

REPUBLIC OF KIRIBATI
(No. 12 of 2005)

I assent,

Beretitenti
30/12/2005

AN ACT TO AMEND THE LIQUOR ORDINANCE (CAP. 50)

Commencement:
2005

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short title

1. This Act may be cited as the Liquor (Amendment) Act 2005.

Amendment of section 8

2. Section 8 of the Liquor Ordinance (hereinafter referred to as the principal Ordinance) is amended in subsection (2) by repealing the figure "\$50" and substituting the words "not less than \$500 and not exceeding \$5,000."

Amendment of section 10

3. Section 10 of the principal Ordinance is amended in subsection (5) by repealing the figure "\$50" and substituting the words "not less than \$500 and not exceeding \$5,000."

Amendment of section 11

4. Section 11 of the principal Ordinance is amended in subsection (7) by repealing the figure "\$50" and substituting the words "not less than \$500 and not exceeding \$5,000."

Amendment of section 12

5. Section 12 of the principal Ordinance is amended in subsection (4) by repealing the figure "\$50" and substituting the words "not less than \$500 and not exceeding \$5,000."

Amendment of section 15

6. Section 15 of the principal Ordinance is amended in subsection (3) by repealing the figure "\$20" and substituting the figure "\$500".

Amendment of section 16

7. Section 16 of the principal Ordinance is amended in subsection (3) by repealing the figure "\$50" and substituting the words "not less than \$500 and not exceeding \$5,000.".

Amendment of section 19

8. Section 19 of the principal Ordinance is amended -

- (a) in subsection (1) by repealing the figure "\$50" and substituting the figure "\$500"; and
- (b) in subsection (3) by repealing the figure "\$50" and substituting the figure "\$500.".

Amendment of section 21

9. Section 21 of the principal Ordinance is amended by repealing the figure "\$50" and substituting the figure "\$500.".

Amendment of section 25

10. Section 25 of the principal Ordinance is amended in subsection (5) by repealing the figure "\$50" and substituting the words "not less than \$500 and not exceeding \$5,000.".

Amendment of section 26

11. Section 26 of the principal Ordinance is amended in subsection (5) by repealing the figure "\$50" and substituting the words "not less than \$500 and not exceeding \$5,000.".

Amendment of section 27

12. Section 27 of the principal Ordinance is amended -

- (a) in subsection (1) by inserting at the end the following words ", but such sale shall not be carried out from his or her home."; and
- (b) in subsection (3) by repealing the figure "\$50" and substituting the words "not less than \$500 and not exceeding \$5,000.".

Amendment of section 50

13. Section 50 of the principal Ordinance is amended -

- (a) in subsection (1) by repealing the figure "\$50" and substituting the figure "\$500"; and
- (b) in subsection (2) by repealing the figure "\$100" and substituting the figure "\$500".

Amendment of section 52

14. Section 52 of the principal Ordinance is amended by repealing the figure "\$20" and substituting the figure "\$500".

Amendment of section 54

15. Section 54 of the principal Ordinance is amended by repealing the figure "\$100" and substituting the words "not less than \$500 and not exceeding \$5,000.".

Amendment of section 56

16. Section 56 of the principal Ordinance is amended in subsection (1) by repealing the figure "\$100" and substituting the words "not less than \$500 and not exceeding \$5,000.".

Amendment of section 57

17. Section 57 of the principal Ordinance is amended by repealing the whole section and substituting the following -

"57. Any person who sells or exposes for sale any liquor without holding a licence authorising the sale of that liquor shall be liable on conviction to a fine of not less than \$500 and not exceeding \$5000."

Amendment of section 58

18. Section 58 of the principal Ordinance is amended by repealing the figure "\$50" and substituting the words "not less than \$500 and not exceeding \$5,000."

Amendment of section 59

19. Section 59 of the principal Ordinance is amended by repealing the figure "\$50" and substituting the words "not less than \$500 and not exceeding \$5,000."

Amendment of section 60

20. Section 60 of the principal Ordinance is amended by repealing the figure "\$50" and substituting the words "not less than \$500 and not exceeding \$5,000."

Amendment of section 61

21. Section 61 of the principal Ordinance is amended by repealing the figure "\$50" and

substituting the words "not less than \$500 and not exceeding \$5,000."

Amendment of section 62

22. Section 62 of the principal Ordinance is amended in subsection (4) by repealing the figure "\$50" and substituting the words "not less than \$500 and not exceeding \$5,000."

Amendment of section 63

23. Section 63 of the principal Ordinance is amended -

- (a) in subsection (1) by repealing the figure "\$50" and substituting the words "not less than \$500 and not exceeding \$5,000."; and
- (b) in subsection (2) by repealing the figure "\$50" and substituting the words "not less than \$500 and not exceeding \$5,000."

Amendment of section 64

24. Section 64 of the principal Ordinance is amended by repealing the figure "\$50" and substituting the following words "not less than \$500 and not exceeding \$5,000."

Amendment of section 65

25. Section 65 of the principal Ordinance is amended by repealing the figure "\$50" and substituting the following words "not less than \$500 and not exceeding \$5,000."

Amendment of section 66

26. Section 66 of the principal Ordinance is amended in subsection (2) by repealing the figure "\$50" and substituting the words "not less than \$500 and not exceeding \$5,000."

Amendment of section 67

27. Section 67 of the principal Ordinance is amended -

- (a) in subsection (1) by repealing the whole subsection and substituting the following -

" (1) A justice of the peace, upon being satisfied by information on oath that there is reasonable ground for believing that -

- (a) any liquor is sold or exposed or kept for sale at, or in, a place not licensed for such purpose, or
- (b) a person under 21 years of age is, without lawful justification, present in a place not licensed for sale of liquor and is consuming liquor or is in the company of those consuming liquor,

may issue a search warrant to a police officer authorising him to enter that place which shall be named in the warrant, by force if need be, and search the place for liquor or a person under 21 years of age and seize and remove any liquor that the police officer has reasonable grounds for supposing to be in the place for the purpose of unlawful sale there or elsewhere, and the receptacles containing such liquor, or removing a person under 21 years of age therefrom.”; and

- (b) in subsection (2) by repealing the figure “\$10” and substituting the words “not less than \$500 and not exceeding \$5,000.”

Amendment of section 68

28. Section 68 of the principal Ordinance is amended -

- (a) in subsection (1), by repealing the figure “\$50” and substituting the words “not less than \$500 and not exceeding \$5,000.”;
- (b) by inserting a new subsection (2) as follows -

“(2) Subject to the provisions of this Ordinance, any person under the age of 21 years who -

- (a) is or within the curtilage of any licensed premises during the permitted hours; or
- (b) is present in a place where alcohol is being consumed and continues to remain there after having been warned to depart therefrom,

is guilty of an offence and shall be liable to a fine not exceeding \$100 or in default of payment to imprisonment for 6 months.”; and

- (c) in the old subsection (2), by -
 - (i) renumbering it as subsection (3); and
 - (ii) by repealing the figure “\$20” and substituting the words “not less than \$500 and not exceeding \$5,000.”; and
- (d) in the old subsection (3), by -
 - (i) renumbering it as subsection (4); and
 - (ii) by repealing the figure “\$20” and substituting the words “not less than \$500 and not exceeding \$5000.”

Amendment of section 69

29. Section 69 of the principal Ordinance is amended by repealing the figure "\$50" and substituting the words "not less than \$500 and not exceeding \$5,000."

Amendment of section 70

30. Section 70 of the principal Ordinance is amended in subsection (1) by repealing the figure "\$50" and substituting the following words "not less than \$500 and not exceeding \$5,000."

Amendment of section 71

31. Section 71 of the principal Ordinance is amended -

- (a) in subsection (1) by repealing the figure "\$50" and substituting the words "not less than \$500 and not exceeding \$5,000."; and
- (b) in subsection (2) by repealing the figure "\$50" and substituting the words "not less than \$500 and not exceeding \$5,000."

Amendment of section 72

32. Section 72 of the principal Ordinance is amended in subsection (1) by repealing the figure "\$50" and substituting the words "not less than \$500 and not exceeding \$5,000."

Amendment of section 73

33. Section 73 of the principal Ordinance is amended by repealing the figure "\$50" and substituting the words "not less than \$500 and not exceeding \$5,000."

Amendment of section 74

34. Section 74 of the principal Ordinance is amended by repealing the figure "\$50" and substituting the words "not less than \$500 and not exceeding \$5,000."

Amendment of section 76

35. Section 76 of the principal Ordinance is amended by repealing the figure "\$50" and substituting the words "not less than \$500 and not exceeding \$5,000."

Amendment of section 79

36. Section 79(1) of the principal Ordinance is amended by inserting at the end the words " or any other place where the offence against this Ordinance is being committed or likely to be committed."

New section

37. A new section 91 is inserted as follows -

“Jurisdiction of Magistrates Court

91. The Magistrates Court shall have jurisdiction to try offences under this Ordinance.”.

THE LIQUOR (AMENDMENT) ACT 2005

EXPLANATORY MEMORANDUM

The Liquor Ordinance is now being comprehensively reviewed but the amending Act will not be ready until next year. This Act is to immediately address problems encountered by police in attempting to control and enforce measures relating to under-age drinking. The drinking age under the present Liquor Ordinance is 21 years. With the frequency of foreign fishing vessels docking at our port for offloading their catches to their motherships, the incidence of sailors taking girls under 21 years of age on board for "having a good time" is prevalent. These activities involve engaging these girls in drinking alcohol.

The police have often encountered problems of not having power to board these vessels to check if these girls are engaged in drinking alcohol. The amendments seek to empower police to do that. The amendment to s.67 extends obtaining and issuing a search warrant to search any place where a person under 21 years is present and is consuming liquor or is in the company of those consuming liquor and may remove that person from that place.

The amendment to section 68 makes a person under 21 years guilty of an offence if he or she is present where alcohol is being consumed and continues to remain there after having been warned to depart therefrom. The punishment is a fine of \$100 or in default of payment 6 months imprisonment.

The amendment to section 79 empowers a police officer to enter any licensed premises or any other place (the ships included) for the purpose of preventing or detecting the commission of any offence against the Liquor Ordinance. These offences include drinking under 21 years of age.

The rest of the amendments are to increase the penalties to reflect the seriousness of the offence committed and to reflect the public response to those supplying and selling liquor in contravention of the Ordinance.

Titabu Tabane
Attorney-General
7 November 2005