SALE OF INTOXICATING LIQUORS (AMENDMENT) ORDINANCE 2021

An Ordinance to amend the Sale of Intoxicating Liquors Ordinance.

M.J. Smith
DEPUTY ADMINISTRATOR
04 August 2021

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

Short title and commencement

1.—(1) This Ordinance may be cited as the Sale of Intoxicating Liquors (Amendment) Ordinance 2021.
(2) This Ordinance comes into force on 16 August 2021.

Amendment of the Sale of Intoxicating Liquors Ordinance

2.—(1) The Sale of Intoxicating Liquors Ordinance (a) is amended as follows.

(a) Cap. 144, Statute Laws of Cyprus revised edition 1959, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68), as amended by Ordinances 24/1999, 04/2006 and 07/2010.
(2) In section 2 (interpretation)—

(a) at the appropriate place, insert the following definitions—

“‘intoxication’ means a condition that follows the administration of a psychoactive substance which results in disturbances in the level of consciousness, cognition, perception or judgment of an individual, or otherwise affects that individual’s behaviour, psychophysiological functions or responses.

“intoxicated person” means a person who imbibes a quantity of alcohol which results in toxicosis, which is a condition expressed with signs such as flushing of the face, slurred speech, unsteady walk, euphoria, hyperactivity, verbosity, disorderly behaviour, deceleration of response, reduced judgment and loss of mobile coordination, unconsciousness or coma.”,

(b) for the definition of “Licensing Authority”, substitute—

“‘Licensing Authority’ means the Fiscal Officer.”

(3) In section 4 (issue of a retailer’s licence), after the words “the opinion of the Area Officer” insert the words “and the local Community Council”.

(4) In section 5 (conditions for granting a retailer’s licence), in subparagraph (b)—

(a) omit sub-subparagraph (i), and

(b) renumber sub-subparagraphs (ii) and (iii) as (i) and (ii) accordingly.

(5) In section 9 (certain offences)—

(a) in subparagraph (a), for “drunkenness” substitute “intoxication”,

(b) in subparagraph (b), for “drunken person” substitute “intoxicated person”,

(c) omit subparagraph (c), and

(d) for “twenty-five pounds” substitute “€500”.

(6) In section 9A (prohibitions concerning minors)—

(a) in each place it appears, for “seventeen” substitute “eighteen”,

(b) after subsection (7) insert—

“(8) A person who breaches the provisions of this section commits an offence and upon conviction is liable to a fine not exceeding €3,000, six months imprisonment, or both.”.

(7) In section 10 (police messes, etc), in subsection (1) omit all of the words from and including “, without a certificate” to the end.

(8) In section 20 (change of premises or place)—

(a) for “Commissioner” substitute “Licensing Authority”,

(b) omit the words “grant to the licensee a certificate that such other premises or place are suitable and fit for the purpose and upon the production of such certificate the Licensing Authority shall”.

(9) After section 26 (power to compound offences), insert—

“Publication of violations

26A. The Chief Constable shall publish on the website of the SBA Administration on an annual basis the number of violations of this Ordinance in the preceding year alongside a list of the premises found to have been in violation of this Ordinance.”
EXPLANATORY NOTE
(This note is not part of the Ordinance)

1. This explanatory note relates to the Sale of Intoxicating Liquors (Amendment) Ordinance 2021 ("the Ordinance"). It does not form part of the Ordinance. It has been prepared by the Office of the Attorney-General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance and is not intended to be a comprehensive description of the Ordinance. It should be read in conjunction with the Ordinance.

2. The Ordinance makes amendments to the Sale of Intoxicating Liquors Ordinance (Cap. 144) (the "principal Ordinance"). It seeks to replicate, as far as possible, the Republic of Cyprus’ Sale of Intoxicating Liquors (Amendment) Law of 2020 (Law 87(I) of 2020).

3. Certain provisions in the Republic’s Law, for example those amending provisions relating to club retail licences, have not been replicated, as those licences remain in use in the Areas and the legislation that has been passed in the Republic to replicate such provisions in other instruments has not to date been replicated or adopted in the Areas.

4. Section 2 amends the principal Ordinance. Subsection (2) introduces a new definition of intoxication to apply throughout the principal Ordinance.

5. Subsection (3) makes amendments to section 4 of the principal Ordinance to ensure that the views of the local community council are taken into account when making decisions to issue a retailer’s licence.

6. Subsections (4) and (5) make amendments to section 5 of the principal Ordinance to reflect those made in the instrument of the Republic.

7. Subsection (6) amends the legal age to be served intoxicating liquor from seventeen to eighteen.

8. Subsections (7), (8) and (9) make further minor textual amendments to the principal Ordinance to reflect similar amendments in the instrument of the Republic.