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LIQUOR LICENSING AND PUBLIC ENTERTAINMENTS REGULATIONS 2022

Index

Regulation	Page
PART 1 – INTRODUCTION	5
1 Title	5
2 Commencement	5
3 Interpretation.....	6
PART 2 – LICENCES	8
4 Exemption from requirement to hold a licence	8
5 Applications which may be made to the court.....	8
6 Event licence	8
7 Public entertainment event licence.....	9
8 Application for licence	10
9 Information about an applicant who is an individual.....	11
10 Information about an applicant that is a corporate body	12
11 Information about an applicant that is a club.....	12
12 Information about an application for a charitable organisation	12
13 Public entertainment licence and public entertainment event licence	13
14 Notification requirements for certain applications.....	13
15 Advertising requirements for certain applications.....	15
16 Notice of objections	15
17 Applicant’s duty to notify Court of court proceedings, cautions or convictions	16
18 Court determinations – attendance of applicant.....	16
19 Determination of application: refusal of licence.....	17
20 Determination of application: grant of licence	18
21 Licence granted to companies.....	19
22 Licence granted to clubs	20
23 Charitable function licence	20
24 Manx transport licence.....	20
25 Temporary licence	20
26 Issue of licence.....	21
27 Duration of licence.....	21

28	Licence variation.....	22
29	Transfer of licence to a different licensee.....	22
30	Provisional licence.....	23
PART 3 – REVIEW		24
31	Application for review of premises licence	24
32	Court’s powers on review	25
33	Notification of determinations	26
34	Recall of revocation of licence	26
PART 4 – MISCELLANEOUS DUTIES OF LICENSEE OF LICENSED PREMISES		27
35	Licence holder’s duty to notify Court of court proceedings, caution or conviction	27
36	Connected persons: licensee’s duty to notify changes.....	27
37	Responsible Person	28
38	Clubs – offence.....	28
39	Temporary absence from premises.....	28
40	Duty to keep, display and produce licence	29
PART 5 VEHICLES AND VESSELS		30
41	Delivery of liquor from vehicles etc.....	30
42	Restricted entry into licensed premises for certain persons.....	30
PART 6 – LICENSING COURT		31
43	Time Limits	31
44	Evidence.....	31
45	Appearance by a company, club or charitable function licence holder.....	31
46	Adjournment, withdrawal of proceedings etc.	31
PART 7 – LICENCED STAFF REGISTER		32
GENERAL		32
47	Establishment and maintenance of Licensed Staff Register.....	32
RESPONSIBLE PERSONS		32
48	Responsible persons’ registration	32
49	Application for entry in register as a responsible person.....	33
50	Determination of application for registration as a responsible person of premises.....	34
51	Variation of entry on register for responsible person	34
52	Removal from register – responsible person.....	35
GUARDS AND DOORKEEPERS		36
53	Guards’ and doorkeepers’ registration	36
54	Application for entry in register as a guard or doorkeeper	36
55	Determination of application for registration as a guard or doorkeeper	37

56	Period of validity of registration as a guard or doorkeeper	38
57	Application for renewal of registration as a guard or doorkeeper	38
58	Removal from register – guard or doorkeeper	39
CONVICTIONS, CAUTIONS AND CRIMINAL PROCEEDINGS – RESPONSIBLE PERSONS, GUARDS AND DOORKEEPERS		40
59	Person’s duty to notify High Bailiff or Department of court proceedings, convictions and cautions	40
60	Suspension or removal of entry in Licensed Staff Register of responsible person	40
61	Suspension or removal of entry in the Licensed Staff Register of guard or doorkeeper	41
APPEALS UNDER PART 7		41
62	Appeals	41
PART 8 – OFFENCES RELATING TO MINORS		42
63	Sale of liquor to a minor.....	42
64	Purchase of liquor by minor.....	43
65	Consumption of liquor by minor	43
66	Agents etc. obtaining liquor for minors.....	43
67	Seizure of liquor in possession of minors.....	44
68	Delivering liquor to a minor	44
69	Sending a minor to obtain liquor.....	44
70	Prohibition of unsupervised sales by minor	45
71	Employment of minors	45
72	Presumed age of offender.....	45
PART 9 – TRANSITIONAL ARRANGEMENTS, CONSEQUENTIAL AMENDMENTS AND REVOCATIONS		46
73	Transitional arrangements – general	46
74	Transitional arrangements – liquor licences	46
75	Transitional arrangements - clubs	47
76	Transitional arrangements – designated officials	47
77	Transitional arrangements – guards and doormen	47
78	Transitional arrangements – music and dancing	47
79	Schedule 4 has effect.....	48
SCHEDULE 1		49
LIQUOR LICENCE TYPES		49
SCHEDULE 2		50
LICENCE CONDITIONS		50
SCHEDULE 3		55
EXEMPTIONS FROM REQUIREMENT TO HOLD LIQUOR LICENCE		55

SCHEDULE 4	55
CONSEQUENTIAL AMENDMENTS AND REPEALS	55

consultation draft - for discussion

Statutory Document No. 20XX/XXXX

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Liquor Licensing and Public Entertainments Act 2021

LIQUOR LICENSING AND PUBLIC ENTERTAINMENTS REGULATIONS 2022

Made:

Approved by Tynwald:

Coming into Operation:

The Department of Home Affairs makes the following Regulations under sections 12 to 19, 23, 24, 29, and 30 of the Liquor Licensing and Public Entertainments Act 2021.

NOTE: These draft Regulations have been produced alongside the consultation document to provide an indication only of the matters that are likely to be included in the Regulations that are to be made by 1st November 2022, as required by section 12 of the Liquor Licensing and Public Entertainments Act 2021. They are to be considered as work in progress and are likely to change in content and form before they are finalised for making. Comments are therefore welcome on the policies contained in the Regulations rather than stylistic or drafting comments.

PART 1 – INTRODUCTION

1 Title

These Regulations are the Liquor Licensing and Public Entertainments Regulations 2022.

2 Commencement

If approved by Tynwald, these Regulations come into operation immediately after the commencement of the Liquor Licensing and Public Entertainments Act 2021 (Appointed Day) (No. 2) Order 2022¹.

¹ SD 2022/XXXX.

3 Interpretation

(1) In these Regulations —

“Act” means the Liquor Licensing and Public Entertainments Act 2021;

“charitable organisation” means —

- (a) an institution which is a charity within the meaning of section 4 of the Charities Registration and Regulation Act 2019 (meaning of charity); or
- (b) a body of persons (corporate or unincorporate) whose objects are, in the court’s opinion, wholly or mainly charitable;

“Chief Fire Officer” means the chief officer of the fire brigade under section 1 of the Fire Services Act 1984;

“constructed” includes alter, erect and extend, and “construction” and “reconstruction” are to be construed accordingly;

“converted” means to make such change in the occupation or use of a building as building regulations may specify, and “conversion” is to be construed accordingly;

“court” means the Licencing Court;

“off-licence premises” means premises which are licensed for the sale or transfer of alcohol on the premises for consumption off the premises, and “off-licensed” is to be construed accordingly;

“on-licence premises” means premises which are licensed for the sale or transfer of alcohol on the premises for consumption on the premises, and “on-licensed” is to be construed accordingly;

“passenger vessel” means a vessel of any description which is employed for the carriage of passengers and plies from a harbour in the Island to a harbour in another jurisdiction and from a harbour in another jurisdiction to a harbour in the Island;

“prescribed fee” means the fee prescribed under section 60 of the Act;

“relevant offence” means —

- (a) any offence committed under the Act;
- (b) any conviction for —
 - (i) violence;
 - (ii) dishonesty;
 - (iii) a sexual offence;
 - (iv) misuse of drugs; or
 - (v) public disorder;

“responsible person” in relation to premises to be licenced under these regulations means an individual who —

- (a) is resident in the Island;
- (b) has been nominated to be the responsible person for those premises by the licensee, or a person making an application to be the licensee of those premises; and
- (c) has been approved by the High Bailiff, or the court, for entry onto the Licensed Staff Register as a responsible person in relation to those premises.

“site plan” means a plan –

- (a) sufficient to identify the site of the premises, and
- (b) giving a general indication of the size and character of the premises, (with particular reference to the area to be used for any activity involving liquor); and

“variation” in relation to a licence means any variation (including any addition, deletion or other modification) of –

- (a) any of the conditions to which the licence is subject (except any mandatory conditions in Schedule 2, that are applicable to the licence type;
- (b) any of the information contained in the site management plan, except the details of the responsible person and safety certification; or
- (c) any other information contained or referred to in the licence.

- (2) References in these Regulations to a day are to be construed, in relation to the extension of permitted hours by any period on that day, as including references to so much of the following day as falls within that period.
- (3) Where any document is required by these Regulations to be served on the Chief Constable, it may be served by delivering it either by hand or by post to Police Headquarters or the offices of the Isle of Man Central Alcohol Unit.
- (4) Where any document is required by these Regulations to be served on the Chief Fire Officer, it may be served by delivering it either by hand or by post to the Isle of Man Fire and Rescue Service at the office of the Department of Home Affairs.
- (5) For the purposes of these Regulations, a person is, in relation to a partnership, a corporate body, a club or other body (whether incorporated or unincorporated), a connected person if the person –
 - (a) in the case of a partnership, is a partner;
 - (b) in the case of a corporate body, is an officer within the meaning of section 341 (Interpretation) of the Companies Act 1931;
 - (c) in the case of a club, is a member of the club who is a responsible person;

- (d) in the case of a charitable organisation, is a person nominated in writing by that organisation and who has applied for a licence on behalf of that organisation; and
- (e) in the case of any other type of association, is concerned in the management or control of the association.

PART 2 – LICENCES

4 Exemption from requirement to hold a licence

Schedule 3 (exemptions from requirement to hold a licence) has effect.

5 Applications which may be made to the court

- (1) Any person, other than an individual under the age of 18 may apply in respect of any premises in which the applicant has an interest, to the court for –
 - (a) a licence of a type specified in Schedule 1;
 - (b) a temporary licence under regulation 25(1) or 25(5) (temporary licence);
 - (c) the transfer of a licence under regulation 29 (transfer of licence to a different licensee);
 - (d) confirmation of a licence under regulation 30 (provisional licence);
 - (e) the variation of a licence including –
 - (i) the variation or removal of a licence condition;
 - (ii) the approval of plans, or a variation of plans under regulation 30 (provisional licence);
 - (iii) alteration to a licensed premises of the type set out in section 28 of the Act (alterations to licensed premises); and
 - (iv) the inclusion or a variation of a condition relating to public entertainment.
- (2) A person is an interested party in relation to licensed premises if the person is not the licensee in respect of the premises but –
 - (a) has an interest in the premises as an owner or tenant; or
 - (b) has management and control over the premises or the business conducted on the premises.

6 Event licence

- (1) The holder of a licence type listed in Schedule 1, may apply for an event licence authorising the sale of liquor –
 - (a) at such place as is specified in the application;

- (b) in the case of an application by the holder of a licence other than a mobile licence, the place specified in sub-paragraph (a) being a place other than the premises in respect of which the licence is granted; and
 - (c) on such days, and during such hours, as are so specified.
 - (2) The court may grant an event licence under paragraph (1) in respect of the holder of a licence in any period of 12 months —
 - (a) for the same applicant —
 - (i) not more than xxx event licences, each having effect for a period not exceeding 16 days, provided that the total number of days on which event licences have effect does not exceed xxx days;
 - (b) for the same premises —
 - (i) not more than xxx event licences each having effect for a period not exceeding xxx days, provided that the total number of days on which event licences have effect does not exceed xxx days.
 - (3) An event licence may be issued for a recurring event, with each occurrence of the event being treated as a single event for the purposes of paragraphs (2) and (3).
 - (4) An event licence may not be granted if the granting of it would result in an event licence limit described in paragraph (2) being exceeded.
 - (5) Regulations x (determination of application for licence), xx (issue of licence) and xx (conditions where licence authorises supply of liquor) apply to an event licence as they apply to a licence.

7 Public entertainment event licence

- (1) The Court may grant to the individual, who is aged 18 years or over, a licence authorising public entertainments —
 - (a) at such place as is specified in the application;
 - (b) on such days, and during such hours, as are so specified.
- (2) The court may grant under sub-paragraph (1) in respect of the holder of a licence in any period of 12 months —
 - (a) for the same applicant, not more than xxx event licences, each having effect for a period not exceeding 16 days, provided that the total number of days on which event licences have effect does not exceed xxx days;
 - (b) for the same premises, not more than x event licences each having effect for a period not exceeding xxx days, provided that the total number of days on which event licences have effect does not exceed xxx days.

- (3) An event licence may not be granted if the granting of it would result in an event licence limit described in paragraph (2) being exceeded.
- (4) An public entertainment event licence may be granted for a recurring event, with each occurrence of the event being treated as a single event for the purposes of sub-paragraphs (2) and (3).
- (5) Regulations xxx (determination of application for licence) and xxx (issue of licence) apply to an event licence as they apply to a licence.

8 Application for licence

- (1) An application for a licence mentioned in regulation 5, 6 and 7 must be made in such manner and form as may be published by the Department.
- (2) A form published under paragraph (1) in respect of an application under regulation 5 or 6 and 7 must include —
 - (a) the following information —
 - (i) where the applicant is an individual, the information described in regulation 9 (information about an applicant who is an individual);
 - (ii) where the applicant is a corporate body, the information described in regulation 10 (information about an applicant that is a corporate body);
 - (iii) where the application is made on behalf of a club, the information described in regulation 11 (information about an applicant that is a club);
 - (iv) where the application is made on behalf of a charitable organisation, the information described in regulation 12 (information about an application for a charitable organisation);
 - (b) a description of the subject premises;
 - (c) a site plan for the premises;
 - (d) a site management plan for the premises; and
 - (e) such other information in relation to the application as the court considers necessary.
- (3) A “site management plan” in relation to any premises is a document in a form published by the Department, containing —
 - (a) a description of the activities which will take place on in the premises;
 - (b) a statement of the times during which it is proposed that liquor will be sold on the premises;
 - (c) a statement as to whether the liquor is to be sold for consumption on the premises, off the premises or both;

- (d) a statement as to whether public entertainment will be provided on the premises;
 - (e) a statement of the times and places at which any other activities, in addition to the sale of liquor, will take place on in the premises;
 - (f) where liquor is to be sold for consumption on the premises, a statement as to whether minors are to be allowed entry to the premises and, if they are to be allowed entry, a statement of the terms on which they are allowed entry including, in particular –
 - (i) the ages of minors to be allowed entry,
 - (ii) the times at which the minors are to be allowed entry, and
 - (iii) the parts of the premises to which minors are to be allowed entry;
 - (g) information as to the proposed numbers of persons permitted to be present on the premises; and
 - (h) such other information in relation to the premises and the activities to be undertaken as the Department may specify in the form published under paragraph (1).
- (4) The prescribed fee for an application must be sent with the application.

9 Information about an applicant who is an individual

The information referred to in regulation 8(2)(a)(i) (application for licence) is the following –

- (a) the applicant's full name and date of birth;
- (b) the applicant's current address and residential addresses for the 5 years immediately preceding the date of the application;
- (c) whether the individual already holds a liquor licence;
- (d) whether the applicant has previously been refused a liquor licence or disqualified from holding a liquor licence;
- (e) particulars of all convictions of, and cautions given to, the applicant (in the Island or elsewhere);
- (f) particulars of any training undergone by the applicant relating to –
 - (i) the performance of the functions of a licensee;
 - (ii) fire precautions and action in the event of fire; or
 - (iii) first aid;
- (g) evidence that the applicant has passed a training course for licensees approved by the Department within the last three years;
- (h) the applicant's employment history for the 5 years immediately preceding the date of the application;
- (i) the applicant's previous experience as a licensee;

- (j) at least three references as to the character, qualifications and experience of the individual in the licensed hospitality industry; and
- (k) whether the individual proposes to live on or off the premises in respect of which the application relates.

10 Information about an applicant that is a corporate body

The information referred to in regulation 8(2)(a)(ii) (application for licence) is the following –

- (a) the structure of the corporate body and such other information as may be required by the court regarding the constitution of the corporate body;
- (b) the name of all the persons who are beneficial owners of the corporate body, within the meaning of section 4 of the Beneficial Ownership Act 2017;
- (c) information described in regulation 9 (information about an applicant who is an individual) in respect of each individual who is a connected person of the corporate body;
- (e) the name of the responsible person for the premises.

11 Information about an applicant that is a club

The information referred to in regulation 8(2)(a)(iii) (application for licence) is the following –

- (a) the club rules and procedures;
- (b) the purpose of the club;
- (c) the name of at least one responsible person who is a member of the club.

12 Information about an application for a charitable organisation

- (1) The information referred to in regulation 8(2)(a)(iv) (application for licence) is the following –
 - (a) evidence that the organisation is a charitable organisation;
 - (b) the name, address and contact details of an individual, nominated in writing by the organisation, who represents the organisation or a responsible person who is affiliated to the organisation.
- (2) An applicant for a licence for a charitable organisation is exempt from the requirement in regulation 8(2)(c) to provide a site management plan with the application except that the site plan must instead be submitted with the application.

13 Public entertainment licence and public entertainment event licence

- (1) Public entertainments or public entertainment events at which there is to be music (including singing) or dancing must not be undertaken unless a public entertainment licence or a public entertainment event licence has been granted for the undertaking of that public entertainment or public entertainment event.
- (2) The following public entertainments are not required to be licensed under paragraph (1)² –
 - (a) any play;
 - (b) any film exhibition;
 - (c) any public entertainment which is hosted in the following premises –
 - (i) an educational establishment while being used as such;
 - (ii) premises belonging to or occupied by a public authority (as defined in Schedule 1 of the Freedom of Information Act 2015), where the entertainment is provided by the public authority and no charge is made to a member of the public to attend it;
 - (c) any entertainment which is organised for philanthropic, charitable or religious purposes, or obtaining funds for the same;
 - (d) any entertainment which is organised on a not for profit basis provided that –
 - (i) it is not promoted with a view to private gain; and
 - (ii) that profits do not exceed reasonable operating costs.
- (3) A licensable public entertainment or a licensable public entertainment event that is permitted under a liquor licence granted under Part 2 (licences) is exempt from the requirement to be licensed under paragraph (1).
- (4) In addition to providing a site management plan referred to in regulation 8(3), an applicant for a public entertainments licence or a public entertainment events licence must provide with the licence application a plan showing –
 - (a) the premises intended to be used for the public entertainment; and
 - (b) any other premises in the vicinity of the premises referred to in subparagraph (a).

14 Notification requirements for certain applications

- (1) Paragraph (2) applies to an application submitted to the court for –
 - (a) the grant of a licence (other than for the grant of a temporary licence under regulation 25(1) or 25(5) in respect of temporary premises);

² This subsection does not limit a licensing requirement made under other legislation for any matter where such legislation is made, for example, a licence is required for showing films under the Cinematograph Act 1977.

- (b) the transfer of a licence under regulation 29 (transfer of a licence to a different licensee);
 - (c) confirmation of a licence under regulation 30 (provisional licence);
 - (d) the variation of a licence including –
 - (i) the variation or removal of a licence condition; or
 - (ii) the approval of plans, or a variation of plans under regulation 30 (provisional licence); or
 - (iii) the inclusion or a variation of a condition relating to public entertainment; or
 - (e) alterations to licensed premises where the alteration –
 - (i) gives increased facilities for drinking;
 - (ii) conceals from observation any part of the premises used for drinking; or
 - (f) affects the communication between the part of the premises where liquor is sold and any other part of the premises or any street or other place to which the public has access.
- (2) No application to which this paragraph applies may be considered by the court unless the applicant has, not less than 21 days before consideration of the application –
- (a) lodged at the office of the High Bailiff the application and any documentation pertinent to that application;
 - (b) served a copy of the application, and a copy of any documentation pertinent to that application, on the Chief Constable; and
 - (c) served a copy of the plan of the premises on the Chief Fire Officer.
- (3) Paragraph (4) applies to an application submitted to the court for the grant of –
- (a) a temporary licence under regulation 25(1);
 - (b) a provisional licence under regulation 30 (provisional licence); and
 - (c) approval of a temporary manager under regulation 38 (temporary absence from premises).
- (4) No application to which this paragraph applies may be considered by the court unless the applicant has, not less than 7 days before consideration of the application –
- (a) lodged in the office of the High Bailiff the application along with any documentation pertinent to that application;
 - (b) served a copy of the application, and a copy of any documentation pertinent to that application, on the Chief Constable; and
 - (c) served a copy of the plan of the premises on the Chief Fire Officer
- (5) The Chief Constable must review the information received under paragraph (2) or (4) and the Chief Fire Officer must review the plan of the premises.

- (6) The Chief Constable and the Chief Fire Officer —
- (a) must each report to the court whether the Chief Constable or the Chief Fire Officer, as the case may be, considers that the application should not be granted, and the reason for being of that view;
 - (b) may each give the court with that report such other information that the Chief Constable or the Chief Fire Officer, as the case may be, considers relevant to the question of whether the application should be granted.

15 Advertising requirements for certain applications

- (1) This regulation applies to an application referred to in regulation 14(1)(a) to (f).
- (2) Notice of an application to which this regulation applies must be published in such manner as is determined by the court not less than 14 days before the hearing of the application.
- (3) A notice under paragraph (2) must specify —
 - (a) the name of the applicant;
 - (b) the location of the premises;
 - (c) that the application and certain documents relevant to the application may be inspected at a place specified in the notice;
 - (d) that an objection can be made under regulation 16 (notice of objections); and
 - (e) such other information as the Department considers necessary in relation to a specific application.

16 Notice of objections

- (1) Where a licence application is made to the court, any person may by notice to the court —
 - (a) object to the application on the ground that the application is inconsistent with one or more of the licensing objectives;
 - (b) make representations to the court concerning the application, including, in particular, representations —
 - (i) as to how the application would support one or more of the licensing objectives; or
 - (ii) as to conditions which the person considers should be imposed; or
 - (c) make representation to the court that the applicant or any connected person, is not a fit and proper person.
- (2) No person may, without leave of the court, make an objection or representation unless that person has, not less than 7 days before the date of the hearing, lodged with the office of the High Bailiff a statement in writing of the grounds of that

person's objection or representation and served a copy on the applicant, their representative, or the advocate of the applicant.

- (3) The court may reject a notice of objection or representation received by the court under paragraph (1) if the objection or representation is frivolous or vexatious.
- (4) Where the court rejects a notice of objection or representation under paragraph (3), the court may recover from the person who gave the notice any expenses incurred by the court in considering the notice.
- (5) In any proceedings by the court for the recovery of expenses under paragraph (4), a copy of any minute of proceedings of the court recording the court's rejection of the notice, and the grounds for rejection, is sufficient evidence of the rejection and of the establishment of the ground for rejection.
- (6) This regulation does not apply to an objection made by or on behalf of the Chief Constable or the Chief Fire Officer.

17 Applicant's duty to notify Court of court proceedings, cautions or convictions

- (1) Where an applicant for the grant of a licence is cautioned, is subject to criminal court proceedings or is convicted of a relevant offence during the application period, the applicant must as soon as reasonably practicable notify the court of the charge, caution or conviction.
- (2) The requirement in paragraph (1) is in addition to the information provided with an application under regulation 9 (information about an applicant who is an individual) or 10 (information about an applicant that is a corporate body).
- (3) A reference in paragraph (1) to an applicant includes a connected person.
- (4) A person who contravenes the requirements imposed under paragraph (1) commits an offence.

Maximum penalty (summary conviction) – a fine of level 3 on the standard scale.

- (5) In this regulation "application period" means the period that —
 - (a) begins when the application for the grant of a licence is made; and
 - (b) ends when the application is determined under regulation 19 (determination of application: refusal of licence) or 20 (determination of application: grant of licence) or withdrawn.

18 Court determinations – attendance of applicant

- (1) Subject to paragraph (2), the applicant must be present in Court when the court determines an application for a licence.
- (2) The court may, in the absence of the applicant, determine an application for —
 - (a) the transfer of a licence;
 - (b) a temporary licence made under regulation 25(1);

- (c) an event licence (including that in relation to public entertainments);
 - (d) an application for approval of a temporary manager under Regulation 38 (temporary absence from premises); and
 - (e) an application for a charitable function licence.
- (3) The court may not without giving the applicant the opportunity to be heard —
- (a) refuse an application mentioned in paragraph (1); or
 - (b) on the grant of such an application, vary such condition or impose any new condition (otherwise than at the request or with the consent of the applicant).
- (4) No appeal lies against a decision of the court in relation to a determination of an application referred to in paragraph (2)(c), or (e).

19 Determination of application: refusal of licence

- (1) If the court considers that any of the grounds for refusal to grant the application for a licence exists, it must refuse to grant the licence.
- (2) The grounds for refusal are —
- (a) that the court considers that the granting of the licence would be inconsistent with one or more of the licensing objectives;
 - (b) that the applicant is not a fit and proper person to be the holder of a licence;
 - (c) failure to comply with any of the requirements of these Regulations;
 - (d) that the court considers that the premises are unsuitable for use for the sale of liquor, having regard to —
 - (i) the nature of the activities which will take place on the premises;
 - (ii) the location, character and condition of the premises; and
 - (iii) the persons likely to frequent the premises; and
 - (f) such other grounds as the court may think relevant to the application.
- (3) In considering whether either of the grounds for refusal specified in paragraph (1)(a) and (b) applies, the court must in particular take into account —
- (a) any previous relevant offences; and
 - (b) any report given by the Chief Constable or the Chief Fire Officer, as the case may be, under regulation 14(5) (notification requirements for certain applications).
- (4) Where the court refuses the application, the court must —
- (a) notify the applicant of its decision;

- (b) specify the ground for refusal;
- (c) if the ground for refusal is that specified in paragraph (2)(a), specify the licensing objective or objectives in question; and
- (d) inform the applicant of the right to appeal under section 39 of the Act.

20 Determination of application: grant of licence

- (1) If the court is satisfied that none of the grounds for refusing the application for a licence exist, it must grant the licence.
- (2) The court may grant an application for a licence —
 - (a) to one or more persons; and
 - (b) in respect to one or more premises.
- (3) A licence is granted subject to such mandatory conditions specified in Schedule 2 as may apply to the licence type granted.
- (4) The court may impose such other conditions on the licence as the court considers to be appropriate in all the circumstances, including any specified in Schedule 2 relating to that licence type (in addition to the mandatory conditions imposed under paragraph (3)).
- (5) Where the court considers that an application would be granted if the site management plan were modified —
 - (a) the court may propose to the applicant the modifications to the site management plan which if made, would satisfy the court that the application may be granted; and
 - (b) if the applicant accepts the proposed modifications, the court must grant the application as modified.
- (6) Where the court considers that there should be a condition in a licence which permits music and dancing on premises, the court may request the Department of Environment, Food and Agriculture to arrange for an officer of that Department to make to the court a report, orally or in writing, with respect to —
 - (a) levels of noise which are or may be emitted from the licensed premises, and
 - (b) measures to reduce such noise.
- (7) The Department of Environment, Food and Agriculture shall comply with the request as soon as reasonably practicable after receiving the request.
- (8) In determining an application for a licence the court may, if it thinks it inexpedient to grant a licence of the kind applied for, grant to the applicant a licence of a different kind.

21 Licence granted to companies

- (1) Subject to paragraph (2), a licence may not be granted to a company in respect of any premises unless at least one individual, nominated by the applicant to be a responsible person for the premises, is –
 - (a) a director or other officer of the applicant; or
 - (b) the manager of the business conducted on or to be conducted, on the premises.
- (2) The court may, on the application of the Chief Constable, refuse to grant a licence to a company unless –
 - (a) the applicant has nominated such number of qualifying persons to be responsible persons as the court considers appropriate for the premises;
 - (b) at least one of the nominated persons is a person mentioned in paragraph (1); and
 - (c) the court has approved the nominated persons as responsible persons.
- (3) In paragraph (2), a qualifying person is an individual –
 - (a) mentioned in paragraph (1); or
 - (b) who is an employee of the applicant.
- (4) The court may, on the application of the Chief Constable or on its own motion, direct the Chief Constable to supply the court with a report as to the management of any premises in respect of which the licensee is a company.
- (5) If, having regard to the report mentioned in paragraph (4), the court is of the opinion that the premises require additional or different individuals to be nominated and approved as responsible persons for the premises, it may direct the licensee to nominate one or more individuals to be considered for approval by the court as responsible persons in addition to or in place of the existing responsible person or responsible persons.
- (6) The High Bailiff or the court may, on the application of the Chief Constable, withdraw its approval of a responsible person.
- (7) Where a company is the beneficial owner of an interest in premises by virtue of which it is entitled to possession of the premises, a licence shall not be granted in respect of the premises to any person other than to the company, unless the court for special reasons otherwise orders.
- (8) A person or company (whether acting by themselves or by itself or acting in concert with another or others) may not obtain a controlling or majority shareholding of the issued share capital of the licensee without the approval of the court.

22 Licence granted to clubs

- (1) A licence may not be granted to a club in respect of any premises, unless the club has nominated at least one member as a responsible person, and that member has been approved by the High Bailiff or the court for entry onto the Licensed Staff Register as a responsible person.
- (2) The court may, on the application of the Chief Constable or on its own motion, direct the Chief Constable to supply the court with a report as to the management of any premises in respect of which the licensee is a club.
- (3) On receipt of the report mentioned in paragraph (2) the court may for good cause direct the licensee to nominate one or more individuals to be considered for approval by the court as responsible persons in addition to or in place of the existing responsible person.
- (4) The High Bailiff or the court may, on the application of the Chief Constable, withdraw its approval of a responsible person.

23 Charitable function licence

- (1) A licence may not be granted in respect of a charitable function, unless the charity has nominated in writing —
 - (a) at least one person who is concerned in the management or control of the organisation, and who is resident on the Island, as the representative of the charity; or
 - (b) a responsible person.
- (2) An event licence may not be granted to a charitable function licensee unless that licensee has nominated a responsible person for that event.

24 Manx transport licence

A Manx transport licence may not be granted in respect of a passenger vessel unless the master of the vessel, or a person nominated by the owner of the vessel, is the responsible person for the vessel.

25 Temporary licence

- (1) The court may grant to the applicant a licence in respect of such other premises as are specified in the application (such premises being referred to in this regulation as the “temporary premises”) if satisfied as to the matters mentioned in paragraph (2),
- (2) The matters referred to in paragraph (1)(b) are —
 - (a) that the temporary premises are suitable for use for the sale of liquor; and
 - (b) that it is necessary to grant the application to enable the applicant to carry on business pending reconstruction or conversion of the principal premises.

- (3) A temporary licence under paragraph (1) —
 - (a) has effect for such period of not more than 2 years beginning with the date of its grant as the court may determine; and
 - (b) is subject to the same conditions as those to which the licence in respect of the principal premises is subject at the time the temporary licence is granted, with such exceptions or variations (if any) as the court considers appropriate.
- (4) The court may, on the application of the holder of a temporary licence under paragraph (1), extend the period during which it has effect for such further period of not more than 12 months as the court may determine.
- (5) The court, on an application by any person interested in any licensed premises, may grant to a person specified in the application, in respect of the premises, a licence of the same class as the licence held in respect of the premises for a period expiring on the earlier of—
 - (a) the making of an order under regulation 29 (transfer of licence to a different licensee) in respect of the licence; and
 - (b) the end of 6 weeks beginning with the date of the grant of the licence under this regulation.
- (6) Where the court issues a temporary licence, the court must send a copy of the temporary licence to the Chief Constable.

26 Issue of licence

- (1) Where a Court grants a licence application under regulation 6 (application for licence), the court must issue to the applicant a licence in a form published by the court.
- (2) A licence granted by the court shall, on payment of the fee associated with that licence, be issued under the hand of the High Bailiff, and comes into force on such date as may be specified in the licence.
- (3) Where the court grants a licence application, the court must send a copy of the licence to the Chief Constable.

27 Duration of licence

- (1) A licence —
 - (a) takes effect on such date as the court may determine; and
 - (b) ceases to have effect on the occurrence of any of the events mentioned in paragraph (3).
- (2) A licence does not have effect for any period during which it is suspended under any provision of the Act or these Regulations.
- (3) The events referred to in paragraph (1)(b) are —

- (a) the licensed premises in respect of which the licence was granted cease to be used for the sale of liquor;
 - (b) the licensee, being an individual —
 - (i) dies; or
 - (ii) becomes a person who lacks capacity to hold the licence;
 - (c) the licensee, being an individual becomes bankrupt or, being a partnership or a company, becomes insolvent;
 - (d) the licensee, being a person other than an individual, a partnership or a company, is dissolved;
 - (e) the licence is suspended or revoked; or
 - (f) the licensee surrenders the licence.
- (4) For the purposes of this regulation, a person lacks capacity in relation to a matter if, at the material times, that person is unable to make a decision for themselves in relation to the matter because of an impairment of, or a disturbance in the functioning of, the mind or brain.
- (5) The licensee may surrender a licence by —
- (a) giving notice to the court stating that the licensee wishes to surrender the licence; and
 - (b) sending the licence with the notice to the court or, if providing the licence is not practicable, sending with the notice a statement of the reasons for the failure to produce the licence.

28 Licence variation

- (1) A licensee may apply to the court for a variation of the licence.
- (2) An application under paragraph (1) must be accompanied by —
 - (a) the licence to which the application relates or, if providing the licence is not practicable, a statement of the reasons for failure to produce the licence;
 - (b) a statement of the variations proposed; and
 - (c) the prescribed fee.
- (3) The court must determine an application for a variation of a licence in the same way as it determines an application for a licence under regulation 6 (application for a licence) and, accordingly, regulations 15 to 20 apply in relation to the determination of an application for a variation of a licence as they do for a determination of an application for a licence.

29 Transfer of licence to a different licensee

- (1) A licensee may apply to the court for a licence granted to the licensee in respect of any premises to be transferred to another person.
- (2) The effect of an order under this regulation shall be endorsed on the licence.

- (3) The court must determine an application for the transfer of a licence in the same way as it determines an application for a licence under regulation 6 (application for licence) and, accordingly, regulations 15 to 20 apply in relation to the determination of an application for a transfer of a licence as they do for a determination of an application for a licence.

30 Provisional licence

- (1) A person may apply for a licence (“provisional licence”) in respect of any premises, despite the fact that, at the time the application is made, the premises are yet to be, or are in the course of being, constructed or converted for use as licensed premises.
- (2) Subject to paragraph (3), the court must determine an application for a provisional licence in the same way as it determines an application for a licence under regulation 8 (application for licence).
- (3) The court may, without receiving the site management plan for the premises to which the licence relates, grant a provisional licence on the deposit of —
 - (a) a plan sufficient to identify the site of the premises; and
 - (b) a description giving a general indication of the size and character of the premises (with particular reference to the sale of liquor).
- (4) Where a provisional licence is granted under paragraph (3), it shall cease to have effect on the expiration of 12 months beginning with the date on which it is granted, unless before that time —
 - (a) a site management plan has been deposited with the court; and
 - (b) the court has approved the site management plan, being satisfied that the premises, if completed in accordance with the plan, would be such that the court would have granted a licence.
- (5) A licence granted under this regulation shall be suspended and be of no effect until the court confirms it, on being satisfied that the premises have been completed in accordance with —
 - (a) the plans approved under paragraph (3)(a);
 - (b) if a site management plan has been approved under paragraph (4)(a), with the plans so approved; or
 - (c) if the site management plan approved under paragraph (4)(a) has been varied, the plans so varied.
- (6) On the application of the holder of a provisional licence, before the expiry of the provisional period, the court may extend the provisional period by such period as the court considers appropriate.
- (7) The holder of a provisional licence under this regulation may, at any time before the expiry of the provisional period (which includes the extended period, if any), in relation to the licence, apply to the court for confirmation of the licence.

- (8) Subject to paragraph (6), an application under paragraph (7) must be accompanied by –
 - (a) the provisional licence; and
 - (b) the site management plan for the premises to which the licence relates.
- (9) If a licence granted in respect of any such premises is not confirmed before the end of the provisional period, then at the end of that period the licence is treated as revoked.
- (10) The provisional period is –
 - (a) 3 years beginning with the date of issue of the licence; or
 - (b) the period specified in the licence.
- (11) If the holder of a provisional licence makes an application under paragraph (7) –
 - (a) the court must notify the applicant of its decision, with reasons for the decision; and

PART 3 – REVIEW

31 Application for review of premises licence

- (1) Where a licence has effect, any person may apply to the court for a review of the licence.
- (2) The court may, on the application of the Chief Constable or Chief Fire Officer, or on its own motion review the licence.
- (3) The grounds for review are –
 - (a) that, having regard to the licensing objectives, the licensee is not a fit and proper person to be the holder of a licence;
 - (b) that one or more of the conditions to which the licence is subject has been breached; or
 - (c) there exists any other ground relevant to one or more of the licensing objectives or a licensee's status as a fit and proper person.
- (4) A person making a review application must give notice of the review to the licensee and specify in that notice the alleged ground for review, including in particular –
 - (a) where the ground is that specified in paragraph (3)(a), a summary of the information on which the applicant's view that the alleged ground applies is based;
 - (b) where the ground is that specified in paragraph (3)(b), the condition or conditions alleged to have been breached; and

- (c) where the ground is that specified in paragraph (3)(c), the licensing objective or objectives to which the alleged ground of review relates.
- (5) A person making a review application may include in the application any information that the applicant considers to be relevant to consideration by the court of the alleged ground for review including, in particular, information in relation to —
 - (a) the licensee;
 - (b) where the licensee is not an individual, a connected person in relation to the licensee; or
 - (c) any person who is an interested party in relation to the licensed premises.
- (6) In this section, a person is an interested party in relation to licensed premises if the person is not the licensee in respect of the premises but —
 - (a) has an interest in the premises as an owner or tenant; or
 - (b) has management and control over the premises or the business conducted on the premises.
- (7) The court may reject a review application if the court considers the application —
 - (a) is vexatious or frivolous; or
 - (b) does not disclose any matter relevant to any ground for review.
- (8) Where the court rejects a review application under paragraph (7), the court —
 - (a) must give notice of the decision, and the reasons for it, to the applicant; and
 - (b) where it is rejected on the ground that it is frivolous or vexatious, may recover from the applicant any expenses incurred by the court in considering the application.

32 Court's powers on review

- (1) The court may, if satisfied that a ground for review described in regulation 31(3) (application for review of premises licence) is established, take such of the steps mentioned in paragraph (2) as the court considers necessary or appropriate for the purposes of any of the licensing objectives.
- (2) The steps mentioned in paragraph (1) are —
 - (a) to issue a written warning to the licensee;
 - (b) to make a variation of the licence;
 - (c) to suspend the licence for such period as the court may determine; or
 - (d) to revoke the licence.

- (3) Where the Court is satisfied that the ground for review specified in regulation 31(3)(a) (application for review of premises licence) is established, the court must revoke the licence.
- (4) Subject to regulation 33 (notification of determinations), a revocation under paragraph (3) takes effect at the end of the period of 28 days, beginning with the day on which the court makes the decision.
- (5) On making a variation under paragraph (2)(b), the court may provide for the variation to apply only for such period as the court may determine.

33 Notification of determinations

- (1) The court must notify the licensee and applicant where the court —
 - (a) decides to take one of the steps mentioned in regulation 32(2) (Court's powers on review);
 - (b) decides not to take one of those steps; or
 - (c) decides to revoke a licence under regulation 32(3).

34 Recall of revocation of licence

- (1) This regulation applies where a Court decides to revoke a licence under regulation 32(2) (Court's powers on review).
- (2) The court must recall the revocation if —
 - (a) a relevant application is made before the end of the period referred to in regulation 32(4) ("28 day period"); and
 - (b) the court grants the application.
- (3) The court may extend the 28 day period pending determination of a relevant application.
- (4) In this regulation, "relevant application" means —
 - (a) an application for the transfer of the licence; or
 - (b) a licence variation application seeking a variation of the licence that the court considers would remove the ground on which the licence was revoked under regulation 32(3).
- (5) This regulation does not affect the right to appeal against the decision to revoke the licence under regulation 32(2) or (3).

PART 4 – MISCELLANEOUS DUTIES OF LICENSEE OF LICENSED PREMISES

35 Licence holder's duty to notify Court of court proceedings, caution or conviction

- (1) Where a licensee is subject to court proceedings, is cautioned, or is convicted of a relevant offence, the licensee must notify the court of the charge, caution or conviction as soon as reasonably practicable and, in any event, no later than one month after the date on which the court proceedings have commenced, or the licensee was convicted or received the caution.
- (2) The notice under paragraph (1) must –
 - (a) specify –
 - (i) the nature of the offence, and
 - (ii) if applicable, the date referred to in paragraph (1); and
 - (b) be accompanied by –
 - (i) the licence held by the licensee; or
 - (ii) if producing the licence is not practicable, a statement of the reasons for failure to produce the licence.
- (3) A person who without reasonable excuse fails to comply with paragraph (1) commits an offence.

Maximum penalty (summary conviction) – a fine of level 3 on the standard scale.

36 Connected persons: licensee's duty to notify changes

- (1) A licensee must, not later than one month after a person becomes or ceases to be a connected person in relation to the licensee, give the court notice of that fact.
- (2) A notice under paragraph (1) that a person has become a connected person must specify –
 - (a) the name and address of the person; and
 - (b) if the person is an individual, the person's date of birth.
- (3) Where the court receives a notice under paragraph (1), the court must give a copy of the notice to the Chief Constable.
- (4) A licensee who, without reasonable excuse, fails to comply with paragraph (1) commits an offence.

Maximum penalty (summary conviction) – a fine of level 3 on the standard scale.

37 Responsible Person

- (1) Where a licensee is not otherwise required to nominate a responsible person under these Regulations, the licensee may nominate one or more individuals to be a responsible person for their premises.
- (2) A person nominated under paragraph (1) must have been approved by the High Bailiff for entry onto the Licensed Staff Register as a responsible person.
- (3) The High Bailiff may not approve a person to be a responsible person in respect of a public entertainment licence or a public entertainment event licence.

38 Clubs – offence

- (1) A person commits an offence if the person supplies, or authorises the supply of, liquor on behalf of a club –
 - (a) to any person other than a member, or
 - (b) anywhere other than at the club premises,Maximum penalty (summary conviction) – a fine of level 3 on the standard scale.
- (2) Subsection (1) is not contravened by –
 - (a) the supply of liquor by or on behalf of an authorised canteen under paragraph 79(5) of Schedule 3;
 - (b) the supply of liquor by a member of a club to a guest; or
 - (c) the supply of liquor authorised by a club function authorisation.

39 Temporary absence from premises

- (1) An offence is not committed under section 24(1) (licensee or responsible person to be on licensed premises at all times) of the Act if –
 - (a) the absence is unavoidable;
 - (b) the absence lasts for less than 2 hours; and
 - (c) during the period of absence, either the licensee or the responsible person are contactable via telephone.
- (2) An offence is not committed under section 24(1) (licensee or responsible person to be on licensed premises at all times) of the Act if –
 - (a) the absence is unavoidable;
 - (b) the absence is for more than 2 hours and less than 14 days; and
 - (c) the High Bailiff has permitted the absence.
- (3) The High Bailiff must not give permission under paragraph (2) unless –
 - (a) the licensee or a responsible person of the premises –
 - (i) has notified the Chief Constable of the absence; and

- (ii) has nominated a temporary manager who will personally supervise the licensed premises during the absence of the person; and
 - (b) the High Bailiff has approved that person to be a temporary manager.
- (4) If the High Bailiff gives permission under paragraph (2), during the absence of the licensee and a responsible person (if any) of the premises, the temporary manager is responsible for the conduct of the premises as if that person was the licensee.
- (5) The High Bailiff may approve a person to act as a temporary manager for an initial period which must not exceed 14 days.
- (6) The licensee may apply to the High Bailiff for the period of 14 days referred to in paragraph (5) to be extended and upon such application, the High Bailiff may extend the period by a further period which must not exceed 14 days.
- (7) The total period of a person acting as a temporary manager must not exceed 28 days.

40 Duty to keep, display and produce licence

- (1) A licensee must ensure that the licence for the premises in respect of which it is granted is kept in the custody or under the control of —
 - (a) the licensee; or
 - (b) a responsible person.
- (2) A licensee must display in a prominent position where liquor is supplied on the licenced premises, a notice indicating clearly —
 - (a) the ordinary permitted opening hours in respect of the premises;
 - (b) the hours during which liquor is normally sold or supplied;
 - (c) the charges made for liquor of different kinds, according to the measures by which they are sold;
 - (d) any conditions to which the licence is subject; and
 - (e) the full name of the licensee.
- (3) A licensee of an on-licence or off-licence must display on or over the principal entrance of the licenced premises a notice in letters not less than one inch high indicating —
 - (a) the licensee's full name;
 - (b) that the licensee is licenced to sell liquor, or liquor of specified kinds, as the case may be; and
 - (c) whether such sales may be for consumption on the premises, or off the premises, or on or off the premises, as the case may be.

- (4) The person in whose custody, or under whose control, a licence is kept by virtue of paragraph (1) must produce the licence, or any order of the court relating to the licence, to any police officer or justice on demand.
- (5) A licensee who contravenes paragraph (1), (2), (3) or (4) commits an offence.
Maximum penalty (summary conviction) – a fine of level 1 on the standard scale.

PART 5 VEHICLES AND VESSELS

41 Delivery of liquor from vehicles etc.

- (1) A person who delivers liquor from a vehicle or receptacle must record in both a day book kept on the premises from which the liquor is despatched, and a delivery book or invoice carried by the person delivering the liquor –
 - (a) the quantity, description and price of the liquor; and
 - (b) the name and address of the person to whom it is delivered.
- (2) A person who delivers the liquor from a vehicle or receptacle must permit any police officer to examine –
 - (a) any vehicle or receptacle in use for the delivery of liquor; and
 - (b) any day book, delivery book or invoice referred to in paragraph (1).
- (3) A person who contravenes paragraph (1) or (2) commits an offence.
Maximum penalty (summary conviction) – a fine of level 3 on the standard scale.
- (4) In this regulation, “liquor” does not include any liquor being delivered to a trader for the purposes of that person’s trade.

42 Restricted entry into licensed premises for certain persons

- (1) A person who is subject to an order under section 30(3)(b) (misbehaviour of persons: preventing entry into licensed premises or sale of liquor to certain persons) of the Act (“banning order”) may enter licensed premises within the Isle of Man Airport departure lounge if the person is in that lounge for the purpose of undertaking a journey.
- (2) A person who is subject to a banning order may enter a retail store or a petrol station that is licensed under these regulations for the purpose of purchasing food, non-liquor beverages or fuel.
- (3) A person who is subject to a banning order who enters licensed premises for a purpose described in paragraph (1) or (2) –
 - (a) must not pick up or attempt to purchase liquor on those premises; and

- (b) must not consume liquor, including any purchased by another person, on those premises.
- (4) In this regulation the "departure lounge" means a room at an airport set aside for use solely by passengers intending to travel by air from the airport and from which all other persons (except airport and airline staff) are excluded.

PART 6 – LICENSING COURT

43 Time Limits

The court, in any particular case, may relax or dispense with any time limits imposed by these Regulations, either unconditionally or subject to compliance with such conditions as it may think fit, if it is satisfied that to do so will not cause injustice to any person concerned.

44 Evidence

The following provisions of the Summary Jurisdiction Act 1989 apply to proceedings before the court as they apply to proceedings before a court of summary jurisdiction –

- (a) section 59(1) to (6) (attendance of witnesses);
- (b) section 62 (evidence on oath);
- (c) section 63 (note of evidence);
- (d) section 73 (false statements).

45 Appearance by a company, club or charitable function licence holder

Where any party to proceedings in the court is a company, club or charitable function licence holder it may appear by –

- (a) a connected person; or
- (b) in the case of an applicant, by the manager of the business conducted or to be conducted on the premises concerned.

46 Adjournment, withdrawal of proceedings etc.

- (1) The court may adjourn any proceedings either of its own motion or on the application of any party.
- (2) Any application to the court, and any objection to an application, may be withdrawn by the applicant or objector at the hearing or by any notice lodged in the office of the High Bailiff.
- (3) Where an application or objection is withdrawn otherwise than at the hearing, the applicant or objector will give notice to every other party to the proceedings.

PART 7 – LICENCED STAFF REGISTER

GENERAL

47 Establishment and maintenance of Licensed Staff Register

- (1) The Department must establish and maintain a Licensed Staff Register (in this Part, referred to as “register”).
- (2) The register must include entries detailing the individuals who may be employed on or with respect to licensed premises as a —
 - (a) responsible person;
 - (b) guard; or
 - (c) doorkeeper.
- (3) The Department must keep the register in electronic form, where practicable, and may keep it in any other manner the Department considers appropriate.
- (4) The register must at all reasonable times be open to inspection by any person.
- (5) The Department may, if satisfied that person is no longer a responsible person, guard or doorkeeper (as the case may be), cause the entry relating to that person to be removed from the register.
- (6) The Department must, at the request of the High Bailiff or the court, cause an entry to be removed from the register.
- (7) In any legal proceedings, a certificate signed by or on behalf of the Department and stating that, on a date specified on that certificate, a person was or was not entered in the register as responsible person, guard or doorkeeper (as the case may be), shall be received in evidence and a certificate stating that matter and purporting to be so signed shall be treated as so signed unless the contrary is proved.

RESPONSIBLE PERSONS

48 Responsible persons’ registration

- (1) The following particulars must be included in the register in respect of every responsible person —
 - (a) the name of the person;
 - (b) the type of licence for which that person may act as a responsible person;
 - (c) each licensed premises where that person acts as a responsible person.
- (2) A person may only act as a responsible person in licensed premises of types permitted under that responsible person’s registration.

49 Application for entry in register as a responsible person

- (1) Any individual aged 18 years or more, may apply to the High Bailiff for entry into the register as a responsible person, if that individual is designated by a licensee as having personal responsibility for the premises, in the absence of the licensee.
- (2) An individual may apply under paragraph (1) to be entered into the register for employment in licensed premises of the following types –
 - (a) on-licence and off-licence premises;
 - (b) off-licence premises only.
- (3) The application must be made in a form published by the Department and must specify –
 - (a) the applicant's full name and date of birth;
 - (b) the applicant's current address and residential addresses for the 5 years immediately preceding the date of the application;
 - (c) whether, and if so when, an application by the applicant for entry in the register as a responsible person has previously been refused by the High Bailiff;
 - (d) particulars of all convictions or cautions of the applicant (in the Island or elsewhere);
 - (e) particulars of any training undergone by the applicant relating to –
 - (i) the performance of the functions of a responsible person;
 - (ii) fire precautions and action in the event of fire; or
 - (iii) first aid;
 - (f) the applicant's employment history for the 5 years immediately preceding the date of the application;
 - (g) the applicant's previous experience as a responsible person; and
 - (h) the names and addresses of 2 persons to whom reference may be made as to the character of the applicant.
- (4) An applicant must provide evidence that the applicant has passed a training course, within the last 3 years, that is approved by the Department as being suitable training for responsible persons.
- (5) The applicant must send the application to the High Bailiff and send a copy of it to the Chief Constable.
- (6) On receipt of an application under paragraph (1) the High Bailiff must consult the Chief Constable and such other persons as the High Bailiff thinks appropriate for the purpose of obtaining information about the applicant that is relevant to the application.

50 Determination of application for registration as a responsible person of premises

- (1) The High Bailiff may –
 - (a) grant the application, if the High Bailiff considers the person to be suitable to be a responsible person for the premises described in the application; or
 - (b) if the High Bailiff intends to refuse the application for entry in the register, the High Bailiff must give notice in writing to the applicant of the intention, with reasons, for the intended refusal.
- (2) A notice under paragraph (1)(b) must state that, within 28 days of service of the notice, the applicant may apply for a hearing of the application.
- (3) If by the end of the period of 28 days the applicant has not applied for a hearing of the application, the court may proceed to refuse the application.
- (4) If the applicant requests a hearing, the court may, after hearing the application under paragraph (2) –
 - (a) refuse the application; or
 - (b) grant the application.
- (5) On granting an application the High Bailiff must notify the Department of the decision and require that the Department enter the applicant onto the Register as a responsible person.
- (6) If the application is refused –
 - (a) the High Bailiff must notify the applicant of the decision, with reasons for the decision; and
 - (b) the notice must include a statement of the effect of regulation 62 (appeals).
- (7) If the application is refused, the applicant must wait 3 months from the date of the refusal, before being able to make a new application under regulation 49 (application for entry in register as a responsible person).

51 Variation of entry on register for responsible person

- (1) A responsible person may make an application to the Department for the information recorded on the register relating to the responsible person under regulation 48(1) (responsible person's registration) to be varied, if the responsible person wishes to be employed at different premises ("new premises"), to the premises described in the application made under regulation 49(3) (application for entry in register as a responsible person).
- (2) The application under paragraph (1) must be made in a form published by the Department and must specify –
 - (a) the name of the new premises at which the responsible person wishes to be to be registered for employment; and

- (b) the type of licence held in respect of the new premises.
- (3) An application for a variation must be accompanied by a statement from the licensee of the new premises, and signed by the licensee, confirming that the applicant is to be designated by that licensee as having personal responsibility for the new premises in the absence of the licensee.
- (4) If the new premises are of the same type as the premises in respect of which the responsible person is currently registered, the responsible person must send the application to the Department.
- (5) The Department must vary the registration of the responsible person unless the Department has grounds for believing that the responsible person is not suitable to be a responsible person for the new premises.
- (6) If the Department has grounds for believing that the responsible person is not suitable to be a responsible person for the new premises, the Department must –
- (a) refer the application to the High Bailiff for a determination of the application and notify the High Bailiff of the reasons for believing that the responsible person is not suitable to be a responsible person for the new premises;
 - (b) send a copy of the application and the decision of the Department to the Chief Constable; and
 - (c) notify the responsible person that the matter has been referred to the High Bailiff for a determination of the application by the High Bailiff.
- (7) Regulation 50 (determination of application for registration as responsible person of premises) applies in relation to a determination under paragraph (6).
- (8) If the new premises are of a different type to the premises in respect of which the responsible person is currently registered –
- (a) the responsible person must send the application to the High Bailiff; and
 - (b) send a copy of the application to the Chief Constable.
- (9) An application referred to the High Bailiff under paragraph (8)(a) is to be treated as if it were an application under regulation 49 (application for entry in register as a responsible person).

52 Removal from register – responsible person

- (1) If it appears to the High Bailiff that a person, entered in the register as a responsible person, is unsuitable to be a responsible person, the High Bailiff must give notice in writing to the person that the High Bailiff intends to order the Department to remove the responsible person's entry from the register.
- (2) The notice given under paragraph (1) must –
- (a) give reasons why the High Bailiff considers the person to be unsuitable to be a responsible person; and

- (b) state that, within 14 days of service of the notice, the person may apply for a hearing of the matter.
- (3) If by the end of the period of 14 days the responsible person has not applied for a hearing of the application, the court may proceed to order the Department to remove the responsible person from the register.
- (4) If within 14 days of receiving the notice the responsible person has applied for a hearing of the application –
 - (a) the court must hear the application as soon as reasonably practicable; and
 - (b) upon hearing the application, may determine that the person is suitable to be a responsible person or may proceed to order the Department to remove the responsible person from the register.
- (5) If a responsible person has not passed a training course, within the last 3 years, that is suitable for responsible persons and approved by the Department, the Department must remove that responsible person from the register.
- (6) A responsible person may request the Department in writing to remove the responsible person from the register.
- (7) The Department must remove a responsible person from the register as soon as reasonably practicable upon –
 - (a) being ordered to do so under paragraph (4)(b); or
 - (b) receiving a written request to do so from the responsible person.

GUARDS AND DOORKEEPERS

53 Guards' and doorkeepers' registration

- (1) The following particulars must be included in the register in respect of every guard or doorkeeper –
 - (a) the name of the person;
 - (b) the date of expiry under regulation 56 (period of validity of registration as a guard or doorkeeper);
 - (c) the certificate number provided to that person.
- (2) A person may only act as a guard or doorkeeper, as the case may be, in licensed premises of types permitted under that person's registration.

54 Application for entry in register as a guard or doorkeeper

- (1) Any individual aged 18 years or more, may apply to the Department in writing for entry into the register as a guard or doorkeeper on or with respect to any licensed premises.
- (2) The application must be made in a form published by the Department and must specify –

- (a) the applicant's full name and date of birth;
 - (b) the applicant's current address and residential addresses for the last five years;
 - (c) whether, and if so when, an application by the applicant for entry in the register as a guard or doorkeeper has previously been refused by the Department;
 - (d) particulars of all convictions and cautions of the applicant (in the Island or elsewhere);
 - (e) particulars of any training undergone by the applicant relating to –
 - (i) the performance of the functions of a guard or doorkeeper;
 - (ii) fire precautions and action in the event of fire; or
 - (iii) first aid;
 - (f) the applicant's employment history for the 5 years immediately preceding the date of the application;
 - (g) the applicant's previous experience as a guard or doorkeeper; and
 - (h) the names and addresses of 2 persons to whom reference may be made as to the character of the applicant.
- (3) The applicant must provide evidence that the applicant has passed a training course, within the last 3 years, that is approved by the Department as being suitable training for a guard or a doorkeeper, as the case may be.
 - (4) On receipt of an application under paragraph (1) the Department must consult the Chief Constable and such other persons as the Department thinks appropriate for the purpose of obtaining information about the applicant that is relevant to the application.

55 Determination of application for registration as a guard or doorkeeper

- (1) The Department may –
 - (a) grant the application, if the Department considers the person to be a suitable person to be a guard or a doorkeeper, as the case may be; or
 - (b) if the Department intends to refuse the application for entry in the register, the Department must give notice in writing to the applicant of the intention, with reasons, for the intended refusal.
- (2) Where the Department intends to refuse an application for entry in the register as a guard or a doorkeeper, it must give notice in writing to the applicant of its intention and the reasons for refusal.
- (3) A notice under paragraph (2) must state that, within 28 days of service of the notice on the applicant, the applicant may make representations in writing to the Department with respect to the intended refusal.

- (4) Before refusing the application, the Department must consider any representations made pursuant to paragraph (3).
- (5) The Department must give notice in writing to the applicant of its decision to grant or refuse the application.
- (6) A notice under paragraph (5) of the refusal of an application must include —
 - (a) a statement of the Department's reasons for refusal; and
 - (b) a statement of the effect of regulation 62 (appeals).
- (7) On granting an application the Department must also issue to the applicant —
 - (a) a certificate of registration, stating the full name of the applicant and the date on which the registration expires; and
 - (b) an identification badge.
- (8) If the application is refused, the applicant must wait 3 months from the date of the refusal, before being able to make a new application under regulation 54 (application for entry in register as a guard or doorkeeper).

56 Period of validity of registration as a guard or doorkeeper

- (1) An entry on the register shall cease to have effect on the expiration of 3 years beginning with the date on which it is made or renewed.
- (2) Paragraph (1) is subject to regulation 57(3) (application for renewal of registration as a guard or doorkeeper) and regulation 58 (removal from register – guard or doorkeeper).

57 Application for renewal of registration as a guard or doorkeeper

- (1) An application for renewal of an entry on the register may be made not more than 6 months before, and not later than, the date of expiration of the period specified in regulation 56 (period of validity of registration).
- (2) Regulations 54(2) and 54(3) (application for entry in register as guard or doorkeeper), 55 (determination of application for registration as a guard or doorkeeper) and 62 (appeals) apply to an application under paragraph (1) as they apply to an application under regulation 54 (application for entry in register as guard or doorkeeper).
- (3) Where an application is made under paragraph (1), the entry in the register shall continue in force —
 - (a) until the determination of the application; or
 - (b) if the application is refused, until the expiration of 21 days from the date on which notice of the Department's decision is given to the applicant or, where an appeal is made under regulation 62(appeals), until the appeal is abandoned or determined.

58 Removal from register – guard or doorkeeper

- (1) If it appears to the Department that a person, entered in the register as a guard or doorkeeper, is an unsuitable person to be a guard or doorkeeper, the Department must give notice in writing to the person that the Department intends to remove the guard's entry or doorkeeper's entry, as the case may be, from the register.
- (2) The notice given under paragraph (1) must –
 - (a) give reasons why the Department considers the person to be unsuitable to be a guard or doorkeeper, as the case may be; and
 - (b) state that, within 14 days of service of the notice, the person may make representations as to why the registration should not be cancelled.
- (3) If, by the end of the period of 14 days the guard or doorkeeper, as the case may be –
 - (a) has not made representations to the Department; or
 - (b) has made representation but the Department still considers the person to be unsuitable to be a guard or doorkeeper,the Department may proceed to remove the guard or doorkeeper, as the case may be, from the register.
- (4) If within 14 days of receiving the notice the guard or doorkeeper, as the case may be has applied for a hearing of the application –
 - (a) the court must hear the application as soon as reasonably practicable; and
 - (b) upon hearing the application, may determine that the person is suitable to be a guard or doorkeeper, as the case may be, or may proceed to order the Department to remove the guard or doorkeeper, as the case may be, from the register.
- (5) If a guard or doorkeeper has not passed a training course that is suitable for responsible persons and approved by the Department within the last 3 years, the Department must remove that guard or doorkeeper, as the case may be, from the register.
- (6) If a person entered on the register fails to display the identification badge issued under regulation 58(4)(b) (removal from register – guard or doorkeeper in a fluorescent armband on their upper arm while working as a guard or a doorkeeper, the Department may remove that person's entry from the register
- (7) A guard or doorkeeper may request the Department in writing to remove the guard or doorkeeper, as the case may, be from the register.
- (8) The Department must remove a guard or doorkeeper, as the case may be, from the register as soon as reasonably practicable upon –
 - (a) being ordered to do so under paragraph (4)(b); or

- (b) receiving a written request to do so from the guard or doorkeeper.

CONVICTIONS, CAUTIONS AND CRIMINAL PROCEEDINGS –
RESPONSIBLE PERSONS, GUARDS AND DOORKEEPERS

59 Person's duty to notify High Bailiff or Department of court proceedings, convictions and cautions

- (1) Where a person who is registered in the Licensed Staff Register under this Part is cautioned, is subject to criminal court proceedings or is convicted of a relevant offence, that person must, no later than one month after the date of the caution, the commencement of the court proceedings or the conviction, give notice as specified in paragraph (2).
- (2) Notice under paragraph (1) must be given –
- (a) in relation to a responsible person, to the High Bailiff;
- (b) in relation to a guard or doorkeeper, to the Department.
- (3) A notice under paragraph (2) must –
- (a) specify –
- (i) the nature of the offence for which the person has been cautioned, convicted or subject to criminal court proceedings; and
- (ii) if applicable, the date of conviction; and
- (b) in the case of a responsible person be accompanied by –
- (i) a copy of the licence held by the licensee; or
- (ii) if providing the licence is not practicable, a statement of the reasons for failure to produce a copy of the licence; and
- (c) in the case of a guard or doorkeeper, be accompanied by –
- (i) the person's identification badge; or
- (ii) if providing the identification badge is not practicable, a statement of the reasons for failure to produce it.
- (4) A person who, without reasonable excuse, fails to comply with paragraph (2) or (3) commits an offence.

Maximum penalty (summary conviction) – a fine of level 3 on the standard scale.

60 Suspension or removal of entry in Licensed Staff Register of responsible person

- (1) This regulation applies where a responsible person who is registered under this Part is cautioned, is subject to criminal court proceedings or is convicted of a relevant offence.

- (2) The High Bailiff may —
 - (a) order the suspension of the responsible person's entry in the register for a period not exceeding six months; or
 - (b) order the removal of that entry.
- (3) In determining whether to make an order under paragraph (2), the court may take account of any previous convictions of the person for a relevant offence.
- (4) Where the court makes an order under this regulation it may suspend the order pending an appeal against it.
- (5) Subject to paragraph (4) an order under this regulation takes effect immediately after it is made.

61 Suspension or removal of entry in the Licensed Staff Register of guard or doorkeeper

- (1) This regulation applies where a guard or doorkeeper who is registered under this Part is convicted of a relevant offence.
- (2) The Department may —
 - (a) order the suspension of the entry for a period not exceeding six months; or
 - (b) order the removal of that entry.
- (3) In determining whether to make an order under paragraph (2), the Department may take account of any previous conviction of the person for a relevant offence.
- (4) Where the Department makes an order under this regulation it may suspend the order pending an appeal against it.
- (5) Subject to paragraph (4) an order under this regulation takes effect immediately after it is made.

APPEALS UNDER PART 7

62 Appeals

- (1) A person may appeal against a decision or order of the Department under this Part to the High Bailiff, who may reverse or confirm the decision or order.
- (2) The decision of the High Bailiff under paragraph (1) is final.
- (3) A person may appeal against a decision or order of the High Bailiff under this Part to the court, who may reverse or confirm the decision or order.
- (4) The decision of the court under paragraph (3) is final.

PART 8 – OFFENCES RELATING TO MINORS

63 Sale of liquor to a minor

- (1) A person who sells liquor to a minor is guilty of an offence.
Maximum penalty (summary conviction) – a fine of level 3 on the standard scale.
- (2) Where a person is charged with an offence under this regulation by reason of that person's own conduct it is a defence that –
 - (a) the accused believed the minor to be aged 18 years or over, and
 - (b) either –
 - (i) the accused had taken reasonable steps and exercised due diligence to establish the minor's age, or
 - (ii) no reasonable person could have suspected from the minor's appearance that the minor was aged under 18 years.
- (3) For the purposes of paragraph (2)(b)(i), the accused is to be treated as having taken reasonable steps to establish the minor's age only if –
 - (a) the accused was shown any of the documents mentioned in paragraph (4), and
 - (b) that document would have convinced a reasonable person.
- (4) The documents referred to in paragraph (3)(a) are any document bearing to be –
 - (a) a passport;
 - (b) an Isle of Man, United Kingdom or European Union photo card driving licence;
 - (c) a student identity card issued by any high school or college in the Isle of Man;
 - (d) a proof of age card issued by the Department of Education, Sport and Culture;
 - (e) a Biometric Residence Permit issued by the United Kingdom Home Office; or
 - (f) any form of electronic verification that is approved by the Department.
- (5) In this regulation, "passport" means –
 - (a) a United Kingdom passport within the meaning of the Immigration Act 1971 (of Parliament) as extended to the Island by the Isle of Man (Immigration) Order 2008;
 - (b) a passport issued by or on behalf of the authorities of a country outside the United Kingdom, or by or on behalf of an international organisation; or

- (c) a document that can be used (in some or all circumstances) instead of a passport.

64 Purchase of liquor by minor

- (1) A minor who buys or attempts to buy liquor is guilty of an offence.
Maximum penalty (summary conviction) – a fine of level 1 on the standard scale.
- (2) It is not an offence under paragraph (1) for a minor to buy or attempt to buy liquor if the minor is requested to do so by –
 - (a) a police officer; or
 - (b) a weights and measures inspector,for the purposes of determining whether an offence is being committed under regulation 63 (sale of liquor to a minor).

65 Consumption of liquor by minor

- (1) A minor who knowingly consumes liquor on any licensed premises is guilty of an offence.
Maximum penalty (summary conviction) – a fine of level 1 on the standard scale.
- (2) A person who works on licensed premises in any capacity, whether paid or unpaid, who allows a minor to consume liquor on any licensed premises is guilty of an offence.
Maximum penalty (summary conviction) – a fine of level 3 on the standard scale
- (3) An offence is not committed under paragraph (1) or (2) if –
 - (a) the minor who consumed the liquor was over 16 years;
 - (b) at the time of the consumption the minor was accompanied by one or more persons over 18 years;
 - (c) the minor and each of the persons accompanying the minor consumed the liquor with a substantial meal in the licensed premises; and
 - (d) the meal was supplied on licensed premises.

66 Agents etc. obtaining liquor for minors

- (1) A person commits an offence if the person –
 - (a) knowingly acts as an agent for a minor in buying any liquor for consumption in a highway or other public place;

- (b) knowingly acts as an agent for a minor in procuring the supply to that person of any liquor for consumption in a highway or other public place; or
- (c) supplies liquor to minor for consumption in a highway or other public place,

Maximum penalty (summary conviction) – a fine of level 3 on the standard scale

- (2) In proceedings against a person for an offence under paragraph (1)(c), it is a defence for the person to satisfy the court that the supply of liquor was for consumption by a minor while under the supervision of –
 - (a) the minor's parent or guardian; or
 - (b) a relative over 18 years who was responsible for the minor's supervision.
- (3) Paragraph (1) is not contravened by the purchase or supply of wine for consumption by a person aged 16 or over in licensed premises in the circumstances specified in regulation 66(3)(c).

67 Seizure of liquor in possession of minors

- (1) Where it appears to a police officer that a person apparently under 18 years is without reasonable cause in possession of liquor in a highway or other public place, the officer may seize the liquor.
- (2) Any liquor seized under paragraph (1) shall be either –
 - (a) delivered to a parent or guardian of the person in question, or to such other person aged 18 years or over as appears to a police officer to be entitled to it; or
 - (b) disposed of in such manner as the officer considers appropriate.

68 Delivering liquor to a minor

- (1) A person who works on licensed premises in any capacity, whether paid or unpaid, is guilty of an offence if that person knowingly delivers or allows to be delivered to a minor liquor sold on the premises.

Maximum penalty (summary conviction) – a fine of level 3 on the standard scale

- (2) Paragraph (1) does not apply to the delivery of the liquor to a minor who works on the licensed premises or at the place where the delivery is made in a capacity (whether paid or unpaid) which involves the delivery of liquor.

69 Sending a minor to obtain liquor

- (1) A person who knowingly sends a minor to obtain liquor sold or to be sold on any licensed premises for consumption off the premises is guilty of an offence.

Maximum penalty (summary conviction) – a fine of level 3 on the standard scale

- (2) It is immaterial for the purposes of paragraph (1) whether the minor is sent to obtain the liquor from the licensed premises where it is sold or from some other place from which it is to be delivered.
- (3) Paragraph (1) does not apply where the minor works on the licensed premises or at the place where the liquor is to be delivered in a capacity (whether paid or unpaid) which involves the delivery of liquor.

70 Prohibition of unsupervised sales by minor

- (1) A licensee or a responsible person is guilty of an offence if on any licensed premises the licensee or responsible person knowingly allows a minor to make on the premises any sale of liquor.

Maximum penalty (summary conviction) – a fine of level 3 on the standard scale

- (2) An offence under paragraph (1) is not committed if –
 - (a) the liquor is sold or supplied for consumption with a table meal;
 - (b) the liquor is sold or supplied in premises which are being used for the service of table meals (or in a part of any premises which is being so used); and
 - (c) the premises are (or the part is) not used for the sale or supply of liquor otherwise than to persons having table meals there and for consumption by such a person as an ancillary to that person's meal.

71 Employment of minors

- (1) If a minor is employed in a room in licensed premises in respect of which a condition referred to in paragraph 0 of Schedule 3 (on-licence conditions) is in force at a time when the premises are open for the sale, supply or consumption of liquor, the licensee is guilty of an offence

Maximum penalty (summary conviction) – a fine of level 3 on the standard scale.

- (2) The Department of Education, Sport and Culture may prosecute for an offence under this regulation.

72 Presumed age of offender

If in proceedings in a court for an offence under this Part –

- (a) it is alleged that a person was at any time under a certain age; and
 - (b) it appears to the court that the person was then under that age,
- the person shall be deemed for the purposes of the proceedings to have been then under that age unless the contrary is shown.

PART 9 – TRANSITIONAL ARRANGEMENTS, CONSEQUENTIAL AMENDMENTS AND REVOCATIONS

TRANSITIONAL ARRANGEMENTS

73 Transitional arrangements – general

In this Part –

- (a) “1961 Act” means the Music and Dancing Act 1961;
- (b) “1995 Act” means the Licensing Act 1995;
- (c) “old liquor licence” means a licence granted under the 1995 Act;
and
- (d) “old music and dancing licence” means a licence under the 1961 Act.

74 Transitional arrangements – liquor licences

- (1) This regulation has effect in respect of an old liquor licence which is still in operation immediately before the repeal of the 1995 Act.
- (2) Despite the repeal the 1995 Act, subject to paragraph (6), an old liquor licence –
 - (a) shall remain in force; and
 - (b) ceases to have effect on the earliest occurrence of one of the following –
 - (i) an event mentioned in regulation 27(3);
 - (ii) 30 April 2023;
 - (iii) the grant of a licence under Part 2.
- (3) A licensee under an old licence who wishes to be licensed for the same premises for which the old licence was granted without variation of the licence, must –
 - (a) make an application to the court for a replacement licence before 30 April 2023 in the form published by the court for the purpose;
and
 - (b) send with the application the prescribed fee.
- (4) A licensee under an old liquor licence who wishes to be granted a licence that is materially different to the old licence must –
 - (a) make an application to the court for a licence variation in accordance with regulation 28 (licence variation); and
 - (b) send with the application the prescribed fee.
- (5) An application for a licence which has not been determined immediately upon the repeal of the 1995 Act shall be treated as though the application had been made under Part 2 of these Regulations.

- (6) Despite the repeal of the 1995 Act, an occasional licence granted under section 14 of that Act shall remain valid until the end of the period of the event that was permitted to take place under that licence.

75 Transitional arrangements - clubs

- (1) This regulation has effect in respect of the registration of a club under the 1995 Act which is still valid immediately before the repeal of that Act.
- (2) Despite the repeal of the 1995 Act, a club registration –
- (a) shall remain in force; and
 - (b) ceases to have effect on the earliest occurrence of one of the following –
 - (i) 30 April 2023;
 - (ii) the grant of a club licence under Part 2.

76 Transitional arrangements – designated officials

- (1) A person who under the 1995 Act was a designated official immediately before the repeal of the 1995 Act is deemed to have been approved as a responsible person under Part 7 of these regulations in respect of the same premises for which the person is a designated official.
- (2) The Department must enter the details of the person who is deemed under paragraph (1) into the Licensed Staff Register, including details of the type of property in respect of which the person is deemed to be a responsible person.

77 Transitional arrangements – guards and doormen

- (1) A person who was registered under the Employment of Security Staff (On-Licensed Premises) Regulations 2002 immediately before the repeal of the 1995 Act is deemed to have been approved for registration under Part 7 of these Regulations.
- (2) The Department must enter the details of the person who is deemed under paragraph (1) into the Licensed Staff Register, including particulars in accordance with regulation 48(1).

78 Transitional arrangements – music and dancing

- (1) This regulation has effect in respect of an old music and dancing licence which is still in operation immediately before the repeal of the 1961 Act.
- (2) Despite the repeal of the 1961 Act, an old music and dancing licence –
- (a) shall remain in force; and
 - (b) ceases to have effect on the earliest occurrence of one of the following –
 - (i) an event mentioned in regulation 27(3);

- (ii) 30 April 2023;
- (iii) the grant of a licence under Part 2.

CONSEQUENTIAL AMENDMENTS AND REPEALS

79 **Schedule 4 has effect.**

MADE

JANE POOLE-WILSON
Minister for Home Affairs

consultation draft - for discussion

SCHEDULE 1

[regulation 6(1)(a)]

LIQUOR LICENCE TYPES

Licence type	Description
On-licence	Licence for the retail sale or supply of liquor for consumption on or off the premises.
Off-licence	Licence for the retail sale or supply of liquor for consumption off the premises.
Charitable function licence	Licence for the retail sale or supply of wine at a charitable function for consumption on the premises.
Mobile licence	Licence for the retail sale or supply of liquor from a stall or movable structure at licensed premises for consumption on the licensed premises.
Manx transport licence	Licence for the retail sale or supply of liquor from a passenger vessel for consumption on the premises.
Liquor producer sales licence	Licence for the direct sale or supply to consumers of liquor that is brewed or distilled on the premises for consumption off the premises.
Event licence	Licence for the retail sale or supply of liquor for a limited period for consumption on the premises.
Club licence	Licence for the retail sale or supply of liquor on club premises to members of the club for consumption on the premises.

SCHEDULE 2

[Regulation 20(3) and 20(4)]

LICENCE CONDITIONS³**1 Mandatory conditions on all licences authorising supply of liquor**

A licence permitting the supply of liquor must include the following conditions —

- (a) the holder must comply with any Code of Practice granted under section 61 (guidance and codes of practice) of the Act;
- (b) the holder must operate the premises in accordance with the site management plan and review and, if necessary, modify that plan —
 - (i) on an annual basis, and
 - (ii) when operations described in the site plan materially alter in any way that warrants such a review;
- (c) the licensee or responsible person must comply with any undertaking that was given to the court in respect of the licence or the premises.

2 On-licence conditions

- (1) Every on-licence must be made subject to the following conditions —
 - (a) that the holder of the licence must cause a sufficient supply of fresh drinking water to be available free of charge on request during meals in any part or parts of the premises set apart for the service of meals;
 - (b) that the holder of the licence must have available for sale at reasonable prices beverages other than liquor, for consumption on the premises;
 - (c) that the licensee must provide access to sanitary conveniences;
 - (d) that the licensee must comply at all times with the Fire Precautions Act 1975.
- (2) Discretionary conditions for on-licences may include (but are not limited to) —
 - (a) prohibiting or restricting the presence in any specified room in the premises of persons below the age of 16;

³ By section 16(7) of the Act, if any condition to which a licence is subject is not complied with, the licensee is guilty of an offence; and whether or not the person is convicted of that offence, the Licensing Court may by order revoke the licence or suspend it for such period, or until the happening of such event, as is specified in the order. (Maximum penalty (summary conviction) - a fine of level 4 on the standard scale.)

- (b) prohibiting the sale or supply of liquor for consumption off the premises; or
- (c) requiring such numbers of guards or doorkeepers or both to be provided at the premises, at such times and on such days, as are specified in the condition.

3 Residential conditions

- (1) Where an on-licence is granted subject to a condition that liquor may not be sold or supplied by retail except to a person resident on licensed premises (“residential conditions”), the licence must also contain the conditions specified in sub-paragraph (2).
- (2) The conditions referred to in sub-paragraph (1) are as follows —
 - (a) the premises must contain not less than 2 sitting rooms;
 - (b) the licensee must not permit liquor to be sold, supplied or consumed in one sitting-room in the premises, which room shall be specified in the licence.
- (3) If the court imposes residential conditions it may grant an authorisation for the sale or supply of liquor to, and the consumption of liquor by, persons attending a special occasion on the premises, on condition that while an authorisation is in force, no liquor shall be sold or supplied to, or consumed by, any person other than a person who is —
 - (a) resident on the premises;
 - (b) the guest of a person resident on the premises; or
 - (c) attending the special occasion and taking a substantial meal to which the consumption of liquor is ancillary.
- (4) The court may grant an authorisation under sub-paragraph (1) on the application of the holder of the licence, for such period as may be specified in the authorisation, on such day as may be so specified, if it is satisfied —
 - (a) that the occasion is of a legitimate and proper character, and does not originate directly or indirectly with the holder of the licence; and
 - (b) that the sale and supply of liquor will be ancillary to the provision of a substantial meal.

4 Restaurant conditions

Where an on-licence is granted subject to a condition that liquor may not be sold or supplied by retail to, or consumed by, persons other than persons taking a substantial meal on the premises, the licence must also be subject to the condition that no liquor shall be sold or supplied on the premises otherwise than by waiter service.

5 Charitable function licence conditions

- (1) The holder of a charitable function licence must be a charitable organisation, and the licence will cease to be in effect if that status ends.
- (2) A charitable function licensee must not hold a public entertainment event at which liquor is supplied without an authorisation of the High Bailiff.
- (3) The High Bailiff may, upon a written request by the representative, grant the licence holder an authorisation for the sale of wine at a charitable function (“charitable function authorisation”) on such day (other than Christmas Day or Good Friday) and such place and between such hours as may be specified in the request.
- (4) No appeal lies against a decision of the High Bailiff in connection with a charitable function authorisation.
- (5) A charitable function authorisation is subject to the following conditions —
 - (a) attendance at the charitable function for which the authorisation is granted must be restricted to members of the organisation by which the function is held and their invited guests;
 - (b) the function must not be advertised to the general public;
 - (c) admission to the function must be by ticket only;
 - (d) no tickets may be sold, issued, supplied or distributed at or about the place where the function is held;
 - (e) at the function liquor must not be sold or supplied to or consumed by persons other than members of the organisation by which the function is held and their invited guests;
 - (f) the holder of the authorisation must, not later than 12 hours before the beginning of the function, produce the authorisation to the officer in charge of a police station in the vicinity of the place where it is to be held;
 - (g) payment of any applicable fee associated with the licence or the individual function.
- (6) The High Bailiff may direct in any particular case that a charitable function authorisation shall be granted without a condition specified in subparagraph (c), (d), (e), (f), or (g).

6 Mobile licence conditions

The holder of a mobile licence may only sell liquor if the holder of the mobile licence also holds an event licence (and the sale of liquor takes place in accordance with that specific event licence).

7 **Manx transport licence conditions**

A Manx transport licence in connection with a passenger vessel must contain a condition that the retail sale and supply of liquor is only permitted on the passenger vessel while it is plying from place to place, but not while in a harbour in the Island.

8 **Liquor producer sales licence conditions**

A liquor producer sales licence must contain a condition that the licensee must not sell or supply any liquor other than liquor brewed or distilled on the licence holder's premises.

9 **Club licence conditions**

- (1) For the purposes of this Schedule, "club" means —
 - (a) an association dedicated to a particular interest or activity;
 - (b) an organisation constituted to play matches in a particular sport;
 - (c) an organisation of people with a common purpose or interest, who meet regularly and take part in shared activities; or
 - (d) a group of persons organised for a social, literary, athletic, political, or other purpose.
- (2) The holder of a club licence must be established and conducted in good faith as a club, and the licence will cease to be in effect if that status ends.
- (3) The holder of a club licence may be the club however the club must have a responsible person who is a member of the club.
- (4) The High Bailiff may, upon a written request by the representative mentioned in sub-paragraph (2) grant the licence holder an authorisation for the sale of liquor at a club function ("club function authorisation") on such day and between such hours as may be specified in the request.
- (5) The High Bailiff may grant to a club up to x club function authorisations within any period of 12 months.
- (6) No appeal lies against a decision of the High Bailiff in connection with a club function authorisation.
- (7) A club function authorisation is subject to the following conditions —
 - (a) liquor is not supplied, or intended to be supplied, to members and their guests on the premises other than by or on behalf of the club;
 - (b) the purchase for the club, and the supply by the club of liquor (so far as not managed by the club in a general meeting or otherwise by the general body of members) is managed by a committee elected by the members;
 - (c) no arrangements are made or intended to be made —

- (i) for any person to receive at the expense of the club any commission, percentage or similar payment on or with reference to purchases of liquor by the club; or
 - (ii) for any person directly or indirectly to receive any pecuniary benefit from the supply of liquor by or on behalf of the club to members or guests, apart from any benefit accruing to the club as a whole, and apart also from any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the club;
 - (d) payment of any applicable fee associated with the licence or the individual function.
- (8) Under the rules of the club persons may not be admitted to membership, or be admitted as candidates for membership to any of the privileges of membership, without an interval of at least 48 hours between their nomination or application and their admission.
- (9) No amendment of the rules of a registered club has effect unless it is approved by the court.
- (10) The court must not approve any amendment of club rules unless, under the rules as amended, the club satisfies the requirements of sub-paragraphs (1) and (2).

10 Provisions authorising public entertainment licences

- (1) A licensee must ensure that the premises are used in compliance with the provisions of the licence.
- (2) The licensee must be responsible for the running of the public entertainment at the premises or nominate a person who must be responsible, on behalf of the licensee.
- (3) If the court thinks fit, an on-licence may permit —
- (a) music, or music of a description specified in the provision, to be played on the licensed premises or in any part of them; or
 - (b) dancing to take place on the premises or in any part of them; or
 - (c) any licensed entertainment;
- or any combination of (a),(b) and (c) , at such times and subject to such conditions as may be specified in the licence conditions.
- (4) The court, of its own motion or on application by any person, may by order vary or revoke a permission referred to in sub-paragraph (3).
- (5) Nothing in this paragraph applies to music played by the reproduction of programmes included in a programme service (within the meaning of the Communications Act 2021).

SCHEDULE 3

[Regulation 4]

EXEMPTIONS FROM REQUIREMENT TO HOLD LIQUOR LICENCE**Activities which are exempt from the requirement to be licensed**

- (1) Brewing, distillation, storage, transportation of liquor.
- (2) The sale or supply of liquor on a train provided that —
 - (a) the liquor is not sold or supplied by retail to, or consumed by, persons other than persons taking a substantial meal on the premises; and
 - (b) no liquor is sold or supplied on the premises otherwise than by waiter service.
- (3) The retail sale or supply of liquor by a vessel that —
 - (a) does not allow Island residents to enter the premises, unless at the invitation of a master, crew member or passenger of the vessel, and
 - (b) does not take on passengers for the purpose of plying from place to place in the Island.
- (4) The retail sale or supply of liquor by a club with less than 25 members; and which satisfies the conditions of paragraphs 9(7) and 9(8) (club licence conditions) of Schedule 2.
- (5) The retail supply or sale of liquor in a canteen authorised by the Department or Secretary of State for the supply of liquor to members of Her Majesty's naval, military or air forces —
 - (a) for the period (if any) specified in the authorisation; and
 - (b) if no such period is specified, for a period of one year, subject to such conditions as are specified in the authorisation.

SCHEDULE 4

[Section 79]

CONSEQUENTIAL AMENDMENTS AND REPEALS**(FOR COMPLETION LATER)**