

Accommodation work.

17. Whenever the construction of any undertaking authorized under this Law causes the interruption of any right of way or of any right to the passage of water, the High Commissioner, instead of sanctioning the acquisition of the right, shall, whenever he considers it practicable so to do, provide for the construction and maintenance of such crossings, bridges, culverts, watercourses or other passages as may be necessary for the purpose of making good the interruption and enabling the right to be enjoyed as before the construction of the work or as nearly as may be.

For the purpose of furnishing such accommodation the High Commissioner shall have power to acquire land as if it were required for the original undertaking.

Schedule added by Law 12 of 1942

LEPERS, *see* PUBLIC HEALTH.

LICENSING.

10 OF 1889.⁽¹⁾

TO CONSOLIDATE AND AMEND THE LAW WITH REGARD TO THE SALE OF INTOXICATING LIQUORS BY RETAIL.

HENRY BULWER.]

[April 27, 1889.

Definition.

1. The sale of intoxicating liquors in smaller quantities than three okes at a time shall be deemed to be the sale of intoxicating liquors by retail.

No liquor to be sold without licence.

2.—(1.) No person shall sell or expose for sale by retail any intoxicating liquor, without being duly licensed to sell the same, or at any place where he is not duly authorized to sell the same.⁽²⁾

Certificate of Mejlis Idaré. and excise licence.

(2.) In order to enable any person lawfully to sell intoxicating liquors by retail he must obtain:—

(a.) The certificate of the Mejlis Idaré of the Qaza that he is a fit and proper person to hold a licence for the sale of intoxicating liquors by retail, and that the place in which he desires to sell intoxicating liquors by retail is a fit and proper place for such sale;

(b.) The licence of the Government to sell intoxicating liquors in the place specified, hereinafter called an excise licence.

⁽¹⁾ Ss. 17—26 were formerly ss. 18—27.

⁽²⁾ See 13, 1906, 8, p. 277.

Whole law repealed by Law 20 of 1943

Sec. 2 (3) of Law 10 of 1889 (at p.505) has been repealed and the following substituted therefor:-

2 (3) Every certificate of the Mejlis Idaré shall be in the form in the First Schedule and every excise license shall be in such form as the Governor shall appoint.

Sec.3 of Law 10 of 1889 is also repealed and the following will have effect in its place:

3. In every District there shall be held in every year meetings of the Mejlis Idaré of the District, for the purpose of granting certificates to persons who have made applications for licenses for the sale of intoxicating liquors by retail, on such dates as the Commissioner of the District shall decide provided that one such meeting as aforesaid shall be held in February of each year.

Vide Law 20 of 1926

5. The Mejlis Idaré may continue such meetings by adjournment to such day or days as it shall deem most convenient and sufficient for enabling persons keeping inns or wine shops within the district to apply for certificates. Provided always that such adjourned meetings shall not be held on any of the twelve days next ensuing that on which the meeting shall have been holden; and every meeting adjourned from a meeting held in February shall be held before the 13th of March; and every meeting adjourned from a meeting held in August shall be held before the 13th of September.

Adjourned meetings.

repealed Law 20 of 1926 sec 9

6. Every certificate granted at any licensing meeting held in February or at any adjournment thereof shall be in force from the 13th of March next after the granting thereof for one whole year then next ensuing, and no longer; and every certificate granted at any licensing meeting held in August or at any adjournment thereof shall be in force from the 13th of September after the granting thereof until the 13th of March then next ensuing, and no longer.

Duration of certificate.

7. No appeal shall lie to the Central Mejlis Idaré from any decision of the Mejlis Idaré of a Qaza granting or refusing a certificate.

No appeal from Mejlis Idaré.

8. When any licensed person shall die during the continuance of the licence, the Principal Officer of the Excise may, at the request of the heirs of the deceased, or any of them, transfer the licence to any one of the heirs as holder thereof; and the licence so transferred shall remain in force until the 13th of March then next ensuing.

Transfer of licence of deceased person.

9.—(1.) The Principal Officer of Excise in each District shall, unless for good and sufficient cause he sees reason to the contrary, grant an excise licence for the sale of intoxicating liquors by retail

Issue of excise licences.

Law 20 of 1926 sec 4

(3.) Every certificate of the Mejlis Idaré under this Law shall be in the form in the First Schedule, and every excise licence shall be in the form in the Second Schedule. Forms.

3. In every Qaza there shall be annually holden two special meetings of the Mejlis Idaré of the Qaza for the purpose of granting certificates to persons keeping or being about to keep houses for the sale of intoxicating liquors by retail. Two special licensing meetings to be held annually.

Such meetings shall be held on a day in February and on a day in August to be fixed by the Commissioner of the District.

4. The Commissioner of the District shall cause notice of the day, hour, and place appointed for such meetings as aforesaid or any adjournment thereof to be published throughout the district ten days at least before the date fixed for the meeting or adjourned meeting. Notice of licensing meeting.

5. The Mejlis Idaré may continue such meetings by adjournment to such day or days as it shall deem most convenient and sufficient for enabling persons keeping inns or wine shops within the district to apply for certificates. Provided always that such adjourned meetings shall not be held on any of the twelve days next ensuing that on which the meeting shall have been holden; and every meeting adjourned from a meeting held in February shall be held before the 13th of March; and every meeting adjourned from a meeting held in August shall be held before the 13th of September. Adjourned meetings.

*repealed
Law 20 9 97
see 9*

6. Every certificate granted at any licensing meeting held in February or at any adjournment thereof shall be in force from the 13th of March next after the granting thereof for one whole year then next ensuing, and no longer; and every certificate granted at any licensing meeting held in August or at any adjournment thereof shall be in force from the 13th of September after the granting thereof until the 13th of March then next ensuing, and no longer. Duration of certificate.

7. No appeal shall lie to the Central Mejlis Idaré from any decision of the Mejlis Idaré of a Qaza granting or refusing a certificate. No appeal from Mejlis Idaré.

8. When any licensed person shall die during the continuance of the licence, the Principal Officer of the Excise may, at the request of the heirs of the deceased, or any of them, transfer the licence to any one of the heirs as holder thereof; and the licence so transferred shall remain in force until the 13th of March then next ensuing. Transfer of licence of deceased person.

9.—(1.) The Principal Officer of Excise in each District shall, unless for good and sufficient cause he sees reason to the contrary, grant an excise licence for the sale of intoxicating liquors by retail Issue of excise licences.

*Law
20 9 97
see 4*

to any person holding a certificate of the Mejlis Idaré under this Law.

Provided always that no excise licence shall be granted in respect of any premises situate in any village or quarter in which there are already sufficient licensed houses for the convenience of the public.

(2.) No excise licence for the sale of intoxicating liquors shall be granted by an Officer of Excise to any person whatever unless such person shall have previously obtained from the Mejlis Idaré of the Qaza in which the place is situate, in respect of which a licence is sought, a certificate in accordance with this Law.

Prohibited places.

10. No licence shall be given, unless for good and sufficient cause shown to the satisfaction of the Commissioner of the District, in respect of any premises situate within one hundred pics of any mosque, teké, medresseh or turbeh enclosed in a shrine, nor in the immediate vicinity of any guard house, police station house, or barrack, nor in any village or quarter inhabited exclusively by Mahomedans, nor in any place where the licensing authority shall consider the establishment of a house for the sale of intoxicating liquors would be prejudicial to the peace and good order and welfare of the inhabitants.

Premises to have no communication with unlicensed premises.

11. No premises licensed under this Law shall communicate by any internal communication with any unlicensed premises nor with any private court yard having any communication with any unlicensed premises.

Penalty for use of unlicensed premises for sale of intoxicating liquors.

12. Any person who shall sell any intoxicating liquors without an excise licence shall be liable to a penalty not exceeding twenty pounds, and any intoxicating liquors found in his possession or upon his premises shall be liable to forfeiture.

Occupant to produce agreement or officer may assess rental.

13. Every occupier of any premises to be licensed for the sale of intoxicating liquors shall be bound to produce to the proper Officer of Customs and Excise the agreement under which the premises are held; and if the officer has reason to suppose that the value of the premises exceeds the amount specified in the agreement, or if there is no agreement, the rental or value for assessment of licence duty shall be estimated in such manner as the ~~Principal Officer of Customs and Excise of the District~~ shall direct. *Chief Collector of Customs*

Law 20 of 1886 sec. 5

Rates for licences.

14. Licences for the sale of intoxicating liquors shall be charged for after the rates set forth in the Third Schedule.

15. If the occupier of any premises used for the sale of intoxicating liquors shall neglect or refuse when called upon by the proper Officer of Customs to produce the agreement, if any, under which he holds the premises, he shall be liable to a penalty not exceeding ten pounds.

Penalty for refusing to produce agreement.

16. Excise licence duty shall be payable in two instalments, on the 13th of March and on the 13th of September in every year.

Payment of licence duty by instalments.

Every licensed person who sells any intoxicating liquor by retail on any premises in respect of which any instalment is due and unpaid shall be liable to the pains and penalties of selling intoxicating liquors by retail with ~~the following penalties~~

*repealed
sec 9 Law
1926*

Sec.18 of Law 10 of 1889 (at p.507) has been amended by the addition thereto of the following sub-section.

"(2) The Principal Officer of Customs and Excise in any District may grant to any licensed person a special license to sell intoxicating liquors by retail at any public function or entertainment in any building approved by the Commissioner of the District and not at the time licensed for that purpose. Such license shall not be valid for more than one day, and shall specify the day and place for which it is issued."

Vide Law 20 of 1926 sec. 6

purpose or preventing any breach of the public peace, at all times enter any licensed premises and any part of such premises.

Every person who by himself or by any person in his employ or acting by his direction or with his consent refuses or fails to admit any peace officer in the execution of his duty demanding to enter in pursuance of this section shall be liable to a penalty not exceeding, for the first offence, five pounds and for the second and any subsequent offence ten pounds.

20. Any Magisterial Court, if satisfied by evidence on oath that there is reasonable ground to believe that any intoxicating liquor is sold by retail, or exposed or kept for sale by retail at any place within the jurisdiction of the Court, whether a building or not, in which such liquor is not authorized to be sold by retail may grant a warrant under the hand of a judge or judges of the Court by virtue whereof

Search warrant for liquor sold contrary to law.

15. If the occupier of any premises used for the sale of intoxicating liquors shall neglect or refuse when called upon by the proper Officer of Customs to produce the agreement, if any, under which he holds the premises, he shall be liable to a penalty not exceeding ten pounds.

Penalty for refusing to produce agreement.

16. Excise licence duty shall be payable in two instalments, on the 13th of March and on the 13th of September in every year.

Payment of licence duty by instalments.

Every licensed person who sells any intoxicating liquor by retail on any premises in respect of which any instalment is due and unpaid shall be liable to the pains and penalties of selling intoxicating liquors by retail without being duly licensed.

*repealed
sec 9 Law
20 9 1926*

17. No excise licence duty shall be refunded on the ground that the holder has ceased to do business as seller of intoxicating liquor by retail or that the licence has been cancelled or his establishment closed for any reason whatever.

No refund of duty on ceasing business or cancelling of licence.

18. The Principal Officer of Excise in any District may grant to any licensed person a special licence to sell intoxicating liquor by retail at any fair, public feast or gathering, in any tent or booth, or in the open air. Such licence shall specify the day or days not exceeding four for which it is granted, the hours of closing, and the place at which liquor may be sold in pursuance of the licence.

Occasional licences.

19. Any peace officer may for the purpose of preventing or detecting the violation of any of the provisions of this Law, or for the purpose of preventing any breach of the public peace, at all times enter any licensed premises and any part of such premises.

Entry on premises by peace officer.

Every person who by himself or by any person in his employ or acting by his direction or with his consent refuses or fails to admit any peace officer in the execution of his duty demanding to enter in pursuance of this section shall be liable to a penalty not exceeding, for the first offence, five pounds and for the second and any subsequent offence ten pounds.

20. Any Magisterial Court, if satisfied by evidence on oath that there is reasonable ground to believe that any intoxicating liquor is sold by retail, or exposed or kept for sale by retail at any place within the jurisdiction of the Court, whether a building or not, in which such liquor is not authorized to be sold by retail may grant a warrant under the hand of a judge or judges of the Court by virtue whereof

Search warrant for liquor sold contrary to law.

(sub sec. 2)

it shall be lawful for any peace officer named in the warrant within one month from the date thereof to enter (if need be by force) the place named in the warrant and every part thereof and examine the same and search for intoxicating liquor therein, and seize and remove any intoxicating liquor found therein which there is reasonable ground to suppose is in that place for the purpose of unlawful sale at that or any other place, and the vessels containing the liquor; and in the event of the owner or occupier of the place being convicted of selling by retail or exposing or keeping for sale by retail any liquor which he is not authorized to sell by retail, the intoxicating liquor so seized and the vessels containing the liquor shall be forfeited.

When a peace officer has entered any premises in pursuance of any such warrant as is mentioned in this section and has seized and removed the liquor, any person found at the time at the place shall, until the contrary is proved, be deemed to have been on the premises for the purpose of illegally dealing in intoxicating liquor, and shall be liable to a penalty not exceeding two pounds.

Hours of closing.

21. All premises on which intoxicating liquors are sold by retail shall be closed every night at such hour and shall remain closed until such hour as the High Commissioner shall from time to time direct.

Penalty for infringing law as regards closing.

22. Any person who during the time at which premises for the sale of intoxicating liquors are directed by the High Commissioner to be closed in pursuance of this Law, sells or exposes for sale on such premises any intoxicating liquor, or opens or keeps open ^{such} ~~the~~ premises for the sale of intoxicating liquor, or allows any intoxicating liquors, though purchased before the hours of closing, to be consumed on the premises, shall for the first offence be liable to a penalty not exceeding five pounds and for any subsequent offence to a penalty not exceeding ten pounds, and the Court imposing the last-mentioned penalty may order the cancellation of the excise licence in respect of the premises upon which the offence was committed.

Penalty for offences.

23. If any licensed person:—

- (1.) Permits drunkenness or any violent, quarrelsome or riotous conduct to take place on his premises;
- (2.) Sells intoxicating liquor to any drunken person;
- (3.) Knowingly permits his premises to be the habitual resort of or place of meeting of habitual prostitutes;
- (4.) Knowingly harbours or knowingly suffers to remain on his premises any police constable during any part of the time

*Law 20 of 1926
sec. 7*

New sections added to Law 10 of 1889.

10. The license of premises licensed for the sale of intoxicating liquors shall be exposed by the licensee in some conspicuous place in the licensed premises for the information of the public. Any person contravening this section shall be liable to a fine not exceeding two pounds.

11. A license issued for the sale of intoxicating liquor is not transferable from one person to another except as provided by section 8 of the Principal Law.

12. Any person in the possession of a license to sell intoxicating liquors by retail may delegate to another person the right to sell intoxicating liquors on behalf and for the account of the licensee provided always that the name of such person as aforesaid shall be inserted in the license by the Principal Officer of Customs and Excise of the District and such person shall be liable in respect of any offence in contravention of the Licensing Laws in the same manner as the licensee.

Law 20 of 1926.

New sections added to Law 10 of 1889.

13. If any person to whom a license to sell intoxicating liquors by retail has been ~~issued~~ granted can satisfy the Commissioner of the District that he is obliged to quit the premises so licensed before the expiration of such license the Commissioner of the District shall, unless he considers that the new premises on which applicant desires to sell intoxicating liquors are not a fit and proper place for such sale issue a certificate and the Principal Officer of Customs and Excise of the District shall transfer the license to such new premises without the payment of any license duty other than the difference between the duty chargeable on the rental value of the ~~new premises~~ old premises and that chargeable on the rental value of the new premises should the latter be of higher rental value than the former. Provided however that no refund of duty will be made if the rental value of the new premises is lower than the rental value of the old premises.

14. A license issued under the provisions of the Licensing Laws, 1889 and 1926, shall expire on the 12th day of March after it is issued provided that the fee payable in respect of any license granted after the 13th day of September in any year shall be one-half of the fee payable in respect of the whole year.

Vide Law 20 of 1926.

appointed for the constable being on duty, unless for the purpose of keeping or restoring order or in execution of his duty;

(5.) Supplies any liquor or refreshment, whether by way of gift or sale, to any police constable on duty unless by the authority of some superior officer of the constable;

(6.) Suffers any gaming or unlawful game to be carried on on his premises;

he shall be liable to a penalty not exceeding for a first offence ten pounds and not exceeding for a second and any subsequent offence twenty pounds. Any conviction for an offence under this section shall, unless the Court shall otherwise direct, be recorded on the licence of the person convicted.

24. If any licensed person is convicted of permitting his premises to be a brothel, he shall be liable to a penalty not exceeding twenty pounds, and shall forfeit his licence, and he shall be disqualified for ever from holding any licence for the sale of intoxicating liquors. Penalty for permitting premises to be used as a brothel.

25. The hawking of intoxicating liquors for sale by retail is strictly prohibited. Any person acting in contravention of this section shall be liable to the penalties imposed by section 12 of this Law in respect of selling intoxicating liquors without a licence. Hawking liquors forbidden.

26. This Law may be cited as the Licensing Law, 1889. Short title.

SCHEDULE I. (S. 2 (3).)

We hereby certify that *A. B.* is a fit and proper person to hold an excise licence for the sale of intoxicating liquors by retail, and that the premises situate at [*here describe the situation of the premises*] on which the said *A. B.* is desirous to carry on the sale of intoxicating liquors by retail are a fit and proper place for such sale.

Given under our hands the _____ day of _____, 18

SCHEDULE II. (S. 2 (3).)

No.

WINE AND SPIRIT LICENCE.

Available to

	Name
	If shop or hotel
	Where and No.
	Rental or value
No. of months	Instalment
£	Amount

Received the above sum of

Date

19 .

SCHEDULE III. (S. 14.)

LICENCE DUTIES PAYABLE IN RESPECT OF THE SALE OF INTOXICATING
LIQUORS BY RETAIL.

For every hotel, any premises occupied by a club, restaurant or other place used for the sale of intoxicating liquors by retail, an annual percentage on the rental or yearly value of the premises so used after the rate of 50 per cent., but so that the licence duty for an hotel shall not exceed ten pounds per annum, or for a club-house five pounds per annum, and so that the licence duty for any other premises so used shall not exceed the sum of twenty pounds per annum, and so that the lowest annual rate of duty chargeable shall be for premises in any of the towns of Nicosia, Larnaca, Famagusta (including Varoshia), Kyrenia, Ktima and Limassol four pounds per annum, and for premises in any other place one pound ten shillings per annum.

For selling by retail in any tent or booth or in the open air two shillings per day.

*repealed
see Schedule
in Law 209
1926.*