

*COVID-19 (Prevention and Control)
(Suspension of Liquor Licence) Order*

SAINT LUCIA

STATUTORY INSTRUMENT, 2021, No.

ARRANGEMENT OF SECTIONS

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In exercise of the power conferred under section 15 of the COVID-19 (Prevention and Control) Act, No. 9 of 2020, the Minister responsible for health, makes this Order:

Citation

1. This Order may be cited as the COVID-19 (Prevention and Control) (Suspension of Liquor Licence) Order, 2021.

Interpretation

2. In this Order —

“Act” means the COVID-19 (Prevention and Control) Act, No. 9 of 2020;

“Commissioner” means the Commissioner of Police under the Police Act, Cap. 14.01;

“licence” means a licence issued under the Liquor Licence Act, Cap. 13.17 authorizing the sale or barter of intoxicating liquor;

“licensee” means a person who has been granted a licence under the Liquor Licence Act, Cap. 13.17;

“licensed premises” includes a building, yard or place for which a licence has been granted under the Liquor Licence Act, Cap. 13.17;

“police officer” means a member of the Police Force established under section 3 of the Police Act, Cap. 14.01.

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Direction of police officer

3.—(1) Without prejudice to the Police Act, Cap. 14.01, where the Commissioner or a police officer designated by the Commissioner, believes on reasonable grounds that a licensee is in breach of a protocol under the Act, the Commissioner or a police officer designated by the Commissioner, may —

- (a) direct the licensee to rectify the breach immediately; and
- (b) recommend, to the Minister, that the licence be suspended.

(2) A recommendation to the Minister under subsection (1) must be in writing, and state —

- (a) the name of the licensee;
- (b) the name of the licensed premises;
- (c) the protocol breached under the Act; and
- (d) whether the protocol breach is continuing.

Grounds for suspension of liquor licence

4.—(1) Subject to section 5, the Minister may suspend a licence under the Act, where a person who is the owner, operator or manager of licensed premises and while on the licensed premises —

- (a) breaches a protocol under the Act;
- (b) permits a breach, by a person on the licensed premises, of a protocol under the Act; and
- (c) is charged with a criminal offence under the Act.

(2) The Minister may suspend a licence under subsection (1) with or without the recommendation of the Commissioner or a police officer designated by the Commissioner.

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Notice of suspension of liquor licence

5.—(1) If a ground under section 4 exists and before the Minister suspends the licence, the Minister shall issue and serve notice, in writing, to the licensee to inform of the suspension of the licence.

(2) A notice under subsection (1) must contain —

- (a) the name of the licensee;
- (b) the name of the licensed premises;
- (c) the protocol breached under the Act;
- (d) the time period allowed to rectify the protocol breached;
- (e) whether the time period allowed to rectify the protocol breached, has elapsed;
- (f) the grounds on which the licence is suspended;
- (g) the duration of time for which the licence is suspended, in accordance with section 7;
- (h) the date of commencement and the date of termination of the duration of time for which the licence is suspended;
- (i) the date the notice ceases to have effect.

(3) A person who is served a notice of suspension of a licence under subsection (1) may, write to the Minister requesting an opportunity to be heard and providing details as to grounds on which the licence should not be suspended or be reinstated.

Order for the suspension of liquor licence

6. For the purposes of the Act, an Order for the suspension of a licence, must contain —

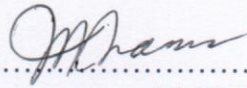
- (a) the name of the licensee;
- (b) the name of the licensed premises;
- (c) the grounds on which the licence is suspended;
- (d) the duration of time for which the licence is suspended, in accordance with section 7;
- (e) the date of commencement and the date of termination of the duration of time for which the licence is suspended.

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Period of suspension of liquor licence

7. A licence suspended under the Act may —
- (a) in the instance of the first breach under the Act, be suspended for a maximum period of seven days;
 - (b) after the instance of the first breach under the Act, be suspended for a maximum period of fourteen days.

Made this 18th day of January, 2021.



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MARY ISAAC,
Minister responsible for health.