Commencement: 2 August 1969

CHAPTER 52

LIQUOR LICENSING

JR 18 of 1968	JR 7 of 1976	Act 5 of 1987
JR 19 of 1975	JR 10 of 1972	Act 19 of 1995
JR 14 of 1969	JR 6 of 1980	Act 39 of 2000
JR 37 of 1975	JR 3 of 1973	Act 48 of 2000
JR 6 of 1971	JR 41 of 1973	Act 32 of 2001

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LIQUOR LICENSING

To control the importation, sale and supply of alcoholic liquor.

1. Interpretation

In this Act unless the context otherwise requires –

"area council region" means an area council region established in accordance with the Decentralisation Act [Cap. 230];

"Controller of Taxes" means a person appointed as such by the Minister or a person acting in such capacity for the purposes of this Act;

"clerk" means a clerk of a municipality appointed in accordance with the Municipalities Act [Cap. 126];

"licensed premises" means any bar or other establishment licensed for the sale of liquor for consumption on the premises at which trade is carried on, and includes any hotel, club, pleasure ship or other vessel of the kind mentioned in section 3 of the Gaming (Control) Act [Cap. 172] ;

"licensee" means any person who holds a licence for the sale of liquor whether for consumption on or off the premises where his trade is carried on and shall include any person in his employment;

"licensing officer" means a person appointed as such by the Minister for the purposes of this Act;

"Minister" means the Minister for the time being responsible for home affairs;

"municipality" means the area of jurisdiction of a municipal council established in accordance with the Municipalities Act [Cap. 126];

"region" means a local government council region established in accordance with the Decentralisation Act [Cap. 230];

"secretary" means a secretary of a local government council region appointed in accordance with the Decentralisation Act [Cap. 230];

"wine" means any wine of less than 15 per cent alcohol content.

2. Permits to import

(1) No person shall import into Vanuatu any spirituous liquor except in accordance with a permit to import in the form of Schedule 1.

(2) Permits to import spirituous liquor shall be issued by the licensing officer of the region or municipality in which the applicant resides.

(3) Any person wishing to obtain such a permit shall apply to the secretary of the region or clerk of the municipality, as the case may be, in which he resides.

3. Off-Licences

(1) No person shall sell liquor for consumption off the premises at which his trade is carried on unless he has first obtained either –

(a) an Urban General Off-Licence (Schedule 2) permitting the sale of all kinds of liquor from premises situated within the municipalities of Port Vila and Luganville in respect of which the said licence has been granted for consumption off the said premises;

(b) a Rural Off-Licence (Schedule 3) permitting the sale of all kinds of liquor from premises elsewhere than within the municipalities of Port Vila and Luganville in respect of which the said licence has been granted for consumption off the said premises; or

(c) a Limited Off-Licence (Schedule 4) permitting the sale of beer and wine from the premises in respect of which the said licence was granted for consumption off the said premises.

(2) No person shall import in return for a commission any liquor unless he has first obtained an Urban General Off-Licence:

Provided that any person importing beer and wine solely in return for commission shall only require a Limited Off-Licence.

4. On-Licences

No person shall sell liquor for consumption on the premises at which his trade is carried on unless he has first obtained either –

(a) a General On-Licence (Schedule 5) permitting the sale of all kinds of spirituous and fermented liquor; or

(b) a Limited On-Licence (Schedule 6) permitting the sale of beer and wine only.

5. Combined On- and Off-Licences

(1) No person shall sell liquor for consumption both on and off the premises at which his trade is carried on unless he has first obtained either –

(a) a Combined General On- and Off-Licence (Schedule 7) permitting the sale of all kinds of liquor; or

(b) a Combined Limited On- and Off-Licence (Schedule 8) permitting the sale of beer and wine only.

(2) Where any person has obtained a licence under the provisions of subsection (1) he shall within 6 months of the coming into operation of this Act take such measures as may be necessary to divide that part of his premises where liquor is sold for consumption off the said premises.

(3) No person whose premises having been so divided shall sell any liquor for consumption on or off the premises, as the case may be, other than from that part of the said premises set aside for the purpose consequent upon the said division.

6. Cinema/Theatre Licences

No manager of a cinema or theatre shall sell liquor to his customers unless he has first obtained a Cinema/Theatre Licence (Schedule 9) permitting the sale of liquor to cinema- or theatre-goers for consumption on the premises during normal opening hours of the cinema or theatre on the days of performances:

Provided that no such licence shall permit the sale of liquor after 11 o'clock at night.

7. Club Licences

(1) No non-proprietary club shall sell liquor to its members unless the management of such club has first obtained a Club Licence (Schedule 10) permitting the sale of liquor to its members.

(2) No non-proprietary club shall supply liquor to persons who are not members of such club:

Provided that this prohibition shall not apply to persons who are *bona fide* guests.

8. Occasional Licences

No person shall sell or supply liquor at any race meeting, ball, fair or other public gathering unless he has obtained an Occasional Licence (Schedule 11) permitting the sale or supply of alcoholic liquor on the day and during the hours for which such licence is issued.

9. Night-Club Licences

No manager or proprietor of a night-club shall sell liquor to his customers unless he has first obtained a Night-Club Licence (Schedule 12) permitting the sale of liquor to persons frequenting the said night-club for consumption on the premises during the normal opening hours of the said night-club.

10. Aerodrome Licences (other than Bauerfield and Pekoa)

No person shall sell or supply liquor to any person at any premises on or in the environs of any aerodromes other than Bauerfield and Pekoa unless he has first obtained an Aerodrome Licence (Schedule 13) permitting the sale or supply of liquor to any person for consumption on such premises in accordance with such conditions both as to the hours during which liquor may be sold or supplied and the types of such liquor as may from time to time be prescribed by the licensing officer in accordance with the circumstances of the aerodrome.

11. Pleasure Boat Licences

No person shall sell or supply liquor to any person on any pleasure boat unless he has first obtained a Pleasure Boat Licence (Schedule 14) permitting the sale or supply of liquor to any person for consumption on such pleasure boat in accordance with such conditions as may be prescribed by the licensing officer and endorsed therein.

12. Procedure for application for licences

(1) Every person wishing to obtain any of the licences provided under this Act shall apply to the licensing officer of the region or municipality or area council region within which he resides:

Provided that a licensing officer may issue Occasional Licences without reference to the secretary or clerk.

(2) Licences shall be issued by the Minister or by the officers appointed by him for this purpose, upon the said Minister or the said officers, as the case may be, being satisfied that the fee prescribed in Schedule 15 in respect of any licence has been paid.

(3) With the exception of Occasional Licences all licences issued under the provisions of this Act shall be valid for 1 year and shall run from 1 January to 31 December in each year:

Provided that if any person applies for the grant of a licence after 1 January the said licence shall only be valid from the date of issue until 31 December in the same year:

And provided that upon the first application by any person for a licence (other than an Occasional Licence) in respect of any premises the Minister may in his discretion grant a licence limited to expire on any date earlier than 31 December in that year and such licence shall unless renewed for the remainder of that year lapse on such earlier date.

(4) All licences may be renewed by the licensing officer upon application made to him in the manner described in subsections (1) and (2). Any person who has not applied for the renewal of his licence by 31 January of the year following the year for which such licence was valid and who continues to sell liquor after that date shall be guilty of an offence.

(5) If a licence is issued for any period less than a year the fee payable therefor shall be such sum as bears the same proportion to the annual fee as the number of months or parts of a month for which the licence is issued bears to 1 year.

(6) If a licensee wishes to discontinue the sale of liquor during the course of the year he shall upon surrendering his licence to the Collector of Taxes obtain a refund of the fee paid proportionate to the number of months remaining in the year for which the licence is valid.

13. Transfer of ownership of premises

(1) The right to sell liquor whether for consumption on or off the premises shall not be transferable.

(2) Each licence shall be issued solely in respect of one premises.

(3) No person taking over any premises in which the sale of liquor has been carried on shall sell liquor in such premises unless he has first obtained a licence under the provisions of this Act.

14. Licence fees to be paid within 1 month from the issue of licence

(1) Payment of the fees prescribed in this Act shall be made within 1 month after the date of issue of the licence at Port Vila or Luganville and within 3 months of such date in respect of a licence issued at any other place in Vanuatu.

(2) If payment in full has not been made within the periods prescribed in subsection (1) the part of the fee remaining to be paid shall be increased after the first month by 10 per cent for each month (or part thereof) during which payment is not made, up to a maximum of 3 months.

(3) At the expiration of this period, the licence shall be cancelled without prejudice to the prosecution of the licensee.

15. Removal to new premises

(1) The removal of any business for the sale of liquor from one locality to another shall be considered as equivalent to the closing of the premises from which the business has been removed and the continuance of the sale of liquor at the new premises shall be unlawful unless the licence has been extended under the provisions of subsection (2).

(2) Any licensee who wishes to move his business to another locality shall apply to the appropriate licensing officer in the manner prescribed in section 12 for the extension of his licence to the new premises. Such extension shall not be automatic and if it is refused any person whose licence has thus lapsed shall be entitled to a refund calculated in the manner prescribed in section 12(6).

16. Sale of liquor

(1) No licensee shall sell or supply liquor to any person who is in a state of manifest intoxication.

(2) No licensee shall admit to any premises in respect of which there has been obtained a General On-Licence, a Limited On-Licence or to that part of any premises, in respect of which a Combined General On- and Off-Licence or a Combined Limited On- and Off-Licence has been obtained, set aside for the sale of liquor on the premises, any person under the age of 18 unless the said person is accompanied by his father, mother, guardian or any other person being over the age of 18 in charge of the said person.

(3) No person shall on any premises in respect of which there is an Urban General Off-Licence, a Rural General Off-Licence or a Limited Off-Licence obtained under the provisions of section 3 open any bottle, can or other container containing liquor.

(4) No person shall, within the municipalities of Port Vila and Luganville, consume any liquor otherwise than –

(a) on private property with the consent of the owner or occupier thereof;

(b) on licensed premises;

(c) on premises in respect of which a Cinema/Theatre Licence has been obtained;

(d) on premises in respect of which a Club Licence has been obtained;

(e) at any place in respect of which an Occasional Licence has been obtained; or

(f) at any place in respect of which a Night-Club Licence has been obtained.

(5) Notwithstanding any other provision contained in this Act, where a licensee on reasonable grounds suspects that a person to whom subsection (2) applies is under the age of 18, and except where such person is accompanied by his father, mother, or lawful guardian, the licensee may request such person to provide satisfactory evidence as to age; and such person shall on demand produce such evidence otherwise the licensee shall be at liberty to refuse such person admission.

17. Sale to, and consumption of liquor by, young persons prohibited

(1) Any person who, being under the age of 18 years, procures, consumes, or without lawful excuse, the proof whereof shall lie upon him, possesses any alcoholic liquor, commits an offence punishable on conviction by a fine not exceeding VT 10,000.

(2) Any person who sells or supplies alcoholic liquor to any other person, who by virtue of the provision of subsection (1) may not lawfully procure such liquor, commits an offence punishable on conviction by a fine not exceeding VT 25,000 or by a term of imprisonment not exceeding 3 months, or by both such fine and imprisonment.

(3) For the purposes of this section, "alcoholic liquor" means spirits, beer, wine and generally all fermented and intoxicating liquors and shall include methylated spirits.

18. Hours of opening

(1) No premises in respect of which there is a General On-Licence or Limited On-Licence obtained under the provisions of section 4 shall be open to the public before 7.30 in the morning and after 11 o'clock at night.

(2) No liquor shall be sold for consumption off the premises from premises in respect of which there is an Urban General Off-Licence, a Rural General Off-Licence, or a Limited Off-Licence obtained under the provisions of section 3(1) before 7.30 in the morning and after 9 o'clock at night:

Provided that no liquor shall be sold for consumption off the premises from premises in respect of which there is an Urban General Off-Licence, a Rural General Off-Licence, a Limited Off-Licence, a Combined General On- and Off-Licence between the hours of 11.30 in the morning of the Saturday of any week and 7.30 in the morning of the Monday of the succeeding week.

(3) No premises in respect of which there is a Night-Club Licence obtained under the provisions of section 9 shall be open to the public before 4 o'clock in the afternoon or after 3 o'clock of the following morning save that such premises shall not be open after 1 o’clock on Sunday morning:

Provided that the licensing officer of the region or municipality concerned may grant a temporary extension of opening hours to any licensee who can show reason therefor.

(4) No person shall be admitted to or remain upon any licensed premises for the purpose of consuming liquor after the hour fixed for closing.

(5) Notwithstanding the foregoing provisions of this section, the Minister may in his discretion upon the granting or renewal of any licence prescribe special hours of opening of the premises licensed and direct that the appropriate licence fee shall be increased or reduced proportionately.

19. Power of Minister to close licensed premises

The Minister may in the interest of public peace and good order by Order prohibit the sale of liquor in or from licensed premises or any class or type thereof in Vanuatu or any place or places therein for a period not exceeding 5 days.

20. Games of chance

No games of chance are to be conducted on any licensed premises to which the public has access unless the licensed premises holds a valid gaming licence issued under the Gaming (Control) Act [Cap. 172] or a valid casino licence issued under the Casino Control Act [Cap. 223].

20A. Licences for premises with a gaming licence or a casino licence

No manager, proprietor or licensee of premises holding a valid gaming licence issued under the Gaming (Control) Act [Cap. 172] or a valid casino licence issued under the Casino Control Act [Cap. 223] is to sell liquor to customers unless the manager, proprietor or licensee has first obtained –

(a) a General On-Licence (Schedule 5) permitting the sale of all kinds of alcoholic liquor on the premises; and

(b) a Night-Club Licence (Schedule 12) permitting the sale of liquor to persons frequenting the premises for consumption on the premises during the normal opening hours of the premises.

21. Powers of entry of police

For the purpose of suppressing disorders, or in connection with the breach of the law, or for the purpose of testing the quality of the liquors sold, or for any purpose connected with the fulfilment of their duty members of the Vanuatu police force may enter into any licensed premises at any hour of the day or night if the premises are still open to the public:

Provided that in the case of disturbance or where the safety of those present is endangered members of the police force may at the request or summons of the occupiers enter upon any licensed premises at all material times.

22. Suspension or withdrawal of licences

(1) The Minister may order the suspension or withdrawal of any licence for any of the following reasons: conviction of the licensee for a breach of any of the provisions of this Act or regulations made thereunder; for theft; receiving stolen property; fraud; larceny; false pretences; harbouring criminals; indecent conduct; corruption of minors; allowing games of chance on the premises; sale of counterfeit goods; and goods dangerous to the public health.

(2) Any member of the Vanuatu police force who is of or above the rank of sergeant, or any licensing officer may order the immediate closure of any licensed premises in the interest of peace and good order:

Provided that such closure shall not be maintained for a period exceeding 3 days without a confirming order to this effect issued by the court.

(3) Any confirming order shall be obtained by way of an application to the court having jurisdiction:

Provided that an application shall not be made unless the applicant shall first cause to be served reasonable notice on the proprietor of the licensed premises against whom an order of closure is being sought.

(4) Any notice served pursuant to subsection (3) shall state the reasons upon which the applicant is relying in seeking an order for the closure of a licensed premises.

(5) Any proprietor of a licensed premises on whom a notice is served pursuant to subsections (3) and (4) may likewise make application to the court opposing such an application.

(6) The court upon receiving any applications made pursuant to subsections (3) and (5) shall hear both such applications as one cause, and shall either grant or refuse the orders sought in such applications upon such terms and conditions as it considers appropriate in the circumstances.

(7) All Island Courts, the Magistrates' Court and the Supreme Court of Vanuatu shall have jurisdiction to hear and determine any applications made under this section.

23. Power to make regulations

(1) The Minister may by Order make regulations not inconsistent with this Act for the better carrying out or giving effect to the provisions of this Act.

(2) The Minister may from time to time by Order add to or vary or modify any of the Schedules.

24. Penalties

(1) Any person who contravenes the provisions of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12(4), 13 and 15 or any regulations made under this Act shall be guilty of an offence and upon conviction thereof shall be liable to a fine not exceeding VT 50,000, and for any subsequent offence committed within a period of 5 years of the previous offence to a fine not exceeding VT 100,000, or to a term of imprisonment not exceeding 6 months, or to both such fine and imprisonment.

(2) Any person who contravenes the provisions of sections 16, 18, and 20 shall be guilty of an offence and upon conviction thereof shall be liable to a fine not exceeding VT 25,000, and for any subsequent offence committed within a period of 5 years of the previous offence to a fine not exceeding VT 50,000, or to a term of imprisonment not exceeding 1 month, or to both such fine and imprisonment.

(3) The court having jurisdiction may order the confiscation of any liquor in connection with which an offence has been committed against the provisions of section 3.

SCHEDULE 1

(section 2)

PERMIT TO IMPORT SPIRITUOUS LIQUOR

M ..... of .....

.....

is/are hereby authorised to import the under-mentioned quantities of spirituous liquor:

Issued on the ..... 20 .....

Licensing officer

(Secretary of the ..... Region/
Clerk of the ..... Municipality)

SCHEDULE 2

(section 3(1)(a))

URBAN GENERAL OFF-LICENCE

M ..... of .....

.....

is hereby authorised to sell alcoholic liquor of all kinds within the municipality of ..... for consumption off the premises at which his trade is carried on.

Valid from .....20 .....until 31 December 20 .....

Minister

SCHEDULE 3

(section 3(1)(b))

RURAL GENERAL OFF-LICENCE

M ..... of .....

.....

is hereby authorised to sell alcoholic liquor of all kinds elsewhere than in the municipalities of Port Vila and Luganville for consumption off the premises at which his trade is carried on.

Valid from .....20 .....until 31 December 20 .....

Minister

SCHEDULE 4

(section 3(1)(c))

LIMITED OFF-LICENCE

M ..... of .....

.....

is hereby authorised to sell beer and wine in any part of Vanuatu for consumption off the premises at which his trade is carried on.

Valid from .....20 .....until 31 December 20 .....

Minister

SCHEDULE 5

(section 4(a))

GENERAL ON-LICENCE

M ..... of .....

.....

is hereby authorised to sell all kinds of alcoholic liquor for consumption on the premises at which his trade is carried on.

Valid from .....20 .....until 31 December 20 .....

Minister

SCHEDULE 6

(section 4(b))

LIMITED ON-LICENCE

M ..... of .....

.....

is hereby authorised to sell beer and wine only for consumption on the premises at which his trade is carried on.

Valid from .....20 .....until 31 December 20 .....

Minister

SCHEDULE 7

(section 5(1)(a))

COMBINED GENERAL ON- AND OFF-LICENCE

M ..... of .....

.....

is hereby authorised to sell all kinds of alcoholic liquor for consumption on and off the premises at which his trade is carried on.

Valid from .....20 .....until 31 December 20 .....

Minister

SCHEDULE 8

(section 5(1)(b))

COMBINED LIMITED ON- AND OFF-LICENCE

M ..... of .....

.....

is hereby authorised to sell beer and wine only for consumption both on and off the premises at which his trade is carried on.

Valid from .....20 .....until 31 December 20 .....

Minister

SCHEDULE 9

(section 6)

CINEMA/THEATRE LICENCE

M ..... of .....

.....

manager of the .....cinema/theatre at .....

is hereby authorised to sell all kinds of alcoholic liquor for consumption on the premises of the said ..... cinema/theatre during the normal opening hours of the cinema/theatre on the days of performance.

Valid from .....20 .....until 31 December 20 .....

Minister

SCHEDULE 10

(section 7(1))

CLUB LICENCE

The .....
(name and address of club) is hereby authorised to sell all kinds of alcoholic liquor on the premises of the ..... (name of club) to members only.

Valid from .....20 .....until 31 December 20 .....

Minister

SCHEDULE 11

(section 8)

OCCASIONAL LICENCE

M ..... of .....

.....

is hereby authorised to sell or supply
*(a) beer and wine,
*(b) all kinds of alcoholic liquor

at an..... (state occasion)
to be held on .....20..... from..... (time)
to .....(time).
(Delete that which is inapplicable).

Minister

SCHEDULE 12

(section 9)

NIGHT-CLUB LICENCE

M ..... of .....

.....

manager/proprietor of the .....
night-club at ..... is hereby authorised to sell all kinds of alcoholic liquor for consumption on the premises of the said ..... night-club during the normal opening hours of the night-club.

Valid from .....20 .....until 31 December 20 .....

Minister

SCHEDULE 13

(section 10)

AERODROME LICENCE

M ..... of .....

.....

is hereby authorised to sell alcoholic liquor to any person for consumption on the premises .....situated at ..... aerodrome in accordance with such conditions as to hours of sale and types of liquor sold which shall from time to time be prescribed by the licensing officer and conspicuously displayed at such premises.

Valid from .....20 .....until 31 December 20 .....

Minister

SCHEDULE 14

(section 11)

PLEASURE BOAT LICENCE

M ..... of .....

.....

is hereby authorised to sell alcoholic liquor to any person for consumption on the said pleasure boat in accordance with the following conditions that is to say –

.....

.....

.....

Valid from .....20 .....until 31 December 20 .....

Minister

SCHEDULE 15

(section 12(2))

LICENCE FEES

The annual fees payable on the grant of licences for the sale of alcoholic liquors in accordance with the provisions of the Liquor Licensing Act, Cap. 52 shall be as follows –

	Description of Licence	Section providing for the licence	Annual Licence Fee
(a)	Urban General Off-Licence	3	VT 74,250
(b)	Rural General Off-Licence	3	VT 37,125
(c)	Limited Off-Licence	3	VT 18,562
(d)	General On-Licence (except Bauerfield & Pekoa Airports)	4	VT 55,688
(e)	General On-Licence-Bauerfield Airport	4	VT 49,500
(f)	General On-Licence-Pekoa Airport	4	VT 27,225
(g)	Limited On-Licence	4	VT 37,125
(h)	Combined General On- and Off-Licence	5	VT105,188
(i)	Combined Limited On- and Off-Licence	5	VT 49,500
(j)	Cinema/Theatre Licence	6	VT 30,938
(k)	Club Licence	7	VT 37,125
(1)	Occasional Licence	8	VT 3,094
(m)	Night-Club Licence	9	VT 55,688
(n)	Aerodrome Licence	10	VT 14,850
(o)	Pleasure Boat Licence	11	VT 14,850

Provided that –

(a) if there are issued in respect of any premises both a Limited On-Licence and an Urban General Off-Licence, the total fees therefor shall be VT 95,288

(b) if there are issued in respect of any premises both a Limited Off-Licence and a General On-Licence, the total fees therefor shall be VT 61,875

(c) if there are issued in respect of any premises both a General On-Licence and a Night-Club Licence, the total fees therefor shall be VT 74,250

Table of Amendments (since the Revised Edition 1988)

1	*Amended by Act 39 of 2000*
18(3)	*Amended by Act 19 of 1995*
20	*Substituted by Act 39 of 2000*
20A	*Inserted by Act 39 of 2000*
Sched 15	*Amended by Acts 48 of 2000 and 32 of 2001*