

S.I. 54 of 1998

**LICENCES ACT
(Cap. 113)****Licences (Liquor and Outdoor Entertainment)
Regulations, 1998**

In exercise of the powers conferred by section 16(2) of the Licences Act, the Vice-President acting as the Minister of Finance hereby makes the following Regulations.

1. These Regulations may be cited as the Licences (Liquor and Outdoor Entertainment) Regulations, 1998. Citation

2. In these Regulations unless the context otherwise requires - Interpretation

"baka" means any liquor, whether fermented or not, made from pure juice of sugar cane, except by process of distillation;

"licence" means-

- (i) a bottler's licence;
- (ii) an off-licence;
- (iii) a public bar licence;
- (iv) a members' club liquor licence;
- (v) a baka licence;
- (vi) a toddy bar licence;
- (vii) a lapire licence;
- (viii) a temporary licence; or

(ix) an outdoor entertainment licence,
granted under these Regulations;

"lapire" means any fermented liquor from either the juice, macecretion or decoction of any fruit, vegetable, plant, cereal, pulse or any other food stuff and includes any other beverage subject to fermentation except toddy, baka, beer, imported liquor and any other liquid subject to fermentation, which the Minister responsible for Finance may from time to time by notice in the Gazette declare to be lapire for the purpose of these Regulations;

"liquor" means any spirit, wine, ale, porter, cider, perry, hop beer, baka, lapire, toddy or any liquor containing more than two per centum by weight of alcohol or any liquor containing more than one per centum of alcohol, Gay Lussac, or any other liquor which the Minister responsible for Finance may, by notice in the Gazette declare to be a liquor for the purpose of these Regulations;

"off-licence" means a licence to sell liquor to be consumed elsewhere than on the premises where the liquor is sold;

"temporary licence" means a licence to sell liquor on the occasion, at the place, on the day and during the time specified in the licence;

"toddy" means any liquor, fermented or unfermented, made from juice drawn from a coconut tree;

"outdoor entertainment licence" means a licence to organise or promote in any open place to which the public is admitted with or without payment of money

or other consideration, the following outdoor entertainment activities :

- (i) fairs,
- (ii) fun fairs,
- (iii) fancy fairs,
- (iv) parish fetes,
- (v) amusement parks,
- (vi) musical shows, concerts or performances
- (vii) trade fairs consisting of exhibition, advertisement or sale of the products of industries or of other materials;
- (viii) festivals,
- (ix) any other outdoor entertainment specified by the Minister by Order published in the Gazette;

"premises" means the premises where the licensee is licensed to operate or carry on the activities licensed under Regulation 3, including any premises adjoining or near such premises, if belonging to the licensee or leased to him or under his control or used by his permission.

3.(1) No person shall engage in or carry on the sale of liquor or organise or promote an outdoor entertainment except under and in accordance with a licence.

Licence and
presumption of
sale

(2) Where a person is in possession of more than 20 litres of baka or lapire or more than 8 litres of toddy, that person shall be presumed, unless that person proves otherwise, to be engaged in the sale of liquor.

(3) For the purpose of calculating the amount of baka or toddy possessed by a person under subregulation (2), all the members of a household including the servants on the premises shall be treated as one person and the householder shall be deemed to be the person in possession of the baka, lapire or toddy found on the premises.

(4) The selling of toddy by any person to the holder of a toddy bar licence shall not amount to sale of liquor for the purpose of this Regulation.

Form of
application

4. An application for a licence shall be in the form provided by the Authority.

Fees, documents etc. to
accompany
application

5.(1) An application for a licence shall be accompanied by the fees specified in Schedule A and documents specified in Schedule B.

(2) When an application is refused the Authority shall refund to the applicant the licence fee and the surcharge, if any.

(3) Where the holder of an outdoor entertainment licence has complied with regulation 14 (10) to the satisfaction of the Authority, the Authority shall refund to the holder the deposit made by the holder. Where the holder has failed to so comply, the Authority shall forfeit the deposit.

Restrictions

6. The Authority shall not grant a licence -

- (a) other than a bottler's licence or an off-licence to a firm or body corporate,
- (b) to an individual who -
 - (i) is less than 21 years old;

- (ii) is an undischarged bankrupt;
- (iii) has within the five years preceding the date of the application, been convicted of an offence involving dishonesty or immorality;
- (iv) is not of good character and not a fit and proper person to hold a licence;
- (c) in the case of a firm applying for an off-licence or bottler's licence, if any of the partners of the firm is an individual referred to in paragraph (b);
- (d) in the case of a company applying for an off-licence or bottler's licence, if any of its directors or managers has been convicted of an offence involving dishonesty within the 5 years preceding the date of application ;
- (e) where the manager of a corporate body is an individual referred to in paragraph (b).

7. Before granting a licence other than a temporary liquor or off-licence, the Authority shall consult-

Bodies to be consulted

- (a) the Commissioner of Police;
- (b) in the case of a baka licence and bottler's licence the Ministry responsible for Health as to whether the premises where the licence holder will carry on his activities under the licence comply with the laws of Seychelles pertaining to Health.

8.(1) The Authority shall before considering an application for a licence other than a temporary licence and lapire licence require an applicant to publish a notice in a

Publication of notice

national newspaper within such time and containing such particulars of the application as the Authority may specify.

(2) Any person may lodge an objection in writing in the Form set out in Schedule C within seven days of the publication of a notice under subregulation (1) and the Authority shall, when considering the application, take into account the merits of any objection.

Scope of
licence

9.(1) Notwithstanding the Licences (Trade) Regulations, and subject to these Regulations-

- (a) a bottler's licence shall authorise the holder of the licence to bottle liquor, other than baka, toddy or lapire, on the premises specified in the licence and to sell liquor bottled by the holder of the licence on such conditions as the Authority may impose;
- (b) an off-licence shall authorise the holder of the licence to sell liquor, other than baka, toddy or lapire in a container which is securely corked or stoppered to any person-
 - (i) in respect of premises situate at the Seychelles International Airport, on such days and at such times as the Minister responsible for Civil Aviation may from time to time determine; and
 - (ii) in respect of any other premises, on any day and at any hour except on such hour in which the premises are required by any written law to be kept closed for the serving of customers,

for consumption elsewhere than on the premises specified in the licence;

- (c) a public bar licence shall authorise the holder of the licence to sell liquor, other than baka, toddy or lapire to any person -
 - (i) in respect of premises situate at the Seychelles International Airport, on such days and at such times as the Ministry responsible for Civil Aviation may from time to time determine;
 - (ii) in respect of any other premises, on any day at any hour

for consumption on the premises of the bar;

- (d) a members' club liquor licence shall authorise the holder of the licence to sell liquor, other than baka, toddy or lapire to the members of the club on any day at any hour for consumption on the premises of the club;
- (e) a baka licence shall authorise the holder of the licence to manufacture and sell only baka to any person on any day at any hour for consumption on the premises where the baka is sold or elsewhere provided the baka is placed in a container which is securely corked or stoppered;
- (f) a lapire licence shall authorise the holder of the licence to manufacture and sell only lapire to any person on any day at any hour for consumption on the premises where the lapire is sold or elsewhere provided the lapire is placed in a container which is securely corked or stoppered;

(g) a toddy bar licence shall authorise the holder to sell only toddy to any person on any day at any hour for consumption on the premises where the toddy is sold or elsewhere provided the toddy is placed in a container which is securely corked or stoppered;

(h) a temporary liquor licence shall only authorise the holder of the licence to sell liquor including baka, lapire or toddy in accordance with the conditions specified in the licence.

(2) Notwithstanding the Licence (Trade) Regulations, the holder of an off-licence, a public bar licence, a members' club licence and a baka, lapire or toddy bar licence is also authorised to sell cigars, cigarettes, tobacco and matches on the premises specified in the licence on any day at any hour the licence holder is authorised to sell liquor.

Period of
licence

10.(1) A licence, other than a temporary licence or outdoor entertainment licence, shall be valid for 12 months from the date of grant unless earlier revoked by the Authority and is, subject to subregulation (3), not transferable.

(2) A temporary licence or outdoor entertainment licence shall be valid for the period specified in the licence.

(3) The Authority may, on the death of the holder of a licence or on any other ground which the Authority may deem fit, authorise any other person to continue to carry on the activities under the licence on the premises specified in the licence for any period for which the licence remains valid.

Transfer to
other premises

11.(1) The holder of a licence may at any time during the currency of the licence apply, in writing, to the Authority for

permission to transfer the activities under the licence to another premises and the Authority may, on being satisfied that the holder of the licence is the owner or the lessee of the other premises and has complied with regulation 8, allow, subject to such conditions as it thinks fit, or refuse, the transfer.

(2) The holder of a licence applying for the transfer under subregulation (1) shall pay the fee set out in Schedule A in respect of permission to transfer.

12. The holder of the licence shall display the licence at a conspicuous place on the premises specified in the licence.

Display of
licence

13.(1) Where there is any change in management or ownership of the business of the holder of a licence other than a temporary licence, the holder, in the case of a bottler's and off-liquor licence, shall notify the Authority in writing of all the particulars of such change within ten days of the occurrence of such change.

Change of
ownership

(2) In the case of a change of ownership of the premises in respect of which a public bar, members' club liquor, baka and lapire licences or toddy bar licence has been granted the new owner of the premises shall apply for the licence under Regulations 4 and 5.

14.(1) The holder of a licence, his servant or agent shall not-

Conditions of
licence

(a) employ or allow a person under the age of 18 years, or a person who has been convicted of an offence under the Act or other written law at any time in force regulating or controlling the sale of liquor, to sell, or control or supervise the

- sale of, liquor or to have the custody or control of liquor on the premises specified in the licence;
- (b) sell or deliver liquor, cigarettes or tobacco products to, or allow liquor to be consumed or cigarettes or any tobacco products to be used by any person under the age of 18 years on the premises;
 - (c) sell liquor to a person already in a state of intoxication;
 - (d) encourage or incite, by any means whatsoever, a person already in a state of intoxication to drink liquor on the premises specified in the licence;
 - (e) permit any drunkenness, violence, drug abuse or any quarrelsome or riotous conduct of any kind to take place on the premises specified in the licence;
 - (f) keep open the premises specified in the licence for the sale of liquor or sell or expose for sale any liquor during any time when the licence holder is not authorised under the licence to sell liquor;
 - (g) allow any liquor to be consumed on the premises specified in the licence during any time when he is not authorised under the licence to sell liquor;
 - (h) adulterate any liquor which the licence holder intends to sell, or have in the licence holder's possession adulterated liquor;
 - (i) admit any person under the age of 18 years to a premises licensed as a public bar, toddy bar or at

the premises licensed to manufacture and sell baka or lapire;

- (j) dilute any liquor in the course of the lawful use other than of a bottler's licence or in the case of lapire;
- (k) operate or use the premises for any purpose other than the purpose for which it is licensed.

(2) The holder of an outdoor entertainment licence shall, in addition to the conditions specified in subregulation (1) -

- (a) not permit any obscene entertainment as the outdoor entertainment activity;
- (b) ensure that the persons participating at any entertainment as performers are decently dressed;
- (c) where it is practicable, provide toilet facilities at the place of the outdoor entertainment activity;
- (d) subject to subregulation (1), sell, or serve alcoholic or nonalcoholic beverages in plastic cups.

(3) The holder of a licence shall be answerable for the acts and omissions of his servant or agent and if his servant or agent commits an offence under this Act the holder of the licence and his servant or agent shall be liable to the penalties under the Act and the Authority may revoke the licence unless the holder of the licence proves to the satisfaction of the court or the Authority, as the case may be, that he used due diligence to comply with these Regulations and that the offence was committed without his knowledge, consent or connivance.

(4) The holder of a licence to operate a public bar shall clearly and conspicuously display on the premises a list of prices of drinks on sale.

(5) The holder of a licence shall ensure that order is maintained on the premises and shall take all precautions including the employment of suitable persons to prevent a breach of peace.

(6) The holder of a licence other than an off-licence or bottler's licence shall personally manage the premises in respect of which the licence is granted unless otherwise authorised in writing by the Authority.

(7) The holder of a licence shall not operate any premises unless the premises is licensed for the purpose under these Regulations.

(8) The business of manufacturing and selling baka and lapire and operating a toddy bar shall be carried on at a location approved by the Authority so as not to cause inconvenience or annoyance to neighbours and to be at a reasonable distance from a church, school, or health centre.

(9) The holder of a licence to operate a public bar, baka or lapire licence or toddy bar licence shall comply with the requirements relating to hygiene as laid down by the Ministry responsible for Health.

(10) The holder of an outdoor entertainment licence shall -

- (a) provide such number of bins as specified in the licence for the deposit and collection of dirt, rubbish or refuse at the place for which the licence is granted;

- (b) collect and dispose of to the satisfaction of the Authority and within 24 hours after the completion of the occasion for which the licence was granted, the dirt, rubbish or refuse thrown, deposited or placed on that occasion at the place for which the licence was granted.

(11) The holder of a licence to operate a public bar, members' club liquor licence, bottler's licence, toddy bar licence, baka and lapire licences or off-licence shall ensure that the premises is kept clean at all times and is maintained to the satisfaction of the Ministry responsible for Health and that the premises is maintained at all times in good order and repair.

(12) The holder of an off-licence or his servant shall not permit the consumption of liquor on the premises. Where a person is found consuming liquor on the premise it shall be presumed, unless proved otherwise by the licensee, that the liquor was sold by him or his servant to be consumed on the premises; and a person who is found on such licensed premises with a container including a bottle or can which has been opened shall be presumed to be consuming liquor.

15.(1) Without prejudice to any other right to refuse admission to or expel a person from the premises specified in the licence, the holder of a licence, his servant or agent shall refuse to admit, and expel from the premises any person-

Expulsion of
certain persons

- (a) who is drunk, quarrelsome or disorderly;
- (b) whose presence on the premises would subject the holder of the licence, his servant or agent to a penalty under the Regulations or any other written law;

- (c) who is prohibited by a notice under subregulation (3) from entering the premises.

(2) A Police Officer may, on the demand of the holder of a licence, his servant or agent, expel or help to expel from the premises any person whom the holder of a licence, his servant or agent has refused admission to, or expelled from, the premises.

(3) The Commissioner of Police may issue a notice to a person who, in his opinion, has on a premises in respect of which there is a licence to sell liquor-

- (a) caused annoyance to any person;
- (b) caused a nuisance;
- (c) conducted himself in an indecent or disorderly manner or in a manner likely to cause a breach of the peace;
- (d) publicly done an indecent act;
- (e) used indecent or obscene language; or
- (f) solicited for immoral purposes,

prohibiting that person for a specified period not exceeding 12 months from entering the premises specified in the notice.

(4) A notice under subregulation (3) shall be delivered personally to the person to whom it has been issued, and a copy of the notice shall be sent to the holder of the licence relating to the premises specified in the notice.

(5) A person to whom a notice is delivered under subregulation (4) shall comply with the notice.

(6) Where a licence holder or his agent or servant suspects that a person who is about to enter a premises

which is licenced, as a public bar, or toddy bar or for manufacturing and selling of baka and lapire, has any object on his person which may be used to cause harm to others, that person may be required to submit to a search by the licence holder or his servant or agent and if such person refuses to so submit, admission shall be refused.

suspension,
revocation and
refusal of
licence

16. The Authority may suspend, revoke, or refuse the renewal or grant of a licence where the Authority has reasonable grounds to believe that the holder of the licence-

- (a) has made any misrepresentation or failed to disclose any material fact in applying for the licence, and such misrepresentation or non-disclosure has influenced the Authority to grant the licence;
- (b) has acted in contravention of the Act or these Regulations;
- (c) has acted in breach of any condition of any licence other than a temporary licence;
- (d) has acted in breach of a condition of a temporary licence within a period of one year prior to the application for another such licence and the Authority considers the breach to be sufficiently serious as to refuse the application;
- (e) is incapable of carrying on business under the licence;
- (f) has failed to carry on business under the licence for a continuous period of 6 months;
- (g) or its manager or any of its directors, where applicable, has been convicted of an offence

involving dishonesty, fraud or moral turpitude;
or

- (h) or any of its directors or managers where applicable, has been discourteous on at least two occasions within a period of one year, to any officer of the Authority or the Ministry responsible for Health, when the officer was performing any official function under the Act or these Regulations;

(2) Before the Authority suspends, revokes or refuses the grant or a renewal of a licence under this regulation, the Authority shall call upon the holder of the licence or applicant to show cause and having considered any representation inform its decision to the holder or applicant as the case may be.

(3) Where a licence is suspended, the holder shall, notwithstanding any appeal against the suspension cease to carry on the business under the licence.

(4) Where the licence is revoked, the holder shall, pending the decision of any appeal, cease to carry on the business under the licence.

17.(1) A Police Officer not below the rank of sergeant or a person authorised in writing by the Authority may at any time enter and search any premises in respect of which a licence has been issued, for the purpose of preventing or detecting the commission of any offence under the Act.

Powers of entry
and search

(2) A Police Officer furnished with written authority of a judge, magistrate, a justice of the peace or the Registrar of the Supreme Court may enter and search any premises

whatsoever, in which he has reason to suspect that an offence under the Act is being, or is about to be, committed:

Provided that, where the delay occasioned in obtaining such written authority is likely to prevent the detection of an offence a Police Officer may so act without such authority, but shall report such action as soon as possible to a judge, a magistrate, a justice of the peace or the Registrar of the Supreme Court.

(3) If on any search made under these Regulations any liquor be found which, it is reasonable to suspect, was kept at the place searched for the purpose of unlawful sale, such liquor and the vessels containing the same may be seized and removed by or under the authority of a police officer or the person authorised by the Authority making the search.

18. A person who was the holder of a licence other than a temporary licence and who applies after the expiration of the licence, for the same type of licence shall, unless the Authority is satisfied that he had, after the expiration of his licence ceased to carry on the sale of liquor, be liable, in addition to the licence fee and any other penalty under the Act, to a surcharge equal to 10 per centum of the licence fee for each month or part of a month constituting the period between the date of the expiration of the licence and the date of the application..

Surcharge

19.(1) The Commissioner of Police may, by notice in writing addressed to a holder of a licence require the holder of the licence to close down the premises at such times or for such period as the Commissioner of Police may think necessary for the maintenance and preservation of law and order and inform the Authority of such action.

Closing down
of premises

(2) If any riot or tumult occurs or is reasonably expected to occur any police officer not below the rank of Inspector may in writing require the holder of a licence whose premises is situated in or near the place where such riot or tumult occurs or is expected to occur, to close the premises during such period as such police officer may think necessary for the maintenance and preservation of law and order, and inform the Authority in writing of the action taken under this regulation.

(3) Any person failing to comply with any request made under this regulation shall be guilty of an offence under section 19 of the Act and on conviction be liable to the penalty under section 20 of the Act.

Obstruction

20. No person shall prevent, hinder or obstruct a police officer or a person authorised by the Authority in the performance of such officer's or person's functions under these Regulations.

Repeal of
Cap 113
Sub. Leg.
p.56 as last
amended by
SI. 17 of 1995

21. The Licences (Liquor and Outdoor Entertainment) Regulations are hereby repealed.

SCHEDULE A

FEES

Regulation 5

- | | |
|---|------|
| 1.(a) For processing an application for a licence, other than a temporary licence | R 50 |
| (b) For processing an application for a toddy bar licence | R 15 |

- | | |
|---|--------|
| (c) For processing an application for a baka and lapire licence | R 50 |
| 2. Bottler's licence | R 500 |
| 3. Off-licence | R 300 |
| 4. Public bar licence | R1,500 |
| 5. Members' club licence | R1,500 |
| 6. Toddy bar licence | R 50 |
| 7. Baka licence | R 400 |
| 8. Lapire Licence | R 100 |
| 9. Temporary licence | R 100 |
| 10. For permission to transfer a licence to other premises | R 50 |
| 11. An outdoor entertainment licence- | |
| (i) for a period of one day | R 500 |
| (ii) for a period exceeding one day and not exceeding 3 days | R1,500 |
| (iii) for a period exceeding 3 days but not exceeding 12 months | R5,000 |

SCHEDULE B**DOCUMENTS**

Regulation 5

An application for a licence shall be accompanied by the documents mentioned below.

1. **Public Bar Licence And Members' Club Liquor Licence**

- (a) documentary proof to the satisfaction of the Authority that the applicant has the necessary experience and finance to carry on the activity;
- (b) where the premises is newly built or has been renovated planning approval and certificate to the effect that the premises comply with all the planning requirements under the laws of Seychelles;
- (c) certificate from the person in charge of Fire Brigade that the premises comply with the planning requirements relating to fire protection under the laws of Seychelles;
- (d) documentary proof to the satisfaction of the Authority that the applicant is the owner or lessee of the premises.

2. **Toddy Bar, Baka or Lapire Licence**

- (a) documentary proof to the satisfaction of the Authority that the applicant is a person of good repute and is fit to manage the business;
- (b) that the applicant is the owner or lessee of the premises;
- (c) where the applicant is not the owner a copy of the lease agreement granting the applicant permission to carry on the toddy bar, baka or lapire business.

3. Bottler's Licence And Off-Licence

In the case of an individual applying for off-licence

- (a) documentary proof to the satisfaction of the Authority that the applicant is the owner or lessee of the premises;

In the case of an application for a bottler's licence

- (b) that the applicant has the necessary experience and finance to carry out the business;
- (c) where the premises is newly built or has been renovated planning approval and certificate of to the effect that the premises comply with all the planning requirements under the laws of Seychelles;
- (d) certificate from the person in charge of the Fire Brigade that the premises comply with all the planning requirements relating to fire protection under the laws of Seychelles;

In the case of a firm

- (e) documents specified in paragraph 3 (a) for off-licence and (b) (c) and (d) which are applicable to the applicant for a bottler's licence.
- (f) documentary proof that the partners have the necessary experience and finance to carry on the business;
- (g) a true copy of the certificate of registration of the firm;

In the case of a corporate body

- (i) a true copy of the certificate of incorporation and memorandum of association;
- (j) documentary proof to the satisfaction of the Authority that the applicant has in its employment persons having the necessary experience to carry on such a business;
- (k) documents specified in paragraph 3 (a) for liquor off licence and (b) (c) (d) applicable to an applicant for a bottler's licence.

4. **Outdoor Entertainment Licence**

An application for an outdoor entertainment licence shall be accompanied by-

- (a) particulars of persons concerned in the organisation or promotion of the outdoor entertainment activity for which the licence is applied and the interest represented by such persons;
- (b) particulars of persons who have been invited to or agreed to participate in the outdoor entertainment activity and the interest represented by such persons;
- (c) particulars of the purposes to which the profits of the outdoor entertainment activity are intended to be applied;
- (d) where the approval of the Commissioner of Police is required for the outdoor entertainment activity under the Public Order Act the written approval of the Commissioner; (Cap. 194)

- (e) written permission of the owner or lessee of the premises in which the outdoor entertainment activity is to be held;
- (f) a deposit with the Authority of such sum not exceeding R5000 as may be directed by the Authority as security for compliance with regulation 14 (10).

5. **Temporary Licence**

- (a) particulars of the purposes for which the licence is required;
- (b) letter of approval of the owner or lessee for liquor to be sold on the premises.

SCHEDULE C

OBJECTION FORM

Regulation 8(2)

Name:

Address:

Reasons for objections:

I declare that the particulars given in this objection are true and accurate.

Date this

.....
Signature of Objector

MADE this 28th day of August, 1998.

J. MICHEL
VICE-PRESIDENT
ACTING AS THE MINISTER OF FINANCE