

CHAPTER 317.

LICENSED PREMISES.

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CHAPTER 317.

LICENSED PREMISES.

22 of 1944.
11 of 1947.
29 of 1948.
32 of 1952.

An Ordinance to consolidate and amend the law relating to licensed premises.

[All except section 14—1ST OCTOBER, 1944; section 14—not yet in force.]

Short title.

1. This Ordinance may be cited as the Licensed Premises Ordinance.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—
“employee” means any person wholly or mainly employed in licensed premises in connection with the service of customers;

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“licensee” means the holder of a licence in respect of licensed premises issued under the Intoxicating Liquor Licensing Ordinance and includes the attorney, agent, manager or personal representative of such holder; and in case of premises in respect of which no licence has been issued, the person found occupying or in charge of those premises;

“licensed premises” means any hotel, tavern or retail spirit shop licensed, or in respect of which a licence should be issued, under the Intoxicating Liquor Licensing Ordinance or under any Ordinance amending or substituted for that Ordinance;

“rural areas” means any part of the Colony other than an urban area;

“tobacco” means manufactured tobacco and includes cigars and cigarettes;

“urban areas” means the City of Georgetown and the town of New Amsterdam as comprised within the boundaries set out in section 4 of the Georgetown Town Council Ordinance and section 4 of the New Amsterdam Town Council Ordinance respectively.

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PART I.—URBAN AREAS.

(As substituted by 11 of 1947.)

3. This Part of this Ordinance shall apply to licensed premises in the urban areas.

Application of Part I of the Ordinance. 11 of 1947, s. 2.

4. Subject to the provisions of this Ordinance no licensee shall open or keep or permit to be open any licensed premises to which this Part of this Ordinance applies except on the days and between the hours set out in the first schedule to this Ordinance.

Restriction of opening and closing hours of licensed premises. 11 of 1947, s. 2. First schedule.

5. Except as otherwise provided in this Ordinance an employee shall not be employed in or about the business or businesses of one or more licensed premises for more than forty-six hours in any one week.

Maximum number of hours of employment. 11 of 1947, s. 2.

6. (1) Employment in hotels shall, with respect to week days, be conducted in shifts as set out in the third schedule to this Ordinance.

Employment of hotel employees in shifts. 11 of 1947, s. 2. Third schedule.

(2) An employee shall not be employed in or about the business or businesses of one or more hotels for two consecutive shifts on any one week day.

11 of 1947, s. 2.

7. An employee who is employed in an hotel on Sundays shall be paid at one and a half times the rate at which he would, but for this section, be paid.

Overtime in hotels. 11 of 1947, s. 2.

8. Any employee who is employed in or about the business of a retail spirit shop in the City of Georgetown, the town of New Amsterdam, or in any rural area to which the provisions of this Part of this Ordinance are, by order made under section 28 of this Ordinance, made applicable—

Overtime in certain retail spirit shops. 29 of 1948, s. 2.

(a) on a public holiday, shall be paid in respect of the hours worked on the public holiday at double the rate at which he would, but for this section, be paid;

(b) on any day in excess of eight hours, shall be paid in respect of the hours worked in excess of the eight hours at one and a half times the rate at which he would, but for this section, be paid.

Other provisions applicable to licensed premises.
11 of 1947, s. 2.

9. The licensee of licensed premises shall cause to be exhibited in a conspicuous position in the premises—

(a) a notice showing clearly the opening and closing hours of the premises on the several business days; and

(b) a list signed by him showing the name and address of each employee employed in those premises.

PART II.—RURAL AREAS.

(As substituted by 11 of 1947.)

Application of Part II of the Ordinance.
11 of 1947, s. 2.

10. This Part of this Ordinance shall apply to licensed premises in rural areas.

Restriction of opening and closing hours of licensed premises.
Second schedule.
11 of 1947, s. 2.

11. Subject to the provisions of this Ordinance no licensee shall open or keep or permit to be open any licensed premises to which this Part of this Ordinance applies except on the days and between the hours set out in the second schedule to this Ordinance:

Provided that where in any area it appears convenient for the service of the public that all licensed premises in such area or any specified licensed premises in such area should be permitted to remain open during hours other than those prescribed in the second schedule hereto, the Governor in Council may, by order, prescribe other hours during which such licensed premises may be open.

Application of sections 5, 6, 7 and 9 to this Part of this Ordinance.
11 of 1947, s. 2.

12. Sections 5, 6, 7 and 9 of this Ordinance shall apply to licensed premises under this Part of this Ordinance as they apply to licensed premises under Part I.

PART III.—SANITARY REQUIREMENTS.

Application of Part III of the Ordinance.

13. This Part of this Ordinance shall apply to all licensed premises in urban areas and in rural areas.

Provisions as to sanitary and other arrangements.

14. (1) In every part of licensed premises in which shop assistants are employed—

(a) suitable and sufficient means of ventilation shall be provided and maintained; and

(b) suitable and sufficient means of lighting shall be provided.

(2) In all licensed premises there shall be provided and maintained at suitable points conveniently accessible to all

employees an adequate supply of wholesome potable water and the vessels containing the water shall be clearly marked with the words "Drinking Water."

(3) Where employees take any meals in licensed premises, there shall be provided and maintained suitable and sufficient facilities for the taking of those meals.

(4) In all licensed premises there shall be provided and maintained for the use of the employees suitable and sufficient accommodation for clothing not worn during working hours.

(5) In all licensed premises, not being premises exempted from the provisions of this subsection, there shall be provided and maintained for the use of the employees suitable and sufficient sanitary conveniences and suitable and sufficient washing facilities:

Provided that where direct access is provided between licensed premises and other premises in respect of which a trade licence is required to be taken out under the provisions of any Tax Ordinance for the time being in force and such sanitary conveniences and washing facilities are provided in such premises the provisions of this subsection shall not apply to such licensed premises.

(6) Licensed premises shall be exempted from the provisions of subsection (5) of this section if there is in force a certificate granted by the appropriate authority exempting those premises therefrom, and any such certificate shall remain in force until it is withdrawn by the authority, but no such certificate shall be granted with respect to any such premises unless the authority is satisfied that by reason of restricted accommodation or other special circumstances affecting the premises it is reasonable that such a certificate should be in force with respect thereto, and that suitable and sufficient sanitary conveniences or washing facilities, as the case may be, are otherwise conveniently available, and, subject as hereinafter provided, a certificate in force with respect to any such premises shall be withdrawn if the authority at any time ceases to be so satisfied as aforesaid:

Provided that, if any licensee is aggrieved by the withdrawal of such a certificate, he may appeal to the magistrate's court for the district in which the premises are situated and that court may make such order concerning the certificate as appears to the court, having regard to the matters aforesaid, to be just and equitable.

(7) If it appears to the appropriate authority that there has been, in the case of any licensed premises, a contravention of any of the provisions of this section the authority shall, by notice served on the licensee, require him to take, within such time as may be limited by the notice, such action as may be specified in the notice for the purpose of securing compliance with the said provision, and, if any licensee served with such a notice fails to comply with the requirements thereof, he shall be liable on summary conviction to a fine not exceeding fifty dollars, or in the case of a second or subsequent conviction in respect of the same requirement, to a fine not exceeding one hundred and fifty dollars or ten dollars for every day since the first conviction in respect of that requirement, whichever is the greater:

Provided that it shall be a defence to any proceedings under this subsection to prove that there was no contravention of the provisions of this section, or that the requirements of any such notice as aforesaid were, within a reasonable time after service of the notice, complied with in so far as they were necessary to secure compliance with the provisions of this section.

(8) In this section—

“suitable and sufficient” means suitable and sufficient in the opinion of the appropriate authority having regard to the circumstances and conditions affecting the licensed premises or any part thereof;

“appropriate authority” means the authority appointed under subsection (1) of section 15 of this Ordinance to enforce the provisions contained in section 14 of this Ordinance in the area in which the licensed premises concerned are situate.

Enforcement.

15. (1) It shall be the duty—

(a) in an urban area, of the local authority thereof; and

(b) in a rural area, of the Central Board of Health;

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as part of their duties under the Public Health Ordinance, to enforce or cause to be enforced the provisions of section 14 of this Ordinance and any officer of that authority and any member or officer of the Board shall for the purposes of his powers and duties have in relation to licensed premises all the powers conferred on such members and officers by section 148 of that Ordinance and that section and sections 149 and 153 of the same Ordinance shall apply accordingly.

(2) It shall be the duty of the Commissioner of Labour to enforce or cause to be enforced the provisions of this Ordinance relating to the hours of work of employees.

PART IV.—GENERAL.

16. This Part of this Ordinance shall apply to licensed premises in urban and rural areas.

Application of Part IV of the Ordinance.

17. Any officer of police may, where any dance, ball, entertainment or other special function of any kind whatsoever is being held at an hotel, issue a permit to the licensee of an hotel, to keep open the hotel for the purpose of selling liquor and tobacco and of permitting the use of billiard and other similar tables, beyond the hours specified in the first and second schedules to this Ordinance:

Power to extend hours in case of hotels.

First and second schedules.

Provided however that any permit so granted shall not extend to any time later than midnight.

18. (1) Anything in this Ordinance to the contrary notwithstanding the licensee of an hotel may—

Special provisions relating to hotel guests and travellers.

(a) at all times open and keep open the hotel for the purpose of the business of the said hotel other than the sale, consumption, barter or delivery of liquor or tobacco therein, or the use therein of a billiard table or other similar table;

11 of 1947, s. 4.

32 of 1952, s. 2.

(b) at any time sell liquor or tobacco to, or permit the use of a billiard table or other similar table by any person who is at the time a *bona fide* guest in the hotel or a *bona fide* traveller.

(2) Where the licensee of an hotel is prosecuted for an offence under this Ordinance and the provisions of paragraph (b) of subsection (1) of this section are relied on as a defence, the onus of proving that the person to whom the liquor or the tobacco was sold, or that the person who was permitted to use the billiard table or other similar table, was a *bona fide* guest or traveller, as the case may be, shall be on the person so prosecuted:

11 of 1947, s. 4.

Provided that it shall be a defence to any such prosecution if the person prosecuted satisfies the court that he took all reasonable precautions to satisfy himself that the person concerned was a *bona fide* traveller and that he believed him to be such.

(3) For the purposes of this section a person shall be deemed to be—

32 of 1952, s. 2.

(a) a *bona fide* guest in an hotel, if he has occupied in person a room therein for at least one night immediately preceding the time of the sale of the liquor or use of the table, or is at that time actually in occupation of a room for the purpose of sleeping in the hotel;

(b) a *bona fide* traveller if the place where he lodged during the preceding night is at least three miles distant by the nearest public thoroughfare from the hotel where he demands to be supplied with liquor or tobacco.

(4) Any person who falsely represents himself to be a traveller with intent to obtain liquor or tobacco from an hotel on a day or at an hour other than on a day and between the hours specified in the first and second schedules to this Ordinance shall be guilty of an offence under this Ordinance.

First and second schedules.

(5) Any officer of police may enter any hotel and demand the name and address of any person found therein whom he reasonably suspects of contravening, or having contravened, any provision of this Ordinance and if the name or address be not given or if there is reasonable ground for suspecting that either the name or address given may be false such person may, unless he produces satisfactory proof of his name and address, be arrested without a warrant.

(6) Any person who, when required under the preceding subsection to give his name and address, declines to give such name and address or who gives a false name or address or who produces false testimony in respect of his name or address shall be guilty of an offence under this Ordinance.

Power to grant extension of hours in respect of taverns and retail spirit shops.

19. (1) On the occasion of any dance, entertainment or other special event of any kind whatsoever, the Commissioner of Police and the police officer in charge of any county or district may, on the application of any licensee of any tavern or retail spirit shop, authorise in writing such licensee to keep open such tavern or spirit shop until the hour specified in the permit.

(2) No extension of hours granted under this section shall be later than midnight.

Selling of liquor, etc., on passenger ships duly licensed while on voyage on Sundays permitted.
Cap. 14.

20. Anything to the contrary contained in sections 190 to 192 inclusive of the Summary Jurisdiction (Offences) Ordinance, or in any provisions amending or substituted for those sections, notwithstanding a licensee holding a passenger steamer licence may lawfully sell liquor and tobacco to any *bona fide* passenger in the vessel at any time on a Sunday while such vessel is proceeding on a voyage to or from any place.

Power of members of police force when persons found in taverns and spirit shops out of hours.

21. (1) Any person found in any tavern or retail spirit shop at any time when such tavern or spirit shop may not lawfully be open shall be guilty of an offence under this Ordinance:

Provided it shall be a defence to any charge under this subsection if the person charged satisfies the magistrate that he

was in the said premises as an inmate, servant or lodger or for some lawful purpose.

(2) Any member of the police force may demand the name and address of any person found in any tavern or retail spirit shop at any time when such premises may not lawfully be open and if the name or address be not given or if there is reasonable ground for suspecting that either the name or address given may be false such person may, unless he produces satisfactory proof of his name and address, be arrested without a warrant.

(3) Any person who, when required under the preceding subsection to give his name and address, declines to give such name and address or who gives a false name or address or who produces false testimony in respect of his name or address shall be guilty of an offence under this Ordinance.

22. (1) Every licensee shall be, and is hereby declared to be, penally liable and responsible for any breach of any provision of this Ordinance by any member of his family or by anyone employed, whether temporarily or permanently, in or about the business of the licensee's hotel, tavern or retail spirit shop in the same manner and to the same extent as if he himself had committed the breach.

Liability of licensee for breaches of this Ordinance.

(2) Any member of the licensee's family or any person in his employment in the business of the licensed premises may be examined as a witness for or against the licensee on any charge brought against the said licensee under this Ordinance and any person so examined shall not be liable to be charged in respect of such breach.

23. Where any licensee is charged with committing any offence under this Ordinance the summonses may be served in either manner authorised by section 11 of the Summary Jurisdiction (Procedure) Ordinance or by handing it to any person who is found in the licensed premises and is apparently an employee therein or, if no such person can be found, by affixing the summons in a conspicuous position on the outer door or outer wall of the licensed premises.

Service of summons on licensees.

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24. (1) When any licensee who is charged with an offence under this Ordinance is absent from the Colony at the time of the hearing of the charge his attorney or agent may appear on his behalf.

Procedure when licensee absent from Colony.

(2) Notwithstanding that any licensee was not in the Colony either at the time of the act or omission charged or at the time when the summons was served and no attorney or agent appears at the hearing of the charge to represent him the magistrate may proceed to determine the charge and, if the act or omission is proved, may order the penalty to be paid and in default of such payment may order the sum to be levied by distress upon the licensee's goods.

(3) In any conviction under this section no order of imprisonment, either on default of sufficient goods being found or otherwise, shall be made unless the magistrate is satisfied that the licensee left the Colony in order to avoid service of the summons upon himself personally.

General
penalty.

25. Any person who by any act or omission contravenes or fails to comply with any provision of this Ordinance shall, unless a penalty is otherwise specifically provided, be liable to pay a fine not exceeding fifty dollars.

Recovery of
penalties.

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26. In default of payment of any penalty ordered upon conviction for any offence under this Ordinance the sum may be recovered in the manner provided by the Summary Jurisdiction (Procedure) Ordinance.

Special pro-
visions
relating to
polling days
at elections
of members
of the
Legislative
Council.

27. (1) On any date appointed for the election of a member of the Legislative Council for any electoral district no licensed premises in such district shall open until after the close of the poll and where such district is in the City of Georgetown no licensed premises in the said City shall open until after the close of the poll.

(2) The Governor in Council may, by order, direct that no malt liquor or wine shall be sold in such area as may be described in the order before the close of the poll on any date appointed for the election of a member of the Legislative Council.

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(3) In this section the expressions "malt liquor" and "wine" shall have the meanings respectively assigned to them in section 2 of the Intoxicating Liquor Licensing Ordinance.

(4) Any person who commits a breach of any provisions of this section shall be liable, on summary conviction thereof, to a fine not exceeding five hundred dollars.

28. Where it appears either necessary or desirable in the interest of the public in any rural area that the provisions contained in Part I of this Ordinance should apply—

Power to apply Part I of the Ordinance to rural areas.

- (a) to all licensed premises in the area; or
- (b) to any specified licensed premises in the area;

the Governor in Council may, by order, make the provisions of the said Part applicable to the area therein described or to the premises therein specified.

29. The Governor in Council may, at such time as he may think fit, by order, vary or revoke any order made under this Ordinance.

Revocation of orders. 11 of 1947, s. 5.

FIRST SCHEDULE.

s. 4.

(As substituted by 11 of 1947 and amended by 29 of 1948 and 32 of 1952.)

The days on which and the hours between which licensed premises may be open in urban areas.

I. HOTELS.

Days.	Hours.
Mondays to Fridays (inclusive) 	7.30 a.m. to 10.30 p.m.
Saturdays 	7.30 a.m. to 11 p.m.
Sundays	10 a.m. to 2 p.m. and 6 p.m. to 10 p.m.

Provided that the holder of a first-class hotel licence may keep open the licensed premises once every week except on any Sunday until the hour of two of the clock in the morning for the sale of spirituous liquor, wine and malt liquor if public dancing, singing, music or other public entertainment is being held on the licensed premises, and shall give at least twenty-four hours notice to that effect to the Commissioner of Police or to the officer in charge of the police station nearest to the licensed premises:

Provided further that in the case of a first-class hotel the licensed premises may be kept open until the hour of midnight on any day except on any Sunday.

2. RETAIL SPIRIT SHOPS.

(1) Retail spirit shops in that portion of the City of Georgetown which lies—

(a) to the west of Camp Road, Camp Street and Russell Street (from Princes Street to Broad Street) excluding shops on both sides of Camp Street and Russell Street; and

(b) to the north of Broad Street (from Russell Street to Lombard Street) and the prolongation thereof to the Demerara river including shops on both sides of Broad Street and the said prolongation—

Days.	Hours.
A.—DURING THE PERIOD 1ST JANUARY TO THE 14TH DECEMBER, INCLUSIVE.	
(1) Mondays, Tuesdays, Thursdays and Fridays, except where otherwise provided in items (4), (5) and (6) of this table.	9 a.m. to 1 p.m. and 3 p.m. to 7 p.m.
(2) Wednesdays, except where otherwise provided in item (4) of this table.	8 a.m. to 12 noon.
(3) Saturdays, except where otherwise provided in item (6) of this table.	9.30 a.m. to 12.30 p.m. and 4 p.m. to 9 p.m.
(4) The day immediately preceding any public holiday.	9.30 a.m. to 12.30 p.m. and 4 p.m. to 9 p.m.
(5) Sundays and Good Friday	Not to be open.
(6) Any other public holiday	8 a.m. to 12 noon.
B.—DURING THE PERIOD 15TH TO 31ST DECEMBER, INCLUSIVE.	
(7) Mondays, Tuesdays, Thursdays, Fridays and Saturdays, except where otherwise provided in items (9), (10), (11) and (12) of this table.	9.30 a.m. to 1.30 p.m. 3 p.m. to 8 p.m. or 4 p.m. to 9 p.m.
(8) Wednesdays, except where otherwise provided in items (9), (10) and (11) of this table.	8 a.m. to 12 noon.
(9) The day before Christmas Day, and where Christmas Day falls on a Monday, then the Saturday preceding.	9 a.m. to 1 p.m. and 3 p.m. to 9 p.m.
(10) The last day of the year, and where such day falls on a Sunday, then the day before.	9 a.m. to 1 p.m. and 3 p.m. to 9 p.m.
(11) Sundays, Christmas Day and Boxing Day ...	Not to be open.
(12) Any other public holiday... ..	8 a.m. to 12 noon.

(2) All other retail spirit shops in the City of Georgetown which are not in, or included in, that portion of the City described in subparagraph (1) hereof; all retail spirit shops in the town of New Amsterdam; and all retail spirit shops in any rural area to which the provisions of Part I of this Ordinance are made applicable by order under section 28 of this Ordinance—

Days.	Hours.
A.—DURING THE PERIOD 1ST JANUARY TO 14TH DECEMBER, INCLUSIVE.	
(1) Mondays, Tuesdays, Thursdays and Fridays, except where otherwise provided in items (4), (5) and (6) of this table.	9 a.m. to 1 p.m. and 4 p.m. to 8 p.m.
(2) Wednesdays, except where otherwise provided in item (4) of this table.	8 a.m. to 12 noon.
(3) Saturdays, except where otherwise provided in item (6) of this table.	9.30 a.m. to 12.30 p.m. and 4 p.m. to 9 p.m.
(4) The day immediately preceding any public holiday.	9.30 a.m. to 12.30 p.m. and 4 p.m. to 9 p.m.
(5) Sundays and Good Friday	Not to be open.
(6) Any other public holiday.	8 a.m. to 12 noon.
B.—DURING THE PERIOD 15TH TO 31ST DECEMBER INCLUSIVE.	
(7) Mondays, Tuesdays, Thursdays, Fridays and Saturdays, except where otherwise provided in items (9), (10), (11) and (12) of this table.	9.30 a.m. to 1.30 p.m. and 4 p.m. to 9 p.m.
(8) Wednesdays, except where otherwise provided in items (9), (10) and (11) of this table.	8 a.m. to 12 noon.
(9) The day before Christmas Day, and where Christmas Day falls on a Monday, then the Saturday preceding.	9 a.m. to 1 p.m. and 3 p.m. to 9 p.m.
(10) The last day of the year, and where such day falls on a Sunday, then the day before.	9 a.m. to 1 p.m. and 3 p.m. to 9 p.m.
(11) Sundays, Christmas Day and Boxing Day ...	Not to be open.
(12) Any other public holiday	8 a.m. to 12 noon.

3. TAVERNS.

During the period of one hour before the expected arrival of any train or vessel, being the property of the Transport and Harbours Department, and half an hour after the departure of such train or vessel and at no other time.

SECOND SCHEDULE.

s. 11.

(As substituted by 11 of 1947 and amended by 32 of 1952.)

The days on which and the hours between which licensed premises may be open in rural areas.

1. HOTELS.

Days.	Hours.
Mondays to Fridays (inclusive)	7.30 a.m. to 10.30 p.m.
Saturdays	7.30 a.m. to 11 p.m.
Sundays	10 a.m. to 2 p.m. and 6 p.m. to 10 p.m.

Provided that the holder of a first-class hotel licence may keep open the licensed premises once every week except on any Sunday until the hour of two of the clock in the morning for the sale of spirituous liquor, wine and malt liquor if public dancing, singing, music or other public entertainment is being held on the licensed premises, and shall give at least twenty-four hours notice to that effect to the Commissioner of Police or to the officer in charge of the police station nearest to the licensed premises:

Provided further that in the case of a first-class hotel the licensed premises may be kept open until the hour of midnight on any day except on any Sunday.

2. RETAIL SPIRIT SHOPS.

Days.	Hours.
Mondays, Tuesdays, Thursdays and Fridays ...	6.30 a.m. to 10.30 a.m. and 3 p.m. to 7 p.m.
Wednesdays and public holidays	6.30 a.m. to 10.30 a.m.
Saturdays and on Christmas Eve	6.30 a.m. to 10.30 a.m. and 3 p.m. to 9 p.m.

3. TAVERNS.

During the period of one hour before the expected arrival of any train or vessel, being the property of the Transport and Harbours Department, and half an hour after the departure of such train or vessel and at no other time.

THIRD SCHEDULE.

(Added by 11 of 1947 and amended by 32 of 1952.)

Shift system applicable to hotels.

Days.	Shifts.
Mondays to Fridays (inclusive)	First shift: 7.30 a.m. to 12 noon. Second shift: 12 noon to 5 p.m. Third shift: 5 p.m. to 8 p.m. Fourth shift: 8 p.m. to 10.30 p.m.
Saturdays	First shift: 7.30 a.m. to 12 noon. Second shift: 12 noon to 5 p.m. Third shift: 5 p.m. to 8.30 p.m. Fourth shift: 8.30 p.m. to 11.30 p.m.

Provided that in the case of a first-class hotel, the fourth shift shall end at the hour of twelve midnight on Mondays to Saturdays inclusive.