

ORDINANCE No. 20 OF 1902.

AN ORDINANCE to require the closing of certain licensed places within certain hours. A.D. 1902.  
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[31st May, 1902.]

**B**E it enacted by the Governor of British Guiana, with the advice and consent of the Court of Policy thereof, as follows:—

1. This Ordinance may be cited as the Licensed Places (Hours of Closing) Ordinance, 1902. Short title.

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<sup>1</sup> See Ordinance No. 8 of 1868.

<sup>2</sup> See Ordinance No. 1 of 1905.

Interpretation of term "licensed place."

2. In this Ordinance "licensed place" means and includes any licensed retail spirit shop, any licensed hotel or tavern, and any store, shop, room, shed, stall or yard for which a licence has been taken out by any person for the sale therein of any malt liquor or wine.

Hours of closing.

3. Every person who, between the hours of 11 p.m. of every Saturday and 5 of the following morning and between the hours of 11 p.m. and 5 of the following morning of any other day of the week save as hereinafter provided, opens or keeps open any licensed place for the purpose of selling or bartering therein or sells or barterers or offers or exposes for sale or barter or delivers any spirituous liquor, malt liquor, or wine of any kind therein or therefrom shall, on being convicted thereof be liable to a penalty of not less than fifty nor more than five hundred dollars: <sup>(1)</sup>

Provided that nothing in this Ordinance shall prevent the sale, in a licensed hotel or tavern at any time to any person who is at the time a *bonâ fide* resident or boarder in such hotel or tavern, of any wine or malt liquors and spirituous liquors authorized to be sold in such hotel or tavern.

Liability of holder of licence for breach of provisions of Ordinance by relative or employee.

4.—(1) Every holder of a licence for any licensed place shall be, as he is hereby declared to be, penally liable and responsible for every breach of any provision of this Ordinance by any member of his family, or by any person employed, whether temporarily or permanently, in or about any such licensed place or in or about any room or place thereto attached and belonging, in the same manner and as fully as if he himself had committed such breach.

(2) Any such member of the family, or any such person in the employ of any such holder of any such licence may be examined as a witness for or against him on any charge brought against him under this Ordinance, and, if so examined shall not himself thereafter be liable to any charge in respect of such breach.

Proceedings in case of breach of provisions of Ordinance.

5. Where by the provision of this Ordinance the holder of a licence for any licensed place is made liable to a penalty in respect of any act or omission, and a charge is preferred alleging such act or omission, the following proceedings shall be lawful, that is to say:—

- (1) The summons may be served in the manner now permitted by law, or by leaving the same with any person who is apparently a clerk or servant found on the premises for which the licence is granted, or, if no such person can be found by affixing the same in a conspicuous manner to the outer door or outer wall of the premises;
- (2) Where the holder is without the Colony, his attorney or agent may appear at the hearing of the charge on his behalf; and
- (3) Where the holder is without the Colony, either at the time of the act or omission charged or at the time when the summons is served, the Magistrate, on being satisfied as to the service of the summons as hereinbefore authorized, shall proceed to investigate the matter of the charge, whether any attorney or agent appears for such holder or not, and if the act or omission is proved may order the penalty to be paid

<sup>1</sup> Amended by Section 2 of Ordinance No. 6 of 1907.

and to be levied by distress upon the goods of the holder of the licence, but where it is not shown that the holder left the Colony to avoid the service of the summons upon him personally, the Magistrate shall not make order or direct that the holder shall be imprisoned, either in default of sufficient goods being found or otherwise.

6. The attorney of the holder of any such licence where the holder is without the Colony, shall be liable to every penalty imposed by this Ordinance on the holder of the licence in respect of any act or omission, if it is proved that such act or omission occurred with the knowledge and consent of the said attorney.

Liability of attorney of holder of licences.

7.—(1) A Commissary of Taxation may, on the application of the holder of any such licence, or of a licence to keep a public or subscription billiards table, or bagatelle board or table or his legal representative, issue a permit to him to keep open on any particular night the premises to which such licence relates for a period not exceeding two hours beyond the hour hereinbefore specified, and no penalty shall be incurred in respect of the keeping open of or selling from such shop or the use of any such table or board during such extended period.

Permit to extend hours for keeping open.

(2) For every such permit there shall be paid such sum as may be prescribed in the Tax Ordinance for the time being in force.

8. Any person having a licence to keep a public or subscription billiards table or bagatelle board or table, who permits the use of such table or board between the hours of eleven p.m. and five a.m. save as hereinbefore provided shall be guilty of an offence, and being convicted thereof, shall be liable to a penalty not exceeding twenty-five dollars.

Hours of use of billiards table.

9. No fresh licence shall be issued to any person who, as licence holder, has been thrice convicted of an offence under this Ordinance.

Effect of a third conviction.