

CAP. 144.

CYPRUS

SALE OF INTOXICATING LIQUORS

CHAPTER 144 OF THE LAWS

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1959

CHAPTER 144.

SALE OF INTOXICATING LIQUORS.

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A LAW TO CONSOLIDATE AND AMEND THE LAWS WITH REGARD TO THE SALE OF INTOXICATING LIQUORS.

[11th November, 1943.]

1949
Cap. 152.
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PART I.

PRELIMINARY.

1. This Law may be cited as the Sale of Intoxicating Liquors Law. Short title.

2. In this Law—

Interpreta-
tion.
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“ cabaret ” includes any place of entertainment other than a hotel where dancing, singing or other performances by artistes is provided ;

“ club ” means a club registered under the provisions of the Clubs (Registration) Law ;

Cap. 112.

“ District Council ” means the District Council constituted under the provisions of the District Councils (Mejlisses Idaré) Law, operating in the District in which the premises or place licensed or to be licensed for the sale of intoxicating liquors are situate ;

Cap. 239.

“ hotel ” means a hotel licensed under the provisions of the Hotels Law ;

Cap. 138.

“ intoxicating liquors ” means spirits and spirituous liquors of any description which are fit or intended or which can by any means be converted for use as a beverage and includes spirits, liquors, wines, ale, beer, stout, porter and cider but does not include methylated spirits ;

“ Licensing Authority ” means the Principal Officer of Customs and Excise of the District in which the premises or place licensed or to be licensed for the sale of intoxicating liquors are situate ;

“ sale by retail ” with its grammatical variations and cognate expressions means the sale of intoxicating liquors in quantities less than three okes.

3. (1) Subject to the provisions of subsection (2) of this section no person shall sell or offer for sale or permit to be sold or offered for sale or have in his possession for sale any intoxicating liquors except under and in accordance with—

Sale of
intoxicating
liquors
without a
retailer's
licence or
a dealer's
licence
prohibited.

- (a) a licence for the sale of intoxicating liquors by retail in such premises or place as may be specified therein for consumption on or off such premises or place (in this Law referred to as "retailer's licence"); or
- (b) a licence for the sale of intoxicating liquors otherwise than by retail in such premises or place as may be specified therein for consumption off such premises or place (in this Law referred to as "dealer's licence"),

issued by the Licensing Authority under the provisions of this Law upon application made to such authority in writing.

(2) Nothing in this section contained shall apply—

(a) to the sale of intoxicating liquors—

(i) by any person who is in possession of any licence granted under the provisions of the Intoxicating Liquor (Manufacture) Licensing Law :

Cap. 140.

Provided that such person shall not sell intoxicating liquors by retail,

(ii) in any canteen, mess or institution operating, maintained or carried on with the consent or approval of the Officer Commanding Her Majesty's Forces in the Colony for the exclusive use of members of such Forces,

(iii) under the special authority of a Collector of Customs, in any premises occupied by any pavilion established for the sale of Cyprus products to tourists :

Provided that such liquors are sold in quantities of not less than one bottle at a time for consumption off the premises.

(iv) by any person to whom the Pharmacy and Poisons Law applies :

Cap. 254.

Provided that such liquors are sold for medicinal purposes ;

(b) to the free distribution of any intoxicating liquors by any commission agent in small quantities as trade samples for the purposes of his business.

PART II.

SALE BY RETAIL.

4. Subject to the provisions of section 7 (1) (b) of this Law no retailer's licence shall be issued by the Licensing Authority unless the applicant furnishes such authority with a certificate granted by the District Council under the provisions of section 5 of this Law.

Retailer's licence not to be issued except on certificate of District Council.

5. (1) The District Council shall hold sittings in every year on such date or dates as the Commissioner may appoint for the purpose of granting certificates to persons desirous of obtaining a licence for the sale of intoxicating liquors by retail under the provisions of this Law :

Sittings and functions of District Councils.

Provided always that one such meeting shall be held in February in every year.

(2) Before granting a certificate the District Council must be satisfied that—

(a) the person applying for such certificate is of good character and a fit person to hold a licence for the sale of intoxicating liquors by retail ; and

(b) the premises or place where such person proposes to sell intoxicating liquors by retail are suitable and fit in all respects for the sale therein of such liquors :

Provided that no such certificate shall be granted—

(i) when, in the opinion of the District Council, there exist already in the village or quarter of a town or village in which the person applying therefor proposes to sell intoxicating liquors by retail, premises or places licensed for the sale of such liquors sufficient for the needs and convenience of the public ;

(ii) in respect of any premises or place situated within one hundred yards of any place of worship, tekya, medresseh or turbeh enclosed in a shrine, guard house, police station or military barracks or in any village or quarter of a town or village which is inhabited exclusively by Moslems, unless the District Council is satisfied that there are special reasons justifying the grant of a certificate in respect of such premises or place ;

(iii) in respect of any premises or place having any internal communication with any premises or place not licensed for the sale of intoxicating liquors by retail.

(3) A certificate granted by the District Council shall be in such form as may be prescribed and shall be valid up to the end of the year in which it is granted.

Classes of
licences.

6. Subject to the provisions of section 7 of this Law, a retailer's licence shall be of one of the following classes, that is to say—

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(a) Hotel Retail Licence, for the sale of intoxicating liquors by retail at any hotel to persons staying at the hotel and to their *bona fide* guests for consumption at such hotel ;

3 of 15/54.

(b) Cabaret Retail Licence, for the sale of intoxicating liquors by retail to any person at any cabaret for consumption therein ;

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(c) Club Retail Licence, for the sale of intoxicating liquors by retail at any club to members of the club and to their *bona fide* guests for consumption at such club ;

(d) General Retail Licence, for the sale to any person of intoxicating liquors by retail on the premises or place specified therein, whether such liquors are consumed on or off such premises or place.

Special
licences.

7. (1) Notwithstanding anything in this Law contained but subject to the provisions of this section, the Licensing Authority may with the consent of the Commissioner of the District grant all or any of the following special licences to sell intoxicating liquors by retail, that is to say—

(a) to any person who is in possession of a General Retail Licence valid for the time being—

(i) a special retailer's licence to sell intoxicating liquors by retail at any fair, public feast or gathering in any tent or booth or in the open air (in this Law referred to as " Fair Licence "),

(ii) a special retailer's licence to sell intoxicating liquors by retail at any public function or entertainment (in this Law referred to as " Entertainment Licence ") ;

(b) to any person, a special licence to sell by retail only wines produced or manufactured in the Colony (in this Law referred to as "Local Wine Licence").

(2) Every Fair Licence shall specify the day or days not exceeding four for which it is granted, the hours of closing and the place at which intoxicating liquors may be sold by retail in pursuance of such licence.

(3) Every Entertainment Licence shall specify the day for which it is granted and the premises or place in which intoxicating liquors may be sold by retail in pursuance of such licence.

(4) Every Local Wine Licence shall specify the hours of closing and the premises or place in which wines produced or manufactured in the Colony may be sold by retail in pursuance of such licence.

8. (1) All premises or places in respect of which a retailer's licence is issued under the provisions of this Law shall be opened and closed as the Governor may, either generally or with regard to any particular area, direct by an order published in the *Gazette*.

Hours of closing for the sale of intoxicating liquors by retail.

(2) In any order made under subsection (1), the Governor may authorise the Commissioner to extend, by special permit under his hand, the time during which any premises or place on which intoxicating liquors are sold by retail may remain open on any night specified in such special permit upon payment of such fee, not exceeding one hundred mils for every hour, as may be prescribed by the order.

(3) Where a special permit has been granted by the Commissioner under subsection (2), notwithstanding anything in this Law contained, it shall be lawful for the licensed person during the currency of his licence to sell on any night specified in such special permit intoxicating liquors by retail on the licensed premises or place during the extended time specified therein.

(4) Any person who, during the time at which any premises or place affected by an order made by the Governor under subsection (1) of this section are directed to be closed—

(a) sells or exposes for sale on such premises or place any intoxicating liquors ;

- (b) opens or permits or suffers such premises or place to be opened ;
- (c) permits or suffers any intoxicating liquor, though purchased before the hour of closing, to be consumed on such premises or place,

shall be guilty of an offence and shall be liable to a fine not exceeding twenty-five pounds and the Court may in addition thereto order that the licence in respect of the premises or place in which the offence was committed shall be forfeited and cancelled.

Certain offences.

9. Any holder of a retailer's licence who—

- (a) permits drunkenness or any violent, quarrelsome or riotous conduct to take place on the licensed premises or place ;
- (b) sells intoxicating liquor to any drunken person ;
- (c) knowingly permits the licensed premises or place to be the habitual resort or place of meeting of habitual prostitutes ;
- (d) knowingly harbours any police officer or knowingly suffers any such officer to remain on the licensed premises or place during any part of the time appointed for such officer to be on duty, unless for the purpose of keeping or restoring order or in execution of his duty ;
- (e) supplies any liquor or refreshment, whether by way of gift or sale, to any police officer on duty unless by the authority of some superior officer of such officer ,

shall be liable to a fine not exceeding twenty-five pounds and the Court may in addition thereto order that the licence in respect of the premises or place in which the offence was committed shall be forfeited and cancelled.

Police messes, etc.
2 of 4/57.

10. (1) Notwithstanding the provisions of section 4 of this Law, the Licensing Authority may issue a retailer's licence in respect of any canteen, mess or institution which is operated, maintained or carried on, with the consent or approval of the Governor, for the exclusive use of members of the Cyprus Police Force or of members of the Prisons Service, without a certificate of the District Council being furnished to such Licensing Authority.

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(2) The provisions of section 8, paragraphs (d) and (e) of section 9 and section 16 of this Law shall not apply in respect of any retailer's licence issued under the provisions of this section or to the premises or place in respect of which such retailer's licence has been issued or to the holder of such retailer's licence.

PART III.

SUPPLY OF INTOXICATING LIQUORS TO MEMBERS OF
HER MAJESTY'S FORCES.

11. (1) No person shall supply any soldier, sailor or airman in uniform with any intoxicating liquors (other than wines, ale, beer, stout, porter and cider) without the permission in writing of the Officer Commanding Her Majesty's Military, Naval or Air Forces in the Colony, as the case may be.

Restriction on supply of intoxicating liquors to members of Her Majesty's Forces.

(2) Any person who acts in contravention of subsection (1) of this section shall be guilty of an offence and shall be liable to imprisonment not exceeding three months or to a fine not exceeding twenty-five pounds or to both and, if the person convicted is the holder of a licence issued under the provisions of this Law, the Court may, in addition to any other punishment, order that his licence shall be forfeited and cancelled.

12. (1) No person shall—

(a) take on board any of Her Majesty's ships any intoxicating liquors ; or

(b) approach any of Her Majesty's ships for the purpose of taking on board any such ship any intoxicating liquors or of selling or giving any such liquors to any other person on board any such ship ,

Restriction on supply of intoxicating liquors to persons on Her Majesty's ships.

without the previous consent of the Officer Commanding the ship.

(2) Any person who acts in contravention of subsection (1) of this section shall be guilty of an offence and shall be liable to imprisonment not exceeding three months or to a fine not exceeding twenty-five pounds or to both and, if the person convicted is the holder of a licence issued under the provisions of this Law, the Court may, in addition to any other punishment, order that his licence shall be forfeited and cancelled.

Search and seizure by officers in Her Majesty's service.

13. Any officer in Her Majesty's service or warrant or petty officer of the Navy or warrant officer or non-commissioned officer of marines, with or without seamen or persons under his command, may, without warrant, go on board any vessel or boat approaching or which may have approached any of Her Majesty's ships and seize any intoxicating liquors on board such vessel or boat and any intoxicating liquor so seized shall be forfeited.

PART IV.

GENERAL.

Form and duration of licences.

14. Every licence shall be in the prescribed form and shall expire on the 12th day of March next following the date of issue.

Internal communication prohibited.

15. Premises licensed under the provisions of this Law shall not have any internal communication with any premises not so licensed.

Fees.
Schedule.
4 of 15/54.

16. Subject to the limitations contained in the Schedule to this Law there shall be paid in respect of the several classes of licences set out in the first column of the said Schedule the several fees set out in the second column of the said Schedule opposite each such class of licences :

Provided that the fee payable in respect of any licence granted after the 13th day of September in any year shall be one-half of the fee payable in respect of the whole year :

Provided further that the Comptroller may issue free of any charge, but subject to such conditions as he may think fit to impose, a dealer's licence to any commission agent who satisfies the Comptroller that he imports intoxicating liquors for sale or distribution solely to persons in possession of a retailer's licence or a dealer's licence.

No fees to be refunded.

17. No fees paid in respect of any licence issued under the provisions of this Law shall be refunded on the ground that the holder thereof has ceased or failed to do business as a seller of intoxicating liquors or that for any reason the licence has been cancelled or his establishment closed or on any other ground whatsoever.

Transfer of licences.

18. (1) Except as provided by subsection (2) of this section, no licence shall be transferable.

(2) In the case of the death of any licensee, the Licensing Authority may, upon application of the heirs of the deceased or any of them, by endorsement on the licence, transfer such licence to any one of the heirs until the expiration of the term for which it was originally granted.

19. With the consent of the Licensing Authority and subject to such terms and conditions as such authority may think fit to impose, a licensee may delegate to another person the right to sell intoxicating liquors on the licensee's behalf; in every such case the name of the person to whom such right has been delegated shall be endorsed on the licence and such person and the licensee shall be liable in respect of any contravention of this Law or any Regulations made thereunder.

Delegation of right to sell intoxicating liquors.

20. If, during the continuance of a licence, a licensee quits the premises or place in respect of which the licence was issued and desires to continue to sell intoxicating liquors at some other premises or place within the same town or village the Commissioner shall, on being satisfied that the new premises or place are in all respects suitable and fit for the sale therein of intoxicating liquors, grant to the licensee a certificate that such other premises or place are suitable and fit for the purpose and upon the production of such a certificate the Licensing Authority shall authorise the sale of intoxicating liquors at such other premises or place by an endorsement on the licence without the payment of any fee except that, if the value of the new premises or place is higher than the value of the old premises or place, the licensee shall pay the difference, if any, between the fee paid and the fee which would be payable in respect of the new premises or place.

Change of premises or place.

21. (1) Every licence issued under the provisions of this Law shall be exhibited in a conspicuous place in the premises or place in which intoxicating liquors are sold in virtue of such licence.

Licences to be exhibited.

(2) Any person who acts in contravention of the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable to a fine not exceeding two pounds.

22. The licence of any person who is convicted of an offence under the provisions of section 3 of the Betting

Conviction under other Law.

Cap. 151. Houses, Gaming Houses and Gaming Prevention Law, shall in addition to any penalty imposed upon such conviction, be forfeited and cancelled.

Search
warrant.

23. Any member of a District Court, if satisfied by evidence on oath that there is reasonable ground to believe that any intoxicating liquors are sold or exposed or kept for sale at any premises or place within the jurisdiction of the Court, in contravention of the provisions of this Law, may grant a warrant under his hand by virtue of which it shall be lawful for any police officer or customs or revenue officer named in the warrant within one month from the date thereof to enter (if need be by force) the premises or place named in the warrant and every part thereof and examine the same and search for intoxicating liquors therein, and seize and remove any intoxicating liquors found therein which there is reasonable ground to suppose are in such premises or place in contravention of the provisions of this Law, together with the vessels containing such liquors ; and in the event of the owner or occupier of the place being convicted for any contravention of the provisions of this Law in respect of any intoxicating liquors so seized, the intoxicating liquors so seized and the vessels containing such liquors shall be forfeited.

Police,
customs and
revenue
officers to be
admitted to
licensed
premises
or place.

24. (1) Every person licensed under the provisions of this Law shall at all times admit to all parts of his licensed premises or place any police officer or customs or revenue officer and shall permit any of such officers to inspect all stocks of intoxicating liquors kept therein and any books or records relating thereto.

(2) Any person who resists any officer acting under the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable to imprisonment not exceeding three months or to a fine not exceeding ten pounds or to both.

Penalties.

25. Any person who acts in contravention of any of the provisions of this Law shall be guilty of an offence and shall, unless some other penalty is specifically provided, be liable to imprisonment not exceeding six months or to a fine not exceeding twenty-five pounds or to both and any intoxicating liquors in respect of which the offence has been committed shall be forfeited and the Court may, in addition to any other punishment, order that the licence of such person shall be forfeited and cancelled.

26. The Comptroller may compound any offence or act committed or reasonably suspected of having been committed by any person against or in contravention of the provisions of this Law on such terms and conditions as he, in his discretion, thinks proper, with full power to accept from such person a payment in money not exceeding the maximum penalty incurred or alleged to have been incurred under this Law for such offence or act without any proceeding brought or commenced for the prosecution of the offender.

Power to compound offences.

27. The Governor in Council may make Regulations to be published in the *Gazette* for any of the following purposes—

Regulations.

- (a) prescribing the forms to be used under this Law ;
- (b) generally for the better carrying out of the purposes of this Law.

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SCHEDULE.

(Section 16)

Class of Licence	Fee
A.—RETAILER'S LICENCE.	
1. <i>Hotel Retail Licence</i> (section 6 (a)) for hotels :	
(a) <i>de luxe</i>	£30 per annum.
(b) first class	£20 per annum.
(c) second class	£12 per annum.
(d) other classes (including unclassified)	£8 10s. per annum.
2. <i>Cabaret Retail Licence</i> (section 6 (b)) ..	£50 per annum.
3. <i>Club Retail Licence</i> (section 6 (c)) : In respect of any premises or place situated in—	
(a) any of the towns of Nicosia, Limassol, Famagusta (including Varosha), Larnaca, Paphos (including Ktima) and Kyrenia	£12 per annum.
(b) any place other than in the towns enumerated in paragraph (a) above	£6 per annum.
4. <i>General Retail Licence</i> (section 6 (d)) in respect of any premises or place situated in—	
(a) any of the towns of Nicosia, Limassol, Famagusta (including Varosha), Larnaca, Paphos (including Ktima) and Kyrenia	£12 per annum.
(b) any other place than in the towns enumerated in paragraph (a) above	£6 per annum.
B.—SPECIAL LICENCES.	
(a) <i>Fair Licence</i> (section 7 (1) (a) (i))	250 mils per diem.
(b) <i>Entertainment Licence</i> (section 7 (1) (a) (ii))	£1 per diem.
(c) <i>Local Wine Licence</i> (section 7 (1) (b)) in respect of any premises or place situated in—	
(i) the towns of Nicosia, Limassol, Fama- gusta (including Varosha), Larnaca, Paphos (including Ktima) and Kyrenia	£1 per annum.
(ii) any other place than in the towns enumerated in paragraph (i) above	200 mils per annum.
C.—DEALER'S LICENCE	£10 per annum.

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