



Isle of Man

Ellan Vannin

AT 4 of 2013

LICENSING (AMENDMENT) ACT 2013

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AN ACT to amend the Licensing Act 1995 in respect of the disposal of liquor seized from minors and drinking in public places.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

1 Short title

The short title of this Act is the Licensing (Amendment) Act 2013.

2 Expiry

- (1) This Act expires on the day after its promulgation.
- (2) The expiry does not—
 - (a) revive any Act it amended as the Act operated before the amendment commenced;
 - (b) revive anything not in operation or existing when the amendment took effect; or
 - (c) affect the continuing operation of the amendment.

3 Amendment of section 74 of the Licensing Act 1995

In section 74(2) of the Licensing Act 1995¹ (seizure of liquor in possession of minors) —

- (a) at the end of paragraph (a) insert **66** or **67**; and
- (b) for paragraph (b) substitute —

¹ c.8

- (b) disposed of in such manner as the officer considers appropriate.

4 Substitution of section 76 of the Licensing Act 1995

- (1) For section 76 of the Licensing Act 1995 (drinking in public places) substitute —

76 Drinking in public places

- (1) A person who consumes liquor in a public place after being warned by a police officer not to do so commits an offence and is liable on summary conviction to a fine not exceeding £500.
- (2) A police officer may not give a warning under subsection (1) unless it appears to the officer that the person concerned —
 - (a) is acting in an indecent or disorderly manner;
 - (b) is using indecent or obscene language;
 - (c) is acting in a manner that has resulted, or is likely to result, in any member of the public being intimidated, harassed, alarmed or distressed;
 - (d) is acting in a manner that has resulted, or is likely to result, in any member of the public being disturbed in his or her peaceful enjoyment of the public place; or
 - (e) is acting in a manner that has caused, or is likely to cause, nuisance or annoyance to any member of the public.
- (3) A person against whom an order under section 33(4)(a) or 75(5)(a) (restriction on purchasing liquor from licence holder) is in force and who consumes liquor in a public place commits an offence and is liable on summary conviction to a fine not exceeding £500.
- (4) A person who —
 - (a) is carrying in a public place an open bottle, flask, can, glass, cup or other vessel which contains or has contained liquor; and
 - (b) refuses to comply with a request by a police officer immediately to deposit the vessel in a receptacle for the deposit of litter or to deliver it to the officer,commits an offence and is liable on summary conviction to a fine not exceeding £500.
- (5) Where an offence under subsection (4) is committed, a police officer may seize the vessel and may dispose of it as the officer thinks fit.
- (6) Nothing in subsections (4) and (5) applies to —

- (a) a flask designed to hold no more than 0.2 litres of spirits and to be carried on the person; or
 - (b) a chalice or other vessel used in the course of a religious service.
- (7) A police officer may require a person who appears to be committing or to have committed an offence under subsection (1), (3) or (4) to leave the public place in question immediately, and, if the person fails to do so, the officer may arrest the person without warrant.
- (8) In this section, “public place” means —
- (a) any highway; and
 - (b) any place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of any express or implied permission,
not being—
 - (i) a place within the curtilage of any on-licensed premises or club premises; or
 - (ii) premises at which the sale of liquor is, or has within the previous 15 minutes, been authorised by virtue of an occasional licence.
- (9) The Department may by a direction in writing provide that subsection (1) shall not apply to a public place specified in the direction on such day, and for such period (not exceeding 12 hours), as may be so specified. **22**.
- (2) Section 15 of the Licensing (Amendment) Act 2001² is repealed.