

CAYMAN ISLANDS



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**A BILL TO AMEND THE LIQUOR LICENSING LAW (2016 REVISION)
BROADEN THE BOARD'S POWER TO PERMIT SUNDAY OPENING
OF LICENSED PREMISES; TO PROVIDE FOR CABINET TO GIVE
POLICY DIRECTIONS TO THE BOARD IN THE PERFORMANCE OF
ITS FUNCTIONS; TO REDUCE THE NUMBER OF CATEGORIES OF
LICENCES AND AMEND THE DEFINITIONS OF RETAIL,
TEMPORARY AND RESTAURANT LICENCES; TO PERMIT
LICENCES TO BE GRANTED TO REGISTERED NON-PROFIT
ORGANISATIONS; TO ALLOW THE BOARD TO WAIVE FEES FOR
CERTAIN TEMPORARY OR OCCASIONAL LICENCES; TO
AUTHORISE CABINET TO SET ADDITIONAL FEES BY
REGULATION; AND FOR INCIDENTAL AND CONNECTED MATTERS**

THE LIQUOR LICENSING (AMENDMENT) BILL, 2018

MEMORANDUM OF OBJECTS AND REASONS

The Bill seeks to increase the powers of the Liquor Licensing Board to permit Sunday opening of licensed premises and to waive certain fees. The Bill would also allow licences to be granted to registered non-profit organisations and reduce the number of, and define more precisely, the categories of licences issued under the Law.

Clause 1 provides for the short title and commencement of the legislation.

Clause 2 amends the definitions of “licence” and “permitted hours” in section 2 of the Law in consequence of amendments made by clauses 7 and 8 of this Bill. The clause also adds a new definition of “mobile bar”.

Clause 3 inserts new section 4A into the Law, which provides for the Cabinet to give policy directions to the Board in the performance of its functions and requires the Board to give effect to such policy directions.

Clause 4 amends section 7 by inserting a new subsection requiring the Board, before it issues a package licence and a retail licence in respect of the same premises, to be satisfied that there is a clear demarcation between the areas used within the premises for the dispensing of intoxicating liquor under each licence and that licensees are able to control each area.

Clause 5 amends section 8 to allow the Board to grant licences to non-profit organisations that are registered under the Non-Profit Organisations Law, 2017.

Clause 6 amends section 9 by deleting the requirements for licensed premises to have plainly marked and lighted exits and an adequate fire extinguishing system since section 9 already provides that the Board, before granting a licence, shall have regard to representations concerning the suitability of premises made by the Chief Fire Officer. The clause also deletes the reference to representations made by the Chief Medical Officer; as these are no longer necessary since smoking is prohibited inside licensed premises.

Clause 7 amends section 10(1) to delete wine and beer licences, reducing the number of categories of licence from eight to seven.

The clause amends the terms of retail licences, temporary licences and restaurant licences in section 10 as follows -

A retail licence is restricted to the disposal of intoxicating liquor for consumption on the premises of a bar, mobile bar, night club, sea-going vessel or of an establishment at which tasting events of wine or other intoxicating liquors are held.

A temporary licence is specified as having a maximum period of validity of ninety days.

A restaurant licence is broadened to permit the disposal of liquor to any person if it is consumed on the premises and food is served on the premises.

Clause 7 also amends section 10 to permit Cabinet to prescribe fees for an extension granted by the Chairman under section 11(3) or for permission given by the Board under section 11(6). Finally, the clause amends section 10 to permit the Board to waive fees for a temporary or occasional licence for an event that is part of a national festival, like Pirate's Week.

Clause 8 amends section 11 to empower the Board to permit licensed premises covered by a package licence to sell liquor on Sundays during such hours as the Board may determine. The clause also makes minor amendments to subsections (1) and (8) in consequence of the elimination of wine and beer licences by clause 6.

THE LIQUOR LICENSING (AMENDMENT) BILL, 2018

ARRANGEMENT OF CLAUSES

1. Short title and commencement
2. Amendment of section 2 of the Liquor Licensing Law (2016 Revision) - definitions
3. Insertion of new section 4A - policy directions
4. Amendment of section 7 - nature of a licence
5. Amendment of section 8 - qualifications of a licensee
6. Amendment of section 9 - requirements for licensed premises
7. Amendment of section 10 - categories of licenses
8. Amendment of section 11 - hours for sale of alcoholic liquor

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ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Liquor Licensing (Amendment) Bill, 2018 and shall come into force on such date as the Cabinet may by Order appoint.

Short title and commencement

2. The Liquor Licensing Law (2016 Revision), in this Law referred to as “the principal Law”, is amended in section 2 -

Amendment of section 2 of the Liquor Licensing Law (2016 Revision) - definitions

- (a) in the definition of “licence” -
 - (i) by deleting the word “eight” and substituting the word “seven”; and
 - (ii) by deleting the words “10(2) to (8)” and substituting the words “10(2) to (7)”;

- (b) by inserting after the definition of “licensing session” the following definition -

“ “mobile bar” means a bar for the disposal of intoxicating liquors to the public that can be moved from place to place and set up on premises or at a designated outdoor space covered the bar’s licence or another licence;” and

- (c) in the definition of “permitted hours” by inserting after the words “11(3)” the words “and includes the hours covered by an extension granted by the Chairman under section 11(3) or permission granted by the Board under section 11(6)”; and

Insertion of new section 4A - policy directions

- 3. The principal Law is amended by inserting after section 4 the following section -

“Policy directions

4A. The Cabinet may, after consultation with the Board, give such general directions as to the policy to be followed by the Board in the performance of its functions under this or any other Law as appear to Cabinet to be necessary in the public interest, and the Board shall give effect to any such directions.”.

Amendment of section 7 - nature of a licence

- 4. Section 7 of the principal Law is amended by inserting after subsection (5) the following subsection -

“(5A) A Board must be satisfied, before granting a new package licence or retail licence which relates to the same premises, that -

- (a) there is a clear demarcation between the areas used within the premises for the dispensing of intoxicating liquor under each licence; and
- (b) licensees are able to control each area.”.

Amendment of section 8 - qualifications of a licensee

- 5. Section 8 of the principal Law is amended -

- (a) in subsection (1) -
 - (i) in paragraph (b), by inserting after the word “Law” the words “(2018 Revision) or is registered as a non-profit organisation under the Non-Profit Organisations Law, 2017”; and
 - (ii) in paragraph (c), by inserting after the word “company” the words “or a non-profit organisation”; and
- (b) in subsection (1A) -

- (i) by inserting after the word “company” the words “or a non-profit organisation”; and
 - (ii) in paragraph (a) by inserting after the word “Law” the words “(2018 Revision) or under the Non-Profit Organisations Law, 2017”.
6. Section 9 of the principal Law is amended - Amendment of section 9
- requirements for
licensed premises
- (a) in subsection (1) -
 - (i) by deleting paragraphs (a) and (b); and
 - (ii) by renumbering paragraphs (c), (d) and (e) as paragraphs (a), (b) and (c); and
 - (b) in subsection (4) by deleting the words “the Chief Medical Officer,”.
7. Section 10 of the principal Law is amended - Amendment of section
10 - categories of
licenses
- (a) in subsection (1) -
 - (i) by deleting the word “eight” and substituting the word “seven”; and
 - (ii) by deleting paragraph (g) and renumbering paragraph (h) as paragraph (g);
 - (b) by repealing subsection (4) and substituting the following subsection -
 - “(4) A retail licence -
 - (a) permits the disposal of intoxicating liquor for consumption on the premises of -
 - (i) a bar or mobile bar;
 - (ii) a night club;
 - (iii) a sea-going vessel; or
 - (iv) a retail establishment at which tasting events of samples of intoxicating spirits are held; but
 - (b) does not permit disposal to another licensee for the purpose of disposal by that licensee under the terms of his licence.”;
 - (c) in subsection (6) by deleting the word “temporarily” and substituting the words “for a period not exceeding ninety days”;
 - (d) by deleting subsection (7) and substituting the following subsection -
 - “(7) A restaurant licence permits the disposal of intoxicating liquor to any person at a restaurant, or other premises affixed to the land, at which food is served for consumption on the premises.”;

- (e) by deleting subsection (8) and substituting the following subsection -

“(8) The Cabinet may from time to time prescribe the fees for a licence, an extension granted by the Chairman under section 11(3) or permission granted by the Board under section 11(6).”;

- (f) in subsection (9) by deleting the words “The fees for a licence may be prescribed from time to time, and shall” and substituting the words “The prescribed licence fees shall, subject to subsection (9A),”; and
- (g) by inserting after subsection (9) the following subsection -

“(9A) A Board may waive, in whole or in part, the fees required to be paid for a temporary or occasional licence for the disposal of intoxicating liquor at an event that is part of a national festival of the Islands.”.

Amendment of section 11 - hours for sale of alcoholic liquor

8. Section 11 of the principal Law is amended -

- (a) in subsection (1), by deleting the words “an hotel licensee, a restaurant licensee or a wine and beer licensee” and substituting the words “a hotel or restaurant licensee”;
- (b) in subsection (6) -
 - (i) by inserting after the words “retail licence” the words “or a package licence”; and
 - (ii) by deleting the words “, and such permission shall be endorsed upon the licence”;
- (c) by inserting after subsection (6) the following subsection -

“(6A) Hours covered by permission granted by the Board under subsection (6) shall be endorsed upon the licence and are deemed to be permitted hours for the purposes of this Law.”; and

- (d) in subsection (8) by deleting the words “, a restaurant licence or a wine and beer licence” and substituting the words “or a restaurant licence”.

Passed by the Legislative Assembly the day of , 2018.

Speaker.

Clerk of the Legislative Assembly.