



LIQUOR LICENSING AND PUBLIC ENTERTAINMENTS REGULATIONS 2022

Index

Regulation	Page
PART 1 – INTRODUCTION	5
1 Title	5
2 Commencement	5
3 Interpretation.....	5
PART 2 – LICENCES	9
4 Exemption from requirement to hold a licence	9
5 Applications which may be made to the court.....	9
6 Public entertainment licence	9
7 Application for a licence	10
8 Information about an applicant who is an individual.....	12
9 Information about an applicant that is a company	13
10 Information about an applicant that is a club.....	13
11 Information about an application for a charitable organisation	13
12 Special event liquor licence	14
13 Information and public entertainment licences.....	14
14 Notification requirements for certain applications.....	15
15 Advertising requirements for certain applications.....	17
16 Notice of objections	17
17 Applicant’s duty to notify court of cautions, charges or convictions.....	18
18 Court determinations – attendance of applicant.....	19
19 Determination of application: refusal of licence.....	20
20 Determination of application: grant of licence	20
21 Licence granted to companies.....	21
22 Licence granted to clubs	22
23 Licences granted to charitable organisations.....	23
24 Manx transport licence.....	23
25 Temporary licence	23
26 Issue of licence.....	24
27 Duration of licence.....	25
28 Licence variation etc.....	26
29 Transfer of licence to a different licensee	26

30	Provisional licence.....	27
31	Provisional event licence	28
PART 3 – REVIEW		30
32	Application for review of licence	30
33	Court’s powers on review	31
34	Notification of determinations	32
35	Recall of revocation of licence	32
PART 4 – MISCELLANEOUS DUTIES OF LICENSEE OF LICENSED PREMISES		32
36	Licensee’s duty to notify court of caution, charge or conviction.....	32
37	Connected persons: licensee’s duty to notify changes.....	33
38	Responsible person	33
39	Clubs – offence.....	34
40	Presence on premises: exceptions	34
41	Duty to keep, display and produce licence	35
PART 5 VEHICLES AND VESSELS		36
42	Delivery of liquor from vehicles etc.....	36
43	Restricted entry into licensed premises for certain persons.....	37
PART 6 – LICENSING COURT		37
44	Time Limits	37
45	Evidence.....	37
46	Company, club or charitable function licensee: court proceedings	38
47	Adjournment, withdrawal of proceedings etc.	38
PART 7 – LICENSED STAFF REGISTER		38
GENERAL		38
48	Establishment and maintenance of Licensed Staff Register	38
RESPONSIBLE PERSONS		39
49	Responsible persons’ registration	39
50	Application for entry in register as a responsible person.....	39
51	Determination of application for registration as a responsible person of premises.....	41
52	Variation of entry on register for responsible person	42
53	Removal from register – responsible person.....	43
GUARDS AND DOORKEEPERS		44
54	Guards’ and doorkeepers’ registration	44
55	Application for entry in register as a guard or doorkeeper	44
56	Determination of application for registration as a guard or doorkeeper	45
57	Period of validity of registration as a guard or doorkeeper.....	46
58	Application for renewal of registration as a guard or doorkeeper	46

59	Removal from register – guard or doorkeeper	47
	CAUTIONS, CHARGES AND CONVICTIONS–RESPONSIBLE PERSONS, GUARDS AND DOORKEEPERS	48
60	Person’s duty to notify High Bailiff or Department of cautions, charges and convictions	48
61	Suspension or removal of entry in register of responsible persons.....	49
62	Suspension or removal of entry in the register of guards or doorkeepers	49
	APPEALS UNDER PART 7	50
63	Appeals	50
	PART 8 – OFFENCES RELATING TO MINORS	50
64	Sale of liquor to a minor.....	50
65	Purchase of liquor by minor.....	51
66	Consumption of liquor by a minor	51
67	Agents etc. obtaining liquor for minors.....	52
68	Seizure of liquor in possession of minors.....	53
69	Delivering liquor to a minor	53
70	Sending a minor to obtain liquor.....	53
71	Prohibition of unsupervised sales by minor	54
72	Employment of minors	54
73	Presumed age of offender.....	54
	SCHEDULE 1	55
	EXEMPTIONS FROM REQUIREMENT TO HOLD LICENCE	55
	SCHEDULE 2	57
	LIQUOR LICENCE TYPES	57
	SCHEDULE 3	58
	LICENCE CONDITIONS	58
	ENDNOTES	65
	TABLE OF ENDNOTE REFERENCES	65

Statutory Document No. 2022/0287

*Liquor Licensing and Public Entertainments Act 2021*

LIQUOR LICENSING AND PUBLIC ENTERTAINMENTS REGULATIONS 2022¹

Made: 4 October 2022
Approved by Tynwald: 15 November 2022
Coming into Operation in accordance with regulation 2:

The Department of Home Affairs, having consulted as required by section 59 of the Liquor Licensing and Public Entertainments Act 2021, makes the following Regulations under sections 12 to 19, 22 to 24, 28 to 30, 39 and 58 of that Act.

PART 1 – INTRODUCTION

1 Title

These Regulations are the Liquor Licensing and Public Entertainments Regulations 2022.

2 Commencement

If approved by Tynwald these Regulations come into operation¹ on the later of —

- (a) 12 December 2022; or
- (b) the date on which the powers in the Liquor Licensing and Public Entertainments Act 2021 to make these Regulations commence².

3 Interpretation

(1) In these Regulations, except where the context otherwise requires —

¹ Tynwald approval is required in accordance with section 58(5) of the Act which requires that, except as otherwise provided, the procedure in section 30 (“approval required”) of the Legislation Act 2015 applies in relation to the making of any regulations or orders under this Act.

² Section 71 of the Interpretation Act 2015 allows a power in an Act to make a public document to be exercised notwithstanding that that enabling power has not yet commenced. By virtue of section 71(4) of the Interpretation Act 2015, any public document so made cannot commence before the enabling power is itself commenced.

“**Act**” means the Liquor Licensing and Public Entertainments Act 2021;

“**charitable function licence**” means a licence of that type described in Schedule 2;

“**charitable organisation**” means —

- (a) an institution which is a charity within the meaning of section 4 of the Charities Registration and Regulation Act 2019 (meaning of charity); or
- (b) a body of persons (whether a company, incorporated or unincorporated) whose objects are, in the court’s opinion, wholly or mainly charitable;

“**Chief Fire Officer**” means the chief officer of the fire brigade under section 1 of the Fire Services Act 1984;

“**club**” means —

- (a) an association dedicated to a particular interest or activity;
- (b) an organisation constituted to play matches in a particular sport;
- (c) an organisation of people with a common purpose or interest, who meet regularly and take part in shared activities; or
- (d) a group of persons organised for a social, literary, athletic, political, or other purpose;

“**club licence**” means a licence of that type described in Schedule 2;

“**company**” includes a body corporate;

“**constructed**” includes altered, erected and extended, and “reconstruction” is to be construed accordingly;

“**converted**” means to make such change in the occupation or use of a building as building regulations may specify, and “conversion” is to be construed accordingly;

“**court**” means the Licencing Court;

“**Licensed Staff Register**” means the register referred to in regulation 48;²

“**liquor**” means liquor for the purposes of the Act (see section 3 (interpretation) of the Act);

“**liquor producer sales licence**” means a licence of that type described in Schedule 2;³

“**mandatory conditions**” means the conditions referred to in paragraph 1 of Schedule 3;

“**Manx transport licence**” means a licence of that type described in Schedule 2;

“**occasional public entertainment event licence**” means a licence referred to in regulation 6(1)(b);

“**off-licence**” means a licence of that type described in Schedule 2 and “off-licencee” is to be construed accordingly;

“**off-licence premises**” means premises which are licensed for the sale or supply of alcohol on the premises for consumption off the premises;

“**on-licence**” means a licence of that type described in Schedule 2 and “on-licencee” is to be construed accordingly;

“**on-licence premises**” means premises which are licensed for the sale or supply of alcohol on the premises for consumption on or off the premises;

“**passenger vessel**” means a vessel of any description which is employed for the carriage of passengers and plies from a harbour in the Island to a harbour in another jurisdiction and from a harbour in another jurisdiction to a harbour in the Island;

“**public entertainment licence**” means a standard public entertainment licence or an occasional public entertainment event licence referred to in regulation 6;

“**prescribed fee**” means the fee prescribed under section 60 of the Act;

“**provisional licence**” means a licence referred to in regulation 30;

“**provisional event licence**” means a licence referred to in regulation 31;

“**relevant offence**” means —

- (a) an offence under the Act;
- (b) an offence under these Regulations;
- (c) an offence involving —
 - (i) violence;
 - (ii) dishonesty;
 - (iii) public disorder;
 - (iv) misuse of drugs;
- (d) a sexual offence;⁴

“**site management plan**” has the meaning given in regulation 7(3);

“**site plan**” means a plan —

- (a) sufficient to identify the site of the premises, and
- (b) giving a general indication of the size and character of the premises, (with particular reference to the area to be used for any activity involving liquor);

“**special event liquor licence**” means a licence referred to in regulation 12;

“**special event off-licence**” means a licence of that type described in Schedule 2;

“**special event on-licence**” means a licence of that type described in Schedule 2;

“**standard public entertainment licence**” means a licence referred to in section 6(1)(a);

“**temporary licence**” means a licence referred to in regulation 25;

“**variation**” in relation to a licence means —

- (a) the variation or removal of any condition to which the licence is subject (except any mandatory conditions in Schedule 3 that are applicable to the licence type);
 - (b) the imposition of further condition to which the licence is to be subject;
 - (c) the waiver (in whole or in part) of any undertaking given and accepted by the court; and
 - (d) the imposition of further undertaking which is accepted by the court and to which the licence is to be subject.
- (2) References in these Regulations to a day are to be construed, in relation to the extension of permitted hours by any period on that day, as including references to so much of the following day as falls within that period.
- (3) Where any document is required by these Regulations to be served on the Chief Constable or the Chief Fire Officer, it may be served by being lodged (by hand or post) at the office of the High Bailiff.
- (4) For the purposes of these Regulations, a person is, in relation to a company, a club or other body (whether a company, an incorporated or unincorporated body), a connected person if the person —
- (a) in the case of a company, is an officer within the meaning of section 341 (interpretation) of the Companies Act 1931;
 - (b) in the case of a club, is a member of the club who is a responsible person;
 - (c) in the case of a charitable organisation, is a person nominated in writing by that organisation and who has applied for a licence on behalf of that organisation; and
 - (d) in the case of any other type of association, is concerned in the management or control of the association.
- (5) For the purposes of the Regulations, a person is an interested party in relation to, or interested in, licensed premises if the person —
- (a) has an interest in the premises as an owner or tenant;
 - (b) has management and control over the premises or the business conducted on the premises; or
 - (c) has the permission of the owner or tenant of the premises to make an application for a licence.

PART 2 — LICENCES

4 Exemption from requirement to hold a licence

Schedule 1 (exemptions from requirement to hold a licence) has effect.

5 Applications which may be made to the court

- (1) Any person, other than an individual under the age of 18, may apply to the court, in respect of any premises in which the person is an interested party, for —
 - (a) a liquor licence of a type described in Schedule 2;
 - (b) a public entertainment licence of a type described in regulation 6;
 - (c) a temporary licence under regulation 25(5) (temporary licence pending transfer);
 - (d) a provisional licence under regulation 30 (provisional licence);
 - (e) a provisional event licence under regulation 31(2).
- (2) A licensee may apply to the court for —
 - (a) a temporary licence under regulation 25(1);
 - (b) the transfer of a licence under section 29 (transfer of a licence to a different licensee);
 - (c) confirmation of a licence under regulation 30 (provisional licence);
 - (d) a provisional event licence under regulation 31;
 - (e) confirmation of a licence under regulation 31 (provisional event licence);
 - (f) the variation of a licence including —
 - (i) the variation or removal of a licence condition;
 - (ii) the approval of a site plan, or a variation of such a plan, under regulation 30 (provisional licence);
 - (iii) alteration to licensed premises of the type set out in section 28 of the Act (alterations to licensed premises); and
 - (iv) the inclusion or a variation of a condition relating to public entertainment;
 - (g) approval for any amendment to or variation of club rules which were approved at the time the club was granted a licence;
 - (h) a special event liquor licence of a type set out in regulation 12 (special event liquor licence).

6 Public entertainment licence

- (1) The types of public entertainment licences referred to in regulation 5(1)(b) are —

- (a) a standard public entertainment licence;
 - (b) an occasional public entertainment event licence.
- (2) A standard public entertainment licence —
- (a) authorises the use of premises for one or more regular public entertainment activities, —
 - (i) at such place as is specified in the application; and
 - (ii) on such day or days, and during such hours, as are specified in the application; but
 - (b) cannot permit the sale or supply of liquor.
- (3) An occasional public entertainment event licence, —
- (a) authorises the use of premises for one or more regular public entertainment activities —
 - (i) at such place as is specified in the application; and
 - (ii) on such day or days, and during such hours, as are specified in the application, but
 - (b) cannot permit the sale or supply of liquor and cannot have effect for more than 16 days.
- (4) A person must not provide a public entertainment unless that person has been granted a public entertainment licence.

7 Application for a licence

- (1) An application for a licence mentioned in regulation 5 and 6 must be made using the form published by the court.
- (2) Except as otherwise provided in these Regulations, a form referred to in paragraph (1) in respect of an application referred to in that paragraph may require —
- (a) the following information —
 - (i) where the applicant is an individual, the information described in regulation 8 (information about an applicant who is an individual);
 - (ii) where the applicant is a company, the information described in regulation 9 (information about an applicant that is a company);
 - (iii) where the application is made on behalf of a club, the information described in regulation 10 (information about an applicant that is a club);
 - (iv) where the application is made on behalf of a charitable organisation, the information described in regulation 11 (information about an application for a charitable organisation);

- (b) a description of the premises in respect of which the application is made;
 - (c) a site plan for the premises;
 - (d) a site management plan for the premises; and
 - (e) such other information in relation to the application as the court considers necessary.⁵
- (3) A “site management plan” in relation to any premises is a document in a form published by the Department, containing (except as otherwise provided in these Regulations) –
- (a) details of any responsible person and any safety certification in connection with the premises;
 - (b) a description of the activities which will take place on the premises;
 - (c) a statement of the times during which it is proposed that liquor will be sold on the premises;
 - (d) a statement as to whether the liquor is to be sold for consumption on the premises, off the premises or both;
 - (e) a statement as to whether public entertainment will be provided on the premises;
 - (f) a statement of the times and places at which any other activities, in addition to the sale of liquor, will take place on the premises;
 - (g) where liquor is to be sold for consumption on the premises, a statement as to whether minors are to be allowed entry to the premises and, if they are to be allowed entry, a statement of the terms on which they are so allowed including, in particular –
 - (i) the age of minors to be allowed entry;
 - (ii) the times at which the minors are to be allowed entry; and
 - (iii) the parts of the premises to which minors are to be allowed entry;
 - (h) information as to the proposed numbers of persons permitted to be present on the premises;
 - (i) such other information in relation to the premises and activities to be undertaken as the court may specify in the form published under paragraph (1).⁶
- (4) Despite the above, the court may permit a person who immediately prior to the coming into operation of this regulation held a valid licence under the Licensing Act 1995 or the Music and Dancing Acts 1961 and 1971 to submit, during the transitional period, an application (a “transitional licence application”) for a transitional licence.
- (5) A transitional licence application must be in a form published by the court.

- (6) The court may allow a transitional licence application to be submitted with, or without, –
- (a) some or all of the information or documentation;
 - (b) being subject to the notification requirements (regulation 14 Notification requirements for certain applications); or
 - (c) being subject to the advertising requirements (regulation 15 Advertising requirements for certain applications),
- which would otherwise be required if it were not a transitional application.
- (7) The court may allow a transitional licence application to be submitted with such information and documents (not being those ordinarily required for a licence application which is not a transitional one) as it may request or require.
- (8) Where the court has acted in accordance with paragraph (5) and having considered a transitional licence application and any information and material supplied with it, considers any of those things to be deficient in any material respect, the court may require the applicant to submit an application (not being a transitional licence application) in accordance with this regulation.
- (9) For the purposes of this regulation, “transitional period” means the period between the coming into operation of these Regulations and the ending of the period of validity for any licence which was granted under the Licensing Act 1995 or the Music and Dancing Acts 1961 and 1971.
- (10) The prescribed fee for any application to which this regulation applies must accompany the application.

8 Information about an applicant who is an individual

The information referred to in regulation 7(2)(a)(i) (application for a licence) where the applicant is an individual is the following –

- (a) the applicant’s full name and date of birth;
- (b) the applicant’s current residential address and residential addresses for the 5 years immediately preceding the date of the application;
- (c) whether the individual already holds a liquor licence;
- (d) whether the applicant has previously been refused a liquor licence or been disqualified from holding a liquor licence;
- (e) particulars of all convictions of, and cautions given to, the applicant (in the Island or elsewhere);
- (f) particulars of any training undergone by the applicant relating to –
 - (i) the performance of the functions of a licensee;

- (ii) fire precautions and action in the event of fire; and
- (iii) first aid;
- (g) evidence that the applicant has, within the last 3 years, passed a training course for licensees approved by the Department;
- (h) the applicant's employment history for the 5 years immediately preceding the date of the application;
- (i) the applicant's previous experience as a licensee or as a responsible person (or as a designated official under the Licensing Act 1995 before its repeal);
- (j) at least 3 references as to the character, qualifications and experience of the individual in the licensed hospitality industry;
- (k) whether the individual proposes to live on or off the premises in respect of which the application relates, and
- (l) the name of any responsible person for the premises.

9 Information about an applicant that is a company

The information referred to in regulation 7(2)(a)(ii) (application for a licence) where the applicant is a company is the following —

- (a) the structure of the company and such other information as may be required by the court regarding the constitution of the company;
- (b) the name of all the persons who are beneficial owners of the company;
- (c) information described in regulation 8 (information about an applicant who is an individual) in respect of each individual who is a connected person in relation to the company; and
- (d) the name of any responsible person for the premises.

10 Information about an applicant that is a club

The information referred to in regulation 7(2)(a)(iii) (application for a licence) where the application is made on behalf of a club is the following —

- (a) the club rules and procedures;
- (b) the purpose of the club; and
- (c) the name of any responsible person who is registered in accordance with regulation 22 (licence granted to clubs).

11 Information about an application for a charitable organisation

- (1) The information referred to in regulation 7(2)(a)(iv) (application for a licence) where the application is made on behalf of a charitable organisation is the following —
 - (a) evidence that the organisation is a charitable organisation; and

- (b) the name, address and contact details of an individual, nominated in writing by the organisation, who represents the organisation as required by regulation 23 (licence granted to charitable organisation); or
 - (c) any responsible person who is affiliated to the organisation as may be required under regulation 23 (licence granted to charitable organisation).
- (2) An application made on behalf of a charitable organisation is exempt from the requirement in regulation 7(2)(d) to provide a site management plan with the application.

12 Special event liquor licence

- (1) The court may grant a special event liquor licence to an a licensee who holds any of the licences referred to in Schedule 2 (but see paragraphs (4) and (5)).⁷
- (2) A special event liquor licence authorises the use of premises for purposes specified in the application —
- (a) at such place as is specified in the application being a place which are not premises in respect of which an on-licence has been granted;
 - (b) on such day or days, and during such hours, as are specified in the application; and
 - (c) subject to such conditions as the court considers appropriate.
- (3) Such a licence cannot have effect for more than 16 days.
- (4) A licensee who holds an off-licence may only be granted a special event liquor licence in connection with an off-licence.⁸
- (5) A special event liquor licence may not be granted to a licensee who holds a charitable function licence unless regulation 23(2) is complied with.⁹

13 Information and public entertainment licences

- (1) Paragraph (2) applies to the information to be provided to the court in connection with an application for a public entertainment licence referred to in regulation 6 (public entertainment licences).¹⁰
- (2) The site management plan published by the Department under paragraph (3) of regulation 7 may omit such of the information referred to in that paragraph that is not relevant to a public entertainment licence.¹¹
- (3) Where premises are to be managed in accordance with the conditions of the licence granted (and with particular reference to regulation 40(3)(c)), a responsible person may not be approved in connection with a public entertainment licence (see regulation 38(3)).¹²

- (4) A public entertainment licence holder may, with the agreement of the court, nominate a person to supervise the running of the public entertainment at the premises in accordance with the conditions of the licence.¹³

14 Notification requirements for certain applications

- (1) Paragraph (2) applies to an application submitted to the court for —
- (a) the grant of a licence (other than for the grant of a temporary licence under regulation 25(1) or 25(5) in respect of temporary premises);
 - (b) the transfer of a licence under regulation 29 (transfer of licence to a different licensee);
 - (c) the variation of a licence including —
 - (i) the variation or removal of a licence condition;
 - (ii) the approval of a site plan, or a variation of such a plan under regulation 30 (provisional licence); or
 - (iii) the inclusion or a variation of a condition relating to public entertainment; or
 - (d) alterations to licensed premises where the alteration —
 - (i) gives increased facilities for drinking;
 - (ii) conceals from observation any part of the premises used for drinking; or
 - (iii) affects the communication between the part of the premises where liquor is sold and any other part of the premises or any street or other place to which the public has access.
- (2) No application to which this paragraph applies may be considered by the court unless the applicant has, not less than 21 days before consideration of the application —
- (a) lodged, in duplicate, at the office of the court the application and any documentation pertinent to that application; and
 - (b) paid the prescribed fee.
- (3) Where sub-paragraph (a) of paragraph (2) is satisfied —
- (a) the Chief Constable; and
 - (b) where a site plan of the premises is required, the Chief Fire Officer,
- are deemed to have been served with the material referred to in that sub-paragraph.
- (4) Paragraph (5) applies to an application submitted to the court for the grant of —
- (a) a temporary licence under regulation 25(5) (temporary licence pending transfer);

- (b) confirmation of a provisional licence under regulation 30 (provisional licence);
 - (c) confirmation of a provisional event licence under regulation 31 (provisional event licence).
- (5) No application to which this paragraph applies may be considered by the court unless the applicant has, not less than 7 days before consideration of the application —
 - (a) lodged, in duplicate, in the office of the High Bailiff the application along with any documentation pertinent to that application; and
 - (b) paid the prescribed fee.
- (6) Where sub-paragraph (a) of paragraph (5) is satisfied —
 - (a) the Chief Constable; and
 - (b) where a site plan of the premises is required, the Chief Fire Officer, are deemed to have been served with the material referred to in that sub-paragraph.
- (7) Paragraph (8) applies to an application submitted to the court for —
 - (a) the approval of an amendment of the rules of a club; or
 - (b) the grant of a licence under regulation 25(1) (temporary licence).
- (8) No application to which this paragraph applies may be considered by the court unless the applicant has, not less than 21 days before consideration of the application —
 - (a) lodged, in duplicate, in the office of the High Bailiff the application along with any documentation pertinent to that application; and
 - (b) paid the prescribed fee.
- (9) Where sub-paragraph (a) of paragraph (8) is satisfied —
 - (a) the Chief Constable; and
 - (b) where a site plan of the premises is required, the Chief Fire Officer, are deemed to have been served with the material referred to in that sub-paragraph.
- (10) The Chief Constable must review the information received under paragraph (2), (5) or (8) and the Chief Fire Officer must review any site plan of the premises submitted as part of that information.
- (11) The Chief Constable and the Chief Fire Officer —
 - (a) must each report to the court if the Chief Constable or the Chief Fire Officer, as the case may be, considers that there are reasons for objecting to an application, and the reason for being of that view;
 - (b) may each give the court (with that report or at a hearing of the application at the court) such other information that the Chief Constable or the Chief Fire Officer, as the case may be, considers

relevant to the question of whether the application should be granted.

- (12) Material required to be lodged at the office of the court may be lodged by hand or post or in such other manner as the court may from time to time accept.

15 Advertising requirements for certain applications

- (1) This regulation applies to an application referred to in regulation 14(1)(a) to (d) (notification requirements for certain applications).
- (2) Notice of an application to which this regulation applies must be published not less than 14 days before the hearing of the application by causing the appropriately amended content of the notice described in paragraph (3) to be published in –
- (a) one newspaper published and circulating in the Island in the case of an application for –
 - (i) an occasional public entertainment event licence described in regulation 6(1)(b), or
 - (ii) a special event liquor licence described in regulation 12;
 - (b) two newspapers published and circulating in the Island in the case of any other application referred to in regulation 14(1)(a) to (d) (notification requirements for certain applications).¹⁴
- (3) A notice under paragraph (2) must specify –
- (a) the name of the applicant;
 - (b) the location of the premises;
 - (c) that the application and certain documents relevant to the application may be inspected at a place specified in the notice;
 - (d) that an objection can be made under regulation 16 (notice of objections);
 - (e) in the case of an application for –
 - (i) an occasional public entertainment event licence referred to in regulation 6(1)(b); or
 - (ii) a special event liquor licence referred to in regulation 12, the dates and times of the proposed event; and¹⁵
 - (f) such other information as the court considers necessary in respect of an application.¹⁶

16 Notice of objections

- (1) Where an application for any type of licence is made to the court, any person may by notice to the court –

- (a) object to the application on the ground that the application is inconsistent with one or more of the licensing objectives;
 - (b) make representations to the court concerning the application, including, in particular, representations —
 - (i) as to how the application would support or be contrary to one or more of the licensing objectives; or
 - (ii) as to conditions which the person considers should be imposed; or
 - (c) make representations to the court that the applicant or any connected person, is not a fit and proper person to be the holder of a licence.
- (2) No person may, without leave of the court, make an objection or representation unless that person has, not less than 7 days before the date of the hearing, lodged with the office of the High Bailiff a statement in writing of the grounds of that person's objection or representation and served a copy on the applicant, their representative, or the advocate of the applicant.
- (3) The court may reject a notice of objection or representation received by the court under paragraph (1) if the objection or representation is frivolous or vexatious.
- (4) Where the court rejects a notice of objection or representation under paragraph (3), the court —
- (a) must give notice of the decision, and the reasons for it, to the applicant and the person who made the objection or representation; and
 - (b) may recover from the person who made the objection or representation any expenses incurred by the court in considering the objection or representation.
- (5) In any proceedings by the court for the recovery of expenses under paragraph (4), a copy of any minute of proceedings of the court recording the court's rejection of the notice, and the grounds for rejection, is sufficient evidence of those facts.
- (6) This regulation does not apply to an objection made by, or on behalf of, the Chief Constable or the Chief Fire Officer.

17 Applicant's duty to notify court of cautions, charges or convictions

- (1) Where an applicant for the grant of a licence is cautioned, charged with or convicted of, a relevant offence during the application period, the applicant must as soon as reasonably practicable (and within the application period) notify the court of the caution, charge or conviction.
- (2) The requirement in paragraph (1) is in addition to the information provided with an application under regulation 8 (information about an

applicant who is an individual) or 9 (information about an applicant that is a company).

- (3) A reference in paragraph (1) to an applicant includes a connected person.
- (4) A person who contravenes the requirements imposed under paragraph (1) commits an offence.

Maximum penalty (summary conviction) – a fine of level 3 on the standard scale.

- (5) In this regulation “application period” means the period that –
 - (a) begins when the application for the grant of a licence is received by the court; and
 - (b) ends when –
 - (i) the application is determined under regulation 19 (determination of application: refusal of licence) or 20 (determination of application: grant of licence); or
 - (ii) the application is withdrawn.

18 Court determinations – attendance of applicant

- (1) Subject to paragraph (2), the applicant must be present in court when the court determines an application for a licence.
- (2) The court may, in the absence of the applicant, determine an application for –
 - (a) the transfer of a licence under regulation 29 (transfer of a licence to a different licensee);
 - (b) an occasional public entertainment licence under regulation 6 (public entertainment licence);
 - (c) a temporary licence made under regulation 25(5) (temporary licence pending transfer);
 - (d) a special event liquor licence under regulation 12 (special event liquor licence);
 - (e) a provisional event licence under regulation 31 (provisional event licence); and
 - (f) an application for a charitable function licence.
- (3) The court may not, without giving the applicant the opportunity to be heard, –
 - (a) refuse an application mentioned in paragraph (1); or
 - (b) on the grant of such an application, vary a condition or impose any new condition (otherwise than at the request or with the consent of the applicant).
- (4) No appeal lies against a decision of the court in relation to a determination of an application referred to in paragraph (2)(b), (d) or (e).

19 Determination of application: refusal of licence

- (1) The court must refuse to grant the licence if it considers that any of the grounds referred to in paragraph (2) exist.
- (2) Those grounds are —
 - (a) that the court considers that the granting of the licence would be inconsistent with one or more of the licensing objectives;
 - (b) that the court considers that the applicant is not a fit and proper person to be the holder of a licence;
 - (c) failure to comply with any of the requirements of these Regulations including those relating to fees;
 - (d) that the court considers that the premises are unsuitable for use for the sale of liquor, having regard to —
 - (i) the nature of the activities which will take place on the premises;
 - (ii) the location, character and condition of the premises; and
 - (iii) the persons likely to frequent the premises; and
 - (e) such other grounds as the court may think relevant to the application.
- (3) In considering whether either of the grounds specified in paragraph (2)(a) or (b) applies, the court must in particular take into account —
 - (a) any conviction the applicant has for a relevant offence and any caution received, or charge brought, in respect of any such offence;¹⁷
 - (b) any report given by the Chief Constable or the Chief Fire Officer, as the case may be, under regulation 14(11) (notification requirements for certain applications).
- (4) Where the court refuses the application, the court must —
 - (a) notify the applicant of its decision;
 - (b) specify the ground for refusal;
 - (c) if the ground for refusal is that specified in paragraph (2)(a), specify the licensing objective or objectives in question; and
 - (d) inform the applicant of the right to appeal under section 39 of the Act.

20 Determination of application: grant of licence

- (1) If the court is satisfied having due regard to the licensing objectives that none of the grounds for refusing the application for a licence exist, it must grant the licence and that licence may be subject to compliance with undertakings given by the applicant.
- (2) The court may grant a licence —

- (a) to one or more persons; and
 - (b) in respect to one or more premises.
- (3) A licence is granted subject to such mandatory conditions specified in Schedule 3 as may apply to the licence type granted.
- (4) The court may impose such other conditions on the licence as the court considers to be appropriate in all the circumstances.
- (5) Where the court considers that an application which would otherwise be refused would be granted if the site management plan were modified —
 - (a) the court may propose to the applicant the modifications to the site management plan which if made, would satisfy the court that the application may be granted; and
 - (b) if the applicant accepts the proposed modifications, the court must grant the application as modified.
- (6) Where the court considers that there should be a condition in a licence which permits music and dancing on premises, the court may request the Department of Environment, Food and Agriculture to arrange for an officer of that Department to make to the court a report, orally or in writing, with respect to —
 - (a) levels of noise which are or may be emitted from the licensed premises; and
 - (b) measures to reduce such noise.
- (7) The Department of Environment, Food and Agriculture must comply with the request as soon as reasonably practicable after receiving the request.
- (8) In determining an application for a licence the court may, if it thinks it inexpedient to grant a licence of the kind applied for, grant to the applicant a licence of a different kind.

21 Licence granted to companies

- (1) Subject to paragraph (2), a licence may not be granted to a company in respect of any premises unless that company has nominated at least one individual who is —
 - (a) either —
 - (i) a director or other officer of the applicant; or
 - (ii) the manager of the business conducted, or to be conducted, on the premises; and
 - (b) that individual has been approved by the High Bailiff or the court for entry in the Licensed Staff Register as a responsible person.
- (2) The court may, on the application of the Chief Constable, or on its own motion, refuse to grant a licence to a company unless the applicant has

nominated such number of qualifying persons to be responsible persons as the court considers appropriate for the premises.

- (3) In paragraph (2), a qualifying person is an individual who is —
 - (a) mentioned in paragraph (1); or
 - (b) an employee of the applicant.
- (4) Where a company is the beneficial owner of an interest in premises by virtue of which it is entitled to possession of the premises, a licence shall not be granted in respect of the premises to any person other than the company, unless the court for special reasons otherwise orders.
- (5) The court may, on the application of the Chief Constable or on its own motion, direct the Chief Constable to supply the court with a report as to the management of any premises in respect of which the licensee is a company.
- (6) If, having regard to the report mentioned in paragraph (5), the court is of the opinion that the premises require additional or different individuals to be nominated and approved as responsible persons for the premises, it may direct the licensee to nominate one or more individuals to be considered for approval by the court as responsible persons in addition to, or in place of, the existing responsible person or responsible persons.
- (7) A person or company (whether acting alone or with another) may not obtain a controlling or majority shareholding of the issued share capital of the licensee without the approval of the court.

22 Licence granted to clubs

- (1) A licence may not be granted to a club in respect of any premises unless —
 - (a) the club has nominated at least one member as a responsible person; and
 - (b) that member has been approved by the High Bailiff or the court for entry in the Licensed Staff Register as a responsible person.
- (2) The court may, on the application of the Chief Constable or on its own motion, direct the Chief Constable to supply the court with a report as to the management of any premises in respect of which the licensee is a club.
- (3) If, having regard to the report mentioned in paragraph (2), the court is of the opinion that the premises require additional or different individuals to be nominated and approved as responsible persons for the premises, it may direct the licensee to nominate one or more individuals to be considered for approval by the court as responsible persons in addition to, or in place of, the existing responsible person or responsible persons.

23 Licences granted to charitable organisations

- (1) A licence may not be granted in respect of a charitable function, unless the charitable organisation has nominated in writing —
 - (a) at least one person who is concerned in the management or control of the organisation, and who is resident in the Island, as the representative of the charity; or
 - (b) that person has been approved by the High Bailiff or the court for entry in the Licensed Staff Register as a responsible person.
- (2) A special event liquor licence may not be granted to a charitable function licensee unless that applicant has nominated at least one individual who is —
 - (a) a person affiliated with the organisation; and
 - (b) they have been approved by the High Bailiff or the court for entry in the Licensed Staff Register as a responsible person.
- (3) The court may, on the application of the Chief Constable or on its own motion, direct the Chief Constable to supply the court with a report as to the management of any premises in respect of which the licensee is a charitable organisation.
- (4) If, having regard to the report mentioned in paragraph (3), the court is of the opinion that the premises require additional or different individuals to be nominated, it may direct the licensee to nominate one or more individuals to be considered for approval by the court in addition to, or in place of, the existing person or persons.

24 Manx transport licence

A Manx transport licence may not be granted in respect of a passenger vessel unless that applicant has nominated at least one individual who is —

- (a) the master of the vessel; or
- (b) a person nominated by the owner of the vessel,

and they have been approved by the High Bailiff or the court for entry in the Licensed Staff Register as a responsible person.

25 Temporary licence

- (1) The court may grant to the applicant who is a licensee of premises (“principal premises”) a licence in respect of such other premises as are specified in the application (“temporary premises”) if satisfied as to the matters mentioned in paragraph (2).
- (2) Those matters are that —
 - (a) the temporary premises are suitable for use for the sale of liquor; and

- (b) it is necessary to grant the application to enable the applicant to carry on business pending reconstruction or conversion of the principal premises.
- (3) A temporary licence under paragraph (1) —
 - (a) has effect for such period of not more than 2 years beginning with the date of its grant as the court may determine; and
 - (b) is subject to the same conditions as those to which the licence in respect of the principal premises is subject at the time the temporary licence is granted, with such exceptions or variations (if any) as the court considers appropriate.
- (4) The court may, on the application of the holder of a temporary licence under paragraph (1), extend the period during which it has effect for such further period of not more than 12 months as the court may determine.
- (5) The court, on an application by any person interested in any licensed premises, may grant to a person specified in the application, in respect of the premises, a licence of the same class as the licence held in respect of the premises for a period expiring on the earlier of, —
 - (a) the making of an order under regulation 29 (transfer of licence to a different licensee) in respect of the licence; and
 - (b) the end of 6 weeks beginning with the date of the grant of the licence under this regulation.
- (6) Where the court issues a temporary licence under paragraph (1) or (5), the court must send a copy of the temporary licence to the Chief Constable.
- (7) An application for a temporary licence, or the extension of such a licence, must be accompanied by the prescribed fee.¹⁸

26 Issue of licence

- (1) Where the court grants a licence in respect of which an application was made under regulation 7 (application for licence), the court must issue to the applicant a licence in a form published by the court.
- (2) The form published by the court must set out —
 - (a) any conditions to which the licence is subject; and
 - (b) any undertakings given by the licensee (and accepted by the court).
- (3) A licence granted by the court shall, on payment of the prescribed fee associated with that licence, be issued under the hand of the High Bailiff, and comes into force on such date as may be specified in that licence.
- (4) Where the court grants a licence, the court must send a copy of the licence to the Chief Constable.

27 Duration of licence

- (1) A licence —
 - (a) takes effect on such date as the court may determine and in the case of —
 - (i) a special event liquor licence or an occasional public entertainment event licence, expires on the date specified in it; and
 - (ii) any other licence, is of indefinite duration; but
 - (b) ceases to have effect on the occurrence of any of the events mentioned in paragraph (2).
- (2) Those events are —
 - (a) the licensed premises in respect of which the licence was granted cease to be used for the sale or supply of liquor or for public entertainment;
 - (b) the licensee, being an individual, dies;
 - (c) the licensee, being an individual becomes bankrupt or, being a company, becomes insolvent;
 - (d) the licensee, being a person other than an individual, is dissolved;
 - (e) the licence is revoked under the Act or these Regulations;
 - (f) the licensee surrenders the licence;
 - (g) where the licence is a special event liquor licence or an occasional public entertainment event licence, the end of the event which that licence is granted in connection with;
 - (h) in connection with a charitable function licence, the holder of the licence ceases to be a charitable organisation;
 - (i) in connection with a club licence, the club ceases to be established and conducted in good faith as a club; or
 - (j) the prescribed fee in connection with the licence is not paid.
- (3) The licensee may surrender a licence by —
 - (a) giving notice to the court stating that the licensee wishes to surrender the licence; and
 - (b) sending the licence with the notice to the court or, if producing the licence is not practicable, sending with the notice a statement of the reasons for the failure to produce the licence.
- (4) The court may suspend a licence under the Act or in accordance with these Regulations and, where it does so, it must specify the period during which the licence is to be suspended.
- (5) A licence which is suspended does not have effect during the period of its suspension.

- (6) Where the court makes an order suspending a licence, it shall not make another order lifting that suspension unless –
 - (a) the court is satisfied that the licensee has complied with any relevant requirement specified in the suspension order; or
 - (b) the court makes a decision in connection with the licence under the provisions of the Act or these Regulations which decision results in an order being made to revoke that licence.
- (7) A suspension order may be set aside under the provisions of the Act or (where applicable) under these Regulations.
- (8) A licensee whose licence has ceased to have effect under paragraph (2) may (unless otherwise precluded by the Act or these Regulations) apply for a new licence under regulation 7 (application for a licence).

28 Licence variation etc.

- (1) A licensee may apply to the court for a variation of the licence.
- (2) An application under paragraph (1) must be accompanied by –
 - (a) the licence to which the application relates or, if producing the licence is not practicable, a statement of the reasons for failure to produce the licence;
 - (b) a statement of the variations proposed; and
 - (c) the prescribed fee.
- (3) The court must determine an application for a variation of a licence in the same way as it determines an application for a licence under regulation 7 (application for a licence) and, accordingly, regulations 15 to 20 apply in relation to the determination of an application for a variation of a licence as they do for a determination of an application for a licence.

29 Transfer of licence to a different licensee

- (1) A licensee may apply to the court for a licence granted to the licensee in respect of any premises to be transferred to another person.
- (2) Such an application must be accompanied by the prescribed fee.
- (3) The effect of an order of the court under this regulation shall be endorsed on the licence.
- (4) The court must determine an application for the transfer of a licence in the same way as it determines an application for a licence under regulation 7 (application for licence) and, accordingly, regulations 15 to 20 apply in relation to the determination of an application for a transfer of a licence as they do for a determination of an application for a licence.

30 Provisional licence

- (1) A person may apply for a licence (“provisional licence”) in respect of any premises, despite the fact that, at the time the application is made, the premises are yet to be, or are in the course of being, constructed or converted for use as licensed premises.
- (2) Such an application must be accompanied by the prescribed fee.
- (3) Subject to paragraph (4), the court must determine an application for a provisional licence in the same way as it determines an application for a licence under regulation 7 (application for licence) and, accordingly, regulations 15 to 20 apply in relation to the determination of an application for a provisional licence as they do for a determination of an application for a licence.
- (4) The court may, without receiving the site management plan for the premises to which the licence relates, grant a provisional licence on the deposit of a plan sufficient to identify the site of the premises, and a description giving a general indication of the size and character of the premises (with particular reference to the sale of liquor).
- (5) The court may, without a responsible person having been registered where the application is made by a company or a club, grant a provisional licence.
- (6) Where a provisional licence is granted, it shall cease to have effect on the expiration of 12 months beginning with the date on which it is granted, unless before that time —
 - (a) a site management plan has been deposited with the court; and
 - (b) the court has approved the site management plan, being satisfied that the premises, if completed in accordance with that plan, would be such that the court would have granted a licence.
- (7) A provisional licence shall be of no effect until the court makes an order confirming it, on being satisfied that —
 - (a) the premises have been completed in accordance with —
 - (i) the plan approved under paragraph (4);
 - (ii) if a site management plan has been approved under paragraph (6)(b), with that plan so approved; or
 - (iii) if the site management plan approved under paragraph (6)(b) has been varied, the plan so varied and approved by the court;
 - (b) any responsible person has been registered in respect of the relevant premises; and
 - (c) there has been no change to the information provided in, and with, the application for the provisional licence.

- (8) The court may, pursuant to an application by the holder of a provisional licence made before the expiry of the provisional period, extend the provisional period by such period as the court considers appropriate.
- (9) The holder of a provisional licence under this regulation may, at any time before the expiry of the provisional period (which includes the extended period, if any), in relation to the licence, apply to the court for confirmation of the licence and such an application must be accompanied by the prescribed fee.¹⁹
- (10) Subject to paragraph (7), an application under paragraph (8) must be accompanied by –
 - (a) the provisional licence;
 - (b) the prescribed fee;
 - (c) the site management plan for the premises to which the licence relates; and
 - (d) confirmation that there has been no change to the information provided in, and with, the application for the provisional licence.
- (11) If a licence granted in respect of any such premises is not confirmed before the end of the provisional period, then at the end of that period the licence is treated as revoked.
- (12) The provisional period is the shorter of –
 - (a) 3 years beginning with the date of issue of the licence; or
 - (b) the period specified in the licence.
- (13) Where the court refuses an application made under paragraph (8), the court must –
 - (a) notify the applicant of its decision;
 - (b) specify the ground for refusal; and
 - (c) inform the applicant of the right to appeal under section 39 of the Act.
- (14) The effect of any order or approval under this regulation shall be endorsed on the licence.

31 Provisional event licence

- (1) A person who holds a licence referred to in Schedule 2 may apply for a licence (“provisional event licence”) in respect of a special liquor event (referred to in regulation 12), despite the fact that, at the time the application is made, the event has yet to be arranged.

Such an application must be accompanied by the prescribed fee.²⁰

- (2) Any person may apply for a licence (“provisional event licence”) in respect of an occasional public entertainment event (referred to in

- regulation 6(1)(b)), despite the fact that, at the time the application is made, the event has yet to be arranged.
- (3) Subject to paragraph (4), the court must determine an application for a provisional event licence in the same way as it determines an application for a licence under regulation 19 or 20 (as the case may be).
 - (4) The court may grant a provisional event licence on the deposit of a plan sufficient to identify the site of the premises, and a description giving a general indication of the details of the event (with particular reference to the sale of liquor if the application should be in connection with a special event liquor licence of a type described in regulation 12, or with particular reference to nearby premises if the application should be in connection with an occasional public entertainment event).²¹
 - (5) The court may grant a provisional event licence without a responsible person having been registered where the application is made by a company or a club.
 - (6) Where a provisional event licence is granted under paragraph (4), it shall cease to have effect on the expiration of 6 months (“the provisional period”) beginning with the date on which it is granted.
 - (7) The court may, pursuant to an application of the holder of a provisional event licence made before the expiry of the provisional period and upon payment of the prescribed fee, extend the provisional period by such period as the court considers appropriate.²²
 - (8) The holder of a provisional event licence may, at any time before the expiry of the provisional period (which includes the extended period, if any), in relation to the licence, apply to the court for confirmation of the event licence.
 - (9) An application under paragraph (8) must be accompanied by the provisional licence and the prescribed fee.
 - (10) A provisional event licence shall be of no effect until the court makes an order to confirm it, on being satisfied —
 - (a) that the event has been arranged in accordance with the application information provided;
 - (b) that any site management plan, site plan or registration of a responsible person required has been made; and,
 - (c) there has been no change to the information provided in, and with, the application for the provisional licence.
 - (11) Where the court refuses the application under this regulation, the Court must notify the applicant of its decision.
 - (12) If an event licence is not confirmed by the making of an order of the court before the end of the provisional period, it is treated as revoked at the end of that period.

- (13) The effect of any order or approval under this regulation shall be endorsed on the licence.

PART 3 – REVIEW

32 Application for review of licence

- (1) Where a licence has effect, any person may apply to the court for a review of the licence.
- (2) The court may, on the application of the Chief Constable or Chief Fire Officer, or on its own motion, review the licence.
- (3) The grounds for review are —
- (a) that, having regard to the licensing objectives, the licensee is not a fit and proper person to be the holder of a licence;
 - (b) that the licensee appears to be a person who lacks capacity to hold the licence;
 - (c) that one or more of the conditions to which the licence is subject has been breached;
 - (d) that one or more of the undertakings to which the licence is subject has not been complied with or has been breached; or
 - (e) that there exists any other ground relevant to one or more of the licensing objectives or a licensee's status as a fit and proper person to be the holder of a licence.
- (4) For the purposes of this regulation, a person lacks capacity in relation to a matter if, at the material times, that person is unable to make a decision for themselves in relation to the matter because of an impairment of, or a disturbance in the functioning of, the mind or brain.
- (5) Where a person makes a review application, the court must give notice of the review application to the licensee and specify in that notice the alleged ground for the review, including in particular —
- (a) where the ground is that specified in paragraph (3)(a), the licensing objective or objectives to which the alleged ground of review relates;
 - (b) where the ground is that specified in paragraph (3)(c), the condition or conditions alleged to have been breached;
 - (c) where the ground is that specified in paragraph (3)(d), the undertaking or undertakings alleged not to have been complied with or to have been breached;
 - (d) in respect of any other ground in paragraph (3), a summary of the information on which the applicant's view that the alleged ground applies is based.

- (6) A person making a review application must include in the application any information that the applicant considers to be relevant to the court's consideration of the alleged ground for review including, in particular, information in relation to –
 - (a) the licensee;
 - (b) where the licensee is not an individual, a connected person in relation to the licensee; or
 - (c) any person who is an interested party in relation to the licensed premises.
- (7) In this regulation, a person is an interested party in relation to licensed premises if the person is not the licensee in respect of the premises but –
 - (a) has an interest in the premises as an owner or tenant; or
 - (b) has management and control over the premises or the business conducted on the premises.
- (8) The court may reject a review application if the court considers the application –
 - (a) is frivolous or vexatious; or
 - (b) does not disclose any matter relevant to any ground for review.
- (9) Where the court rejects a review application under paragraph (8), the court –
 - (a) must give notice of the decision, and the reasons for it, to the applicant; and
 - (b) may recover from the applicant any expenses incurred by the court in considering the application.

33 Court's powers on review

- (1) The court may, if satisfied that a ground for review referred to in regulation 32(3) (application for review of licence) is established, do such of the things mentioned in paragraph (2) as the court considers necessary or appropriate for the purposes of any of the licensing objectives.
- (2) Those things are –
 - (a) to issue a written warning to the licensee;
 - (b) to vary the licence;
 - (c) to make an order suspending the licence for such period as the court may determine; or
 - (d) to make an order revoking the licence.
- (3) Where the court is satisfied that the ground for review specified in regulation 32(3)(a) (application for review of licence) is established, the court must make an order revoking the licence.

- (4) Subject to regulation 34 (notification of determinations), a revocation under paragraph (2) or (3) takes effect at the end of the period of 28 days, beginning with the day on which the court makes the order.
- (5) On making a variation under paragraph (2)(b), the court may provide for the variation to apply only for such period as the court may determine.

34 Notification of determinations

The court must notify the licensee and applicant where the court —

- (a) decides to take one of the steps mentioned in regulation 33(2) (court's powers on review); or
- (b) decides to take none of those steps.

35 Recall of revocation of licence

- (1) This regulation applies where the court orders the revocation of a licence under regulation 33 (court's powers on review).
- (2) The court must recall the revocation if —
 - (a) a relevant application is made before the end of the period referred to in regulation 33(4) ("28 day period"); and
 - (b) the court grants the application.
- (3) The court may extend the 28 day period pending determination of a relevant application.
- (4) In this regulation, "relevant application" means —
 - (a) an application for the transfer of the licence; or
 - (b) a licence variation application seeking a variation of the licence that the court considers would remove the ground on which the licence was revoked under regulation 33.
- (5) This regulation does not affect the right to appeal against the order to revoke or suspend the licence under section 39 of the Act.

PART 4 – MISCELLANEOUS DUTIES OF LICENSEE OF LICENSED PREMISES

36 Licensee's duty to notify court of caution, charge or conviction

- (1) Where a licensee is cautioned, charged with or convicted of a relevant offence, the licensee must notify the court of the caution, charge, or conviction, as the case may be, as soon as reasonably practicable, and, in any event, no later than one month after —
 - (a) the date on which the caution was administered; or,

- (b) if charged, the date on which the court proceedings for the offence commenced; and
 - (c) if convicted, the date of the conviction.
- (2) The notice under paragraph (1) must –
 - (a) specify –
 - (i) the nature of the offence; and
 - (ii) if applicable, the date referred to in paragraph (1); and
 - (b) be accompanied by –
 - (i) the licence held by the licensee; or
 - (ii) if producing the licence is not practicable, a statement of the reasons for failure to produce the licence.
- (3) A person who, without reasonable excuse, fails to comply with paragraph (1) commits an offence.

Maximum penalty (summary conviction) – a fine of level 3 on the standard scale.

37 Connected persons: licensee’s duty to notify changes

- (1) A licensee must, not later than one month after a person becomes or ceases to be a connected person in relation to the licensee, give the court notice of that fact.
- (2) A notice under paragraph (1) that a person has become a connected person must specify –
 - (a) the name and address of the person; and
 - (b) if the person is an individual, the person’s date of birth.
- (3) Where the court receives a notice under paragraph (1), the court must give a copy of the notice to the Chief Constable.
- (4) A licensee who, without reasonable excuse, fails to comply with paragraph (1) commits an offence.

Maximum penalty (summary conviction) – a fine of level 3 on the standard scale.

38 Responsible person

- (1) A responsible person in relation to premises that are to be licensed under these Regulations (“licensed premises”) must be an individual who –
 - (a) is resident in the Island;
 - (b) has been nominated to be a responsible person for those premises by the licensee, or a person making an application to be the licensee of those premises; and²³

- (c) has been approved by the High Bailiff, or the court, for entry in the Licensed Staff Register as a responsible person in relation to those premises.
- (2) Where a licensee is not otherwise required to nominate a responsible person under these Regulations, the licensee may nominate one or more individuals to be a responsible person for premises in respect of which the licensee has been granted a licence.
- (3) Neither the High Bailiff nor the court can approve a person to be a responsible person in respect of a public entertainment licence or a public entertainment event licence.

39 Clubs – offence

- (1) A person commits an offence if the person sells or supplies, or authorises the sale or supply of, liquor on behalf of a club –
 - (a) to any person other than a member; or
 - (b) anywhere other than at the club premises.

Maximum penalty (summary conviction) – a fine of level 3 on the standard scale.

- (2) Paragraph (1) is not contravened by –
 - (a) the supply of liquor by or on behalf of an authorised canteen under paragraph (1)(e) of Schedule 1;
 - (b) the supply of liquor by a member of a club to a guest; or
 - (c) the supply of liquor authorised by a club function authorisation of a type set out in the conditions which shall apply to club licences under Schedule 3 paragraph 8.

40 Presence on premises: exceptions

- (1) The circumstances where, in accordance with section 24 of the Act, a licensee is exempt from the requirement to ensure that the licensee or a responsible person is on the premises at all times when they are open to the public are those in paragraphs (2), (3) and (4).
- (2) Those circumstances are where –
 - (a) the absence of the licensee or responsible person (as the case may be) (“the absentee”) is unavoidable;
 - (b) the absence lasts for less than 2 hours; and
 - (c) during the period of absence, the absentee is contactable via telephone.
- (3) Those circumstances are also where –
 - (a) the absence of the licensee or responsible person (as the case may be) is unavoidable;

- (b) the absence is for more than 2 hours and less than 14 days; and
 - (c) the premises in question are licensed under a public entertainment licence (of a type described in regulation 6) where the court has not made a mandatory condition that the licensee (or another person approved by the court to supervise the running of the public entertainment in connection with that licence) must be on those premises at all times when the premises are open to the public.²⁴
- (4) Those circumstances are also where —
- (a) the absence of the licensee or responsible person (as the case may be) is unavoidable;
 - (b) the absence is for more than 2 hours and less than 14 days;
 - (c) the licensee has, —
 - (i) notified the Chief Constable of the absence;
 - (ii) nominated a temporary manager who will personally supervise the licensed premises during the absence in question; and
 - (iii) in the form required by the High Bailiff, applied to the High Bailiff to approve that nominee as temporary manager and lodged that application, at least 7 days before the High Bailiff considers it, at the Office of the High Bailiff; and
 - (d) the High Bailiff has, pursuant to the licensee’s application and payment of the prescribed fee, approved the nominee to be a temporary manager.²⁵
- (5) Where a temporary manager has been approved under paragraph (4), during the absence of the licensee or a responsible person (if any) from the premises, the temporary manager is responsible for the conduct of the premises as if that person was the licensee.²⁶
- (6) The High Bailiff may approve a person to act as a temporary manager for an initial period which must not exceed 14 days.
- (7) The High Bailiff may, pursuant to the licensee’s application and payment of the prescribed fee, extend the period of 14 days referred to in paragraph (6) by a further period which must not exceed 14 days.²⁷
- (8) The total period during which a person acts as a temporary manager must not exceed 28 days.

41 Duty to keep, display and produce licence

- (1) A licensee must ensure that the licence for the premises in respect of which it is granted is kept in the custody or under the control of —
- (a) the licensee; or
 - (b) a responsible person.

- (2) A licensee must display in a prominent position where liquor is supplied on the licensed premises, a notice indicating clearly –
 - (a) the ordinary permitted opening hours in respect of the premises;
 - (b) the hours during which liquor is normally sold or supplied;
 - (c) any conditions to which the licence is subject; and
 - (d) the full name of the licensee.
- (3) A licensee of an on-licence or off-licence must display on or over the principal entrance of the licensed premises a notice in letters not less than one inch high indicating –
 - (a) the licensee’s full name;
 - (b) that the licensee is licenced to sell liquor, or liquor of specified kinds, as the case may be; and
 - (c) whether such sales may be for consumption on the premises, or off the premises, or on or off the premises, as the case may be.
- (4) The person in whose custody, or under whose control, a licence is kept by virtue of paragraph (1) must produce the licence, or any order of the court relating to the licence, to any police officer or justice on demand.
- (5) A licensee who contravenes this regulation commits an offence.
Maximum penalty (summary conviction) – a fine of level 1 on the standard scale.

PART 5 VEHICLES AND VESSELS

42 Delivery of liquor from vehicles etc.

- (1) A person who delivers liquor from a vehicle or receptacle must record in both a day book kept on the premises from which the liquor is despatched, and a delivery book or invoice carried by the person delivering the liquor –
 - (a) the quantity, description and price of the liquor; and
 - (b) the name and address of the person to whom it is delivered.
- (2) A person who delivers the liquor from a vehicle or receptacle must permit any police officer to examine –
 - (a) any vehicle or receptacle in use for the delivery of liquor; and
 - (b) any day book, delivery book or invoice referred to in paragraph (1).
- (3) A person who contravenes paragraph (1) or (2) commits an offence.
Maximum penalty (summary conviction) – a fine of level 3 on the standard scale.
- (4) In this regulation, “liquor” does not include any liquor being delivered to a trader for the purposes of that person’s trade.

43 Restricted entry into licensed premises for certain persons

- (1) A person who is subject to an order preventing entry into licensed premises or sale to that person of liquor ("banning order") may enter licensed premises within the Isle of Man Airport departure lounge if the person is in that lounge for the purpose of undertaking a journey.
- (2) A person who is subject to a banning order may enter a retail store or a petrol station that is licensed under these Regulations for the purpose of purchasing food, non-liquor beverages or fuel.
- (3) A person who is subject to a banning order may enter premises licensed for public entertainment purposes (under a public entertainment licence described in regulation 6) provided no liquor is available on those premises.
- (4) A person who is subject to a banning order who enters licensed premises for a purpose described in paragraph (1) or (2) —
 - (a) must not pick up or attempt to purchase liquor on those premises; and
 - (b) must not consume liquor, including any purchased by another person, on those premises.
- (5) A person who, without reasonable excuse, fails to comply with this regulation commits an offence.

Maximum penalty (summary conviction) – a fine of level 3 on the standard scale.
- (6) In this regulation the "departure lounge" means a room at an airport which is set aside for use by passengers intending to travel by air from the airport and into which other persons (except airport staff, airline staff and persons authorised by such persons) are excluded entry.

PART 6 – LICENSING COURT**44 Time Limits**

The court, in any particular case, may relax or dispense with any time limits imposed by these Regulations, either unconditionally or subject to compliance with such conditions as it may think fit, if it is satisfied that to do so will not cause injustice to any person concerned.

45 Evidence

The following provisions of the Summary Jurisdiction Act 1989 apply to proceedings before the court as they apply to proceedings before a court of summary jurisdiction —

- (a) section 59(1) to (6) (attendance of witnesses);

- (b) section 62 (evidence on oath);
- (c) section 63 (note of evidence); and
- (d) section 73 (false statements).

46 Company, club or charitable function licensee: court proceedings

- (1) Where a party to proceedings in the court is a company, club or charitable organisation, a connected person may appear on behalf of that party.
- (2) The manager of a business conducted, or to be conducted, on premises licensed, or to be licensed, may appear on behalf of the business.

47 Adjournment, withdrawal of proceedings etc.

- (1) The court may adjourn any proceedings either of its own motion or on the application of any party.
- (2) Any application to the court, and any objection to an application, may be withdrawn by the applicant or objector at the hearing or by any notice lodged in the office of the High Bailiff.
- (3) Where an application or objection is withdrawn otherwise than at the hearing, the applicant or objector must give notice to every other party to the proceedings.

PART 7 – LICENSED STAFF REGISTER

GENERAL

48 Establishment and maintenance of Licensed Staff Register

- (1) The Department must establish and maintain a Licensed Staff Register (in this Part, referred to as “the register”).
- (2) The register must include entries detailing the individuals who may be employed on or with respect to licensed premises as —
 - (a) a responsible person;
 - (b) a guard; or
 - (c) a doorkeeper.
- (3) The Department must keep the register in electronic form, where practicable, and may keep it in any other manner the Department considers appropriate.
- (4) The register must at all reasonable times be open to inspection by any person.

- (5) The Department may, if satisfied that a person is no longer a responsible person, guard or doorkeeper (as the case may be), cause the entry relating to that person to be removed from the register.
- (6) The Department must, at the request of the High Bailiff or the court, cause an entry to be removed from the register.
- (7) In any legal proceedings –
 - (a) a certificate signed by or on behalf of the Department and stating that, on a date specified on that certificate, a person was or was not entered in the register as a responsible person, guard or doorkeeper (as the case may be), shall be received in evidence; and
 - (b) a certificate stating that matter and purporting to be so signed shall be treated as so signed unless the contrary is proved.

RESPONSIBLE PERSONS

49 Responsible persons' registration

- (1) The following particulars must be included in the register in respect of every responsible person –
 - (a) the name of the person;
 - (b) the type of licence for which that person may act as a responsible person; and
 - (c) details of each licensed premises where that person acts as a responsible person.
- (2) A person may only act as a responsible person in respect of licensed premises of types permitted under that responsible person's registration.

50 Application for entry in register as a responsible person

- (1) Any individual aged 18 years or more may apply to the High Bailiff for entry into the register as a responsible person, if that individual is designated by a licensee as having personal responsibility for the premises, in the absence of the licensee.
- (2) Such an application must be accompanied by the prescribed fee.
- (3) An individual may apply under paragraph (1) to be entered into the register for employment in respect of licensed premises of the following types –
 - (a) on-licence and off-licence premises;
 - (b) off-licence premises only.
- (4) The application must be made in a form published by the High Bailiff and must specify –
 - (a) the applicant's full name and date of birth;

- (b) the applicant's current address and residential addresses for the 5 years immediately preceding the date of the application;
 - (c) whether, and if so when, an application by the applicant for entry in the register as a responsible person (or to be approved as a designated official) has previously been refused by the High Bailiff;
 - (d) particulars of all cautions, charges or convictions relating to the applicant (in the Island or elsewhere);
 - (e) particulars of any training undergone by the applicant relating to —
 - (i) the performance of the functions of a responsible person;
 - (ii) fire precautions and action in the event of fire;
 - (iii) first aid;
 - (f) the applicant's employment history for the 5 years immediately preceding the date of the application;
 - (g) the applicant's previous experience as a responsible person or as a designated official under the Licensing Act 1995;
 - (h) the names and addresses of 2 persons to whom reference may be made as to the character of the applicant; and
 - (i) the premises in respect of which the applicant will act as a responsible person.
- (5) An applicant must provide evidence that the applicant has passed a training course, within the last 3 years, that is approved by the Department as being suitable training for responsible persons.
- (6) The applicant must send the application to the High Bailiff and send a copy of it to the Chief Constable.
- (7) On receipt of an application the High Bailiff must consult the Chief Constable and such other persons as the High Bailiff thinks appropriate for the purpose of obtaining information about the applicant that is relevant to the application.
- (8) Despite the above, the High Bailiff may permit a person who immediately prior to the coming into operation of this regulation was a designated official under the Licensing Act 1995 and named in a premises licence to submit, during the transitional period, an application (a "transitional registration application") for inclusion within the Licensed Staff Register in respect of the same premises.
- (9) A transitional registration application must be in a form published by the High Bailiff.
- (10) The High Bailiff may allow a transitional registration application to be submitted with, or without, some or all of the information or documentation which would otherwise be required if it were not a transitional registration application.

- (11) The High Bailiff may allow a transitional registration application to be submitted with such information and documents (not being those ordinarily required for a registration application which is not a transitional one) as the High Bailiff may request or require.
- (12) Where the High Bailiff has acted in accordance with paragraph (8) and having considered a transitional registration application and any information and material supplied with it, considers any of those things to be deficient in any material respect, the High Bailiff may require the applicant to submit an application (not being a transitional registration application) in accordance with this regulation.
- (13) For the purposes of this regulation, “transitional period” means the period between the coming into operation of these Regulations and the ending of the period of validity for any licence which was granted under the Licensing Act 1995 or the Music and Dancing Acts 1961 and 1971.
- (14) The prescribed fee for any application to which this regulation applies must accompany the application.

51 Determination of application for registration as a responsible person of premises

- (1) The High Bailiff may grant an application referred to in regulation 50, if the High Bailiff considers the person to be suitable to be a responsible person for the premises described in the application.
- (2) If the High Bailiff intends to refuse the application for entry in the register, the High Bailiff must give notice in writing to the applicant of the intention, with reasons, for the intended refusal.
- (3) A notice under paragraph (2) must state that, within 28 days of service of the notice, the applicant may apply to the court for a hearing of the application.
- (4) If by the end of the period of 28 days the applicant has not applied for a hearing of the application, the High Bailiff may proceed to refuse the application.
- (5) If the applicant requests a hearing, the court may, after hearing the application –
 - (a) refuse the application; or
 - (b) grant the application.²⁸
- (6) On granting an application the High Bailiff must notify the Department of the decision and require that the Department enter the applicant onto the register as a responsible person.
- (7) If the application is refused –
 - (a) the High Bailiff must notify the applicant of the decision, with reasons for the decision; and

- (b) the notice must include a statement of the effect of regulation 63 (appeals).
- (8) If the application is refused, the applicant cannot make a new application under regulation 50 (application for entry in register as a responsible person) until the expiry of 3 months beginning with —
 - (a) the date of the refusal; or
 - (b) the date of the determination or withdrawal of an appeal under regulation 63.²⁹
- (9) The High Bailiff or the court may, on the application of the Chief Constable, or on its own motion, withdraw its approval of a responsible person.

52 Variation of entry on register for responsible person

- (1) If a responsible person wishes to be employed at different premises (“new premises”) to those described in the application made under regulation 50(4) (application for entry in register as a responsible person), a responsible person may make an application to the Department for the information recorded on the register relating to the responsible person under regulation 49(1) (responsible person’s registration) to be varied.
- (2) The application under paragraph (1) must be made in a form published by the Department and must —
 - (a) specify the name of the new premises at which the responsible person wishes to be registered for employment;
 - (b) specify the type of licence held in respect of the new premises; and
 - (c) be accompanied by the prescribed fee.
- (3) An application for a variation must be accompanied by a signed statement from the licensee of the new premises confirming that the applicant is to be designated by that licensee as having personal responsibility for the new premises in the absence of the licensee.
- (4) If the new premises are of the same type as the premises in respect of which the responsible person is currently registered, the responsible person must send the application to the Department.
- (5) The Department must vary the registration of the responsible person unless the Department has grounds for believing that the responsible person is not suitable to be a responsible person for the new premises.
- (6) If the Department has grounds for believing that the responsible person is not suitable to be a responsible person for the new premises, the Department must —
 - (a) refer the application to the High Bailiff for a determination of the application and notify the High Bailiff of the reasons for believing

- that the responsible person is not suitable to be a responsible person for the new premises;
- (b) send a copy of the application and the notification referred to in sub-paragraph (a) to the Chief Constable; and
 - (c) notify the responsible person that the matter has been referred to the High Bailiff for a determination of the application by the High Bailiff.
- (7) Regulation 51 (determination of application for registration as a responsible person of premises) applies in relation to a determination under paragraph (6).
- (8) If the new premises are of a different type to the premises in respect of which the responsible person is currently registered –
- (a) the responsible person must send the application to the High Bailiff; and
 - (b) send a copy of the application to the Chief Constable.
- (9) An application referred to the High Bailiff under paragraph (8)(a) is to be treated as if it were an application under regulation 50 (application for entry in register as a responsible person).

53 Removal from register – responsible person

- (1) If it appears to the High Bailiff that a person entered in the register as a responsible person is unsuitable to be a responsible person, the High Bailiff must give notice in writing to that person that the High Bailiff intends to order the Department to remove the responsible person's entry from the register.
- (2) The notice given under paragraph (1) must –
- (a) give reasons why the High Bailiff considers the person to be unsuitable to be a responsible person; and
 - (b) state that, within 14 days of service of the notice, the person may apply for a hearing of the matter.
- (3) If by the end of the period of 14 days of service of the notice the responsible person has not applied for a hearing of the application, the High Bailiff may proceed to order the Department to remove the responsible person from the register.
- (4) If, within the period of 14 days beginning with the day of service of the notice, the responsible person has applied for a hearing of the application –
- (a) the court must hear the application as soon as reasonably practicable; and
 - (b) upon hearing the application, may determine that the person is suitable to be a responsible person or may proceed to order the

Department to remove the responsible person's entry from the register.

- (5) If a responsible person has not, within the last 3 years, passed a training course that is suitable for responsible persons and which is approved by the Department, the Department must remove that responsible person's entry from the register.
- (6) A responsible person may request in writing that the Department remove the responsible person's entry from the register.
- (7) A licensee may request in writing the removal of a responsible person's entry in the register if the responsible person has died, resigned or otherwise left the employment of the licensee.³⁰
- (8) The Department must remove a responsible person's entry from the register as soon as reasonably practicable upon —
 - (a) being ordered to do so under paragraph (3) or (4)(b); or³¹
 - (b) receiving a written request to do so from the licensee or responsible person.

GUARDS AND DOORKEEPERS

54 Guards' and doorkeepers' registration

- (1) The following particulars must be included in the register in respect of every guard or doorkeeper —
 - (a) the name of the person;
 - (b) the date of expiry under regulation 57 (period of validity of registration as a guard or doorkeeper);
 - (c) the certificate number provided to that person.
- (2) A person may only act as a guard or doorkeeper, as the case may be, in respect of licensed premises of a type permitted under that person's registration.

55 Application for entry in register as a guard or doorkeeper

- (1) Any individual aged 18 years or more may apply to the Department in writing for entry in the register as a guard or doorkeeper on, or with respect to, any licensed premises.
- (2) The application must be made in a form published by the Department and must specify —
 - (a) the applicant's full name and date of birth;
 - (b) the applicant's current address and residential addresses for the 5 years preceding the date of the application;

- (c) whether, and if so when, an application by the applicant under these Regulations for entry in the register as a guard or doorkeeper has previously been refused by the Department or an application made under the Licensing Act 1995 has been refused under that Act;
 - (d) particulars of all cautions, charges and convictions relating to the applicant (in the Island or elsewhere);
 - (e) particulars of any training undergone by the applicant relating to –
 - (i) the performance of the functions of a guard or doorkeeper;
 - (ii) fire precautions and action in the event of fire; or
 - (iii) first aid;
 - (f) the applicant's employment history for the 5 years immediately preceding the date of the application;
 - (g) the applicant's previous experience as a guard or doorkeeper; and
 - (h) the names and addresses of 2 persons to whom reference may be made as to the character of the applicant.
- (3) Such an application must be accompanied by the prescribed fee.
- (4) The applicant must provide evidence that the applicant has, within the last 3 years, passed a training course that is approved by the Department as being suitable training for a guard or a doorkeeper, as the case may be.
- (5) On receipt of an application under paragraph (1) the Department must consult the Chief Constable and such other persons as the Department thinks appropriate for the purpose of obtaining information about the applicant that is relevant to the application.

56 Determination of application for registration as a guard or doorkeeper

- (1) The Department may grant the application referred to in regulation 55 if the Department considers the person to be a suitable person to be a guard or a doorkeeper, as the case may be.
- (2) If the Department intends to refuse the application for entry in the register, the Department must give notice in writing to the applicant of the intention, with reasons, for the intended refusal.
- (3) A notice under paragraph (2) must state that, within 28 days of service of the notice on the applicant, the applicant may make representations in writing to the Department with respect to the intended refusal.
- (4) Before refusing the application, the Department must consider any representations made pursuant to paragraph (3).
- (5) The Department must give notice in writing to the applicant of its decision to grant or refuse the application.

- (6) A notice under paragraph (5) of the refusal of an application must include —
 - (a) a statement of the Department's reasons for refusal; and
 - (b) a statement of the effect of regulation 63 (appeals).
- (7) On granting an application the Department must also issue to the applicant —
 - (a) a certificate of registration, stating the full name of the applicant and the date on which the registration expires; and
 - (b) an identification badge.
- (8) If the application is refused, the applicant cannot make a new application under regulation 55 (application for entry in register as a guard or doorkeeper) until the expiry of a period of 3 months beginning with —
 - (a) the date of the refusal; or (if applicable)
 - (b) the date of determination or withdrawal of an appeal under regulation 63.³²

57 Period of validity of registration as a guard or doorkeeper

- (1) An entry in the register pursuant to regulation 56 shall cease to have effect on the expiration of 3 years beginning with the date on which it is made or renewed.
- (2) Paragraph (1) is subject to regulation 58(3) (application for renewal of registration as a guard or doorkeeper) and regulation 59 (removal from register – guard or doorkeeper).

58 Application for renewal of registration as a guard or doorkeeper

- (1) An application for renewal of an entry on the register may be made on a form issued by the Department not more than 6 months before, and not later than, the date of expiration of the period specified in regulation 57 (period of validity of registration as a guard or doorkeeper).
- (2) Regulations 55(2) and 55(3) (application for entry in register as a guard or doorkeeper), 56 (determination of application for registration as a guard or doorkeeper) and 63 (appeals) apply to the extent that is relevant for such an application under paragraph (1) as they apply to an application under regulation 55.
- (3) Where an application is made under paragraph (1), the entry in the register shall continue in force if the applicant has completed another course of training described in regulation 55(4).
- (4) Where paragraph (3) applies —

- (a) the date of renewal shall be the date upon which the registration would have expired under regulation 56(1) (determination of application for registration as a guard or doorkeeper); and
 - (b) the new date of expiry of that entry in the register will be the date of expiry of the certification of training referred to in regulation 55(4).
- (5) An application under this regulation must be accompanied by the prescribed fee.

59 Removal from register – guard or doorkeeper

- (1) If it appears to the Department that a person, entered in the register as a guard or doorkeeper, is unsuitable to be a guard or doorkeeper, the Department must give notice in writing to that person that the Department intends to remove the guard's entry or doorkeeper's entry, as the case may be, from the register.³³
- (2) The notice given under paragraph (1) must –
- (a) give reasons why the Department considers the person to be unsuitable to be a guard or doorkeeper, as the case may be; and
 - (b) state that, within 14 days of service of the notice, the person may make representations as to why the registration should not be cancelled.
- (3) If, by the end of the period of 14 days beginning with the service of the notice the guard or doorkeeper, as the case may be –
- (a) has not made representations to the Department; or
 - (b) has made representation but the Department still considers the person to be unsuitable to be a guard or doorkeeper,
- the Department may proceed to remove the guard or doorkeeper, as the case may be, from the register.³⁴
- (4) Where –
- (a) the Department removes a guard or doorkeeper under paragraph (3) and has served a notice to that effect on that guard or doorkeeper; and
 - (b) that guard or doorkeeper has, within the period of 14 days beginning with the service of that notice, applied to the High Bailiff for a review of the Department's actions,
- the High Bailiff must hear the application as soon as reasonably practicable and may –
- (ii) determine that the person is unsuitable to be a guard or, as the case may be, a doorkeeper and dismiss the application; or

- (ii) order the Department to reinstate the entry of that person on the register.³⁵
- (5) If a guard or doorkeeper has not, within the last 3 years, passed a training course that is suitable for a guard or doorkeeper and which is approved by the Department, the Department must remove that guard or doorkeeper, as the case may be, from the register.
- (6) If a person entered on the register without reasonable excuse fails to display the identification badge issued under paragraph 56(7)(b) (determination of application for registration as a guard or doorkeeper) in a fluorescent armband on their upper arm while working as a guard or a doorkeeper, the Department may remove that person's entry from the register.
- (7) A guard or doorkeeper may request the Department in writing to remove the guard or doorkeeper, as the case may be, from the register.
- (8) Where the Department is required to remove a guard or doorkeeper under this regulation it must do so as soon as reasonably practicable.

CAUTIONS, CHARGES AND CONVICTIONS—RESPONSIBLE PERSONS, GUARDS AND DOORKEEPERS

60 Person's duty to notify High Bailiff or Department of cautions, charges and convictions

- (1) Where a person (P) who is entered in the register under this Part is cautioned, charged or convicted of a relevant offence, the person must notify the person referred to in paragraph (2) of the caution, charge, or conviction, as the case may be, as soon as reasonably practicable, and, in any event, no later than one month after —
 - (a) the date on which the caution was administered; or
 - (b) if charged, the date on which the court proceedings for the offence commenced; and
 - (c) if convicted, the date of the conviction.
- (2) That person is —
 - (a) where P is a responsible person, to the High Bailiff;
 - (b) where P is a guard or doorkeeper, to the Department.
- (3) A notice under paragraph (1) must —
 - (a) specify —
 - (i) the nature of the offence for which P has been cautioned, charged or convicted; and
 - (ii) if applicable, the date of conviction; and
 - (b) in a case where P is a responsible person, be accompanied by —

- (i) a copy of the licence held by the licensee; or
 - (ii) if providing the licence is not practicable, a statement of the reasons for failure to produce a copy of the licence; and
- (c) in a case where P is a guard or doorkeeper, be accompanied by —
 - (i) P's identification badge; or
 - (ii) if providing the identification badge is not practicable, a statement of the reasons for failure to produce it.
- (4) A person who, without reasonable excuse, fails to comply with this regulation commits an offence.

Maximum penalty (summary conviction) – a fine of level 3 on the standard scale.

61 Suspension or removal of entry in register of responsible persons³⁶

- (1) This regulation applies where a responsible person is cautioned, charged with or convicted of a relevant offence.³⁷
- (2) The High Bailiff may —
 - (a) order the suspension of the entry in the register for a period not exceeding 6 months; or
 - (b) order the removal of that entry.
- (3) In determining whether to order suspension or removal under paragraph (2), the High Bailiff may take account of any conviction the person has for a relevant offence and any caution received, or charge brought, in respect of any such offence.³⁸
- (4) Where the High Bailiff makes an order under this regulation, the High Bailiff may suspend the order pending an appeal against it.
- (5) Subject to paragraph (4) an order made under this regulation takes effect immediately after it is made.

62 Suspension or removal of entry in the register of guards or doorkeepers

- (1) This regulation applies where a guard or doorkeeper is cautioned, charged with or convicted of a relevant offence.³⁹
- (2) The Department may —
 - (a) order the suspension of the entry for a period not exceeding 6 months; or
 - (b) order the removal of that entry.
- (3) In determining whether to make an order under paragraph (2), the Department may take account of any conviction the person has for a relevant offence and any caution received, or charge brought, in respect of any such offence.⁴⁰

- (4) Where the Department makes an order under this regulation it may suspend the order pending an appeal against it.
- (5) Subject to paragraph (4) an order under this regulation takes effect immediately after it is made.

APPEALS UNDER PART 7

63 Appeals

- (1) A person may appeal against a decision or order of the Department under this Part to the High Bailiff, who may reverse, vary or confirm the decision or order.
- (2) The decision of the High Bailiff under paragraph (1) is final.
- (3) A person may appeal against a decision or order of the High Bailiff under this Part to the court, which may reverse, vary or confirm the decision or order.
- (4) The decision of the court under paragraph (3) is final.

PART 8 – OFFENCES RELATING TO MINORS

64 Sale of liquor to a minor

- (1) A person who sells liquor to a minor is guilty of an offence.
Maximum penalty (summary conviction) – a fine of level 3 on the standard scale.
- (2) Where a person is charged with an offence under this regulation by reason of that person's own conduct it is a defence that –
 - (a) the accused believed the minor to be aged 18 years or over; and
 - (b) either –
 - (i) the accused had taken reasonable steps and exercised due diligence to establish the minor's age; or
 - (ii) no reasonable person could have suspected from the minor's appearance that the minor was aged under 18 years.
- (3) For the purposes of paragraph (2)(b)(i), the accused is to be treated as having taken reasonable steps to establish the minor's age only if –
 - (a) the accused was shown any of the documents mentioned in paragraph (4); and
 - (b) that document would have convinced a reasonable person.
- (4) Those documents are any document bearing to be –
 - (a) a passport;

- (b) an Isle of Man, United Kingdom or European Union photo card driving licence;
 - (c) a student identity card issued by any high school or college in the Isle of Man;
 - (d) a proof of age card issued by the Department of Education, Sport and Culture;
 - (e) a Biometric Residence Permit issued by the United Kingdom Home Office; or
 - (f) any form of electronic verification that is approved by the Department.
- (5) In this regulation, “passport” means —
- (a) a United Kingdom passport within the meaning of the Immigration Act 1971 (of Parliament) as extended to the Island by the Isle of Man (Immigration) Order 2008;
 - (b) a passport issued by or on behalf of the authorities of a country outside the United Kingdom, or by or on behalf of an international organisation; or
 - (c) a document that can be used (in some or all circumstances) instead of a passport.

65 Purchase of liquor by minor

- (1) A minor who buys or attempts to buy liquor is guilty of an offence.
Maximum penalty (summary conviction) – a fine of level 1 on the standard scale.
- (2) It is not an offence under paragraph (1) for a minor to buy or attempt to buy liquor if the minor is requested to do so by —
- (a) a police officer; or
 - (b) a weights and measures inspector,
- for the purposes of determining whether an offence is being committed under regulation 64 (sale of liquor to a minor).
- (3) In this regulation a “weights and measures inspector” means an inspector appointed under section 51 (appointment of inspectors) of the *Weights and Measures Act 1989*.

66 Consumption of liquor by a minor

- (1) A minor who knowingly consumes liquor on any highway, other public place or licensed premises is guilty of an offence.
Maximum penalty (summary conviction) – a fine of level 1 on the standard scale.

- (2) A person who works on licensed premises in any capacity, whether paid or unpaid, who allows a minor to consume liquor on any licensed premises is guilty of an offence.

Maximum penalty (summary conviction) – a fine of level 3 on the standard scale.

- (3) An offence is not committed under paragraph (1) or (2) if –
- (a) the minor has consumed wine and was aged over 16 years;
 - (b) at the time of the consumption the minor was accompanied by one or more persons over 18 years;
 - (c) the minor and each of the persons accompanying the minor consumed wine with a substantial meal on the licensed premises; and
 - (d) the meal was supplied on the licensed premises.
- (4) In proceedings against a person for an offence under paragraph (1) concerning consumption of liquor on any highway or other public place, it is a defence for the minor to satisfy the court that the consumption was while the minor was under the supervision of –
- (a) the minor’s parent or guardian; or
 - (b) a relative of the minor who is aged over 18 and who is responsible for the minor’s supervision.

67 Agents etc. obtaining liquor for minors

- (1) A person commits an offence if the person –
- (a) knowingly acts as an agent for a minor in buying any liquor;
 - (b) knowingly acts as an agent for a minor in procuring the supply to that person of any liquor; or
 - (c) supplies liquor to minor for consumption in a highway or other public place.

Maximum penalty (summary conviction) – a fine of level 3 on the standard scale.

- (2) In proceedings against a person for an offence under paragraph (1)(c), it is a defence for the person to satisfy the court that the supply of liquor was for consumption by a minor while under the supervision of –
- (a) the minor’s parent or guardian; or
 - (b) a relative over 18 years who was responsible for the minor’s supervision.
- (3) Paragraph (1) is not contravened by the purchase or supply of wine for consumption by a person aged 16 or over on licensed premises in the circumstances specified in regulation 66(3) (consumption of liquor by minor).

68 Seizure of liquor in possession of minors

- (1) Where it appears to a police officer that a person apparently under 18 years is without reasonable cause in possession of liquor in a highway or other public place, the officer may seize the liquor.
- (2) Any liquor seized under paragraph (1) shall be either —
 - (a) delivered to a parent or guardian of the person in question, or to such other person aged 18 years or over as appears to a police officer to be entitled to it; or
 - (b) disposed of in such manner as the officer considers appropriate.

69 Delivering liquor to a minor

- (1) A person who works on licensed premises in any capacity, whether paid or unpaid, is guilty of an offence if that person knowingly delivers or allows to be delivered to a minor liquor sold on the premises.

Maximum penalty (summary conviction) – a fine of level 3 on the standard scale

- (2) Paragraph (1) does not apply to the delivery of the liquor to a minor who works on the licensed premises or at the place where the delivery is made in a capacity (whether paid or unpaid) which involves the delivery of liquor.
- (3) An offence is not committed under paragraph (1) if —
 - (a) the minor was over 16 years;
 - (b) at the time of the delivery the minor was accompanied by one or more persons over 18 years.

70 Sending a minor to obtain liquor

- (1) A person who knowingly sends a minor to obtain liquor sold or to be sold on any licensed premises for consumption off the premises is guilty of an offence.

Maximum penalty (summary conviction) – a fine of level 3 on the standard scale

- (2) It is immaterial for the purposes of paragraph (1) whether the minor is sent to obtain the liquor from the licensed premises where it is sold or from some other place from which it is to be delivered.
- (3) Paragraph (1) does not apply where the minor works on the licensed premises or at the place where the liquor is to be delivered in a capacity (whether paid or unpaid) which involves the delivery of liquor.

71 Prohibition of unsupervised sales by minor

- (1) A licensee or a responsible person is guilty of an offence if on any licensed premises the licensee or responsible person knowingly allows a minor to sell liquor on the premises.

Maximum penalty (summary conviction) – a fine of level 3 on the standard scale

- (2) An offence under paragraph (1) is not committed if –
- (a) the liquor is sold or supplied for consumption with a table meal;
 - (b) the liquor is sold or supplied in premises which are being used for the service of table meals (or in a part of any premises which is being so used); and
 - (c) the premises are (or the part is) not used for the sale or supply of liquor otherwise than to persons having a table meal and for consumption by such a person as an ancillary to that person's meal.

72 Employment of minors

- (1) If a minor is employed in a room on licensed premises in respect of which a condition referred to in paragraph 2 of Schedule 3 (on-licence conditions) is in force at a time when the premises are open for the sale, supply or consumption of liquor, the licensee is guilty of an offence

Maximum penalty (summary conviction) – a fine of level 3 on the standard scale.

- (2) The Department of Education, Sport and Culture may prosecute for an offence under this regulation.

73 Presumed age of offender

If in proceedings in a court for an offence under this Part –

- (a) it is alleged that a person was at any time under a certain age; and
- (b) it appears to the court that the person was then under that age,

the person shall be deemed for the purposes of the proceedings to have been then under that age unless the contrary is shown.

MADE 4 OCTOBER 2022

SCHEDULE 1

[Regulation 4]

EXEMPTIONS FROM REQUIREMENT TO HOLD LICENCE

- (1) The following activities are not required to be licensed under these Regulations³ —
- (a) the brewing, distillation, storage or transportation of liquor;
 - (b) the sale or supply of liquor on a train provided that —
 - (i) the liquor is not sold or supplied by retail to, or consumed by, persons other than persons taking a substantial meal on the premises; and
 - (ii) no liquor is sold or supplied on the premises otherwise than by waiter service;
 - (c) the retail sale or supply of liquor by a vessel that —
 - (i) does not allow Island residents to enter the premises, unless at the invitation of a master, crew member or passenger of the vessel, and
 - (ii) does not take on passengers for the purpose of plying from place to place in the Island;
 - (d) the retail sale or supply of liquor by a club with less than 25 members; and which satisfies the conditions of paragraphs 8(6)(a) and 8(7) (club licence conditions) of Schedule 3;
 - (e) the retail supply or sale of liquor in a canteen authorised by the Department for the supply of liquor to members of Her Majesty's naval, military or air forces —
 - (i) for the period (if any) specified in the authorisation; and
 - (ii) if no such period is specified, for a period of one year, subject to such conditions as are specified in the authorisation.
- (2) The following public entertainments are not required to be licensed under these Regulations⁴ —
- (a) any play;
 - (b) any film exhibition;

³ This paragraph does not limit a licensing requirement made under other legislation for any matter where such legislation is made, for example, a licence is required to manufacture spirits under the Alcoholic Liquor Duties Act 1986.

⁴ This paragraph does not limit a licensing requirement made under other legislation for any matter where such legislation is made, for example, a licence is required for showing films under the Cinematograph Act 1977.

- (c) any public entertainment which is hosted in the following premises –
 - (i) a school (within the meaning of the Education Act 2001) or other establishment that provides education while being used as such;
 - (ii) premises belonging to or occupied by a public authority (within the meaning of Schedule 1 of the Freedom of Information Act 2015), where the entertainment is provided by the public authority and no charge is made to a member of the public to attend it;
- (d) any entertainment which is organised for philanthropic, charitable or religious purposes, or for obtaining funds for such purposes;
- (e) any entertainment which is organised on a not for profit basis provided that –
 - (i) it is not promoted with a view to private gain; and
 - (ii) that profits do not exceed reasonable operating costs.
- (3) A licensee who is the holder of an on-licence or off-licence that permits a licensable public entertainment to be carried on at the premises is exempt from the requirement to separately hold a public entertainment licence.
- (4) A licensee who is the holder of a special event liquor licence is exempt from the requirement to separately to hold a public entertainment event licence.

SCHEDULE 2

[regulation 5(1)]

LIQUOR LICENCE TYPES

Licence type	Description
Charitable function licence	Licence for the retail sale or supply of wine at a charitable function for consumption on the premises.
Club licence	Licence for the retail sale or supply of liquor on club premises to members of the club for consumption on the premises.
Liquor producer sales licence	Licence for the direct sale or supply to consumers of liquor that is brewed or distilled on the premises for consumption off the premises.
Manx transport licence	Licence for the retail sale or supply of liquor from a passenger vessel for consumption on the premises.
On-licence	Licence for the retail sale or supply of liquor for consumption on or off the premises.
Off-licence	Licence for the retail sale or supply of liquor for consumption off the premises.
Special Event on-licence	Licence by holder of an on-licence for the retail sale or supply of liquor at premises (“special event premises”) which — (a) are not the premises for which the on-licence has been granted, (b) are premises used for the purpose of a special event of limited period at which the liquor sold or supplied is to be consumed on or off those premises.
Special Event off-licence	Licence by holder of an off-licence for the retail sale or supply of liquor at premises (“special event premises”) which, — (a) are not the premises for which the off-licence has been granted, (b) are premises used for the purpose of a special event of limited period at which the liquor sold or supplied is to be consumed off those premises. ⁴¹

SCHEDULE 3

[Regulation 20(3) and 20(4)]

LICENCE CONDITIONS⁵**1 Mandatory conditions on all licences authorising supply of liquor**

- (1) A licence permitting the sale or supply of liquor must include the following conditions –
- (a) the licensee must comply with any Code of Practice or guidance approved under section 61 (guidance and codes of practice) of the Act;
 - (b) the licensee must operate the premises in accordance with the site management plan and review the information in it and, if necessary, modify that plan –
 - (i) on an annual basis; and
 - (ii) when operations described in the site management plan materially alter in any way that warrants such a review;
 - (c) the licensee must –
 - (i) apply to the court for a variation under regulation 28 (licence variation etc.) where the site management plan is to be, or has been, modified in consequence of –
 - (A) a variation to the conditions or undertakings of the licensee’s licence; or
 - (B) a notable change to the business practices of the licensee; and
 - (ii) provide the site management plan as it will be, or has been, modified on making the application for a variation under that regulation; and
 - (d) the licensee or responsible person must comply with any undertaking that was given to the court in respect of the licence or the premises.
- (2) Sub-paragraph (1)(c) does not apply changes to the details of the responsible person and the validity of any safety certification (but see Part 7 (Licensed staff register), the requirements set out in connection with licences granted to premises of that type under Part 2 (Licences)⁶).

⁵ By section 16(7) of the Act, if any condition to which a licence is subject is not complied with, the licensee is guilty of an offence; and whether or not the person is convicted of that offence, the Licensing Court may by order revoke the licence or suspend it for such period, or until the happening of such event, as is specified in the order. (Maximum penalty (summary conviction) - a fine of level 4 on the standard scale.)

⁶ See also provisions of applicable safety legislation such as the requirement for a Fire Certificate to be maintained in accordance with the Fire Precautions Act 1975.

2 On-licence conditions

- (1) Every on-licence must be made subject to the following conditions —
 - (a) that the licensee must cause a sufficient supply of fresh drinking water to be available free of charge on request during meals in any part or parts of the premises set apart for the service of meals;
 - (b) that licensee must have available for sale at reasonable prices beverages other than liquor, for consumption on the premises;
 - (c) that the licensee must provide access to sanitary conveniences;
 - (d) that the licensee must comply at all times with the Fire Precautions Act 1975.
- (2) Discretionary conditions for on-licences may include (but are not limited to) —
 - (a) prohibiting or restricting the presence in any specified room in the premises of persons below the age of 16;
 - (b) prohibiting the sale or supply of liquor for consumption off the premises; or
 - (c) requiring such numbers of guards or doorkeepers or both to be provided at the premises, at such times and on such day or days, as are specified in the condition.

3 On-licence residential conditions

- (1) Where an on-licence is granted subject to a condition that liquor may not be sold or supplied by retail except to a person resident on licensed premises (“residential conditions”), the licence must also contain the conditions specified in sub-paragraph (2).
- (2) Those conditions are as follows —
 - (a) the premises must contain not less than 2 sitting rooms;
 - (b) the licensee must not permit liquor to be sold, supplied or consumed in one sitting-room in the premises, which room shall be specified in the licence.
- (3) The High Bailiff may, upon a request from the licensee, grant the licensee a residential conditions authorisation for the sale or supply of liquor to, and the consumption of liquor by, persons attending a special occasion on the premises.
- (4) Such an authorisation is subject to the condition that while it is in force, no liquor shall be sold or supplied to, or consumed by, any person other than a person who is —
 - (a) resident on the premises;
 - (b) the guest of a person resident on the premises; or

- (c) attending the special occasion and taking a substantial meal to which the consumption of liquor is ancillary.
- (5) A request referred to in sub-paragraph (3) must be in writing and made in a form determined by the High Bailiff.
- (6) The High Bailiff may grant an authorisation under sub-paragraph (3) on the application of the licensee, for such period as may be specified in the authorisation, on such day as may be so specified, if the High Bailiff is satisfied –
 - (a) that the occasion is of a legitimate and proper character, and does not originate directly or indirectly from the licensee;
 - (b) that the sale and supply of liquor will be ancillary to the provision of a substantial meal, and
 - (c) any prescribed fee has been paid.
- (7) The holder of the authorisation must, within a period specified by the High Bailiff before the beginning of the function, produce the authorisation and such other information as the High Bailiff specifies to the officer in charge of a police station in the vicinity of the place where it is to be held.
- (8) The High Bailiff may direct in any particular case that an authorisation shall be granted without a condition specified in sub-paragraph (6)(c) or (7) with or without some other condition.⁴²
- (9) No appeal lies against a decision of the High Bailiff in connection with an authorisation.

4 On-licence restaurant conditions

Where an on-licence is granted subject to a condition that liquor may not be sold or supplied by retail to, or consumed by, persons other than persons taking a substantial meal on the premises, the licence must also be subject to the condition that no liquor shall be sold or supplied on the premises otherwise than by waiter service.

5 Charitable function licence conditions

- (1) The holder of a charitable function licence must be a charitable organisation, and the licence will cease to be in effect if that status ends.
- (2) A charitable function licensee must not hold any public entertainment event at which liquor is supplied without being granted an authorisation by the High Bailiff for that event.
- (3) The High Bailiff may, upon a request by the representative, grant the licensee an authorisation for the sale of wine at a charitable function (“charitable function authorisation”) on such day (other than Christmas

Day or Good Friday) and such place and between such hours as may be specified in the request.

- (4) A request referred to in sub-paragraph (3) must be in —
 - (a) writing; and
 - (b) a form determined by the High Bailiff.
- (5) No appeal lies against a decision of the High Bailiff in connection with a charitable function authorisation.
- (6) A charitable function authorisation is subject to the following conditions —
 - (a) attendance at the charitable function for which the authorisation is granted must be restricted to members of the organisation by which the function is held and their invited guests;
 - (b) the function must not be advertised to the general public;
 - (c) admission to the function must be by ticket only;
 - (d) no tickets may be sold, issued, supplied or distributed at or about the place where the function is held;
 - (e) at the function liquor must not be sold or supplied to or consumed by persons other than members of the organisation by which the function is held and their invited guests;
 - (f) the holder of the authorisation must, not later than 12 hours before the beginning of the function, produce the authorisation and such other information as the High Bailiff specifies to the officer in charge of a police station in the vicinity of the place where it is to be held;
 - (g) payment of any applicable prescribed fee associated with the licence or the individual function.
- (7) The High Bailiff may direct in any particular case that a charitable function authorisation shall be granted without a condition specified in sub-paragraph (6)(c), (d), (e), (f), or (g) with or without some other condition.⁴³

6 Manx transport licence conditions

A Manx transport licence in connection with a passenger vessel must contain a condition that the retail sale and supply of liquor is only permitted on the passenger vessel while it is plying from place to place, but not while in a harbour in the Island.

7 Liquor producer sales licence conditions

A liquor producer sales licence must contain a condition that the licensee must not sell or supply any liquor other than liquor brewed or distilled on the licensee's premises.

8 Club licence conditions

- (1) The holder of a club licence must be established and conducted in good faith as a club, and the licence will cease to be in effect if that status ends.
- (2) The holder of a club licence may be the club however the club must have a responsible person who is a member of the club as required by regulation 22 (licence granted to clubs).
- (3) The High Bailiff may, upon a request by the representative mentioned in sub-paragraph (2) grant the licence holder an authorisation for the sale of liquor at a club function (“club function authorisation”) on such day and between such hours as may be specified in the request.
- (4) A request referred to in sub-paragraph (3) must be —
 - (a) in writing; and
 - (b) in a form determined by the High Bailiff.
- (5) No appeal lies against a decision of the High Bailiff in connection with a club function authorisation.
- (6) A club function authorisation is subject to the following conditions —
 - (a) liquor is not supplied, or intended to be supplied, to members and their guests on the premises other than by or on behalf of the club;
 - (b) the purchase for the club, and the supply by the club, of liquor (so far as not managed by the club in a general meeting or otherwise by the general body of members) is managed by a committee elected by the members;
 - (c) no arrangements are made or intended to be made —
 - (i) for any person to receive at the expense of the club any commission, percentage or similar payment on or with reference to purchases of liquor by the club; or
 - (ii) for any person directly or indirectly to receive any pecuniary benefit from the supply of liquor by or on behalf of the club to members or guests, apart from any benefit accruing to the club as a whole, and apart also from any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the club;
 - (d) the holder of the authorisation must, not later than 24 hours before the beginning of the function, produce the authorisation and such other information as the High Bailiff specifies to the officer in charge of a police station in the vicinity of the place where it is to be held;
 - (e) payment of any applicable prescribed fee associated with the licence or the individual function.

- (7) The High Bailiff may direct in any particular case that a club function authorisation shall be granted without a condition specified in sub-paragraph (6)(a) to (d) with or without some other condition.⁴⁴
- (8) Under the rules of the club persons may not be admitted to membership, or be admitted as candidates for membership to any of the privileges of membership, without an interval of at least 48 hours between their nomination or application and their admission.
- (9) No amendment of the rules of a club has effect unless it is approved by the court.
- (10) The court must not approve any amendment of club rules unless, under the rules as amended, the club satisfies the requirements of sub-paragraphs (1) and (2).

9 Provisions authorising public entertainment

- (1) A licensee must ensure that the premises are used in compliance with the provisions of their licence which may include provisions about noise and general safety, and must comply with any undertaking that was given to the court in respect of the licence or the premises.
- (2) The licensee must be responsible for the running of any public entertainment authorised to take place at the premises in accordance with the conditions of the licence.
- (3) The licensee may, in connection with a public entertainment licence, nominate a person who with the agreement of the court may (on behalf of the licensee) supervise the running of the public entertainment at the premises in accordance with the conditions of the licensee's licence.
- (4) If the court thinks fit, an on-licence may permit –
 - (a) music, or music of a description specified in the provision, to be played on the licensed premises or in any part of them;
 - (b) dancing to take place on the premises or in any part of them; or
 - (c) any entertainment permitted by the licence;or any combination of (a), (b) and (c), at such times and subject to such conditions as may be specified in the licence conditions.
- (5) The court, of its own motion or on application by any person, may by order vary or revoke a permission referred to in sub-paragraph (4).
- (6) Nothing in this paragraph applies to music played by the reproduction of programmes included in a programme service (within the meaning of the Communications Act 2021).

10 Public Entertainment Licence conditions

- (1) The holder of a standard public entertainment licence (of a type referred to in regulation 6) may apply for a special permission authorisation to the High Bailiff.
- (2) The High Bailiff may, upon a written request, made in a form determined by the High Bailiff, grant the licensee an authorisation to keep or use such licensed place for the entertainment purpose to which this authorisation extends, during such period, and between such hours, as may be specified in the authorisation.
- (3) No appeal lies against a decision of the High Bailiff in connection with a special permission authorisation.
- (4) A special permission authorisation is subject to the following conditions —
 - (a) the holder of the authorisation must, not later than 4 hours before the beginning of the period provided for in the authorisation, produce the authorisation and such other information as the High Bailiff specifies to the officer in charge of a police station in the vicinity of the place where it is to be held;
 - (b) payment of any applicable prescribed fee associated with the licence or the individual function.
- (5) The High Bailiff may direct in any particular case that a special permission authorisation shall be granted without a condition specified in subparagraph (4)(a) or (b) with or without some other condition.⁴⁵
- (6) No application in connection with a liquor licence of a type described in Schedule 2 qualifies for this condition to be applied to it.

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

² Definition of “Licensed Staff Register” inserted by SD2022/0306.

³ Definition of “liquor producer sales licence” amended by SD2022/0306.

⁴ Definition of “relevant offence” substituted by SD2022/0306.

⁵ Para (2) amended by SD2022/0306.

⁶ Para (3) amended by SD2022/0306.

⁷ Para (1) amended by SD2022/0306.

⁸ Para (4) inserted by SD2022/0306.

⁹ Para (5) inserted by SD2022/0306.

¹⁰ Para (1) amended by SD2022/0306.

¹¹ Para (2) substituted by SD 2022/0306 (as corrected by correction notice dated 14/11/2022).

¹² Para (3) amended by SD2022/0306.

¹³ Para (4) inserted by SD2022/0306.

¹⁴ Para (2) substituted by SD 2022/0306.

¹⁵ Subpara (e) substituted by SD2022/0306.

¹⁶ Subpara (f) inserted by SD2022/0306.

¹⁷ Subpara (a) substituted by SD2022/0306.

¹⁸ Para (7) inserted by SD2022/0306.

¹⁹ Para (9) amended by SD2022/0306.

²⁰ Para (1) amended by SD2022/0306.

²¹ Para (4) amended by SD2022/0306.

²² Para (7) amended by SD2022/0306.

²³ Subpara (b) amended by SD2022/0306.

²⁴ Subpara (c) amended by SD2022/0306.

²⁵ Subpara (d) amended by SD2022/0306.

²⁶ Para (5) amended by SD2022/0306.

²⁷ Para (7) amended by SD2022/0306.

²⁸ Para (5) amended by SD2022/0306.

²⁹ Para (8) substituted by SD 2022/0306.

³⁰ Para (7) amended by SD2022/0306.

³¹ Subpara (a) amended by SD2022/0306.

³² Subpara (b) amended by SD2022/0306.

³³ Para (1) amended by SD2022/0306.

³⁴ Para (3) amended by SD2022/0306.

³⁵ Para (4) substituted by SD2022/0306.

³⁶ Reg 61 heading amended by SD2022/0306.

³⁷ Para (1) amended by SD2022/0306.

³⁸ Para (3) amended by SD2022/0306.

³⁹ Para (1) amended by SD2022/0306.

⁴⁰ Para (3) amended by SD2022/0306.

⁴¹ Entry amended by SD2022/0306.

⁴² Subpara (8) amended by SD2022/0306.

⁴³ Subpara (7) amended by SD2022/0306.

⁴⁴ Subpara (7) amended by SD2022/0306.

⁴⁵ Subpara (5) amended by SD2022/0306.