
- (25) Section 74(4) -
Omit "fifty dollars", insert instead "two hundred dollars".
- (26) Section 93 -
Omit "forty dollars", insert instead "two hundred dollars".

