

To be construed with Ord. No. 17 of 1933

CHAPTER 269.

CLUBS REGISTRATION.

[No. XXVI of 1907.]

[15th November, 1907.]

Short title.

1. This Ordinance may be cited as the Clubs Registration Ordinance.

Interpretation.

2. In this Ordinance, unless the context otherwise requires,—

“ certificate ” means a certificate of registration;

“ registered club ” means a club holding a certificate of registration in force at the time;

“ secretary ” includes any officer of a club or other person performing the duties of a secretary;

“ court ” and “ district ” mean a magistrate’s court and judicial district constituted under the Summary Jurisdiction (Magistrates) Ordinance;

“ excisable liquors ” means all spirituous and alcoholic liquors for the sale of which a licence is required by law.

Chapter 9.

Register of clubs.

3.—(1) From and after the commencement of this Ordinance every clerk of a magistrate’s court (hereinafter called “ the registrar ”) shall keep a register in which he shall enter the name of each club situate within his district to which a certificate of registration is granted under the provisions of this Ordinance.

(2) The register shall be in a form prescribed by the Governor, and shall show the date of the certificate, whether granted for the first time or on renewal, the address of the premises to which the certificate is applicable, and the names and addresses of the officials and the committee of management or governing body of the club, and whether the club is tenant or the proprietor and occupier of the premises.

(3) The register and copy of the rules lodged with the registrar shall at all reasonable hours be open to inspection without fee by any officer of the police force, or any

constable authorised by him in writing, or by any officer of the Treasury or Customs departments, and by any other person on payment of a fee of one shilling.

(4) Where there is no clerk of a magistrate's court, the register shall be kept by the magistrate and he shall be deemed to be the registrar under this Ordinance.

(5) The registration of a club under this Ordinance shall not constitute the club licensed premises or authorise any sale of excisable liquors therein which would otherwise be illegal.

4.—(1) The secretary of a club desiring a certificate of registration shall lodge with the registrar for the district in which the club is situate an application, signed by the chairman or secretary of the club, stating the name and object of the club and the address of the premises occupied thereby, and shall publish the notice of the application once in a daily newspaper circulating in the locality.

Application
for
registration.

(2) The application shall be accompanied by two copies of the rules of the club, by a list containing the names and addresses of the officials and committee of management or governing body and the names of the members, and by a certificate in, or as nearly as may be in, form (1) set out in the schedule hereto, and signed by two justices of the peace, and also, where the premises are not owned by the club, signed by the owner of the premises, or, where the owner is under any legal disability, by his legal representative.

Schedule;
form 1.

(3) The secretary of a club desiring a renewal of the certificate shall, at a date not later than twenty-one days before it expires, make application to the registrar for the renewal in the same manner and subject to the same incidents and publications as in the case of an original application for registration.

(4) Every club applying either for an original certificate or for a renewal shall, as a condition of registration, make payment to the registrar of a fee of five shillings.

5.—(1) The registrar shall forthwith give notice of the application to the chief officer of the police force of the district, and, if no objections are taken as hereinafter provided, the court shall, if satisfied that the application has been duly made and that the rules of the club are in conformity with the provisions of this Ordinance, grant the application.

Grant and
renewal of
certificate of
registration.

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(2) The chief officer of the police force on receiving the notice, and any person resident in the district in which the club premises are situate, may lodge objection to the grant or renewal of the certificate on any of the grounds of objection specified in this Ordinance, and the objections shall be lodged by the objectors with the registrar within ten days of the receipt or publication of the notice of application, and at the same time a copy of the objections shall be sent by them to the secretary of the club applying for the grant or renewal of a certificate.

(3) The court shall, as soon as may be, hear parties upon the application and objections and may order any inquiry it thinks fit, and thereafter shall grant or refuse the application.

(4) Upon the grant of the application, the court shall cause the entries required by this Ordinance to be made in the register, and thereupon the registrar shall issue to the applicant, in, or as nearly as may be in, form (2) in the schedule hereto, a certificate of registration.

Schedule;
form 2.

(5) The certificate so issued shall subject to the provisions of this Ordinance, remain in force for a period of twelve months from the date of issue.

(6) The court may order costs and expenses to be paid by the unsuccessful party, where objection has been taken to the granting or renewal of a certificate, as in any case of summary jurisdiction where an order is made for payment of money not being in the nature of a penalty for an offence.

(7) Notwithstanding the provisions of this Ordinance as to the duration of a certificate, where application for a renewal has been made, the current certificate shall remain in force pending the final decision of the court, but not exceeding three months, unless the court in its discretion extends that time to a further period not exceeding three months.

(8) A club failing to make application for the renewal of a certificate, at or previous to the time when it must in terms of this Ordinance be made, shall not be granted the renewal unless the court is satisfied that the failure was due to inadvertence.

6. In order that a club may be eligible to be registered, the rules of the club shall provide that—

(a) the business and affairs of the club shall be under the management of a committee or governing

Club rules
qualifying for
registration:

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body elected for not less than a year by the general body of members, and subject, in whole or in a specified proportion, to annual re-election, and that no member of the committee or governing body, and no manager or servant employed in the club, shall have any personal interest in the sale, or in the profits arising from the sale, of excisable liquors therein;

- (b) the committee or governing body shall hold periodical meetings;
- (c) the names and addresses of persons proposed as ordinary members of the club shall be displayed on a conspicuous place in the club premises for at least a week before their election, and an interval of not less than two weeks shall elapse between nomination and election of ordinary members;
- (d) all members shall be elected by the whole body of members or by the committee or governing body, with or without specially added members;
- (e) there shall be a defined subscription payable by members in advance;
- (f) correct accounts and books shall be kept showing the financial affairs and receipts and disbursements of the club;
- (g) a visitor shall not be supplied with excisable liquor in the club premises unless on the invitation and in the company of a member, and the member shall, upon the admission of the visitor to the club premises, or immediately upon his being supplied with that liquor, enter his own name and the name and address of the visitor in a book which shall be kept for the purpose and shall show the date of each visit;
- (h) ^{no excisable liquors shall be sold or supplied for consumption outside the premises of the club;}
- (i) ^{no persons shall be allowed to become honorary or temporary members of the club, or be relieved of the payment of the regular entrance fee or subscription, except those possessing certain qualifications defined in the rules, and subject to conditions and regulations prescribed therein;}

see sec 4(1)
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- (k) (j) no person under twenty-one years of age shall be admitted a member of the club, unless the club is one primarily devoted to some athletic purpose, and, in the latter case, no excisable liquors shall be sold or supplied to any person under eighteen years of age :

Proviso.

Provided that this section shall not apply to any lodge of freemasons duly constituted under a charter or warrant from the Grand Lodges of England or Scotland.

Available grounds of objection to registration.

7⁽¹⁾ The court shall not consider any objection to the grant or renewal of a certificate unless it is taken upon one or more of the following grounds, that is to say, —

- (a) the character of the chairman or secretary, or of any official or member of the committee of management or governing body; or
- (b) the suitability of the premises; or
- (c) that the application made by the club, or its rules, or any of them, are, in any respect specified in the objection, not in conformity with the provisions of this Ordinance; or
- (d) that the club has ceased to exist, or that the number of members is less than twenty-five; or
- (e) that it is not conducted in good faith as a club, or that it is kept or habitually used for any unlawful purpose, or mainly for the supply of excisable liquor; or
- (f) that there is frequent drunkenness on the club premises, or that persons are frequently seen to leave the club premises in a state of intoxication, or that the club is conducted in a disorderly manner; or
- (g) that illegal sales of excisable liquor have taken place on the club premises; or
- (h) that persons who are not members are habitually admitted to the club merely for the purpose of obtaining excisable liquor; or
- (i) that the club occupies premises in respect of which, within twelve months next preceding the formation of the club, a licence for the sale of excisable liquors has been forfeited; or
- (j) that the supply of excisable liquor to the club is not under the control of the members or the committee appointed by the members; or

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(k) that any of the rules of the club are habitually broken; or

(l) that the rules have been so changed as not to be in conformity with the provisions of the last preceding section of this Ordinance.

(2) — sec 7 Feb. 17 1919 33

8.—(1) If a magistrate is satisfied by information on oath that there are reasonable grounds for supposing that any registered club is so managed or carried on as to constitute a ground of objection to the renewal of its certificate in terms of the last preceding section, or that an offence under this Ordinance has been or is being committed in any registered club, or that any excisable liquor is sold or supplied, or kept for sale or supply, on the premises of an unregistered club, he may grant a search warrant to any police constable or constables named therein.

Search
warrant to
enter club.

(2) A search warrant granted under this section shall authorise the police constable named therein to enter the club at any time (if need be by force) and to inspect the premises of the club, to take the names and addresses of any persons found therein, and to seize any books and papers relating to the business of the club.

(3) Any persons found on the premises who refuse to give their respective names and addresses when requested by the constable, or who give false names or addresses, shall be liable severally on summary conviction to a fine not exceeding twenty-four dollars.

Penalty.

9.—(1) If any excisable liquor is sold or supplied to any member or other person on the premises of an unregistered club, everyone supplying or selling the liquor, everyone who pays for it, and everyone authorising its supply or sale shall be liable on summary conviction to imprisonment with or without hard labour for a term not exceeding one month, or to a fine not exceeding two hundred and forty dollars, or to both.

Supplying
and keeping
excisable
liquor in
unregistered
club.

Penalty.

(2) If any excisable liquor is kept for supply or sale on the premises of an unregistered club, the liquor, and the vessels containing it, may be seized by the police under a warrant from a magistrate, granted after examination on oath of a credible witness to the fact that the liquor is so kept, and every officer and member of the club shall be liable on summary conviction to a fine not exceeding, for a first offence thirty dollars, for a second offence sixty

Penalty.

dollars, and for a third or subsequent offence one hundred and twenty dollars, unless he proves to the satisfaction of the court that the liquor was so kept without his knowledge or against his consent, and on the conviction the liquor and the vessels containing it shall be forfeited.

Supplying excisable liquor for consumption outside registered club.
Penalties.

10.—(1) If any excisable liquor is sold or supplied in a registered club for consumption outside the premises of the club, everyone who supplies or sells the liquor, or pays for it, and everyone who authorises its sale or supply, shall be liable severally on summary conviction to a fine not exceeding for a first offence thirty dollars, for a second offence sixty dollars, and for a third or subsequent offence one hundred and twenty dollars, unless he proves to the satisfaction of the court that the liquor was so sold or supplied without his knowledge or against his consent.

(2) Where it is proved that the liquor has been received, delivered, or distributed, within the premises of the club and taken outside the premises, it shall, failing proof to the contrary, be deemed to have been so taken for consumption outside the premises.

Cancelment of certificate of registration:

11.—(1) On summary complaint by or at the instance of ~~any person~~ ^{any person} competent to lodge objections to the grant or renewal of a certificate of registration, the court may make an order that, on grounds to be specified therein, a registered club is being so managed or carried on as to constitute a ground of objection to the renewal of its certificate as hereinbefore provided.

Sec-9(2) }
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(2) Where that order has been made, or where a conviction has taken place under the provisions of the last preceding section, the registrar shall forthwith make an entry of the order or conviction in the register of clubs and lay it before the court, and the court, if it thinks fit and after any further inquiry it thinks necessary, having regard to the magnitude of the offence or to the grounds specified as aforesaid, may cancel the certificate of the club for the period for which it still has to run, but the club may apply for the renewal of the certificate at the date at which it might have done so had the certificate not been cancelled.

(3) Where the court has refused an application by any club for the renewal of a certificate, or has cancelled a certificate of a club in manner provided as aforesaid, it

may, if it thinks fit, further pronounce an order that the premises occupied by the club shall not be used for the purposes of any club which requires registration under this Ordinance for a specified period, which may extend to twelve months in case of a first order, or, in case of a second or subsequent order, to five years :

Provided that the order may, for good cause shown, be subsequently cancelled or varied by the court. Proviso.

12. Where an order has been made that a registered club is being so managed or carried on as to constitute a ground of objection to the renewal of its certificate, then, if the following grounds or any of them, are specified in the order, that is to say, that— Offences by officials of registered club.

(a) it is not conducted in good faith as a club, or is kept or habitually used for any unlawful purpose, or mainly for the supply of excisable liquor; or

(b) there is frequent drunkenness on the club premises, or persons are frequently seen to leave the club premises in a state of intoxication, or the club is conducted in a disorderly manner; or

(c) persons who are not members are habitually admitted to the club merely for the purpose of obtaining excisable liquor,

everyone entered in the register of clubs as an official or a member of the committee of management or governing body of that club shall, unless he satisfies the court that the club was so managed or carried on without his knowledge or against his consent, be liable on summary conviction to a penalty not exceeding, for a first offence thirty dollars, for a second offence (whether in connection with the same or another club) sixty dollars, and for a third or subsequent offence as aforesaid one hundred and twenty dollars. Penalties.

13.—(1) The decision of the court in dealing with an application for an original certificate, or for the renewal of a certificate, or in cancelling a certificate, shall be subject to appeal in manner provided by the Summary Jurisdiction Ordinances, as if it was an order subject to appeal under those Ordinances. Procedure and appeal.

(2) A magistrate shall not adjudicate on the hearing of any application or complaint affecting a club of which he is a member.

(3) If on a summary complaint being made in respect of a club the court grants a summons, the summons shall be served on the secretary and on any other person the court directs.

(4) The certificate under section four of this Ordinance shall not be signed by a magistrate.

14. If the secretary of a club, or any other person, knowingly lodges with the registrar an application for registration which is false in any material particular, he shall be liable on summary conviction to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding two hundred and forty dollars, or to both.

Making false application.

Penalty.

SCHEDULE.

FORM 1.

(Section 4.)

Form of Certificate to accompany application by club for Registration or Renewal.

We, justices of the peace for the colony of British Guiana, and I, _____ owner of the premises occupied [or to be occupied] by the club hereinafter mentioned, hereby certify that to the best of our knowledge and belief the _____ club designated in the accompanying application is to be [or, in the case of an application by an existing club, has been and is to be] conducted as a bonâ fide club, and not mainly for the supply of excisable liquor.

[Here insert signature, date, and address of each person certifying.]

FORM 2.

(Section 5.)

Form of Certificate of Registration of Clubs.

CERTIFICATE OF REGISTRATION.

*Fill in registered postal address of all premises used by the club.

I, _____ registrar of clubs, hereby certify that the _____ club, of* _____ is registered under the Registration of Clubs Ordinance.

This certificate remains in force till the _____ day of _____, 19 _____; application for its renewal must be made not later than the _____ day of _____, 19 _____.

Given under my hand this _____ day of _____, 19 _____.

Registrar of Clubs.

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