

AS FURTHER AMENDED IN THE H.O.R

No. 1 of 2014

Fourth Session Tenth Parliament Republic of
Trinidad and Tobago

SENATE

BILL

AN ACT to amend the Liquor Licences Act, Chap. 84:10, the Cinematograph Act, Chap. 20:10, the Registration of Clubs Act, Chap. 21:01, the Theatres and Dance Halls Act, Chap. 21:03, the Moneylenders Act, Chap. 84:04, the Pawnbrokers Act, Chap. 84:05, the Licensing of Dealers (Precious Metals) Act, Chap. 84:06 and the Old Metal and Marine Stores Act, Chap. 84:07.

MISCELLANEOUS PROVISIONS (LICENSING COMMITTEE)
BILL, 2014

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

Clause 1 of the Bill would provide the short title of the Bill.

Clause 2 of the Bill would amend the Liquor Licences Act, Chap. 84:10, *inter alia*—

- (i) by repealing section 5(1) of the Act and substituting a new section 5(1) to provide for the constitution of licensing committees and to impose a duty on members of licensing committees to declare possible or perceived conflicts of interest in respect of applications and to withdraw from considering applications where conflicts of interest arise;
- (ii) by repealing section 7 of the Act and substituting a new section providing for the Clerk of the Peace to assign a public officer to perform the duties of the Secretary of the licensing committee;
- (iii) by inserting, in section 21, two new subsections, (3A) and (3B), setting out the procedure to be adopted when there is an objection to the grant or renewal of a licence;
- (iv) by repealing subsection (1) of section 21A and substituting a new subsection (1) to provide that a Magistrate may, upon complaint in writing being made, suspend or revoke a licence for discrimination;
- (v) by repealing subsection (1) of section 21C and substituting a new subsection (1) providing that a Magistrate may, upon complaint in writing being made, suspend or revoke a licence for causing a public annoyance because of excessive noise;
- (vi) in section 22, by removing the requirement for appeals from decisions of licensing committees to be made to the Court of Appeal and providing instead for reviews of such decisions to be made by the Magistrate;
- (vii) by inserting a new section 22A providing that a person aggrieved by an order of a Magistrate under section 22 may appeal from the decision to the Court of Appeal;

- (viii) in section 29, by increasing the penalty for falsely pretending to be the person applying for a licence from one thousand dollars to five thousand dollars;
- (ix) in section 35(9), by increasing the penalty for selling certain spirits of a lower strength than 40 per cent A/c./Vol. from one thousand dollars to five thousand dollars;
- (x) in section 44(3), by increasing the penalty for failure to comply with the provisions of an occasional licence or to carry out the conditions in section 44(1) from two thousand dollars to three thousand dollars;
- (xi) in section 48, by increasing the penalty for selling intoxicating liquor;
- (xii) in section 49, by increasing the penalty for the unlawful purchase of spirits from two thousand dollars to four thousand dollars;
- (xiii) in section 50, by increasing the penalty for unlawful receipt of spirits from four thousand dollars to five thousand dollars;
- (xiv) in section 53, by increasing the penalty for offences in respect of stock and certificate books from four thousand dollars to five thousand dollars;
- (xv) in section 54(1), by increasing the penalty for the removal of spirits from four thousand dollars to five thousand dollars;
- (xvi) in section 55(1), (2) and (3), by increasing the penalty for the fraudulent use of certificates from four thousand dollars to five thousand dollars;
- (xvii) in section 56(2), by increasing the penalty for failure to comply with the requirement to cancel the permit or certificate received along with spirits from one thousand dollars to three thousand dollars;
- (xviii) in section 57(2), by increasing the penalty for failure to maintain a register of persons lodging at a hotel from two hundred dollars to one thousand dollars and in section 57(3), by increasing the penalty for failure to produce or for making a false entry in a register from one thousand dollars to three thousand dollars;
- (xix) in section 58, by increasing the penalty for gambling in any premises, licensed under the Act for sale of intoxicating liquor by retail, from four hundred dollars to one thousand dollars;

- (xx) in section 59(2), by increasing the penalty for use or possession of certain substances from one thousand dollars to five thousand dollars;
- (xxi) in section 60(1) and (2), by increasing the penalty for the sale of intoxicating liquor to children;
- (xxii) in section 61 by increasing the penalty for permitting disorder on premises from four hundred dollars to one thousand dollars;
- (xxiii) in section 62(2), by increasing the penalty for failing or refusing to quit premises where requested to do so from one hundred dollars to two thousand dollars;
- (xxiv) in section 64, by increasing the penalty for contravening that provision from two thousand dollars to five thousand dollars;
- (xxv) in section 66, by increasing the penalty for obstructing an Officer in the inspection of premises from four hundred dollars to one thousand dollars;
- (xxvi) in section 67(2), by increasing the penalty for keeping intoxicating liquor for sale without a licence from two thousand dollars to five thousand dollars;
- (xxvii) in section 69(2), by increasing the penalty for obstructing members of licensing committees in the inspection of premises;
- (xxviii) in section 75(2) and (3), by increasing the penalty in respect of the duty to place signboards outside the front of licensed premises from four hundred dollars to five thousand dollars and from one thousand dollars to ten thousand dollars respectively;
- (xxix) in section 76(3), by increasing the penalty for, *inter alia*, carrying on a business without making an entry from two thousand dollars to three thousand dollars.

Clause 3 of the Bill would amend the Cinematograph Act, Chap. 20:10, *inter alia*—

- (i) in section 2, by deleting the definition of “Licensing Authority” and substituting a new definition which would, in effect, provide that a licensing committee established under the Liquor Licences Act shall be the Licensing Authority for the purposes of the Cinematograph Act;
- (ii) in section 5(5), by providing for an appeal from a decision of the Licensing Authority in respect of a theatre licence to be heard by a Magistrate;

- (iii) in section 6(4), by providing for an appeal from a decision of the Licensing Authority in respect of an exhibitor's licence to be heard by a Magistrate;
- (iv) by inserting two new sections, 6A and 6B. The proposed section 6A would provide for an appeal from a decision of a Magistrate to be made to the Court of Appeal in accordance with the procedure set out in the Summary Courts Act, Chap. 4:20 in respect of appeals. The proposed section 6B would provide for the procedure to be adopted when there is an objection to the grant of a licence;
- (v) in section 17(5), by increasing the penalty for failure to keep a register, make a return or for making a false entry in a register or return.

Clause 4 of the Bill would amend the Cinematograph Regulations, Chap. 20:10, in regulations 24 and 25 by increasing the penalties in respect of occupiers of theatres or exhibitors for contravening certain provisions of the Act.

Clause 5 of the Bill would amend the Registration of Clubs Act, Chap. 21:01, *inter alia*—

- (i) in section 2(1), by inserting a definition of "Magistrate";
- (ii) by inserting two new sections, 8A and 8B, providing for the procedure to be adopted when there is an objection to an application for the registration of a club;
- (iii) in section 12(1), by increasing the penalty for the sale or supply of intoxicating liquor in an unregistered club from two thousand dollars and imprisonment for three months to ten thousand dollars and imprisonment for three years;
- (iv) in section 12(2), by increasing the penalty for keeping intoxicating liquor on premises for supply or sale from five hundred dollars to five thousand dollars;
- (v) in section 13(1) and (3), by increasing the penalty in respect of the sale of intoxicating liquor without a licence;
- (vi) in section 14, to provide for a Magistrate, upon a complaint made in writing regarding the registration of a club, to make an order directing that the club be struck off the Register on any of the grounds stated in that section;

- (vii) in section 14A(1) and (2), to provide for a Magistrate, upon a complaint made in writing regarding the registration of a club, to make an order directing that the club be struck off the Register for discrimination in contravention of section 14B of the Act;
- (viii) in section 14A(6), by increasing the penalty for failure to pay a members' club fees from five thousand dollars to fifteen thousand dollars;
- (ix) in section 14C, by repealing subsection (1) and substituting a new subsection providing for a Magistrate, upon a complaint made, in writing, regarding the registration of a club, to make an order directing that the club be struck off the Register for causing a public annoyance;
- (x) in section 14D, to provide for an appeal from a decision of a Magistrate to be made to the Court of Appeal in accordance with the procedure set out in the Summary Courts Act, Chap. 4:20;
- (xi) in section 17(1), by increasing the penalty for obstructing the police from entering upon club premises, from two hundred dollars for the first offence and one thousand dollars for a subsequent offence to two hundred dollars for the first offence and one thousand dollars for a subsequent offence;
- (xii) in section 17(2), by increasing the penalty for the refusal or failure to produce books or documents to a member of the Police Service for inspection, from two hundred dollars for the first offence and one thousand dollars for a subsequent offence to one thousand dollars for the first offence and two thousand dollars for a subsequent offence;
- (xiii) in section 19(1), by increasing the penalty, for failure by the Secretary of the Club, to make an application for the registration of a club or a return and in section 19(2), by increasing the penalty for making a false return.;
- (xiv) in section 22(3), by increasing the penalty imposed by the Minister in Regulations made under section 22(1), in respect of any offence under the Act, from two hundred dollars on summary conviction to ten thousand dollars;

- (xv) in section 25, by increasing the general penalty imposed in respect of an offence under the Act, where no specific offence is provided, from two hundred dollars to ten thousand dollars.

Clause 6 of the Bill would amend the Registration of Clubs Regulations, Chap. 21:01 in regulation 11, by increasing the penalty imposed on summary conviction for an offence under the Regulations from two hundred dollars to ten thousand dollars.

Clause 7 of the Bill would amend the Theatres and Dance Halls Act, Chap. 21:03, *inter alia*—

- (i) in section 2, in the definition of “Licensing Authority”, to provide, in effect, that a licensing committee established under the Liquor Licences Act shall be the Licensing Authority for the purposes of the Act and by inserting a definition of “Magistrate”;
- (ii) in section 3, by providing for the procedure to be adopted when there is an objection to the grant or transfer of a theatre or dance hall licence;
- (iii) in section 4, by providing, in effect, that a Magistrate shall have the power to cancel or suspend, for a period not exceeding six months, a theatre or dance hall licence upon complaint made, in writing, by any of the persons specified in that section;
- (xvi) in section 4A, by repealing subsection (1) and substituting a new subsection providing for a Magistrate, upon a complaint made in writing, to suspend or cancel a licence on the ground of discrimination;
- (xvii) in section 4C(1) and (2), by deleting the words “Licensing Authority” wherever they occur and substituting the word “Magistrate” to enable a Magistrate to cancel a licence granted under the Act for causing a public annoyance;
- (xviii) in section 4D, by deleting the words “Licensing Authority” and substituting the word “Magistrate” to allow for appeals from decisions of a Magistrate to be made to the Court of Appeal;
- (xix) in section 5(1) and (2), by increasing the penalties for using a place as a as a theatre or dancehall without a licence and for contravening any requirement of the Act or any term or condition subject to which the licence is granted.

- (xx) in section 7(1), to provide, in effect, that a person aggrieved by a decision of a Licensing Authority refusing the grant or transfer a licence may apply to a Magistrate for a review of the decision. Section 7 would also be amended by inserting a new subsection (1A) to provide that a person aggrieved by the decision of a Magistrate, under subsection (1), may appeal from the decision to the Court of Appeal;

Clause 8 of the Bill would amend the Moneylenders Act, Chap. 84:04, *inter alia*—

- (i) in section 2, by inserting a definition of “licensing committee”;
- (ii) in section 4, by increasing the penalty for a breach of section 3 of the Act in respect of licences to be taken out by moneylenders;
- (iii) in section 5(2) by deleting the word “Magistrate” and substituting the words “licensing committee” to provide for licensing committees to grant certificates to persons authorizing the issue of moneylenders licences to such persons;
- (iv) in section 7, by repealing subsection (2) and substituting two new subsections, (2) and (3), to enable a person aggrieved by a decision of a licensing committee to apply to a Magistrate for a review of the decision;
- (v) in section 8(1), by deleting the word “Magistrate” and substituting the words “licensing committee” to provide, in effect, that a moneylender shall not transfer his business to premises, other than those specified in his licence, except with the consent of the licensing committee;
- (vi) in section 8(2), by increasing the penalty in respect of the unauthorized transfer of business to other premises from three hundred dollars to five thousand dollars;
- (vii) in sections 9(2), 10(1), 13, 17(2), 18(4), 19(3), 21(5), 22(1), 25 and 26(1) and (2) by increasing the penalties in respect of various offences.

Clause 9 of the Bill would amend the Pawnbrokers Act, Chap. 84:05—

- (i) in section 2, by inserting a definition of “licensing committee”;

- (ii) in sections 19, 28(1) and 32(5) by increasing the penalties in respect of various offences;
- (ii) in sections 35, 37 and 40 by deleting the word “Magistrate” and substituting the words “licensing committee” to provide, *inter alia*, that Certificates authorizing the grant of pawnbrokers licences shall be issued by licensing committees, rather than by Magistrates;
- (viii) in section 39(1), by increasing a penalty for forging a certificate;
- (ix) in sections 40(2), 41 and 42, by increasing the penalties in respect of certain offences;
- (x) by repealing section 51 and substituting a new section providing for aggrieved persons to apply to a Magistrate for a review of decision of a licensing committee and to the Court of Appeal in respect of a decision of the Magistrate.

Clause 10 would amend the Licensing of Dealers (Precious Metals and Stones) Act, Chap. 84:06—

- (i) in section 2, by inserting a definition of the term “licensing committee”;
- (ii) in section 4, by deleting the word “Magistrate” and substituting the words “licensing committee” to provide *inter alia* for the grant of licences under the Act to be made by licensing committees rather than Magistrates;
- (iii) by inserting a new section 4A, providing a procedure for dispute resolution where an objection to the grant of a licence is made;
- (iv) by inserting a new subsection 4B, providing for aggrieved persons to apply to a Magistrate for a review of a decision of a licensing committee and to the Court of Appeal in respect of a decision of the Magistrate;
- (v) in section 10, by increasing the penalty for a contravention of the Act.

Clause 11 of the Bill would amend the Old Metal and Marine Stores Act, Chap. 84:07—

- (i) in section 2, by inserting a definition of the term “licensing committee”;

- (ii) in section 4, by deleting the word “Magistrate” and substituting the words “licensing committee, to provide *inter alia* for the grant of licences under the Act to be made by licensing committees rather than Magistrates;
- (iii) by inserting a new section 4A, providing a procedure for dispute resolution where an objection to the grant of a licence is made;
- (iv) by inserting a new subsection 4B, providing for aggrieved persons to apply to a Magistrate for a review of a decision of a licensing committee and to the Court of Appeal in respect of a decision of the Magistrate.

BILL

AN ACT to amend the Liquor Licences Act, Chap. 84:10, the Cinematograph Act, Chap. 20:10, the Registration of Clubs Act, Chap. 21:01, the Theatres and Dance Halls Act, Chap. 21:03, the Moneylenders Act, Chap. 84:04, the Pawnbrokers Act, Chap. 84:05, the Licensing of Dealers (Precious Metals) Act, Chap. 84:06 and the Old Metal and Marine Stores Act, Chap. 84:07

[, 2014]

ENACTED by the Parliament of Trinidad and Tobago as Enactment follows:

Short title

1. This Act may be cited as the Miscellaneous Provisions (Licensing Committee) Act, 2014.

Chap. 84:10
amended

2. The Liquor Licences Act is amended—

(a) by repealing section 5 and substituting the following section:

“Constitution of licensing committee 5.(1) There shall be a licensing committee for each magisterial district which shall consist of the following members:

(a) the Clerk of the Peace or, where more than one Clerk of the Peace is assigned to a Magisterial District, a Clerk of the Peace designated by the Chief Magistrate;

(b) one person, or his alternate, nominated by—

(i) the Tobago House of Assembly, in the case of Tobago; or

(ii) the Municipal Corporation of the municipality in which the magistrate’s court is located; and

(c) **one person nominated by the Minister in**

**consultation with
the local business
associations or his
alternate.**

(2) Whenever a committee sits for the transaction of business, the Clerk of the Peace shall be the Chairman.

(3) Two members of a licensing committee shall constitute a quorum.

(4) A member of a licensing committee shall declare any possible or perceived conflict of interest in respect of an application before the committee, and the member shall—

(a) in the case of the Chairman, withdraw from considering the application and the other members present at that meeting shall elect a chairman for the purposes of the application; and

(b) in the case of any other member, withdraw from considering the application and be replaced by his alternate.

(5) For the purpose of subsection (4), a conflict of interest is deemed to arise if a

member of a licensing committee makes or participates in the making of a decision **and** he knows or ought reasonably to know, that in the making of the decision, there was an opportunity either directly or indirectly to further his private interests or that of a member of his family or of any other person.

(6) In the event that the Chairman is absent from a meeting of a licensing committee, the other members present at that meeting shall elect one of their members to act as Chairman.”;

(b) by repealing section 7 and substituting the following section:

“Secretary of
licensing
committee 7. The Clerk of the Peace shall assign a public officer to perform the duties of Secretary of a licensing committee.”;

(c) in section 20, by inserting, after subsection (4), the following:

“ (4A) In the absence of any objection, a Licensing Committee may issue or renew a licence without requiring the applicant to attend before the Committee.”;

(d) in section 21(1), by deleting all the words from the words “shall have the right of appearing before the licensing committee” and substituting the

words “may object, in writing, to the grant or renewal of a licence or the transfer of any licence to any new premises or person, stating the grounds of the objection, and every such objector shall be heard by the licensing committee.”;

(e) in section 21, by inserting, after subsection (3), the following subsections:

“ (3A) Where an objection to the grant, transfer or renewal of a licence is made in accordance with this section, the licensing committee shall meet with the applicant and the objector to assist them in reaching a mutually acceptable resolution.

(3B) Where the parties fail to agree to a resolution, the matter shall be heard by a Magistrate assigned for duty in the magisterial district and the Magistrate may make an order approving or refusing the grant, transfer or renewal of the licence.”;

(f) in section 21A—

(i) by repealing subsection (1) and substituting the following subsection:

“ (1) A Magistrate may, on a complaint made in writing by a person to whom this section applies, suspend or revoke a licence if satisfied, **by evidence**, that the conduct of any trade or business on licensed premises to which the public has access is contrary to the provisions of section 21B.”; and

- (ii) in subsection (2), by deleting the words “Chairman of the Committee shall summon the licensee to appear before the Committee” and substituting the words “the Magistrate shall summon the licensee to appear before him”;

(g) in section 21C—

- (i) by repealing subsection (1) and substituting the following subsection:

“ (1) A Magistrate may, on complaint made in writing by an aggrieved person, suspend or revoke a licence if satisfied, **by evidence**, that the conduct of any trade or business on licensed premises to which this Act applies has caused annoyance to persons in the vicinity of that trade or business by virtue of excessive noise **or other nuisance.**”; and

- (ii) in subsection (2), by deleting the words “Chairman of the Committee” and “Committee” and substituting the word “Magistrate”;

(h) in section 21D(1), by deleting the words “licensing committee” and substituting the word “Magistrate”;

(i) in section 22, by deleting the words “appeal from such decision to the Court of Appeal” and substituting the words “apply in writing to a Magistrate for a review of the decision”;

(j) by inserting after section 22, the following section:

“Appeals from
decision of
Magistrate 22A. A person who is
aggrieved by an order of a
Magistrate under section 22
may appeal from the order to
the Court of Appeal.”;

(k) in section 23, by deleting the words “section 22” and substituting the words “section 22A”;

(l) in section 29, by deleting the words “one thousand dollars” and substituting the words “five thousand dollars”;

(m) in section 35(9), by deleting the words “one thousand dollars” and substituting the words “five thousand dollars”;

(n) in section 44(3)(d), by deleting the words “two thousand dollars” and substituting the words “three thousand dollars”;

(o) in section 48—

(i) in subsection (1), by deleting the words “five thousand dollars” and “two thousand dollars” and substituting the words “ten thousand dollars” and “five thousand dollars” respectively; and

(ii) in subsection (3), by deleting the words “one thousand dollars” and substituting the words “two thousand dollars”;

(p) in section 49, by deleting the words “two thousand dollars” and substituting the words “four thousand dollars”;

(q) in section 50, by deleting the words “four thousand dollars” and substituting the words “five thousand dollars”;

- (r) in section 53, by deleting the words “four thousand dollars” and substituting the words “five thousand dollars”;
- (s) in section 54(1), by deleting the words “four thousand dollars” and substituting the words “five thousand dollars”;
- (t) in sections 55(1),(2) and (3) by deleting the words “four thousand dollars” and substituting the words “five thousand dollars”;
- (u) in section 56(2), by deleting the words “one thousand dollars” and substituting the words “three thousand dollars”;
- (v) in section 57—
 - (i) in subsection (2), by deleting the words “two hundred dollars” and substituting the words “one thousand dollars”; and
 - (ii) in subsection (3), by deleting the words “one thousand dollars” and substituting the words “three thousand dollars”;
- (w) in section 58, by deleting the words “four hundred dollars” and substituting the words “one thousand dollars”;
- (x) in section 59(2), by deleting the words “one thousand dollars” and substituting the words “five thousand dollars”;
- (y) in section 60—
 - (i) in subsection (1), by deleting the words “two thousand dollars”, “five thousand dollars” and “seven thousand five hundred dollars” and substituting the words “seven thousand five hundred dollars”, “ten thousand dollars**

and to a term of imprisonment for one year” and “fifteen thousand dollars and to a term of imprisonment for two years”, respectively; and

- (ii) in subsection (2) by inserting after the words “one year”, the words “in the case of a first or second offence and revoked in the case of a third offence”;
- (z) in section 61, by deleting the words “four hundred dollars” and substituting the words “one thousand dollars”;
- (aa) in section 62(2), by deleting the words “one hundred dollars” and substituting the words “two thousand dollars”;
- (bb) in section 64, by deleting the words “two thousand dollars” and substituting the words “five thousand dollars”;
- (cc) in section 66, by deleting the words “four hundred dollars” and substituting the words “one thousand dollars”;
- (dd) in section 67(2), by deleting the words “two thousand dollars” and substituting the words “five thousand dollars”;
- (ee) in section 69(2), by deleting the words “four hundred dollars” and substituting the words “one thousand dollars”;
- (ff) in section 75—
 - (i) in subsection (2), by deleting the words “four hundred dollars” and substituting the words “five thousand dollars”;
 - (ii) in subsection (3), by deleting the words “one thousand dollars” and

substituting the words “ten thousand dollars”; and

(*gg*) in section 76(3), by deleting the words “two thousand dollars” and substituting the words “three thousand dollars”.

Chap. 20:10
amended

3. The Cinematograph Act is amended—

(*a*) in section 2, by deleting the definition of “Licensing Authority” and substituting the following definition:

“ Chap. 84:10 “Licensing Authority” means
a licensing committee
established under the
Liquor Licences Act;”;

(*b*) by repealing section 4(1) and substituting the following subsection:

“ (1) For the purpose of granting a licence under this Act, the Licensing Authority shall be—

(*a*) in the case of a theatre licence, the licensing committee for the magisterial district within which the theatre is situated; and

(*b*) in the case of an exhibitor’s licence, the licensing committee for the magisterial district within which the applicant resides or has the principal place of business.”;

(*c*) in section 5—

(*i*) in subsection (5), by deleting the words “appeal from the decision to the Court of Appeal” and

substituting the words “apply in writing to a Magistrate for a review of the decision”; and

(ii) by repealing subsection (7);

(d) in section 6—

(i) in subsection (4), by deleting the words “appeal from the decision to the Court of Appeal” and substituting the words “apply in writing to a Magistrate for a review of the decision”; and

(ii) by repealing subsection (6);

(e) by inserting after section 6, the following sections:

“Appeals from orders of Magistrates 6A. A person who is aggrieved by an order of a Magistrate under section 5(5) or 6(4) may appeal against the order to the Court of Appeal.

Role of Licensing Authority with respect to objections 6B. (1) Where an objection to the grant of a licence is made under section 5(3) or 6(3), a Licensing Authority shall meet with the applicant and the objector to assist them in reaching a mutually acceptable resolution.

(2) Where the parties fail to agree to a resolution, the matter shall be heard by a Magistrate assigned for duty in the magisterial district and the Magistrate may make an order approving or refusing the grant or renewal of the licence.

(3) Any person aggrieved by a decision of a Magistrate under subsection (2) may appeal from the decision to the Court of Appeal.

(4) The procedure in respect of an appeal under sections 6A. and 6B (3) shall be such as is set out in the Summary Courts Act.”; and

(f) in section 17(5), by deleting the words “one thousand dollars” and substituting the words “three thousand dollars”.

Chap. 20:10

4. The Cinematograph Regulations are amended—

(a) in regulation 24, by deleting all the words from the words “or imprisonment for twelve months”; and

(b) in regulation 25, by deleting all the words from the words “two thousand dollars” and substituting the words “twenty thousand dollars”.

Chap. 21:01
amended

5. The Registration of Clubs Act is amended—

(a) in section 2(1), by inserting after the definition of “intoxicating liquor”, the following definition:

“ “Magistrate” means the Magistrate assigned for duty in the magisterial district within which the club is situated;”;

(b) in section 8(1)(c), by deleting the words “14(1) and (2)” and substituting the words “14(1)(a), (f) and (i)”;

(c) by inserting after section 8, the following sections:

“Objections 8A. (1) Where an objection to an application for the registration of a club is made to a Licensing Committee, **the committee shall** meet with the applicant and the objector to assist them in reaching a mutually acceptable resolution.

(2) Where the parties fail to agree to a resolution, the matter shall be heard by a Magistrate and the Magistrate may, if satisfied that any of the grounds set out in section 14(1) and (2) exist, make an order approving **or refusing** the registration of a club under this Act.

Appeals from decisions of licensing committee 8B. A person aggrieved by a decision of a licensing committee may apply in writing to a Magistrate for a review of the decision.”;

(d) in section 12—

(i) in subsection (1), by deleting the words “two thousand dollars and to imprisonment for three months” and substituting the words “ten thousand dollars and to imprisonment for three years”; and

(ii) in subsection (2), by deleting the words “five hundred dollars” and substituting the words “five thousand dollars”;

(e) in section 13—

(i) in subsection (1), by deleting the

words “two thousand dollars” and substituting the words “ten thousand dollars”; and

- (ii) in subsection (3), by deleting the words “two thousand dollars” and substituting the words “five thousand dollars”;

(f) in section 14—

- (i) in subsections (1) and (2), by deleting the words “Licensing Committee” and substituting the word “Magistrate”;
- (ii) in subsections (3) and (4), by deleting the word “committee” wherever it occurs and substituting the word “Magistrate”; and
- (iii) in subsections (5) and (6), by deleting the words “Licensing Committee” wherever they occur and substituting the word “Magistrate”;

(g) in section 14A—

- (i) in subsection (1)—
 - (A) by deleting the words “Licensing Committee” and substituting the word “Magistrate”;
 - (B) by deleting the word “it” in the first place where it occurs and substituting the word “he”; and
 - (C) by deleting the word “it” in the second place where it occurs and substituting the word “him”;

(ii) in subsection (2), by deleting the words “Chairman of the Committee” and “Committee” and substituting the word “Magistrate”; and

(iii) in section 14A (6), by deleting the words “five thousand dollars” and substituting the words “fifteen thousand dollars”;

(h) in section 14C—

(i) by repealing subsection (1) and substituting the following subsection:

“(1) A Magistrate may, on complaint made by an aggrieved person, make an order directing the club to be struck off the Register if the conduct of any trade or business on premises to which this Act applies has caused annoyance to persons in the vicinity of that trade or business by virtue of excessive noise.”; and

(ii) in subsection (2), by deleting the words “Chairman of the Committee” and “Committee” and substituting the word “Magistrate”;

(i) in section 14D—

(i) in subsection (1), by deleting the words “the Licensing Committee under section” and substituting the words “a Magistrate under section 8B.”; and

(ii) in subsection (3), by deleting the words “In this section” and substituting the words “In relation to an order of a Magistrate under sections 14A and 14C,”;

(j) in section 17—

(i) in subsection (1), by deleting the words “two hundred dollars” and “one thousand dollars” and substituting the words “one thousand dollars” and “two thousand dollars” respectively; and

(ii) in subsection (2), by deleting the words “two hundred dollars” and “one thousand dollars” and substituting the words “one thousand dollars” and “two thousand dollars” respectively;

(k) in section 19—

(i) in subsection (1), by deleting all the words from the words “four hundred dollars” and substituting the words “fifteen thousand dollars and imprisonment for three years.”; and

(ii) in subsection (2), by deleting the words “imprisonment for three months, or to a fine of one thousand dollars and to imprisonment for three months” and substituting the words “a fine of five thousand dollars and imprisonment for nine months”;

(l) in section 20(2), by deleting the words “or Licensing Committee”;

(m) in section 22(3) by deleting the words “two hundred dollars” and substituting the words “ten thousand dollars”;

- (n) in section 25, by deleting all the words from the words “in the case of a first offence” to the words “two hundred dollars” and substituting the words “to a fine of ten thousand dollars”; and
- (o) by deleting section 28 and substituting the following section:

“28. All evidence given before a Magistrate under this Act shall be on oath.”.

6. The Registration of Clubs Regulations are amended in regulation 11, by deleting the words “two hundred dollars” and substituting the words “ten thousand dollars”. Chap. 21:01 amended

7. The Theatres and Dance Halls Act is amended— Chap. 21:03 amended

(a) in section 2—

(i) **by deleting the definition of “Licensing Authority” and substituting the following definition:**

“ **“Licensing Authority” means a licensing committee established under the Liquor Licences Act;”**; and

(ii) by inserting after the definition of “Licensing Authority”, the following definition:

“ **“Magistrate” means a Magistrate assigned for duty in the magisterial district in which a theatre or dance hall is situated;”**

(b) in section 3, by inserting after subsection (4), the following subsections:

“ (4A) Where an objection to the grant or transfer of a licence is made, **the Licensing Authority** shall meet with the applicant and the objector to assist them in reaching a mutually acceptable resolution.

(4B) Where the parties fail to agree to a resolution, the matter shall be heard by a Magistrate.”;

(c) in section 4, by deleting the words “Licensing Authority” and substituting the word “Magistrate”;

(d) in section 4A—

(i) by repealing subsection (1) and substituting the following subsection:

“ (1) A Magistrate may, on complaint made in writing by a person to whom this section applies, suspend or cancel a licence, if satisfied by **evidence** before him that the conduct of any business on premises to which the public has access is contrary to the provisions of section 4B.”;

(ii) in subsection (2), by deleting the words “Licensing Authority” and substituting the word “Magistrate”; and

(iii) in subsection (3), by deleting the words “Licensing Authority” and substituting the word “Magistrate”;

(e) in section 4C.(1) and (2), by deleting the words “Licensing Authority” and substituting the word “Magistrate”;

- (f) in section 4D(1), by deleting the words “Licensing Authority” and substituting the word “Magistrate”;
- (g) in section 5—
 - (i) in subsection (1), by deleting the words “two hundred dollars for every day in which the place is so used” and substituting the words “fifteen thousand dollars”; and
 - (ii) in subsection (2), by deleting all the words from the words “one thousand dollars” to the words “for each day on which the contravention continues after conviction” and substituting the words “ten thousand dollars”;
- (h) in section 6, by deleting the words “four hundred dollars” and substituting the words “one thousand dollars”; and
- (i) **by repealing section 7(1) and substituting the following:**

Chap. 84:04
amended

“ (1) Any person aggrieved by any decision of the Licensing Authority refusing the grant or transfer of a licence under this Act may apply in writing to a Magistrate for a review of the decision.”.

8. The Moneylenders Act is amended—

- (a) in section 2(1), by inserting after the definition of “firm”, the following definition:
 - “ “licensing committee” means a licensing committee established under the Liquor Licences Act;”;

- (b) in section 4, by deleting all the words from the words “on first conviction” to the words “four thousand dollars” and substituting the words “to a fine of ten thousand dollars and imprisonment for three years, and in the case of a company to a fine of thirty thousand dollars”;
- (c) in section 5(2), by deleting the word “Magistrate” and substituting the words “licensing committee”;
- (d) in **section 6(1)**, by deleting the word “Magistrate” and substituting the words “licensing committee”;
- (e) by inserting after section 6, the following section:

“Dispute
resolution

6A. (1) Where an objection to the grant of a certificate is made, a licensing committee shall meet with the applicant and the objector to assist them in reaching a mutually acceptable resolution.

(2) Where the parties fail to agree to a resolution, the matter shall be heard by a Magistrate assigned for duty in the magisterial district.”;

- (f) in section 7, by repealing subsection (2) and substituting the following subsections:

“ (2) A person aggrieved by a refusal of a licensing committee to grant a certificate for a licence may apply in writing to a Magistrate for a review of the decision.

(3) A person aggrieved by an order

of a Magistrate under subsection (2) may appeal from the decision to the Court of Appeal.”;

- (g) in section 8—
 - (i) in subsection (1), by deleting the word “Magistrate” and substituting the words “licensing committee”; and
 - (ii) in subsection (2), by deleting the words “three hundred dollars” and substituting the words “five thousand dollars”;
- (h) in section 9(2), by deleting the words “forty dollars” and substituting the words “two hundred dollars”;
- (i) in section 10(1), by deleting the words “four thousand dollars or to imprisonment for six months” and substituting the words “five thousand dollars and to imprisonment for nine months”;
- (j) in section 13, by deleting the words “two thousand dollars” and substituting the words “five thousand dollars”;
- (k) in section 17(2), by deleting the words “one thousand dollars” and substituting the words “three thousand dollars”;
- (l) in section 18(4), by deleting the words “four hundred dollars” and substituting the words “one thousand dollars”;
- (m) in section 19(3), by deleting the words “forty dollars” and substituting the words “three hundred dollars”;
- (n) in section 21(5), by deleting the words “two hundred dollars” and substituting the

words “two thousand dollars”;

- (o) in section 22(1), by deleting the words “four thousand dollars or to imprisonment for six months” and substituting the words “five thousand dollars and to imprisonment for nine months”;
- (p) in section 25, by deleting the words “four thousand dollars or to imprisonment for six months” and substituting the words “ five thousand dollars and to imprisonment for nine months”; and
- (q) in section 26(1) and (2), by deleting the words “two hundred dollars” and substituting the words “one thousand dollars”.

Chap. 84:05
amended

9. The Pawnbrokers Act is amended—

- (a) in section 2, by inserting before the definition of “pawnbroker”, the following definition:
 - “ “licensing committee” means a licensing committee established under the Liquor Licences Act;”;
- (b) in section 19, by deleting the words “four hundred dollars” and substituting the words “ four thousand dollars”;
- (c) in section 28(1), by deleting the words “two hundred dollars” and substituting the words “five thousand dollars”;
- (d) in section 32(5), by deleting the words “for every such offence liable, on

summary conviction, to a fine of two thousand dollars” and substituting the words **liable on summary conviction to a fine of fifteen thousand dollars**;

- (e) in sections 35, 37 and 40, by deleting the word “Magistrate” wherever it occurs and substituting the words “licensing committee”;
- (f) by inserting after section 37, the following section:

“Dispute
resolution

37A.(1) Where an objection to the grant of a certificate is made, a licensing committee shall meet with the applicant and the objector to assist them in reaching a mutually acceptable resolution

(2) Where the parties fail to agree to a resolution, the matter shall be heard by a Magistrate assigned for duty in the magisterial district.”;

- (g) in section 39(1), by deleting the words “one thousand dollars” and substituting the words “five thousand dollars”;
- (h) in section 40(2), by deleting the words “four hundred dollars” and substituting the words “five thousand dollars”;
- (i) in section 41, by deleting the words “four hundred dollars” and substituting the words “four thousand dollars”;
- (j) in section 42, by deleting the words “two hundred and forty dollars” and

substituting the words “ one thousand dollars”; and

- (k) by repealing section 51 and substituting the following section:

“ Appeals 51. (1) A person aggrieved by a refusal of a licensing committee to grant a certificate for a licence may apply in writing to a Magistrate for a review of the decision.

(2) A person aggrieved by an order of a Magistrate under subsection (1) **or a decision of a Magistrate under section 37A (2)** may appeal from the decision to the Court of Appeal.”.

Chap. 84:06
amended

10. The Licensing of Dealers (Precious Metals and Stones) Act is amended—

- (a) in section 2, by inserting before the definition of “precious metals”, the following definition:

“ “licensing committee” means a licensing committee established under the Liquor Licences Act;”;

- (b) in section 4, by deleting the word “Magistrate” wherever it occurs and substituting the words “licensing committee”;

- (c) by inserting after section 4, the following sections:

“Dispute
resolution 4A. (1) Where an objection to the grant of a licence is made, a licensing committee shall meet with the applicant and the objector to assist them in reaching a mutually

acceptable resolution.

(2) Where the parties fail to agree to a resolution, the matter shall be heard by a Magistrate assigned for duty in the magisterial district.

Appeals from
decisions of
licensing
committee

4B. (1) A person aggrieved by a refusal of a licensing committee to grant a licence may apply in writing to a Magistrate for a review of the decision.

(2) A person aggrieved by an order of a Magistrate under subsection (1) **or section 4A (2)** may appeal from the decision to the Court of Appeal.”; and

(d) in section 10, by deleting the words “three thousand dollars and to imprisonment for six months” and substituting the words “fifteen thousand dollars and to imprisonment for three years”.

11. The Old Metal and Marine Stores Act is Chap.84:07 amended—

(a) in section 2, by inserting before the definition of “marine stores”, the following definition:

“ “licensing committee” means a licensing committee established under the Liquor Licences Act;”;

(b) in section 4, by deleting the word “Magistrate” wherever it occurs and substituting the words “licensing committee”; and

(c) by inserting after section 4, the following sections:

“Dispute
resolution

4A. (1) Where an objection to the grant of a licence is made, a licensing committee shall meet with the applicant and the objector to assist them in reaching a mutually acceptable resolution.

(2) Where the parties fail to agree to a resolution, the matter shall be heard by a Magistrate assigned for duty in the magisterial district.

Review of
decisions of
licensing
committee
and appeals
from
Magistrates’
decisions

4B. (1) A person aggrieved by a refusal of a licensing committee to grant a licence may apply in writing to a Magistrate for a review of the decision.

(2) A person aggrieved by an order of a Magistrate under subsection (1) may appeal from the decision to the Court of Appeal.”; and

(d) in section 10, by deleting the words “one thousand dollars” and substituting the words “fifteen thousand dollars”.

Passed in the Senate this day of , 2014.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 1 of 2014

FOURTH SESSION
TENTH PARLIAMENT

REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN Act to amend the Liquor Licences Act,
Chap. 84:10, the Cinematograph Act,
Chap. 20:10, the Registration of Clubs Act,
Chap. 21:01, the Theatres and Dance Halls
Act, Chap. 21:03, the Moneylenders Act,
Chap. 84:04, the Pawnbrokers Act,
Chap. 84:05, the Licensing of Dealers
(Precious Metals) Act, Chap. 84:06 and the
Old Metal and Marine Stores Act,
Chap. 84:07

Received and read the

First time

Second time

Third time