

PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.
18th September, 1973.

The following Bill which will be introduced in the National Assembly is published for general information.

F. A. NARAIN,
Clerk of the National Assembly.



GUYANA

BILL No. 19 1973

MISCELLANEOUS ENACTMENTS (AMENDMENT) BILL 1973

Arrangement of Sections

Section

1. Short title.
2. Existing clubs.
3. Amendment of enactments.

SCHEDULE

A BILL

Intituled

An Act to amend certain enactments.

Enacted by the Parliament of Guyana ;

A.D. 1973

Short title 1.(1) This Act may be cited as the Miscellaneous Enactments (Amendment) Act 1973, and so far as it amends any enactment shall be construed and read as one with that enactment and all amendments thereto.

(2) This Act shall come into force on the 1st day of October, 1973.

Existing Clubs.

2. A club that is registered under the Registration of Clubs Ordinance prior to its amendment by this Act shall be deemed to be duly licensed for a period of three consecutive months after the commencement of this Act.

Amendment of Enactments.

3. The enactments specified in the first column of the Schedule are amended in the manner specified in the second column of that Schedule.

SCHEDULE

Enactment

Amendment

**Tax Ordinance
Chapter 298**

Section
45A

Insert immediately after section 45 the following section —

**Members'
club liquor
licence**

45A. The duty prescribed for an annual members' club liquor licence shall be as follows :—

(a) if the club is situated in Georgetown or within a mile of the municipal boundaries thereof or in New Amsterdam or Linden, the sum of four hundred and eighty dollars;

(b) if the club is situated elsewhere than as mentioned in paragraph (a), the sum of two hundred and fifty dollars;

(c) if the Minister is satisfied that the premises of the club are used substantially for the carrying on of athletic activities, the sum of one-half of the amount mentioned in paragraph (a) or (b), as the case may be.”.

Enactment**Ameodment****Intoxicating
Liquor
Licensing
Ordinance
Chapter 316**Section
2

Delete the definition of “the Comptroller” and substitute the following definition —

“Comptroller” means the Comptroller of Customs and Excise and includes —

- (i) any officer of the Department of Customs and Excise acting in the performance of his duties;
- (ii) any mines officer within the meaning of the Mining Ordinance, authorised in writing by the Comptroller of Customs and Excise to perform any of the functions conferred on the Comptroller of Customs and Excise by this Ordinance, and
- (iii) any district commissioner authorised in writing by the Comptroller of Customs and Excise to perform any of the functions conferred on the Comptroller of Customs and Excise by this Ordinance;.

Substitute a semi-colon for the full stop at the end of paragraph (j) and insert immediately after paragraph (j) the following paragraph —

“(k) a members’ club liquor licence which shall authorise the supply of spirituous liquor, malt liquor and wine to members, visitors and guests to be consumed on the licensed premises.”

4

Insert immediately after the word “restaurant,” the words “members’ club,”.

5, 10(1)

Insert immediately after the word “restaurants,” wherever it appears the words “members’ clubs,”.

6(1)

Insert immediately after the words “restaurant liquor,” the words “members’ club liquor,”.

12(1)

Insert immediately after the words “restaurant liquor,” wherever they appear the words “members’ club liquor,”.

Enactment**Amendment**

(2) and (3)

Renumber these subsections as subsections (4) and (5) and insert the following as subsections (2) and (3) —

“(2) In addition to the grounds mentioned in subsection (1) an application for a certificate for a members’ club may be refused on the following grounds —

- (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 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 this Ordinance has been forfeited or the renewal of a licence has been refused;
- (g) that persons are habitually admitted as members contrary to the provisions in that behalf contained in the rules of the club; or
- (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.

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

Enactment	Amendment
13(1)	Insert immediately after the word “restaurant,” the words “members’ club.”
(2)	<p>Renumber this subsection as subsection (4) and insert the following as subsections (2) and (3) —</p> <p>“(2). In addition to the requirements mentioned in subsection (1), the secretary of a members’ club shall, in support of his application, attach to it</p> <ul style="list-style-type: none"> (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 — <ul style="list-style-type: none"> (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. <p>(3) The Secretary shall give evidence, to the satisfaction of the board, in verification of the matters mentioned in subsection (2).”</p>
13A	<p>Insert immediately after section 13 the following section —</p> <p>“13A(1) The secretary of a members’ club shall, before making application to a board for the grant of a certificate for the issue or renewal of a licence for a members’ club, give twenty-one days notice to the Commissioner of Police of his intention to apply, and shall furnish to him a copy of the following particulars</p> <ul style="list-style-type: none"> (a) the name and objects of the club; (b) the address of the club;

Enactment**Amendment**

- (c) brief details of the terms of occupancy of the club premises;
 - (d) the name of the secretary; and
 - (e) the number of members.
- (2) A commissioned officer of police shall
- (a) verify the particulars mentioned in subsection (1);
 - (b) make enquiries to enable him to inform the board to whom application is made upon matters to be considered by the board;
 - (c) attend at the hearing of the application; and
 - (d) be entitled to object to the granting of a certificate to the club either generally or on any of the grounds of complaint set out in section 12(1) and (2)."
- 20(1), 21(1) Insert immediately after the words "restaurant liquor," the words "members' club,".
- 23(1), 23(3), 25(1) Insert immediately after the words "restaurant liquor," the words "members' club liquor,".
- 27(1) Insert immediately after the word "restaurant," wherever it appears the words "members' club,".
- 29(1) Insert immediately after the words "restaurant liquor," the words "members' club liquor,".
- 45(1) Insert immediately after the words "or restaurant liquor," the words "or members' club liquor,".
- 46(1) (a) Insert immediately after the word "restaurant," the words "members' club,".
- (b) Insert immediately after the words "store, hotel," the words "restaurant, club,".
- (c) Insert immediately after the words "LICENSED RESTAURANT," the words "LICENSED CLUB,".

Enactment.	Amendment
47(1)	Insert immediately after the word “restaurant,” the words “members’ club.”
(2)	<p>(a) Insert immediately after the words “spirituous liquor” the words “or knowingly makes an entry which is false in any material particular.”</p> <p>(b) Renumber this subsection as subsection (3) and insert the following as subsection (2) —</p> <p>“(2) In addition to the book mentioned in subsection (1) a members’ club shall keep on the club premises</p> <p>(a) a minute book recording the business transacted at all meetings of the committee and at general meetings of the members;</p> <p>(b) a register of ordinary or full members showing their addresses, and a record of the latest payment of their subscription;</p> <p>(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; and</p> <p>(d) a copy of the rules of the club with any subsequent alterations authenticated by the signature of the secretary.”</p>
52(1)	<p>Insert immediately before</p> <p>(a) the words “to sell” the words “to supply or”;</p> <p>(b) the words “sale of” the words “supply or”.</p>
64	<p>Insert immediately before</p> <p>(a) the words “is sold” the words “is supplied, or”;</p> <p>(b) the words “licence for” the words “supplying or”;</p>

Enactment

Amendment

Schedule of Forms

(c) the words “to the selling” the words “to the supplying, or”.

(a) Insert immediately after Form 1 the following Form —

” Form 1 s.13

Intoxicating Liquor Licensing Ordinance
Application for a Members’ Club
Liquor Licence

To the Comptroller of Customs and Excise.

I,Secretary of.....

..... residing at.....

in the county of.....hereby make

application on behalf of the.....club
for a certificate for a members’ club liquor licence to supply
intoxicating liquor in the building at the premises

occupied by the club and situate at *.....

.....
subject to the provisions of the above-named Ordinance.

Dated this.....day of.....19.....

(Signed).....

*Here describe accurately the situation of the building.”

(b) Insert immediately after Form 2 “C” the following Form —

” Form 2 ,s.19(1)

D

Intoxicating Liquor Licensing Ordinance

District licensing board for the county of.....

Enactment

Amendment

Certificate authorising the issue of a Members' Club Liquor Licence.

It is hereby certified that the above-mentioned board
on the.....day of.....
19.....granted the application of.....
.....
.....
.....

of
for a certificate for the issue (or the renewal) of a licence
for the supply of intoxicating liquor in a club in the build-
ing at the premises situate at.....

in the county of.....for the
financial year 19.....

Dated this.....day of.....,19.....

(Signed).....
Clerk of the district licensing board
for the county of

”

(c) Insert immediately after Form 3 “D” the following
Form —

” **Form 3** **s. 19(2)**

E

Intoxicating Liquor Licensing Ordinance
Members' Club Liquor Licence

Enactment

Amendment

Whereas the district licensing board for the county of on the day of 19....., granted the application of in the county of for a certificate for the issue (or the renewal) of a licence for the supply of intoxicating liquor in a club in the building situate at

These are, therefore, to authorise and license the said to supply to its members, visitors and guests intoxicating liquor at the building aforesaid to be consumed on the premises.

The licence is issued under and subject to the above-named Ordinance.

Dated this.....day of.....19.....

(Signed)

Comptroller of Customs and Excise. ”

(d) Insert immediately after Form 5 the following Form —

” **Form 5** **s. 20(3)**

E

Intoxicating Liquor Licensing Ordinance

Application to Transfer a Member’s Club Liquor Licence from one Premises to Another.

Enactment

Amendment

To the Comptroller of Customs and Excise.

I, Secretary of

..... residing at

in the county of hereby make application that the members' club liquor licence

No..... issued in the name of the club in

respect of the building situate at

..... may be

transferred to and in the name of the club in respect of the building at the premises occupied by

the club and situate at*

subject to the above-named

Ordinance.

Dated this.....day of.....19.....

(Signed)

* Here described accurately the situation of the building".

(e) Insert immediately after Form 6 "D" the following Form —

" Form 6 s. 27(1)

E

Intoxicating Liquor Licensing Ordinance

Application for a Provisional Grant of a Members' Club Liquor Licence

To the Comptroller of Customs and Excise.

Enactment

Amendment

I, Secretary of

..... residing at

in the county of hereby make application for a provisional grant of a certificate for a members' club liquor licence to supply intoxicating liquor in the building about to be constructed (or in course of construction) at the premises occu-

pied by the club and situate at*

.....subject to the above-mentioned Ordinance.

The plans of the said building are hereto annexed marked A.

Dated this.....day of.....19.....

(Signed)

* Here describe accurately the situation of the building”.

**Bitters and
Cordials
Ordinance
Chapter 318**

Section 2

Delete the definition of “the Comptroller” and substitute the following definition —

“**Comptroller**” means the **Comptroller of Customs and Excise** and includes —

- (i) any officer of the Department of Customs and Excise acting in the performance of his duties;
- (ii) any mines officer within the meaning of the Mining Ordinance authorised in writing by the Comptroller of Customs and Excise to perform any of the functions conferred on the Comptroller of Customs and Excise by this Ordinance, and

Enactment	Amendment
<p style="text-align: center;">Spirits Ordinance Chapter 319</p> <p style="text-align: center;">Section 2</p>	<p>(iii) any District Commissioner authorised in writing by the Comptroller of Customs and Excise to perform any of the functions conferred on the Comptroller of Customs and Excise by this Ordinance;’</p> <p>Delete the definition of “the Comptroller” and substitute the following definition —</p> <p>‘“Comptroller” means the Comptroller of Customs and Excise and includes —</p> <p>(i) any officer of the Department of Customs and Excise acting in the performance of his duties;</p> <p>(ii) any mines officer within the meaning of the Mining Ordinance, authorised in writing by the Comptroller of Customs and Excise to perform any of the functions conferred on the Comptroller of Customs and Excise by this Ordinance, and</p> <p>(iii) any District Commissioner authorised in writing by the Comptroller of Customs and Excise to perform any of the functions conferred on the Comptroller of Customs and Excise by this Ordinance;’.</p>
<p style="text-align: center;">Stills Ordinance Chapter 320</p> <p style="text-align: center;">Section 2</p>	<p>Delete the definition of “the Comptroller” and substitute the following definition —</p> <p>‘“Comptroller” means the Comptroller of Customs and Excise and includes —</p> <p>(i) any officer of the department of Customs and Excise acting in the performance of his duties;</p> <p>(ii) any mines officer within the meaning of the</p>

Enactment

Amendment

Enactment	Amendment
<p>Registration of Clubs Ordinance Chapter 221</p>	<p>Mining Ordinance, authorised in writing by the Comptroller of Customs and Excise to perform any of the functions conferred on the Comptroller of Customs and Excise by this Ordinance, and</p> <p>(iii) any District Commissioner authorised in writing by the Comptroller of Customs and Excise to perform any of the functions conferred on the Comptroller of Customs and Excise by this Ordinance;’.</p>
<p>Long Title</p>	<p>For the words “relating to the Registration of” substitute the words “respecting Members”.</p>
<p>Section</p>	<p>For the words “Registration of” substitute the word “Members”.</p>
<p>1</p>	<p>(a) Insert immediately after the definition “club” the following definition —</p>
<p>2</p>	<p>“Comptroller” means the Comptroller of Customs and Excise and includes —</p> <p>(i) any officer of the Department of Customs and Excise acting in the performance of his duties;</p> <p>(ii) any mines officer within the meaning of the Mining Ordinance, authorised in writing by the Comptroller of Customs and Excise to perform any of the functions conferred on the Comptroller of Customs and Excise by this Ordinance, and</p> <p>(iii) any District Commissioner authorised in writing by the Comptroller of Customs and Excise to perform any of the functions conferred on the Comptroller of Customs and Excise by this Ordinance;’.</p> <p>(b) Delete the definition of “proprietary club”.</p>

Enactment

Amendment

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- (c) In the definition of “secretary” delete the words appearing immediately after the words “a secretary”.
- (d) Delete the definition “unregistered club”.
- (e) After the definition of “secretary” insert the following definition —
- ‘“unlicensed members’ club” means any members’ club which is required to be licensed under the Intoxicating Liquor Licensing Ordinance but which is not so licensed.’
- 3** For this section substitute the following —
- “Obligation to licence Member’s Club
3. (1) No person shall use or permit to be used premises for the purpose of a club in which intoxicating liquor is supplied to members or their guests unless the club is a members’ club that is licensed in the manner provided in the Intoxicating Liquor Licensing Ordinance.
- (2) The secretary of a members’ club shall apply under the Intoxicating Liquor Licensing Ordinance for the grant of a certificate for the issue to, or renewal of a licence for, the club and for the purposes of effecting compliance with, and the enforcement of, the provisions of that Ordinance the secretary shall be deemed to be the holder of the Licence issued to the club.”
- 4, 5, 6, 7
8, 9, 10 Delete.
- 11 (a) Renumber this section as section 4.
(b) For the word “unregistered” wherever it appears in this section substitute the words “unlicensed members’.”
- 12 (1) (a) Renumber this section as section 5 (1).
(b) For the word “registered” substitute the word “members”.

Enactment	Amendment
	(c) Delete the words", or in the case of a proprietary club the proprietor,".
(2)	Delete
(3)	Renumber this subsection as subsection (2).
13, 14, 15, 16	Delete.
17 (1)	(a) Renumber this section as section 6 (1).
	(b) For the word "registered" substitute the word "members'."
	(c) For the words "for striking it off the register" substitute the words "mentioned in section 12 of the Intoxicating Liquor Licensing Ordinance for refusing the grant of a certificate".
	(d) For the word "unregistered" substitute the words "an unlicensed members".
	(e) Insert immediately after the words "warrant to" the words "the Comptroller or".
(2)	Insert immediately after the words "shall authorise" the words "the Comptroller or".
(3)	Insert immediately after the words "required by" the words "the Comptroller or".
18	Delete
19	Renumber this section as section 7.
20 (1)	(a) Renumber this section as section 8 (1).
	(b) For the word "registered" substitute the word "members'" and for the words "clerk of the court" substitute the word "Comptroller".
(2)	(a) For the word "registered" substitute the word "members'."

Enactment	Amendment
21(1)	(b) Delete the words “and the proprietor in the case of a proprietary club”. (c) For the words “clerk of the court” substitute the word “Comptroller”. (a) Renumber this section as section 9 (1). (b) Delete paragraph (e). (c) In paragraph (f) for the word “registered” substitute the word “members’” and re-letter paragraph (f) as paragraph (e).
(2)	Delete subsection (2) and renumber (3) as subsection (2).
22	Renumber this section as section 10.
23	(a) Renumber this section as section 11. (b) Delete the word “proprietary”. (c) For the word “magistrate” substitute the word “board.” (d) For the words “section 5” substitute the words “the Intoxicating Liquor Licensing Ordinance.”
24	Renumber this section as section 12.
Schedule	(a) In paragraph 2 delete all the words appearing immediately after the words “and closing.” (b) Delete paragraphs 3, 5 and 6. (c) Renumber paragraph 4 as paragraph 3 and for the words “the foregoing regulation” substitute the words “this Schedule.” (d) Renumber paragraphs 7, 8 and 9 as paragraphs 4, 5 and 6.

EXPLANATORY MEMORANDUM

This Bill seeks to implement the recommendation of the Licensed Premises Advisory Committee that proprietary clubs be abolished.

P. A. REID,
Minister responsible for Finance.