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THE OFFICIAL GAZETTE 29TH JULY, 2022
LEGAL SUPPLEMENT — C

BILL No. 20 of 2022

Friday 29th July, 2022

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

29th July, 2022

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

S.E. Isaacs,
Clerk of the National Assembly.

GUYANA

BILL No. 20 of 2022

INTOXICATING LIQUOR LICENSING (AMENDMENT) BILL 2022

ARRANGEMENT OF SECTIONS

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A BILL

Intituled

AN ACT to amend the Intoxicating Liquor Licensing Act.

A.D. 2022 Enacted by the Parliament of Guyana:-

Short title. Cap.82:21

1. This Act, which amends the Intoxicating Liquor Licensing Act, may be cited as the Intoxicating Liquor Licensing (Amendment) Act 2022.

Amendment of section 2 of the Principal Act.

2. Section 2 of the Principal Act is amended by inserting immediately after the definition of "district" the following definition –

"drunken person" means a person whose physical or mental conduct is substantially impaired as a result of the introduction of intoxicating liquor into the person's body and who exhibits those plain and easily observed or discovered outward manifestations of behaviour commonly known to be produced by the overconsumption of intoxicating liquor, and "drunkenness" shall be construed accordingly;".

Amendment of section 52 of the Principal Act.

3. Section 52 (2) of the Principal Act is amended by substituting for the words "two thousand dollars" and "six thousand dollars" the words "five hundred thousand dollars" and "one million dollars", respectively.

Insertion of new Section 52A in the Principal Act.

4. The Principal Act is amended by inserting immediately after section 52 the following section-

"Holder of licence to verify age of persons.

52A. For the purposes of sections 50, 51 and 52, the holder of a licence under this Act or any servant of a licence holder shall, before allowing any person in any bar on any licensed premises, selling any intoxicating liquor to any person or employing any person to work on any licensed premises, verify the age of that person.".

Amendment of section 54 of the Principal Act.

5. Section 54 of the Principal Act is amended as follows-

(a) by substituting for subsection (1), the following subsection –

"(1) The holder of a licence under this Act shall –

(a) not permit any drunkenness or any violent, quarrelsome, or riotous conduct to take place on his premises;

(b) not sell, give or barter intoxicating liquor to a drunken person;

(c) not allow another person to sell, give or barter intoxicating liquor to a drunken person within the premises;

(d) not sell, give or barter intoxicating liquor to a drunken person he knows is likely to leave the premises by driving a motor vehicle unless that person has identified another person to be the designated driver of the motor vehicle;

(e) not sell, give or barter intoxicating liquor to a person identified as a designated driver under paragraph (d);

(f) where he knows that a drunken person is attempting to drive or is in charge of a motor vehicle on the road or other public place, inform the nearest police station and request their immediate assistance;

(g) conspicuously post signs on the premises that discourage drinking and driving; and

(h) ensure that announcements are made, on the premises, at regular intervals that persons should not drink and drive."; and

(b) in subsection (2), by substituting for the words "four thousand dollars" and "ten thousand dollars" the words "one hundred thousand dollars" and "two hundred thousand dollars", respectively; and

(c) by inserting immediately after subsection (3), the following subsections-

"(4) The obligations of a holder of a licence set out under subsection (1) shall apply *mutatis mutandis* to the holder of any licence granted under the Music and Dancing Licences Act.

Cap. 23:03

(5) In this section "motor vehicle" has the same meaning as assigned under the Motor Vehicles and Road Traffic Act.".

Cap. 51:02

Amendment of section 56 of the Principal Act.

6. Section 56 of the Principal Act is amended as follows-

(a) in subsection (1), by substituting for the word "may" wherever it appears, the word "shall"; and

(b) in subsection (2), by substituting for the words "six thousand dollars" the words "one hundred thousand dollars".

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Intoxicating Liquor Licensing Act, Cap. 82:21 for the purpose of strengthening provisions that prohibit drunkenness on premises licenced under the Principal Act.

Clause 2 of the Bill seeks to amend section 2 of the Principal Act by inserting a new definition for the term "drunken person". A "drunken person" is defined as a person whose physical or mental conduct is substantially impaired as a result of the introduction of intoxicating liquor into the person's body and who exhibits those plain and easily observed or discovered outward manifestations of behaviour commonly known to be produced by the overconsumption of intoxicating liquor, and "drunkenness" shall be construed accordingly.

Clause 3 of the Bill seeks to amend section 52 (2) of the Principal Act which provides that the holder of a licence shall not knowingly employ a person under the age of eighteen years to supply or sell or assist in the sale of intoxicating liquor. The penalty for breaching this provision is increased, in the case of a first offence from two thousand dollars to five hundred thousand dollars, and in the case of a subsequent offence from six thousand dollars to one million dollars.

Clause 4 of the Bill inserts a new section 52A in to the Principal Act. This new section requires the holder of a licence under this Act or any servant of a licence holder to, before allowing any person in any bar on his licensed premises, selling any intoxicating liquor to any person or employing any person, verify the age of that person.

Clause 5 of the Bill seeks to amend section 54 of the Principal Act by substituting for subsection (1), a new subsection (1) which expands the obligations placed on a licence holder to not permit drunkenness on the licenced premises and creates new obligations for the licence holder to discourage drinking and driving. The new subsection provides that a licence holder shall not permit any drunkenness on his premises nor sell, give or barter or allow another person to sell, give or barter intoxicating liquor to a drunken person within the premises. Additionally, the licence holder is mandated to not sell, give or barter intoxicating liquor to a drunken person he knows is likely to leave the premises by driving a motor vehicle unless a designated driver is identified. Consequently, he shall not sell, give or barter intoxicating liquor to a person identified as a designated driver. Further, where the licence holder knows that a drunken person is attempting to

drive or is in charge of a motor vehicle, he shall inform the nearest police station and request their immediate assistance. Moreover, a licence holder is also now required to conspicuously post signs and ensure that announcements are made, on the premises that discourage drinking and driving.

In addition, section 54 is also amended in subsection (2) to increase the fines for breach of these obligations by the licence holder from four thousand dollars to one hundred thousand dollars for a first offence, and from ten thousand dollars to two hundred thousand dollars for a second offence. Further, this clause also provides that the obligations of a holder of a licence set out under subsection (1) shall apply *mutatis mutandis* to the holder of licence granted under the Music and Dancing Licences Act, Cap. 23:03.

Clause 6 of the Bill seeks to amend section 56 of the Principal Act by substituting for the word "may" the word "shall". The effect of this amendment is that it is now mandatory that a licence holder refuse to admit to the premises any person who is drunk, violent, quarrelsome, or disorderly. Additionally, this clause amends subsection (2) to increase the penalty for breach of this provision from six thousand dollars to one hundred thousand dollars.

Hon. Mohabir Anil Nandlall, SC, MP
Attorney General and Minister of Legal Affairs