



REPUBLIC OF NAURU

Liquor Act 1967

As in force from 15 September 2009

This compilation comprises Ordinance No. 3 of 1967 as amended and in force from 15 September 2009 (being, at the time the compilation was prepared on 16 May 2011, the date of commencement of the most recent amendment).

The notes section at the end of the compilation includes a reference to the law by which each amendment was made. The Table of Amendments in the notes section sets out the legislative history of individual provisions.

The operation of amendments that have been incorporated in the text of the compilation may be affected by application provisions that are set out in the notes section at the end of the compilation.

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REPUBLIC OF NAURU

Liquor Act 1967

An Ordinance to regulate the sale, supply and consumption of liquor

PART I – PRELIMINARY

1 Short title

This Ordinance may be cited as the *Liquor Act 1967*.

2 Commencement

This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the Gazette.

3 Parts

This Ordinance is divided into Parts as follows:

PART I — PRELIMINARY (Sections 1-7).

PART II — ADMINISTRATION (Sections 8-12).

PART III — LICENCES AND PERMITS (Sections 13-30).

PART IV — OFFENCES (Sections 31-45).

PART V — SPECIAL PROVISIONS (Sections 46-49).

PART VI — GENERAL (Sections 50-60).

4 [Repealed]

5 [Repealed]

6 **Definitions¹**

In this Ordinance, unless the contrary intention appears:

'adulterate' includes mix with a deleterious ingredient;

'employees club' means a club operated by an employer for the benefit of persons employed by him;

'glass' includes, in the case of beer, light wine or diluted spirits, an opened bottle or can;

'licence' means a licence granted under this Ordinance;

'licensee' includes a person nominated under the provisions of section 29 of this Ordinance;

'licensed premises' means premises in respect of which a licence is in force;

¹ In relation to the expression **'Administrator'**, clause 86(2) of the *Constitution of Nauru* provides:

'Subject to this Constitution, a reference in a law continued in force by clause (1) or (2) of Article 85 to the Administrator of the Territory of Nauru shall, unless the context otherwise requires, be read as a reference to the President or where responsibility for the administration of that law is assigned to a Minister under Article 23, to that Minister.'

In relation to the expression **'Administrator in Council'**, clause 86(3) of the *Constitution of Nauru* provides:

'Subject to this Constitution, a reference in a law continued in force by clause (1) or (2) of Article 85 to the Administrator of the Territory of Nauru acting in accordance with the advice of the Executive Council of the Territory of Nauru shall, unless the context otherwise requires, be read as a reference to the Cabinet.'

In relation to the expression **'Territory'**, section 3 of the *Interpretation Act 1971* provides:

'Unless the context otherwise requires or the subject or context is inconsistent with such amendment, the words "Territory of Nauru" or "Island of Nauru" shall, where they are used or appear in any written law, instrument or document in force or made at the date of commencement of this Act, be replaced from that date by the words "Republic of Nauru".'

Because the direction made by that section is not unconditional and does not relate to the simple expression 'Territory', no textual change to give effect to it is incorporated in this compilation.

'Licensing Inspector' includes the Chief Licensing Inspector;

'liquor' means wine, spirits, beer, stout or any other liquid containing alcohol and ordinarily used or fit for use as a beverage;

'member of the Board' includes the deputy of a member of the Board;

'permit' means a permit granted under this Ordinance;

'prescribed trading hours' means, in relation to particular licensed premises, the trading hours specified in the Third Schedule and such additional hours as the Board authorises under the provisions of this Ordinance;

'prohibited hours' means, in relation to particular licensed premises, times other than the prescribed trading hours;

'Schedule' means a Schedule to this Ordinance;

'sell' includes barter;

'supply', where used as a noun, includes sale and where used as a verb includes sell;

'the Board' means the Liquor Licensing Board;

'the Registrar' means the Registrar of the Board.

7 Exceptions

The provisions of this Ordinance shall not apply to the supply or consumption of:

- (a) a beverage usually considered to be non-intoxicating or containing not more than two per centum of proof spirit;
- (b) spirituous or distilled perfume in good faith as perfumery;
- (c) liquor for medicinal purposes by or under the directions of a qualified medical practitioner; or

- (d) liquor aboard an ocean-going vessel which is temporarily within territorial waters, where the liquor is consumed by the master of that vessel, his crew or his passengers over the age of twenty-one years;

or to the Administrator.

PART II– ADMINISTRATION

8 Liquor Licensing Board

- (1) There shall be a Liquor Licensing Board, which shall consist of three members appointed by the Administrator in Council.
- (2) A member of the Board shall hold office until:
 - (a) his resignation is accepted by the Administrator; or
 - (b) his appointment is terminated by the Administrator in Council;whichever first shall happen.
- (3) Where a member of the Board is unable to attend to the business of the Board because of illness, incapacity or absence from the Territory, the Administrator may appoint a person to be the deputy of that member during his illness, incapacity or absence.
- (4) The Administrator in Council shall appoint one member of the Board to be the Chairman of the Board.

9 Powers and functions of the Board

- (1) Subject to this Ordinance, the Board may:
 - (a) grant a licence or permit;
 - (b) renew, transfer or remove a licence;
 - (c) suspend or cancel a licence or permit; or
 - (d) disqualify a licensee;

and may exercise such other powers and shall perform such other functions as are prescribed.

- (2) Subject to this Ordinance, a decision of the Board is final and conclusive.
- (3) The powers and functions of the Board may be exercised by two members of the Board.

10 **Sittings and procedure**

- (1) The Board shall hold sittings from time to time to hear and determine matters, other than prosecutions for offences, arising under this Ordinance.
- (2) Matters arising at a sitting of the Board shall be determined by a majority of the members present.
- (3) Where, because of equality of votes, the Board is unable to determine a matter, it shall adjourn that matter for re-hearing by the Board constituted by three members.
- (4) Where any matter of procedure is not otherwise regulated under this Ordinance, the Board may give directions as to that matter.

11 **Registrar**

- (1) The Administrator in Council may appoint a Registrar and such other officers as he considers necessary for the proper functioning of the Board.
- (2) The Registrar shall:
 - (a) keep records of matters determined by the Board;
 - (b) issue licences and permits granted or renewed by the Board;
 - (c) collect fees payable under this Ordinance; and
 - (d) set down applications for hearing by the Board;

and may exercise such other powers and shall perform such other functions as are prescribed.

12 **Licensing Inspectors**

- (1) The person for the time being holding the office of Director of Police shall be the Chief Licensing Inspector.

- (2) The Administrator may appoint persons to be Licensing Inspectors.

PART III – LICENCES AND PERMITS

13 Classes of Licences

Licences may be granted under this Ordinance in the following classes:

- (a) Liquor Retailers' Licences;
- (b) Tavern Licences;
- (c) Restaurant Licences; and
- (d) Club Licences.

14 Duration of licences

- (1) The grant, renewal, transfer or removal of a licence shall, unless the Board specifies some other date, take effect from the date upon which the Board gives its decision on the matter.
- (2) A licence shall, unless sooner cancelled or suspended, continue in force until the last day of the financial year in which it was granted or renewed.

15 Liquor Retailer's Licence

Subject to this Ordinance, a Liquor Retailer's Licence authorises the licensee:

- (a) to sell liquor in unopened containers on; and
- (b) to deliver it from;

the licensed premises during the prescribed trading hours.

16 Tavern Licence

Subject to this Ordinance, a Tavern Licence authorises the licensee to sell liquor by the glass on the licensed premises during the prescribed trading hours.

17 Restaurant Licence

Subject to this Ordinance, a Restaurant Licence authorises the licensee to sell liquor by the glass on the licensed premises during the prescribed trading hours for consumption in conjunction with a substantial meal provided by the licensee.

18 Club Licence

Subject to this Ordinance, a Club Licence authorises the supply of liquor by the glass, upon the licensed premises during the prescribed trading hours, to members (whether honorary or subscribing) of the club for consumption by those members and their guests.

19 Restrictions on grant or renewal of Club Licence

A Club Licence shall not be granted or renewed unless the club:

- (a) is primarily established and operated for the benefit of the members of the club;
- (b) is an association of not less than twenty-five subscribing members over the age of twenty-one years or, where the club is an employees club, of not less than twenty-five members of whom not less than fifteen are employed by the employer who operates the club;
- (c) keeps upon the club premises a register of the current members of the club;
- (d) has a rule that a visitor shall not be supplied with liquor upon the club premises except at the invitation of and in the company of a member of the club;
- (e) has a rule that liquor shall not be supplied on the club premises to a person under the age of twenty-one years;
- (f) where it is not an employees club, has a rule that a meeting shall be held at least once in every calendar year for the election of a committee to manage the affairs of the club;
- (g) has a rule that profits from the sale of liquor shall be applied to the mutual benefit of members of the club; and

- (h) satisfies the Board that the rules of the club are enforced and observed.

20 Extended Hours Permit

- (1) The Board may grant an Extended Hours Permit to a licensee.
- (2) Subject to this Ordinance, an Extended Hours Permit authorises the licensee to supply liquor in accordance with the general authority granted under his licence during such additional hours as the Board, in granting the Extended Hours Permit, specifies.
- (3) In granting an Extended Hours Permit the Board may specify additional hours upon a particular day or upon particular days.

21 Function Permit

- (1) Where a person intends to hold a social function at which:
 - (a) more than twelve persons will be present; and
 - (b) liquor will be consumed by those persons at that function;on licensed premises during prohibited hours or on unlicensed premises, the licensee or that person may apply to the Board for a Function Permit in respect of that function.
- (2) Subject to this Ordinance, a Function Permit authorises the consumption of liquor in accordance with the terms of the permit on the premises to which the permit relates.
- (3) Where a Function Permit is granted in respect of licensed premises the permit shall, unless the Board, in granting the permit, otherwise directs, authorise the licensee to sell liquor by the glass to persons to whom the permit applies.
- (4) A person shall not consume liquor on unlicensed premises.
- (5) A person shall not permit or suffer the consumption of liquor on unlicensed premises under his control.

- (6) It shall be a defence to a prosecution under either of the last two preceding subsections if the person charged proves that the liquor was consumed:
- (a) by the occupier of the unlicensed premises, a member of the occupier's family who dwells on those premises or a servant of the occupier; or
 - (b) by a person to whom a Function Permit applied who consumed the liquor in accordance with the terms of the permit.
- (7) For the purposes of this section '**unlicensed premises**' means premises (other than licensed premises) of the following descriptions:
- (a) a cafe, restaurant or other premises where meals or refreshments are ordinarily supplied to the public for consumption on the premises;
 - (b) a hall or similar building hired to, occupied or ordinarily used by:
 - (i) members of the public; or
 - (ii) a club or similar organization;
 - (c) land acquired by the Administrator pursuant to the provisions of the *Aerodrome (Acquisition of Land) Ordinance 1952*;
 - (d) a roadway or footpath open to or used by the public; or
 - (e) such other land as the Administrator, by notice in the Gazette, specifies for the purposes of this subsection.

22 Applications for licences, etc.

- (1) Notice of every proposed application under this Ordinance shall be lodged with the Registrar in duplicate and shall set forth:
- (a) the applicant's full name and address;
 - (b) whether he has attained the age of twenty-one years;
 - (c) the nature of the application; and

(d) the premises to which the application relates;

and shall be signed and dated by the applicant.

- (2) The Registrar shall post a copy of the notice on a notice-board near the entrance to his office, there to be kept until the application is disposed of.
- (3) Where the application is for the grant, renewal, removal or transfer of a licence, the Registrar shall advertise the application by notice in the Gazette.
- (4) Where the application is for the grant or removal of a licence, the applicant shall post a copy of the notice in a prominent place on the premises to which the application relates, there to be kept until the application is disposed of.
- (5) Where the application is for the grant or transfer of a licence or for the substitution of another nominee, a Licensing Inspector shall make a searching enquiry as to the character, fitness and capacity of the applicant or nominee to conduct the licensed business to which the application relates and shall report to the Board in writing thereon.
- (6) The Board may take into consideration a report made under the last preceding sub-section and the report shall be open to inspection by the applicant or nominee prior to the hearing.
- (7) The Board shall not grant an application where the applicant has not attained the age of twenty-one years.
- (8) The Board may grant an application subject to such conditions as it specifies in giving its decision on the matter.

23 Plans

- (1) An applicant shall lodge with his notice of application plans in duplicate which are drawn accurately to scale and show:
 - (a) the site and dimensions of all land, and of each building or proposed building included or proposed to be included in the licensed premises, and of all land and of each building occupied or used, or proposed to be occupied or used, in connection with the licensed premises;

- (b) the type of construction of each building shown on the plan and the purpose for which each building is or will be used;
 - (c) the areas in which liquor is, or is proposed to be, stored;
 - (d) the dimensions of each room in each building or proposed building included, or proposed to be included, in the licensed premises;
 - (e) the means of access between the buildings shown on the plan; and
 - (f) the nature, type and location of sanitary facilities installed, or proposed to be installed, in connection with the licensed premises and the materials used or proposed to be used in their construction.
- (2) The last preceding sub-section shall not apply where:
- (a) plans complying with the provisions of that subsection are already held by the Registrar; or
 - (b) where the notice of application is in respect of a Function Permit and adequately describes the premises to which the notice relates.
- (3) Where the Board considers that a plan does not comply with the requirements of this section or is otherwise inadequate it may, require the applicant:
- (a) to alter the lodged plans; or
 - (b) to lodge substitute plans in duplicate, in accordance with its directions.
- (4) In granting an application for a licence or for the removal of a licence or for the alteration of the limits of licensed premises, the Board shall define the limits of the licensed premises by causing them to be shown on the plans by a red line.
- (5) For the purposes of the last preceding subsection, where:
- (a) an application is for the grant or removal of a Liquor Retailer's Licence, a Restaurant Licence or a Club Licence; and

- (b) the applicant proposes to supply liquor only from a lockable portion of his premises which is shown on the plan;

the Board may define the limits of the licensed premises as being the boundaries of that portion of the applicant's premises.

24 Objections

- (1) Objections based upon a substantial ground may be raised at the hearing of any application:
 - (a) by a Licensing Inspector;
 - (b) by the Government Medical Officer; or
 - (c) jointly, by three or more persons over the age of twenty-one years.
- (2) A person who desires to make an objection at the hearing of an application shall lodge with the Registrar a notice of objection stating his full name and address and the grounds upon which the objection is made and shall serve a copy of the notice upon the applicant within twenty-four hours from the time of lodgement.
- (3) The Board shall, at the hearing of an application, hear any objections made pursuant to this section.
- (4) Where the Board considers an objection to be frivolous it may award costs against the objector.

25 Licensing of premises not already erected, etc.

- (1) A person who desires to obtain a licence in respect of, or the removal of a licence to, premises:
 - (a) which have not already been erected;
 - (b) which are not, at the time, completed or fit for occupation; or
 - (c) already erected but requiring additions or alterations to provide satisfactory accommodation:

may apply to the Board for a certificate under this section.

- (2) A certificate under this section authorises the issue or removal of a licence of the class specified in the certificate upon the completion of the premises and accommodation within the time specified in the certificate.
- (3) A licence shall not be issued or removed pursuant to a certificate under this section unless the Board is satisfied that the conditions specified in that certificate have been complied with.
- (4) Where the premises and accommodation have not been completed or the conditions specified in the certificate have not been complied with within the time specified, or within such further time as the Board allows, the certificate shall become void and have no further effect.

26 Alteration of limits

The Board may, upon application by a licensee, alter the limits of his licensed premises as previously defined.

27 Transfer of licence

Subject to this Ordinance, the Board may transfer a licence:

- (a) on the joint application of a licensee and his proposed transferee;
- (b) where the licensee is deceased, to the executor of his will or the administrator of his estate;
- (c) where the licensee is not capable of managing his business affairs, to the person managing the business affairs of the licensee; or
- (d) where the licensee is bankrupt, to the trustee of his estate.

28 Removal of licence

The Board may, upon application by a licensee, amend his licence by substituting other premises for the premises previously defined in respect of that licence.

29 Applications by corporations, firms and clubs

- (1) Subject to this Ordinance:
 - (a) a body corporate;
 - (b) a firm, at least two members of which are over the age of twenty-one years; or
 - (c) a club;may apply for and be granted a licence or a transfer of a licence.
- (2) The body corporate, firm or club shall, in making application for a licence or the transfer of a licence, nominate a person to directly represent it in the conduct of the licensed business.
- (3) The Board may at any time, upon application by the body corporate, firm or club, substitute the name of some other person as nominee on its behalf and the licence shall be amended accordingly.
- (4) A person shall not be nominated under this section unless he has signed a document consenting to his nomination.
- (5) Where the name of a body corporate, firm or club is altered during the currency of a licence, it shall notify the Board of that fact and the Board may amend the licence accordingly.
- (6) A club shall, upon making application for the grant or transfer of a licence, lodge with the Registrar:
 - (a) a copy of the rules of the club, verified by a statutory declaration; and
 - (b) a statutory declaration setting forth the names and addresses of at least twenty-five members of the club who have attained the age of twenty-one years.

30 Appeals

- (1) Any person aggrieved by a decision of the Board may, within fourteen days after the decision was given, appeal to the Supreme Court against that decision.

- (2) The decision of the Supreme Court on appeal under this section shall be final and conclusive.

PART IV – OFFENCES

31 Unauthorised selling

- (1) Any person who:
- (a) sells or offers to sell any liquor or permits liquor to be sold;
or
 - (b) in any club, supplies or offers to supply or permits the supply of liquor;

shall, unless the supply of that liquor is authorised under this Ordinance, be guilty of an offence.

- (2) Upon the conviction under this section of a person who was not, at the time the offence was committed:
- (a) a licensee; or
 - (b) being a member of a licensee's family or a servant or agent of a licensee, acting on behalf of the licensee;

all liquor found in his possession at that time and the vessel containing that liquor shall be forfeited to the Administrator.

32 Offences by licensee

A licensee who:

- (a) supplies liquor to an intoxicated person;
- (b) supplies liquor upon his licensed premises during prohibited hours;
- (c) fails to keep any sanitary appliances provided for use by his patrons in good sanitary condition;
- (d) fails to keep his licensed premises in a clean and sanitary condition;

- (e) gives or offers any money or valuable thing or lends or offers to lend money to a Licensing Inspector or a member of the Nauru Police Force; or
- (f) fails to comply with any condition endorsed on his licence or a direction of the Board;

shall be guilty of an offence.

33 Sale of liquor to young persons etc.

- (1) Any person who supplies liquor to a person under the age of twenty-one years shall be guilty of an offence.
- (2) Any person who sends a person under the age of twenty-one years to licensed premises for the purpose of obtaining liquor, or who orders or requests such a person to go to those premises for that purpose, shall be guilty of an offence.
- (3) A licensee who employs a person under the age of twenty-one years, other than his own child, brother or sister, on his licensed premises or entrusts liquor to that person for delivery shall be guilty of an offence.
- (4) It shall be a defence to a prosecution for an offence under this section if the person charged proves that he believed, on reasonable grounds, that the other person had attained the age of twenty-one years.
- (5) Any person under the age of twenty-one years who obtains, attempts to obtain or consumes liquor shall be guilty of an offence.

34 Adulterated liquor

- (1) Any person who adulterates liquor shall be guilty of an offence.
- (2) Any person who supplies or offers, by display or otherwise, to supply any adulterated liquor shall be guilty of an offence.
- (3) Upon the conviction of a person under this section the liquor to which the offence relates and any vessels containing that liquor shall be disposed of in such manner as the court which convicted him directs.

35 Being on licensed premises

Any person who is found on licensed premises during prohibited hours and any licensee who permits any other person to remain on licensed premises during prohibited hours shall be guilty of an offence, unless that person or other person is:

- (a) the licensee;
- (b) a member of the licensee's family, or a servant or agent of the licensee, who resides on the licensed premises;
- (c) a person who in good faith is at the time cleaning, repairing or servicing the licensed premises; or
- (d) a person who was on the licensed premises immediately before the commencement of the prohibited hours and who is found on those premises during the first fifteen minutes of the prohibited hours.

36 Carrying away liquor

- (1) Any person who carries liquor away from premises licensed otherwise than under a Liquor Retailer's Licence shall be guilty of an offence.
- (2) Any person who carries liquor away from premises licensed under a Liquor Retailer's Licence during the prohibited hours shall be guilty of an offence.
- (3) The provisions of this section shall not apply to a person who, being the licensee or a servant or agent of the licensee and in good faith, carries away the liquor during the prescribed trading hours for the purpose of delivering it on loan to another licensee.

37 Public to be served

- (1) Subject to this Ordinance, a person licensed otherwise than under a Club Licence shall not open or keep open his licensed premises for business unless at the time he provides service on some reasonable portion of his licensed premises to members of the public.
- (2) A licensee may refuse to admit and may turn out any person who is drunk, violent, quarrelsome or disorderly, or who is using profane, disgusting or foul language, or any person whose

presence on his licensed premises would subject the licensee to a penalty.

- (3) A member of the Nauru Police Force shall, upon the request of a licensee, assist him in refusing admittance to or turning out any person to whom the last preceding sub-section relates.

38 Store area to be locked

- (1) A licensee shall, at the commencement of the prohibited hours, lock the areas in his licensed premises where liquor is stored or dispensed and keep them locked during the prohibited hours.
- (2) Notwithstanding the provisions of the last preceding subsection, a licensee may:
 - (a) cause the areas referred to in that subsection to be opened not more than fifteen minutes before or after the prescribed trading hours for any purpose other than the supply of liquor; and
 - (b) enter or permit other persons to enter those areas in good faith for the purpose of cleaning, repairing or servicing those areas.

39 Offence in liquor retailer's premises

- (1) Any person who consumes liquor on premises licensed under a Liquor Retailer's Licence shall be guilty of an offence.
- (2) Any licensee under a Liquor Retailer's Licence who permits or suffers liquor to be consumed in his licensed premises shall be guilty of an offence.

40 Offence in licensed premises

Any person who consumes liquor in premises licensed under a Licensed Restaurant Licence otherwise than in conjunction with a substantial meal supplied by the licensee shall be guilty of an offence.

41 Gaming on licensed premises

Any licensee who permits or suffers gaming on his licensed premises shall be guilty of an offence.

42 Credit sales

- (1) Any licensee who receives, in payment or as a pledge for liquor supplied by him, anything except legal tender or cheques on banks at full nominal value shall be guilty of an offence.
- (2) Any licensee who sells liquor by the glass except for payment received before or at the time of sale shall be guilty of an offence and may not recover the debt thereby incurred

43 Consumption contrary to Ordinance

Any person who consumes liquor in circumstances where the consumption of that liquor by that person is prohibited under this Ordinance shall be guilty of an offence.

44 General offences

Any person who contravenes or fails to comply with a provision of this Ordinance shall be guilty of an offence.

45 Penalty

A person guilty of an offence under this Ordinance for which no express penalty is otherwise provided shall be liable to a penalty of Two hundred dollars or to imprisonment for twelve months, or both.

PART V – SPECIAL PROVISIONS

46 Certificates for female persons

- (1) Notwithstanding any other provision of this Ordinance, a female person who:
 - (a) is a member of the Nauruan community or a Pacific Islander as defined in the *Nauruan Community Ordinance 1956-1966*; and
 - (b) is residing in the Territory, whether permanently or temporarily, on premises neither owned nor leased by the Administration, the British Phosphate Commissioners, a Church or a Missionary Society;

shall not consume liquor outside the premises of her normal place of residence unless she holds a certificate under this section.

- (2) A person desiring to obtain a certificate under this section shall apply in writing to the Nauru Local Government Council for the issue of a certificate.
- (3) Where the Nauru Local Government Council refuses an application for a certificate, the person may lodge a further application not less than two months after her last application was refused.
- (4) Where an application for a certificate under this section has not been granted within one month from the time of application, the applicant may, within six weeks from the time of application, appeal to the Supreme Court for the issue of a certificate under this section.
- (5) The Supreme Court may, upon application under the last preceding subsection, grant or refuse a certificate under this section and its decision shall not be subject to appeal.

47 Deeming Licensed Retailers

A licence granted under the provisions of the *Licences Ordinance 1922-1966* which authorised the licensee to deal in wine, spirits and beer but not for consumption on the premises shall, for the period of two months after the commencement of this Ordinance, be deemed to be a Licensed Retailer's Licence under this Ordinance.

48 Deeming Club

- (1) A licence granted under the provisions of the *Licences Ordinance 1922-1966* which authorises the licensee to deal in wine, spirits and beer on the premises of a club shall, for the period of two months after the commencement of this Ordinance, be deemed to be a Club Licence under this Ordinance.
- (2) The licensee shall, within fourteen days of the commencement of this Ordinance, deliver a copy of the Rules of the Club and a list of not less than twenty-five members of the club, who have attained the age of twenty-one years, both verified by statutory declaration, to the Registrar.

49 Plans

A person deemed to be a licensee by virtue of this Part shall, within one month of the commencement of this Ordinance, lodge plans with the Registrar in accordance with the requirements of section 23 of this Ordinance.

PART VI — GENERAL

50 Powers of Licensing Inspectors

- (1) A Licensing Inspector may at any time demand admittance to and enter and search any licensed premises and, if admittance is refused or delayed, may break into those premises for the purpose of searching therein.
- (2) Any person who wilfully delays admittance to, or obstructs the entrance into, any licensed premises of a Licensing Inspector under this section shall be guilty of an offence.
- (3) Where:
 - (a) a member of the Police Force authorised by warrant from a Magistrate; or
 - (b) a Licensing Inspector;has reasonable grounds for believing that an offence in relation to liquor is being committed under this Ordinance on any premises, he may seize and remove all liquor found on those premises and the vessel containing that liquor and keep it in his custody pending investigation of the alleged offence.
- (4) Any liquor seized under the provisions of the last preceding subsection shall, within fourteen days from the date of the seizing, be returned to the person from whom it was seized unless he has been charged with the alleged offence.

51 Endorsement of employer's license

Notwithstanding anything in this Ordinance the Board may, upon the application of a licensee, endorse a licence so as to relieve the licensee of an obligation to sell liquor to persons other than his own employees.

52 Suspension, etc., of licences

- (1) A Licensing Inspector may, upon giving fourteen days' notice to a licensee, apply to the Board for the suspension of a licence.
- (2) The Board may, upon being satisfied that:
 - (a) the licensee has committed repeated breaches of or offences against the provisions of this Ordinance; or
 - (b) the licensed premises constitute a danger to the health of the public or, where the licence is a Club Licence, to the members of that club;

cancel or suspend that licence for a period not exceeding twelve months or disqualify the licensee from holding a licence for a period not exceeding twelve months.

53 Habitual drunkards

- (1) A court may, upon being satisfied that a person habitually drinks to excess, order that he not consume liquor for a period not exceeding twelve months.
- (2) Any person who consumes liquor during the currency of an order under this section shall be guilty of an offence.

54 Person may perform act by servant or agent

Where a person is authorised under this Ordinance to exercise a power or perform an act (other than the making of an application under this Ordinance), that power may be exercised or that act performed by a servant or agent of that person.

55 Evidence

In proceedings relating to this Ordinance:

- (a) a liquid shall, until the contrary be proven, be deemed to be a liquor; and
- (b) each separate supplying shall be deemed to be a separate offence.

56 Notices in writing

Where this Ordinance provides for a notice to be given or an application to be made before the hearing of a matter, that notice or application shall be in writing.

57 Board may dispense with strict formalities regarding applications

The Board may, for the purpose of an application and on such terms as it thinks fit:

- (a) permit the amendment of a notice, document or instrument;
- (b) if it is satisfied that injustice to any person will not be caused by so doing, disregard a defect in a notice, document or instrument; or
- (c) extend or abridge the time fixed by this Ordinance for performing an act, whether the application for the extension or abridgement is made before or after the expiration of the time so fixed.

58 Closed days

Nothing in this Ordinance shall authorise the supply of liquor on:

- (a) Good Friday;
- (b) the morning of the twenty-fifth day of April;
- (c) Christmas Day; or
- (d) any other day or portion of a day specified for the purposes of this section by the Administrator by notice in the Gazette.

59 Fees

- (1) Upon giving notice of an application under this Act, the applicant shall lodge with the Registrar the fee payable in respect of the licence for which he is applying.
- (2) Subject to subsection (3), the fees payable for a licence under this Act are those provided for in the Fourth Schedule, or, if

Cabinet by regulations made pursuant to section 60 provides otherwise, those provided for in such regulations.

- (3) Where an application is made for a licence that requires payment of an annual fee and such licence would commence more than three months after the commencement of the financial year in which the application is made, the Registrar may accept a proportion of the annual fee, commensurate with the number of months remaining in the financial year, in satisfaction of the requirement under subsection (1).
- (4) In respect of any application that is not approved by the Board, the fee paid shall be refunded to the applicant.

60 Regulations

Cabinet may make regulations prescribing all matters which are necessary or convenient to be prescribed for giving effect to this Act and, in particular:

- (a) prescribing fees payable for a licence under this Act; and
- (b) prescribing penalties not exceeding \$1,000 for offences against the regulations.

61 Fees charged before 15 September 2009 not open to challenge

Notwithstanding the provisions of any other Act, no legal or administrative challenge may be brought and no legal or administrative remedy shall be granted in respect of any licence fee that was charged or paid prior to the date on which this section comes into effect.

THE SCHEDULES

FIRST SCHEDULE — *[Repealed]*

SECOND SCHEDULE — *[Repealed]*

THIRD SCHEDULE — PRESCRIBED TRADING HOURS

Section 6

The prescribed trading hours for licensed premises are as follows:

Liquor Retailer's Licence	10 a.m. to 6.00 p.m. on Monday to Friday (inclusive) and 9.00 a.m. to 6.00 p.m. on Saturday.
Tavern Licence	5.00 p.m. to 10.00 p.m. on Monday to Friday (inclusive) and 10.00 a.m. to 10.00 p.m. on Saturday.
Restaurant Licence	5.00 p.m. to 10.00 p.m. on Monday to Friday (inclusive) and 10.00 a.m. to 10.00 p.m. on Saturday.
Club Licence	5.00 p.m. to 10.00 p.m. on Monday to Friday (inclusive) and 10.00 a.m. to 10.00 p.m. on Saturday.

FOURTH SCHEDULE — SCALE OF FEES PAYABLE TO THE REGISTRAR ON MAKING APPLICATION

Section 59

1. Grant or renewal of Liquor Retailer's Licence	\$2,500.00 per annum.
2. Grant or renewal or Tavern License	\$2,500.00 per annum.
3. Grant or renewal of Restaurant Licence	\$1,000.00 per annum.
4. Grant or renewal of Club Licence	\$1,000.00 per annum.
5. Grant of Extended Hours Permit	\$50.00
6. Transfer or removal of licence or alteration of limits of licensed premises	\$20.00
7. Grant of Function Permit	\$20.00
8. Any other application	\$50.00

Notes for Liquor Act 1967

Tables of Constituent Legislation

Ordinances and Order

Citation	Number	Made	Gazettal	Commencement
<i>Liquor Ordinance 1967</i>	1967/03	16.03.1967	20.03.1967	31.05.1967 (GN 112/1967)
<i>Liquor Ordinance (No. 2) 1967</i>	1967/10	29.05.1967	29.05.1967	29.05.1967
<i>Adaptation of Laws Order 1969</i>	GN 188/1969	09.10.1969	13.10.1969	31.01.1968

Acts

Short title	Number	Certification	Commencement
<i>Liquor Ordinance Amendment Act 1997</i>	1997/15	13.06.1997	13.06.1997
<i>Liquor (Amendment) Act 2009</i>	2009/10	15.09.2009	15.09.2009

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Section 1	Short title rs. by Act. 2009/10.
Section 4	Rep. by Ord. 1967/10.
Section 5	Rep. by Ord. 1967/10.
Section 6	Am. by Ord. 1967/10.
Section 14	Subs. (2) rs. by Ord. 2009/10.
Section 19	Am. by Ord. 1967/10.
Section 21	Subs. (6) am. by Ord. 1967/10.
Section 24	Subs. (1) rs. by Ord. 1967/10.
Section 25	Subs. (4) am. by Ord. 1967/10.
Section 27	Am. by Ord. 1967/10.
Section 30	Subs. (1) am. by GN 188/1969. Subs. (2) am. by GN 188/1969.
Section 33	Subs. (5) am. by Ord. 1967/10.
Section 46	Subs. (4) am. by GN 188/1969. Subs. (5) am. by GN 188/1969.

Liquor Act 1967

Provision affected	How affected
Section 48	Subs. (2) am. by Ord. 1967/10.
Section 52	Subs. (1) am. by Ord. 1967/10.
Section 59	Rs. by Act. 2009/10.
Section 60	Rs. by Act. 2009/10.
Section 61	Ad. by Act. 2009/10.
First Schedule	Rep. by Ord. 1967/10.
Second Schedule	Rep. by Ord. 1967/10.
Third Schedule	Am. by Ord. 1967/10.
Fourth Schedule	Rs. by Act. 2009/10

As in force from 15 September 2009