



REPUBLIC OF NAURU

# LIQUOR CONTROL (AMENDMENT) NO. 2 ACT 2018

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No. 41 of 2018

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An Act to amend the Liquor Control Act 2017

Certified: 18<sup>th</sup> December 2018

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Enacted by the Parliament of Nauru as follows:

**1 Short title**

This Act may be cited as the *Liquor Control (Amendment) No. 2 Act 2018*.

**2 Commencement**

This Act commences on certification by the Speaker.

**3 Amendment of Liquor Control Act 2017**

The Liquor Control Act 2017 is amended by the provisions of this Act.

**4 Amendment of section 4**

Section 4 is amended by:

- (a) deleting the words '*Retail bottle store licence*' and its definition;
- (b) deleting the words '*Wholesale licence*' and its definition;

**5 Section 12 repealed and replaced**

Section 12 is repealed and replaced as follows:

**'12 Licences**

- (1) No person shall import liquor for wholesale or retail sale or supply in the Republic without a licence to import liquor for that purpose being granted by the Liquor Licensing Board under this Act.
- (2) No person shall sell or supply liquor either by wholesale or retail in the Republic without a licence being granted for the purpose of sale or supply by retail or wholesale or both.
- (3) The Board shall consider each application lodged and inform the applicant of its decision.
- (4) For the purpose of subsection (1), the Board may grant an exclusive licence or limit the number of licences granted.
- (5) Where the Board approves an application which the applicant lodged under this Act, it may grant the applicant one of the following classes of licences:
  - (a) off-licence;
  - (b) club licence;
  - (c) special event licence;
  - (d) bar licence;

- (e) restaurant licence;
- (f) nightclub licence; or
- (g) liquor import licence.

(6) A licence granted under this Act shall be in the prescribed form.

(7) A person who contravenes subsection (1) commits an offence and upon conviction is liable to:

- (a) a fine not exceeding \$200,000;
- (b) a term of imprisonment not exceeding 7 years; or
- (c) both a fine or a term of imprisonment under paragraphs (a) or (b); and
- (d) an order for the destruction of any infringing importation of liquor or for sale by public auction and monies received is to be paid into the Treasury fund.

(8) The jurisdiction to hear and determine an offence under subsection (7) vests in the Supreme Court.'

**6 Insert new section 12A**

**'12A Off-licence**

The Board may grant an off-licence to an applicant for the exclusive sale or distribution of liquor in unopened containers:

- (a) by wholesale or retail, as specified in the licence; and
- (b) between the hours specified in the licence; and
- (c) on days other than Sundays or public holidays.

**7 Amendment of section 13**

Section 13(1)(c) is repealed and replaced as follows:

'(c) specifying the class of licence being applied for.'

**8 Section 17 repealed and replaced**

Section 17 is repealed and replaced as follows:

'For the purpose of making a decision on an application for a licence, the Board shall consider and determine:

- (a) the suitability of the applicant;

- (b) whether it is appropriate to grant the licence for premises in the area to which the application relates;
- (c) whether the premises to which the application relates are fit and proper premises for the purposes of the licence;
- (d) compliance with health, sanitary and fire standards;
- (e) any objection to the application;
- (f) any public interest or public health related matters; and
- (g) any other matters which the Board deems relevant to the application.'

**9 Amendment of section 19**

Section 19(1) is amended by deleting the numeral '13' and substituting with the numeral '12'.

The section now reads:

'(1) An applicant who intends to sell or supply liquor under more than one class of licence under section 12 shall apply for each relevant class and pay the relevant prescribed fees.'