

CHAPTER 321.**REGISTRATION OF CLUBS.****ARRANGEMENT OF SECTIONS.**

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SCHEDULE.**CHAPTER 321.****REGISTRATION OF CLUBS.**

37 of 1952.

An Ordinance relating to the Registration of Clubs, and the Control of the Sale of Intoxicating Liquor therein.

[26TH NOVEMBER, 1952.]

Short title.

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

description of the still, its size and capacity, and the premises upon which and the purpose for which it is to be kept.

(3) The licence may be granted by the Comptroller, who shall have power to refuse it, but in case it is refused the person applying for it may, within fourteen days after the refusal is communicated to him, appeal to the Governor in Council, who shall have power to grant the licence if he thinks fit to do so.

Grant of licence.
10 of 1936,
s. 2.
66 of 1952,
s. 3.

(4) Every licence shall state the name of the person to whom it is granted and the premises upon which, and the purpose for which, he is permitted to keep a still.

Form of licence.

3. (1) The Comptroller shall keep a register of all licences issued under this Ordinance, which shall be evidence in all courts that the persons specified therein have been duly licensed to keep a still, and the absence of the name of a person from the register, or a certificate of that absence purporting to be under the hand of the Comptroller, shall be *prima facie* evidence that that person is not licensed to keep a still.

Register of licences.
10 of 1936,
s. 2.
66 of 1952,
s. 3.

(2) The Comptroller, at any time, with the approval of the Governor in Council, may cancel a licence granted under this Ordinance.

Cancellation.
10 of 1936,
s. 2.
66 of 1952,
s. 3.

4. (1) All premises upon which a person is licensed to keep a still shall have affixed outside in a conspicuous place near the main entrance a notice-board bearing the name of the licensee and the words "Licensed under the Stills Ordinance."

Notice boards.

(2) The Comptroller, or anyone authorised by him in writing, may at any time enter the premises upon which any person so registered keeps a still for the purpose of inspecting it.

Inspection.
10 of 1936,
s. 2.
66 of 1952,
s. 3.

5. Everyone who keeps a still without being duly licensed under this Ordinance, or who, being so licensed, keeps a still at any premises other than those named in the licence, or who uses a still for any other purpose than that specified in his licence, shall on summary conviction thereof be liable to a penalty not exceeding five hundred dollars or to imprisonment with or without hard labour for any period not exceeding six months.

Offences.

6. This Ordinance shall not apply to licences for distilling spirits or to stills kept or used for the purpose of distilling spirits:

Ordinance not to apply to distiller of spirits.

Provided that it shall not be a good defence to any charge for an offence against this Ordinance for the defendant to prove that he kept a still for the purposes of distilling spirits, unless he is a duly licensed distiller under the Spirits Ordinance.

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2. In this Ordinance—

Interpreta-
tion.

“club” means any community or society consisting of not less than twenty-five members who assemble or meet together in pursuit of a common object;

“intoxicating liquor” means spirits, wine, beer, porter, cider, perry and any fermented, distilled or spirituous liquor which cannot, according to any Ordinance for the time being in force relating to the sale of intoxicating liquor, be legally sold unless duly authorised by a licence granted thereunder;

“members’ club” means a club, all the property, funds and assets of which belong jointly to the members thereof, whether such are vested in trustees for the members or otherwise, and includes a club registered as a company to which a licence has been granted in accordance with the provisions of section 20 of the Companies Ordinance or under the memorandum or articles of association of which its profits are not divisible amongst its members;

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“proprietary club” means any club other than a members’ club;

“secretary”, in relation to a club, includes any officer of a club or other person performing the duties of a secretary and, in the case of a proprietary club where there is no secretary, the proprietor of the club;

“unregistered club” means any club which requires to be registered under this Ordinance, but which is not so registered or which has been struck off a register of clubs.

3. (1) The secretary of every club which occupies premises which are habitually used for the purposes of a club and in which any intoxicating liquor is supplied to members or their guests, or any other premises which are habitually so used and in which any intoxicating liquor is so supplied, shall cause the club to be registered in the manner provided in this Ordinance.

Obligation
to register
clubs.

(2) The registration of a club under this Ordinance shall not constitute the club premises licensed premises, nor authorise any sale of intoxicating liquor therein which would otherwise be illegal.

4. (1) The clerk of the court of every judicial district shall keep separate registers of all registered members’ clubs and proprietary clubs within the district but shall not enter a club thereon without an order from the magistrate in whose district such club is situated.

Registers of
members’
and pro-
prietary
clubs.

- (2) The registers shall contained the following particulars—
- (a) the name and objects of the club;
 - (b) the address of the club;
 - (c) brief details of the terms of occupancy of the club premises;
 - (d) the name of the secretary and in addition, in the case of a proprietary club, the name of the proprietor;
 - (e) the number of members.

(3) The clerk of the court shall keep the registers of clubs corrected up to date in accordance with the returns furnished by the secretaries as required by this Ordinance, and the registers shall at all reasonable hours be open to the inspection of a commissioned officer of police, or to an officer of customs.

Mode of
application
for regis-
tration.

5. (1) The secretary of every club shall not later than the 15th January in every year, and in the case of a new club, prior to the opening of the said club and not later than the 15th January in each succeeding year, make application to the magistrate of the district in which the club is situated for an order to the clerk of the court to enter the club on the appropriate register.

(2) In support of such application, the secretary shall produce to the magistrate a return signed by the secretary giving the particulars mentioned in subsection (2) of the last preceding section, and shall attach thereto—

- (a) a copy of the existing rules of the club;
- (b) a list of the general committee and wine committee (if any);
- (c) except in the case of a new club, a certified copy of an audited balance sheet and revenue account for the preceding financial year of the club;
- (d) a statement signed by him that there is kept upon the club premises—
 - (i) a register of the names and addresses of the club members, and a record of the latest payment of their subscriptions; and
 - (ii) a register of the names and addresses of visitors and guests.

(3) The secretary shall give evidence, to the satisfaction of the magistrate, in verification of the matters mentioned in the last preceding subsection.

6. The secretary of every club shall, before making application to the magistrate for an order to the clerk of the court to enter the club upon a register, give twenty-one days' notice to the Commissioner of Police of his intention to apply, and shall furnish to him a copy of the return aforesaid, and the Commissioner or a commissioned officer of police authorised by him shall—

Notice to Commissioner of Police of application for registration.

(a) verify the particulars contained in the return;

(b) make inquiries to enable him to inform the magistrate to whom application is made, upon the matters to be considered by him under the next succeeding section;

(c) attend at the hearing of the application; and

(d) be entitled to object to the making of an order for registration of the club either generally or on any of the grounds of complaint set out in subsection (1) of section 13 of this Ordinance.

7. The magistrate to whom application is made shall duly consider the return furnished by the secretary and his evidence in verification thereof, and the evidence called by the police, and shall determine whether the clerk of the court shall, upon payment of the prescribed fee, enter the club in the appropriate register of clubs and direct the clerk accordingly.

Magistrate to consider application.

8. (1) The magistrate to whom application is made may, in his discretion, refuse to order the clerk to enter any club in a register if, in his opinion—

When magistrate may refuse order to register.

(a) the return furnished as aforesaid is incomplete; or

(b) the evidence given by the secretary as to the objects of the club or its system of management, or as to the character of the club premises is unsatisfactory; or

(c) there is satisfactory proof of any of the grounds of complaint set out in subsection (1) of section 13 of this Ordinance; or

(d) any other good cause is shown.

(2) The magistrate to whom application is made in respect of a members' club if he is not satisfied that such club is a *bona fide* members' club may permit of the registration of such club as a proprietary club upon the same application and upon payment of the prescribed fee.

Notice to
Comptroller
of Customs of
registration.

9. The clerk of the court shall, within three days of the entry of a club in a register, send or cause to be sent to the Comptroller of Customs notice that the said club has been entered in such register by him in conformity with the provisions of this Ordinance.

Transfer
of club to
other
premises.

10. A magistrate to whom application is made by the secretary may authorise the removal of a registered club to premises other than those specified in the register, and if the application is granted and upon payment of the prescribed fee shall order the clerk of the court to alter the register accordingly. Twenty-one days' notice of any such intended application shall be given to the Commissioner of Police who shall be entitled to object to such removal at the hearing of the application.

Penalty
in respect
of intoxica-
ting liquor in
unregistered
club.

11. (1) If any intoxicating liquor is supplied or sold to any member or guest on the premises of an unregistered club the person supplying or selling the liquor and every person authorising the supply or sale of the liquor shall be liable to imprisonment for three months, or to a fine of four hundred and eighty dollars or to both such imprisonment and fine.

(2) If any intoxicating liquor is kept for supply or sale on the premises of an unregistered club, every officer and member of the club shall be liable to a fine of one hundred and twenty dollars, unless he proves to the satisfaction of the court that the liquor was so kept without his knowledge or consent.

Penalty
in respect of
unauthorised
sale of
intoxicating
liquor.

12. (1) If any intoxicating liquor is sold on the premises of a registered club without a licence in force authorising such sale or contrary to the terms of any licence granted in respect of such premises the secretary of the club, or in the case of a proprietary club the proprietor, shall be liable to a fine of four hundred and eighty dollars unless he shall prove to the satisfaction of the court that all reasonable precautions have been taken to prevent any such illegal sale.

(2) For the purposes of subsection (1) of this section the supply of intoxicating liquor on the premises of a proprietary club to a member thereof shall not be deemed to be a sale of such liquor by reason only of the fact that the property funds and assets of the club are not wholly owned jointly by the members.

(3) Any person selling, assisting in or privy to a sale of intoxicating liquor in contravention of subsection (1) of this section shall be liable to a fine of four hundred and eighty dollars.

13. (1) Where a club has been registered in pursuance of this Ordinance, a magistrate, on complaint in writing by any person, may, if he thinks fit, make an order directing the club to be struck off the register on all or any of the following grounds, namely—

Striking
club off
register.

(a) that the club has ceased to exist, or that the number of members is less than twenty-five;

(b) that it is not conducted in good faith as a members' club or a proprietary club, as the case may be, or that it is kept or habitually used for any unlawful purpose;

(c) that there is frequent drunkenness on the club premises;

(d) that illegal sales of intoxicating liquor have taken place on the club premises;

(e) that persons who are not members are habitually admitted to the club merely for the purpose of obtaining intoxicating liquor;

(f) that the club occupies premises in respect of which, within twelve months next preceding the formation of the club, a licence under the Intoxicating Liquor Licensing Ordinance has been forfeited or the renewal of a licence thereunder has been refused, or in respect of which an order has been made that they shall not be used for the purposes of a club;

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(g) that persons are habitually admitted as members contrary to the provisions in that behalf contained in the rules of the club;

(h) that the supply of intoxicating liquor to the club is not under the control of the members or the committee appointed by the members.

(2) For the purpose of determining whether a club is conducted in good faith as a club, the court shall have regard to the nature of the premises occupied by the club.

(3) If the court grants a summons on the complaint, the summons shall be served on the secretary and on such other person, if any, as the court may direct.

(4) Where the court makes an order striking a club off the register, the court may, if it thinks fit, by that order, further direct that the premises occupied by the club shall not be used for the purposes of any club which requires to be registered under this Ordinance for a specified period, which may extend, in case of a first order, to twelve months, or, in case of a second or subsequent order, to five years:

Provided that any such direction may, for good cause shown, be subsequently cancelled or varied by the court.

Books and documents required to be kept on premises.

14. Every registered club shall keep on the club premises or at such other place as may be authorised in writing by the Commissioner of Police—

(a) a minute book recording the business transacted at all meetings of the committee and at general meetings of the members;

(b) a register of ordinary or full members showing their addresses, and a record of the latest payment of their subscriptions;

(c) a separate register of temporary, honorary and members other than ordinary or full members, showing the date of election and period of such membership;

(d) a copy of the rules of the club with any subsequent alterations authenticated by the signature of the secretary;

(e) all accounts for intoxicating liquor supplied to the club during the preceding six months.

Power to commissioned officer to enter upon club premises.

15. Any commissioned officer of police may, at any time during such hours as a registered club's premises are open to members, enter upon the premises and call for and inspect all books and documents required to be kept on the premises and take copies of any entry in such books or documents.

Penalty for obstructing police.

16. Any servant, officer, or member of a registered club who obstructs or prevents, or attempts to obstruct or prevent, a commissioned officer of police or any constable appointed by him in writing to make inquiries, from having free access to the club premises during such hours as the said premises are open to the members of the said club, or from obtaining information such as he is empowered to obtain for the purposes of this Ordinance, shall be liable to a penalty of not less than twenty-four dollars and not exceeding forty-eight dollars for the first offence, and for any subsequent offence not less than forty-eight dollars and not exceeding two hundred and forty dollars.

Search warrant.

17. (1) If a magistrate or justice of the peace is satisfied by information on oath that there is reasonable ground for supposing that any registered club is so managed or carried on as to constitute a ground for striking it off the register, or

that any intoxicating 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 constable named therein.

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

(3) If any person required by a constable under this section to give his name and address fails to give the same or gives a false name or address that person shall be liable to a fine of twenty-four dollars.

18. (1) If the secretary of any registered club or of any club which requires to be registered under this Ordinance omits to make any return required by this Ordinance, he shall be liable to a fine of ninety-six dollars, and in the case of a second or subsequent offence to imprisonment for one month, or to a fine of two hundred and forty dollars, or to both.

Penalty for false return by secretary.

(2) If the secretary of any such club knowingly makes a return which is false in any material particular, he shall be liable to imprisonment for three months, or to a fine of two hundred and forty dollars, or to both.

19. (1) Proceedings under this Ordinance may be taken, and all penalties incurred may be imposed or recovered, in the manner provided by the Summary Jurisdiction (Procedure) Ordinance.

Procedure and appeal.

Cap. 15.

(2) An appeal shall lie to the Full Court from any conviction, judgment, order or decision of a magistrate made or given under this Ordinance, and the procedure in respect of such appeals shall be such as is laid down in the Summary Jurisdiction (Procedure) Ordinance.

20. (1) In the event of the winding up, dissolution or discontinuance of a registered club the secretary thereof shall notify the clerk of the court of the date of such winding up, dissolution or discontinuance.

Notification to clerk of court of discontinuance of a club or change of secretary.

(2) In the event of the person appointed to be the secretary of a registered club ceasing to hold office by reason of death, resignation or dismissal it shall be the duty of the chairman of the committee of a members' club and the proprietor in the

case of a proprietary club to notify such fact in writing to the clerk of the court and also the name of any successor appointed, within fourteen days of the occurrence of either of such events.

Regulations.

21. (1) The Governor in Council may make regulations as to all or any of the following matters—

(a) the hours of opening or closing of club premises;

(b) the hours during which intoxicating liquor may or may not be supplied to members or their guests;

(c) restricting the supply of intoxicating liquor to members for consumption off the club premises;

(d) the manner of application for, the procedure thereon and by whom an application for extension of hours during which a club may remain open, or during which intoxicating liquor may be supplied, may be granted;

(e) the fees payable upon application for registration of a club or extension of hours during which a club may remain open, or during which intoxicating liquor may be supplied;

(f) the admission of visitors as guests or temporary members of any registered club.

(2) Any such regulations may differentiate between a members' club and a proprietary club.

(3) Regulations made under this section shall have no force or effect until they have been approved by the Legislative Council:

Schedule.

Provided that, until varied or revoked by any such regulations, the regulations contained in the schedule hereto shall be in force.

General penalty.

22. Any person who contravenes any of the provisions of this Ordinance or any regulations made thereunder, for which no special penalty is provided by this Ordinance, shall be liable in the case of a first offence to a fine of twenty-four dollars, and in case of a second or subsequent offence to a fine of forty-eight dollars.

Saving as to proprietary clubs established by employers for employees.

23. The Governor in Council may, if satisfied that a proprietary club is established and carried on by any person for the benefit of his employees and not for profit or gain, direct the magistrate to treat any application under section 5 as if such club was in fact a members' club.

24. Nothing in the foregoing provisions of this Ordinance shall be deemed to prohibit or restrict the sale or supply of intoxicating liquor to or in any Naval, Military, Air Force, Volunteer Force or Police Canteen or Mess where the sale or supply of intoxicating liquor is carried on under the authority of the Governor.

Saving
as to
canteens
and messes.

SCHEDULE.

s. 21.

1. These regulations may be cited as the Registration of Clubs Regulations.

2. The rules of every registered club shall provide for the hours of opening and closing which, in the case of a proprietary club, shall not be earlier than 7.00 o'clock in the morning for opening and shall not be later than half an hour after the time fixed for the cessation of the supply of intoxicating liquor for closing.

3. Except as provided in regulation 5 the supply of intoxicating liquor in a proprietary club shall cease at 12.00 o'clock midnight.

4. Nothing in the foregoing regulation shall be deemed to prohibit or restrict the supply of intoxicating liquor to a member of a club residing on the club premises or his guests.

5. (1) The Commissioner of Police may, by permit in writing, authorise an extension of the hours for the supply of intoxicating liquor in a proprietary club as in his absolute discretion he thinks fit but not exceeding three hours without the sanction of the Governor in Council. Any application for such extension shall be in writing, addressed to the Commissioner, stating the occasion and reasons for such extension, shall be signed by the secretary, and shall be delivered to the Commissioner at least 24 hours prior to such occasion.

(2) In respect of any proprietary club situate other than in Georgetown or within 3 miles of the boundaries thereof, the powers conferred upon the Commissioner by the preceding subsection may be exercised by any commissioned officer of police thereunto authorised in writing by the Commissioner.

6. The fees specified hereunder shall be paid in respect of the several matters to which they are applicable and in respect of items (a), (b) and (g) shall be paid to the Financial Secretary.

TABLE OF FEES.

	\$ c.
(a) Upon application for registration of a members' club ...	24.00
(b) Upon application for registration of a proprietary club situate in Georgetown or within three miles of the boundaries thereof	60.00
(c) Upon application for registration of a proprietary club situate elsewhere than in Georgetown or within three miles of the boundaries thereof half the amount of the fees specified in paragraph (b) of this Table shall be payable.	

- (d) In calculating the total membership of a proprietary club no regard shall be had to temporary, honorary or visiting members who are elected for a total period of less than 15 days during any one year.
- (e) In respect of any club the registration of which is effected after the 30th June in any year, half the amount only of the appropriate fee shall be payable.
- (f) Upon application to the Commissioner of Police for any extension of hours in respect of a proprietary club ... 2.00
This fee shall be payable to the Commissioner and shall be refunded if the application is not granted.
- (g) Upon application in respect of the transfer of club premises 1.20

7. The secretary of a club may, if so authorised by the rules of the club, issue in accordance therewith a card of membership as a visiting member for not more than fifteen days to a person temporarily visiting the Colony:

Provided that no subscription shall be payable by such visiting member in respect thereof and no such card shall be issued to the same person more than twice in any one year: Nothing in this regulation shall preclude the election of visitors as temporary or honorary members of a club in accordance with the rules of the club.

8. Subject to the next succeeding regulation, nothing in these regulations shall restrict the admission of persons to a club as visitors or guests in accordance with the rules of the club nor the supply of intoxicating liquor to a visitor or guest on the invitation and at the expense of a member of the club or on the invitation and at the expense of the club itself.

9. The member introducing a visitor or guest, or the secretary when a card of membership has been issued to a visiting member or when visitors or guests have been admitted on the invitation of the club, shall cause to be entered in the club register of visitors and guests the name and address of any such visiting member, visitor or guest.
