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Liquor Control (Supply and Consumption) Bill

Bill No. 1/2015.

Read the first time on 19 January 2015.

LIQUOR CONTROL (SUPPLY AND CONSUMPTION) ACT 2015

(No. of 2015)

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A BILL

intituled

An Act to regulate the supply and consumption of liquor at public places, and to make consequential and related amendments to certain other written laws.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART 1
PRELIMINARY

Short title and commencement

1. This Act may be cited as the Liquor Control (Supply and
5 Consumption) Act 2015 and shall come into operation on such date as
the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2.—(1) In this Act, unless the context otherwise requires —

10 “application”, for a liquor licence, includes an application to
renew a liquor licence;

“approved person” means an approved person appointed under
section 3(2)(a);

“authorised officer” means an authorised officer appointed under
section 3(2)(b);

15 “Commissioner” means the Commissioner of Police appointed
under the Police Force Act (Cap. 235), and includes any
police officer for the time being executing the duties of that
office;

“consumption permit” means a permit granted under section 13;

20 “entrant”, in relation to a Liquor Control Zone, means a person
who is about to enter or is in the Liquor Control Zone;

“event organiser”, in relation to an event, means the person who
is responsible (whether fully or substantially) for the
organisation and holding of the event and the receipt of
25 revenue from the event (if any);

“licensed premises”, in relation to a licensee, means the premises
specified in a liquor licence at which the licensee is authorised
by the liquor licence to supply liquor;

“licensee” means the holder of a liquor licence;

30 “Licensing Officer” means the officer appointed as such by the
Minister under section 3(1) and includes an Assistant
Licensing Officer;

“liquor” means —

- (a) a beverage containing more than 0.5% ethanol by mass or volume;
- (b) a mixture of ethanol and some other substance or liquid (including water) and containing more than 0.5% ethanol by mass or volume; or
- (c) any other substance (whether or not a beverage or liquid) that is prescribed by the regulations as liquor;

“Liquor Appeal Board” means the Liquor Appeal Board constituted under section 26;

“Liquor Control Zone” means an area in Singapore declared under section 15(1) to be a Liquor Control Zone;

“Liquor Control Zone banning notice” means a banning notice given under section 18(1);

“liquor licence” means a liquor licence that is granted under section 8(1) and is in force;

“no-public drinking period” means the period prescribed by the Minister under section 12 during which no individual may consume liquor at any public place;

“permit holder” means the event organiser to whom a consumption permit is granted;

“place” includes any motor vehicle, train, vessel, aircraft or other conveyance;

“premises” means any house, building or structure and any place, whether open to the air or enclosed;

“public place” means —

- (a) any premises to which members of the public or a section of the public have access as of right or by virtue of any express or implied permission, whether or not on payment of a fee and whether or not access to the premises may be restricted at particular times or for particular purposes, and whether or not it is an approved

place within the meaning of the Public Entertainments and Meetings Act (Cap. 257); or

- (b) a part of any premises that the occupier of the premises allows members of the public to enter, but only while that part is ordinarily open to members of the public;

“repealed” means repealed by this Act;

“responsible officer”, in relation to an applicant or a licensee, means —

- (a) where the applicant or licensee is a body corporate (other than a limited liability partnership), a director of the body corporate;
- (b) where the applicant or licensee is a partnership, a partner of the partnership; and
- (c) where the applicant or licensee is an unincorporated association registered as such pursuant to the Societies Act (Cap. 311), an officer of the unincorporated association;

“supply”, in relation to liquor, means —

- (a) to sell, barter or exchange the liquor (whether the reward or consideration is received or to be received by the supplier specifically for the liquor or as part of services or other goods sold, bartered or exchanged);
- (b) to offer or agree to so sell, barter or exchange the liquor; or
- (c) to serve, send, forward or deliver the liquor in connection with such sale, barter or exchange,

and includes causing or permitting to be supplied;

“trading hours”, for licensed premises, means the times during which the supply of liquor at those licensed premises is permitted by or under this Act.

(2) For the purposes of this Act, if a person is convicted or found guilty of an offence under any provision of this Act (called in this subsection the current offence), the person is a repeat offender if, on at

least one other occasion not earlier than 5 years before the date on which the person is convicted or found guilty of the current offence —

- (a) the person had been convicted or found guilty of an offence under that same provision;
- (b) if the current offence is that under section 4(3), the person had been convicted or found guilty of an offence under the repealed section 71 or 72 of the Customs Act (Cap. 70);
- (c) if the current offence is that under section 12(4), the person had been convicted or found guilty of an offence under section 4(1) of the Public Order (Additional Temporary Measures) Act 2014 (Act 12 of 2014);
- (d) if the current offence is that under section 14(1), the person had been convicted or found guilty of an offence under the repealed section 18 of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184); and
- (e) if the current offence is that under section 14(2), the person had been convicted or found guilty of an offence under the repealed section 510 of the Penal Code (Cap. 224).

Administration of Act

3.—(1) The Minister may appoint a public officer to be the Licensing Officer for the purpose of this Act and may similarly appoint such number of public officers as Assistant Licensing Officers as may be necessary.

(2) The Commissioner may appoint in writing —

- (a) any auxiliary police officer to be an approved person to exercise the powers of an approved person conferred by or under this Act as are specified in the appointment; and
- (b) any police officer to be an authorised officer to exercise the powers of an authorised officer conferred by or under this Act as are specified in the appointment.

PART 2

SUPPLY OF LIQUOR

Division 1 — Prohibitions relating to supply of liquor, etc.

Supply of liquor to be licensed

5 **4.**—(1) Subject to this section, a person must not supply any liquor unless the person is authorised by a liquor licence to supply the liquor.

(2) Subsection (1) does not apply in the following circumstances:

10 (a) the delivery only to a person, at the request of the person, of liquor that is owned by, or ordered under a contract of purchase by, the person;

(b) in an emergency where the liquor is necessary to preserve life or prevent injury or further injury;

15 (c) in the course of a religious service, ceremony or rite lawfully conducted by a priest or minister of religion in a place of worship;

(d) such other circumstances as the Minister may, by order published in the *Gazette*, specify.

(3) Subject to section 16, a person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

20 (a) to a fine not exceeding \$20,000; and

(b) where the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both.

Supply of liquor only at licensed premises

25 **5.**—(1) Where licensed premises are specified in the liquor licence of a licensee, the licensee must not supply any liquor except at those licensed premises.

30 (2) A licensee who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

Supply, etc., of liquor only during trading hours

6.—(1) A licensee must not do any of the following outside of the trading hours specified in the licensee's liquor licence or applicable by an order under subsection (2):

- (a) supply any liquor; 5
- (b) keep open, or cause or permit to be kept open, the licensed premises in connection with paragraph (a);
- (c) allow any liquor to be consumed within the licensed premises.

(2) The Minister may, by order published in the *Gazette*, and without compensation, specify that different trading hours are to apply in place of the trading hours specified in the liquor licence of — 10

- (a) any particular licensee described in that order; or
- (b) any class of licensees described in that order.

(3) An order referred to in subsection (2) may —

- (a) provide for the trading hours specified in the order to apply temporarily for a specific period or otherwise; and 15
- (b) provide for different trading hours to apply to different licensees or classes of licensees.

(4) A licensee who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000. 20

(5) To avoid doubt, the Minister does not need to give any licensee an opportunity to be heard before exercising any power under subsection (2).

Unlicensed person not to exhibit sign, etc. 25

7.—(1) A person must not display, or cause or permit to be displayed, any sign, writing, painting or other mark in or at any part of any premises for the purpose of falsely claiming, suggesting or implying that the premises are licensed premises, or that any liquor may be or is supplied at the premises, when those premises are not licensed premises. 30

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

Division 2 — Liquor licences

5 **Grant of liquor licence, etc.**

8.—(1) Subject to subsection (2), upon application for a liquor licence, the Licensing Officer may grant the applicant the liquor licence, or renew the liquor licence, as the case may be.

10 (2) The Licensing Officer must not grant or renew a liquor licence if the Licensing Officer is satisfied that —

(a) the applicant is not a fit and proper person to be granted the liquor licence or renewal; or

(b) the premises at which the applicant proposes to supply liquor is in a location not suitable for that supply.

15 (3) For the purposes of subsection (2)(a), the Licensing Officer may —

20 (a) require that the applicant satisfy such criteria and requirements as the Licensing Officer may publish on a prescribed website (including criteria and requirements relating to any responsible officer of the applicant and any person having substantial interest in, or control or direction over, the business of the applicant); and

(b) publish different criteria or requirements for different classes of applicants.

25 (4) The Licensing Officer may, in granting or renewing a liquor licence, impose such restrictions and conditions as the Licensing Officer thinks fit.

(5) The Licensing Officer may, at any time after the grant or renewal of a liquor licence, and without compensation —

30 (a) remove or modify any restriction or condition imposed on the liquor licence at the time of the grant or renewal; or

(b) add any new restriction or condition to the liquor licence.

(6) The Licensing Officer must, before proceeding under subsection (5), give the licensee —

- (a) notice in writing of the Licensing Officer’s intention to so proceed; and
- (b) an opportunity to be heard, within a reasonable time specified in the notice, as to why the removal, modification or addition (as the case may be) should not be proceeded with.

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Suspension or cancellation of liquor licence

9.—(1) The Licensing Officer may, without compensation, suspend (for a period not exceeding 6 months) or cancel a liquor licence where —

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- (a) any information provided by the licensee in or in connection with the licensee’s application for the liquor licence or its renewal was false or incorrect in a material particular;
- (b) the licensee has breached or is breaching any restriction or condition of the liquor licence; or
- (c) the licensee is no longer a fit and proper person within the meaning of section 8(2), taking into consideration the criteria and requirements referred to in section 8(3).

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(2) The Licensing Officer must, before proceeding under subsection (1), give the licensee —

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- (a) notice in writing of the Licensing Officer’s intention to so proceed; and
- (b) an opportunity to be heard, within a reasonable time specified in the notice, as to why the suspension or cancellation (as the case may be) should not be proceeded with.

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Division 3 — Enforcement of this Part

Entry and search, etc.

10.—(1) Without prejudice to section 23, the Licensing Officer or a police officer may enter any premises with a view to ascertaining whether any provision of this Part or any regulations made in

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connection with this Part, and any restriction or condition of a liquor licence, are being complied with.

(2) Without prejudice to subsection (1), the Licensing Officer or police officer may —

- 5 (a) inspect the premises;
- (b) inspect any liquor at those premises or any container in those premises that the Licensing Officer or police officer reasonably suspects contains liquor (including opening the container if unopened); and
- 10 (c) inspect any document kept in connection with the liquor, and take such copies of or extracts from the document as the Licensing Officer or police officer thinks fit.

(3) Where the Licensing Officer or police officer has reasonable grounds to suspect that any provision of this Part or any regulations made in connection with this Part, or any restriction or condition of a liquor licence, has been or is being contravened, any liquor or container of liquor found in connection with the contravention may be seized by a police officer not below the rank of Assistant Superintendent of Police, or any police officer authorised by a police officer not below the rank of Assistant Superintendent of Police.

Closure of licensed premises, etc.

11.—(1) This section applies in the following circumstances:

- 25 (a) the Commissioner is satisfied that a breach of this Act or public order, safety or peace has occurred, or is likely to occur, on or in the vicinity of licensed premises and that an order under subsection (2) is necessary to prevent or reduce a significant threat or risk to public order, safety or peace; or
- 30 (b) an offence involving violence has been or is suspected of having been committed on licensed premises.

(2) The Commissioner may, in any of the circumstances specified in subsection (1), by order in writing to the licensee of the licensed premises, do all or any of the following:

- (a) require the licensee to close the licensed premises for such period as is specified in the order but in no case exceeding 72 hours from the time the order is received by the licensee;
 - (b) require the licensee to take such steps, at the expense of the licensee, as the Commissioner thinks necessary to prevent or minimise any significant threat or risk to public order, safety or peace that may arise from the supply of liquor at the licensed premises; 5
 - (c) despite sections 8(6) and 9(2), modify any restriction or condition imposed on the liquor licence of the licensee, or add any new restriction or condition to the liquor licence, or suspend the liquor licence, with immediate effect until such time as the Commissioner is satisfied that the significant threat or risk no longer exists, or the steps required of the licensee under paragraph (b) have been carried out. 10 15
- (3) A police officer may do such things as are necessary and use reasonable force in ensuring that an order referred to in subsection (2), if issued, is complied with.
- (4) Without limiting the generality of subsections (1)(a) and (2), the circumstances in which there may be a significant threat or risk to public order, safety or peace include circumstances in which there is — 20
- (a) a threat to public health or safety;
 - (b) a risk of substantial damage to property;
 - (c) a significant threat to the environment; or 25
 - (d) a risk of offences involving violence being committed.

PART 3

CONSUMPTION OF LIQUOR

Prohibition against consumption of liquor

12.—(1) An individual must not consume any liquor at any public place during any prescribed no-public drinking period applicable to that place. 30

(2) The Minister may, for the purposes of subsection (1), prescribe different no-public drinking periods for different public places.

(3) Subsection (1) does not apply to any consumption of liquor in the following circumstances:

- 5 (a) consumption of liquor at any licensed premises where —
- (i) the liquor licence for the licensed premises allows the consumption of the liquor at the licensed premises; and
- (ii) the consumption is during the trading hours applicable to the licensed premises;
- 10 (b) consumption of liquor at any public place in accordance with the terms and conditions of a consumption permit that is in force for that public place;
- (c) consumption of liquor at prescribed public place in accordance with the conditions prescribed;
- 15 (d) consumption of liquor in an emergency where the liquor is necessary to preserve life or prevent injury or further injury;
- (e) consumption of liquor in the course of a religious service, ceremony or rite lawfully conducted by a priest or minister of religion in a place of worship.
- 20 (4) Subject to section 16, an individual who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —
- (a) to a fine not exceeding \$1,000; and
- (b) where the individual is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both.
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Consumption permit

30 **13.**—(1) Subject to subsection (3), upon application, the Commissioner or an authorised officer may grant a consumption permit for liquor to be consumed at an event held in a public place to the event organiser for the event.

(2) An application referred to in subsection (1) must be made by or on behalf of the event organiser within such time as may be prescribed before the event concerned.

(3) The Commissioner or authorised officer must not grant a consumption permit for an event held or to be held at a public place if the Commissioner or authorised officer is satisfied that the consumption of liquor at the event —

(a) may occasion public disorder, create a public nuisance, or cause damage to any public or private property at or within the vicinity of the public place; or

(b) may threaten the safety of any person or cause feelings of enmity, hatred, ill-will or hostility between persons.

(4) In granting a consumption permit for liquor to be consumed at an event held in a public place, the Commissioner or authorised officer may impose an obligation on the event organiser of the event to ensure compliance by the persons taking part in the event with the terms and conditions of the permit.

(5) The Commissioner or an authorised officer may, at any time after the grant of a consumption permit, and without compensation —

(a) remove or modify any term or condition imposed on the consumption permit at the time of its grant; or

(b) add any new term or condition to the consumption permit.

(6) The Commissioner or an authorised officer may, without compensation, suspend or cancel any consumption permit if the Commissioner or authorised officer is satisfied that the permit holder concerned has failed or is failing to comply, or has failed to take reasonable steps to ensure compliance, with any term or condition of the consumption permit.

(7) The Commissioner or authorised officer must, before proceeding under subsection (5) or (6), give the permit holder concerned —

(a) notice in writing of the Commissioner's or authorised officer's intention to so proceed; and

(b) an opportunity to be heard, within a reasonable time specified in the notice, as to why the removal, modification, addition,

suspension or cancellation (as the case may be) should not be proceeded with.

(8) Nothing in this section derogates from the operation of Part III of the Public Order Act (Cap. 257A) to an event.

5 **Drunkenness in public places, etc.**

14.—(1) Subject to section 16, an individual who is drunk and incapable of taking care of himself or herself in any public place shall be guilty of an offence and shall be liable on conviction —

10 (a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding one month or to both; and

(b) where the individual is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both.

(2) Subject to section 16, whoever, whilst drunk —

15 (a) appears in any public place, or in any premises which it is a trespass for the individual to enter; and

(b) there conducts himself or herself in such a manner as to cause annoyance to any person,

shall be guilty of an offence and shall be liable on conviction —

20 (i) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both; and

(ii) where the individual is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

25 (3) Any police officer or approved person may at any time —

(a) direct any specified individual to leave the public place or premises where the individual is found, including the vicinity of the public place or premises; and

30 (b) dispose of any liquor in the individual's possession (whether or not the individual was found drinking the liquor).

(4) Subject to section 16, an individual who fails to comply with a direction referred to in subsection (3)(a) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both; and 5
 - (b) where the individual is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.
- (5) In this section, a specified individual is —
- (a) an individual reasonably suspected of committing an offence under subsection (1) or (2); or 10
 - (b) an individual who —
 - (i) has consumed or is consuming liquor;
 - (ii) appears in any public place, or in any premises which it is a trespass for the individual to enter; and 15
 - (iii) there conducts himself or herself in such a manner as to cause annoyance to any person.
- (6) In this section, an individual is drunk if —
- (a) the individual's speech, balance, co-ordination or behaviour is noticeably affected; and 20
 - (b) it is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of liquor.

PART 4

LIQUOR CONTROL ZONES 25

Division 1 — Prohibited activities in Liquor Control Zones

Liquor Control Zones

15.—(1) Where the Minister is satisfied that any area in Singapore carries a significant risk of public disorder associated with the consumption of liquor, the Minister may, by order published in the 30

Gazette, declare the area to be a Liquor Control Zone, whether generally or for a specific period of time.

(2) In deciding whether to make an order under subsection (1) in respect of any area, the Minister may have regard to any one or more of the following:

(a) incidents of any crime in or near the area, whether or not these incidents are related to liquor consumption;

(b) information about the consumption of liquor in or near the area (including the amount and type of liquor supplied under each liquor licence in or near the area and the restrictions and conditions of the liquor licence);

(c) the fact that violence (whether or not related to liquor consumption) has occurred in a public place in or near the area and the exercise of powers under this Part is reasonably likely to be an effective way of preventing or reducing the occurrence of such violence in that area;

(d) any circumstances in the area that increases the likelihood of, or prejudices the prevention of or preparedness against, any riot or other civil disturbance in the area;

(e) any other information which the Minister considers relevant to maintaining public order, safety or peace in the area;

(f) that it is otherwise in the public interest to make the order.

(3) Once an order under subsection (1) is made, the Minister must, within 7 days after the publication of the order in the *Gazette* and before the date the order comes into force, cause to be published a notice of the Liquor Control Zone referred to in the order in such manner as will secure adequate publicity for the Liquor Control Zone.

(4) The notice referred to in subsection (3) must —

(a) refer to the making of the order and the date on which the order will come into force; and

(b) describe briefly the Liquor Control Zone specified in the order.

(5) Any failure to comply with subsection (3) or (4) in respect of any order does not invalidate the order.

Enhanced penalty for certain offences committed in Liquor Control Zone

16. Any person found guilty of an offence under section 4, 12 or 14 committed within a Liquor Control Zone shall be liable to not more than one and a half times the respective penalties specified in those provisions. 5

Ceasing of business activities

17.—(1) The Commissioner may, by order in writing, require a person to cease all business activities carried on by the person at any premises within a Liquor Control Zone for a period not exceeding such period as may be prescribed, if — 10

(a) the person has contravened section 4(1) in relation to those premises; and 15

(b) the Commissioner reasonably suspects the person to be contravening section 4(1) in relation to the premises again.

(2) A person who fails to comply with a requirement referred to in subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000. 20

(3) To avoid doubt, this section is to have effect despite any other written law authorising the carrying on of business activities at the premises specified in the order under subsection (1).

Division 2 — Liquor Control Zone banning notice

Liquor Control Zone banning notice

18.—(1) The Commissioner or an authorised officer may give a Liquor Control Zone banning notice to an individual banning the individual, for a period specified in the notice, from one or more Liquor Control Zones or from all licensed premises in any Liquor Control Zone, if the Commissioner or authorised officer suspects, on reasonable grounds, the individual of committing or having 30

committed an offence under section 12 or 14 wholly or partly in a Liquor Control Zone.

(2) In determining whether a Liquor Control Zone banning notice for any Liquor Control Zone should be given under this section to an individual, the Commissioner or authorised officer is to have regard to each of the following:

(a) whether the individual is likely to commit another offence under section 12 or 14 in the same or a different Liquor Control Zone;

(b) whether the Liquor Control Zone banning notice, if so given, would be an effective and reasonable way of preventing the individual from committing another offence under section 12 or 14 in the same or a different Liquor Control Zone;

(c) whether the commission of another offence under section 12 or 14 in the same or a different Liquor Control Zone by the individual may involve or give rise to a risk of riot, civil disturbance or any other violence in the Liquor Control Zone to which the banning notice is to relate.

(3) If the Commissioner or authorised officer intends to give a Liquor Control Zone banning notice to an individual, the Commissioner or authorised officer does not need to first give the individual an opportunity to be heard.

(4) The period specified in a Liquor Control Zone banning notice must not exceed 30 days starting from the time the notice is given to the individual.

(5) Every Liquor Control Zone banning notice must be in writing and contain all of the following particulars:

(a) the name, residence and identification particulars of the individual to whom the notice applies;

(b) the Liquor Control Zone to which it relates, the time when the notice is given to the individual and the specified period for which the notice applies;

(c) whether the notice bans the individual from the Liquor Control Zone or only from licensed premises in the Liquor Control Zone;

(d) whether the notice is absolute or with exceptions and if it is with exceptions, the details of the conditions or circumstances under which the individual may enter or remain in the Liquor Control Zone. 5

(6) The Commissioner or an authorised officer may, on the application of an individual who is subject to a Liquor Control Zone banning notice — 10

(a) cancel the Liquor Control Zone banning notice; or

(b) vary any exception in, include any exception in, or add any further exception in, the Liquor Control Zone banning notice,

where there are sufficient grounds for the cancellation, variation, inclusion or addition, or it is otherwise appropriate to do so because of the individual's special circumstances. 15

Effect of Liquor Control Zone banning notice

19.—(1) An individual subject to a Liquor Control Zone banning notice shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,500 or to imprisonment for a term not exceeding 3 months or to both, if the individual, without reasonable excuse, does any one of the following in contravention of the Liquor Control Zone banning notice or any exceptions specified in the notice: 20

(a) enters or attempts to enter a Liquor Control Zone specified in the notice or any licensed premises in the Liquor Control Zone; 25

(b) remains or attempts to remain in a Liquor Control Zone specified in the notice or any licensed premises in the Liquor Control Zone.

(2) Despite anything in this Act, a Liquor Control Zone banning notice does not prevent the individual subject to the notice from doing any of the following: 30

- 5 (a) for a Liquor Control Zone banning notice that bans the individual from a Liquor Control Zone, entering or remaining in, or attempting to enter or remain in, the Liquor Control Zone for the purpose of the individual residing in the Liquor Control Zone or attending to the individual's usual place of residence or work in the Liquor Control Zone;
- 10 (b) for a Liquor Control Zone banning notice that bans the individual from all licensed premises in a Liquor Control Zone, entering or remaining in, or attempting to enter or remain in, any licensed premises in the Liquor Control Zone for the purpose of the individual residing in the licensed premises or attending to the individual's usual place of residence or work in the licensed premises;
- 15 (c) for a Liquor Control Zone banning notice that is with exceptions, entering or remaining in, or attempting to enter or remain in, the Liquor Control Zone specified in the notice in accordance with all the conditions and circumstances specified in the notice for the individual to enter or remain in the Liquor Control Zone.

20 **Refusal of entry to and removal from Liquor Control Zone**

20.—(1) This section applies if —

- 25 (a) an entrant fails to comply with a request of a police officer or an approved person made under section 21 or 22; or
- (b) a police officer or an approved person reasonably suspects that an entrant has contravened, is contravening or may contravene section 12 or 14 in relation to a Liquor Control Zone.

(2) Unless the entrant is arrested —

- 30 (a) if the entrant has entered a Liquor Control Zone, a police officer or an approved person may direct the entrant to leave and not re-enter the Liquor Control Zone within a stated reasonable time of not more than 24 hours; and
- (b) if the entrant is about to enter a Liquor Control Zone, a police officer or an approved person may by direction refuse the

entrant entry to the Liquor Control Zone for a stated reasonable time of not more than 24 hours.

(3) Without prejudice to subsection (4), if an entrant contravenes or attempts to contravene any direction given by a police officer or an approved person under subsection (2), the police officer or approved person (as the case may be) may use reasonable force to remove the entrant from, or to prevent the entrant from entering or re-entering, the Liquor Control Zone, as the case may be.

(4) An entrant who, without reasonable excuse, contravenes any direction by a police officer or an approved person under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,500 or to imprisonment for a term not exceeding 3 months or to both.

PART 5

ENFORCEMENT

Power to require information

21.—(1) Where a police officer or an approved person reasonably suspects that any individual has committed or is committing any offence under this Act, the police officer or approved person may ask the individual —

- (a) to state the individual's name and residence; and
- (b) if found in possession of any liquor, to state how or where the individual acquired the liquor.

(2) An individual who fails to comply with the request of a police officer or an approved person under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,500 or to imprisonment for a term not exceeding 3 months or to both.

(3) In this section, "residence", in relation to an individual, means the address of the place where the individual usually lives in Singapore.

Inspection of individuals

22.—(1) Where a police officer or an approved person reasonably suspects that any individual has committed or is committing any offence under this Act, the police officer or approved person may ask
5 the individual to do one or more of the following:

(a) allow the police officer or approved person to inspect the individual's personal property for any container of liquor;

(b) remove any garment worn by the individual as specified by the police officer or approved person and allow the police officer or approved person to inspect the garment for any
10 container of liquor;

(c) remove any thing from any garment worn by the individual and allow the police officer or approved person to inspect it for any container of liquor;

(d) open any thing and allow the police officer or approved person to inspect it for any container of liquor;

(e) open a vehicle under the control or in the possession of the individual, or a part of it, and allow the police officer or approved person to inspect the vehicle or the part of it for any
20 container of liquor;

(f) remove any thing from the vehicle and allow the police officer or approved person to inspect it for any container of liquor.

(2) An individual who fails to comply with the request of a police officer or an approved person under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding
25 \$2,500 or to imprisonment for a term not exceeding 3 months or to both.

(3) Where, pursuant to subsection (1), the police officer or approved person finds any container of liquor, the police officer or approved person may seize the container and immediately empty the container if opened or dispose of the container (including its contents) if it is
30 unopened.

(4) If the container referred to in subsection (3) is not so emptied or disposed of, the police officer or approved person must ensure that it is

taken to a police station to be disposed of or to be returned at that police station to the person from whom the container was seized.

(5) In this section —

“inspect”, in relation to any thing, includes handling it, opening it and examining its contents; 5

“personal property”, in relation to an individual, means things carried by the individual or things apparently in the immediate control of the individual, but does not include any garments worn by the individual.

Powers of search and seizure 10

23.—(1) Without prejudice to sections 10, 14, 20, 21 and 22 and any other written law, a police officer not below the rank of sergeant may, without warrant, do any of the following if the police officer reasonably suspects that an offence under this Act has been or is being committed: 15

(a) enter and search any premises or place in connection with the offence;

(b) seize any thing in connection with the exercise of a power referred to in paragraph (a) that the police officer reasonably believes to be related to that offence. 20

(2) A police officer not below the rank of sergeant may use reasonable force in acting under this section.

Powers under other written laws

24. To avoid doubt, nothing in this Act prevents the exercise by a police officer or an auxiliary police officer of any power under the Criminal Procedure Code (Cap. 68) or the Public Order Act (Cap. 257A). 25

PART 6
APPEALS

Appeals to Liquor Appeal Board

5 **25.**—(1) An applicant or a licensee aggrieved by an appealable decision of the Licensing Officer may appeal to the Liquor Appeal Board against the decision; and the Liquor Appeal Board’s decision on the appeal is final.

10 (2) An appealable decision of the Licensing Officer refusing to renew a liquor licence takes effect despite an appeal against that decision being made to the Liquor Appeal Board under subsection (1), unless the Liquor Appeal Board otherwise specifies.

(3) In granting an appeal, the Liquor Appeal Board may impose such restrictions or conditions as the Liquor Appeal Board thinks fit on the liquor licence that is the subject of the appeal.

15 (4) In this section, “appealable decision”, in relation to the Licensing Officer, means any of the following decisions:

(a) a decision under section 8(1) refusing to grant or renew a liquor licence;

20 (b) a decision under section 8(5) removing or modifying any restriction or condition of a liquor licence, or adding any new restriction or condition to a liquor licence;

(c) a decision under section 9(1) suspending or cancelling a liquor licence.

Liquor Appeal Board

25 **26.**—(1) For the purpose of section 25(1), the Minister is to appoint a Liquor Appeal Board comprising a chairperson, a vice-chairperson and 5 other members.

30 (2) No person is to be appointed to the Liquor Appeal Board who, in the official capacity of the person, has any dealings or is in any way concerned with the supply of any liquor or with any premises at which the supply is or may be made.

(3) The Minister is to appoint a public officer as a secretary to the Liquor Appeal Board.

(4) All members of the Liquor Appeal Board are public servants within the meaning of the Penal Code (Cap. 224).

Appeals to Minister

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27.—(1) Any individual who is aggrieved by an appealable decision of the Commissioner or an authorised officer may appeal to the Minister; and the Minister’s decision on the appeal is final.

(2) An appealable decision of the Commissioner or an authorised officer takes effect despite an appeal against that decision being made to the Minister under subsection (1), unless the Minister otherwise specifies.

10

(3) The Minister may designate any Minister of State for his Ministry, or any Parliamentary Secretary to that Ministry, to hear, in the Minister’s place, any appeal under subsection (1).

15

(4) In granting an appeal (other than in respect of a decision referred to in subsection (5)(f)), the Minister may impose such restrictions, terms or conditions as the Minister thinks fit on the liquor licence, consumption permit, order under section 17(1) or Liquor Control Zone banning notice that is the subject of the appeal.

20

(5) In this section, “appealable decision”, in relation to the Commissioner or an authorised officer (as the case may be), means any of the following:

(a) a decision under section 11(2)(b) to order a licensee to take steps to prevent or minimise any significant threat or risk to public order, safety or peace, or under section 11(2)(c) modifying any restriction or condition of, or adding any new restriction or condition to, a liquor licence of a licensee, or suspending the liquor licence;

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(b) a decision under section 13(1) refusing to grant a consumption permit;

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(c) a decision under section 13(5) removing or modifying any term or condition of a consumption permit, or adding any new term or condition to a consumption permit;

- (d) a decision under section 13(6) suspending or cancelling any consumption permit;
- (e) an order under section 17(1) for a person to cease all of the person's business activities carried on at any premises;
- 5 (f) a decision under section 18(6) refusing to cancel a Liquor Control Zone banning notice;
- (g) a decision under section 18(6) refusing to vary or include any exception, or add any further exception, in a Liquor Control Zone banning notice.

PART 7

MISCELLANEOUS

Provision of false or misleading information

15 **28.** Any person who knowingly or recklessly provides to the Licensing Officer, the Commissioner, an authorised officer, the Liquor Appeal Board or the Minister, any false or misleading information or document in relation to any application or appeal concerning a liquor licence, a consumption permit or a Liquor Control Zone banning notice, shall be guilty of an offence and shall be liable on conviction —

- 20 (a) to a fine not exceeding \$5,000; and
- (b) where the person is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

Exemption

25 **29.—**(1) The Minister may, by order published in the *Gazette*, exempt any person or class of persons from any provision in this Act, subject to such conditions as the Minister thinks fit.

(2) This section does not apply to matters referred to in sections 4(2)(d) and 12(3)(c).

Power of arrest

30. Any police officer may arrest without warrant any person offending, in the police officer's view, against any of the provisions of this Act, and take that person before a Magistrate's Court to be dealt with according to law.

5

Obstruction

31. Any person who at any time hinders or obstructs any public officer or auxiliary police officer acting in the discharge of the public officer's or auxiliary police officer's duties under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,500 or to imprisonment for a term not exceeding 3 months or to both.

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Offences by bodies corporate, etc.

32.—(1) Where an offence under this Act committed by a body corporate is proved —

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(a) to have been committed with the consent or connivance of an officer; or

(b) to be attributable to any act or default on the officer's part, the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

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(2) Where the affairs of a body corporate are managed by its members, subsection (1) is to apply in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved —

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(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any act or default on the partner's part, the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

30

(4) Where an offence under this Act committed by a limited liability partnership is proved —

(a) to have been committed with the consent or connivance of a partner or manager of the limited liability partnership; or

5 (b) to be attributable to any act or default on the part of a partner or manager of the limited liability partnership,

the partner or manager (as the case may be) as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

10 (5) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

(a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

15 (b) to be attributable to any act or default on the part of the officer or member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

20 (6) In this section —

“body corporate” and “partnership” exclude a limited liability partnership within the meaning of the Limited Liability Partnerships Act (Cap. 163A);

“officer” —

25 (a) in relation to a body corporate, means any director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; and

30 (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position

analogous to that of the president, secretary or member of the committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

(7) The Minister may make regulations to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate, partnership, limited liability partnership or unincorporated association formed or recognised under the law of a territory outside Singapore.

Composition of offences

33.—(1) The Commissioner or an authorised officer may compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$5,000.

(2) On payment of such sum of money, no further proceedings are to be taken against that person in respect of the prosecution of the offence.

(3) All sums collected under this section are to be paid into the Consolidated Fund.

Limitation of liability

34. No liability is incurred by the Licensing Officer, the Commissioner, any approved person, any authorised officer, any police officer, or any member of the Liquor Appeal Board, for anything which is done or intended to be done in good faith and with reasonable care, in the exercise or purported exercise of any power, or the performance or purported performance of any function or duty, under this Act.

Regulations

35.—(1) The Minister may make regulations prescribing matters necessary or convenient to be prescribed for carrying out this Act.

(2) Without limiting the generality of subsection (1), the Minister
5 may make regulations to prescribe all or any of the following:

(a) the form, manner and procedure by which an application for a liquor licence is to be made, and the persons who may apply for the same;

(b) the different categories of liquor licences that may be granted
10 by the Licensing Officer, including liquor licences for the supply of liquor pursuant to a sale by retail and liquor licences for the supply of liquor pursuant to a sale by wholesale, and when a sale is to be regarded as being by retail or by wholesale;

(c) the circumstances in which any liquor licence may not be
15 granted or renewed by the Licensing Officer;

(d) the duties and obligations of licensees, including in
20 connection with the storage of liquor, the persons who may be employed to work at licensed premises, and the persons to whom the liquor may not be supplied;

(e) the duties and obligations of persons working at any licensed
premises, or at any event for which a consumption permit is granted, whose work involves supplying liquor;

(f) the form, manner and procedure by which an application for a
25 consumption permit is to be made, and the persons who may apply for the same;

(g) the form and manner, and the time within which, any appeal
under this Act is to be brought, and any procedures or proceedings relating to such appeal;

(h) the fees and charges for anything done under this Act and the
30 waiver, reduction or refund of fees charged;

(i) the offences under this Act which may be compounded;

(j) anything required to be prescribed under this Act.

(3) The Minister may, in making any regulations under subsection (1), provide that any contravention or failure to comply with any of the provisions of the regulations shall be an offence punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 3 months or with both.

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Presentation of regulations to Parliament

36. All regulations made under this Act are to be presented to Parliament as soon as possible after publication in the *Gazette*.

Saving and transitional provisions

37. For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations —

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(a) provide that a licence issued under the repealed Part VIII of the Customs Act (Cap. 70) is to be treated as a liquor licence granted under, and for the purposes of, this Act in such manner and to such extent as may be provided in the regulations; and

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(b) prescribe such additional provisions of a savings or transitional nature consequent to the enactment of this Act as the Minister may consider necessary or expedient.

Consequential and related amendments to other written laws

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38.—(1) The Criminal Procedure Code (Cap. 68, 2012 Ed.) is amended —

(a) by deleting the words “, 504 or 510” in section 41(1)(b) and substituting the words “or 504”; and

(b) by deleting Penal Code section 510 and the entries relating thereto in the First Schedule.

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(2) The Customs Act (Cap. 70, 2004 Ed.) is amended —

(a) by repealing Part VIII;

(b) by deleting the words “, other than licensees under Part VIII” in section 143(1)(r);

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(c) by deleting the words “other than licences under Part VIII” in section 143(1)(s); and

(d) by deleting paragraphs (u) and (v) of section 143(1).

5 (3) Section 128 of the Employment Act (Cap. 91, 2009 Ed.) is amended by deleting the words “section 18 of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184)” and substituting the words “section 14(1) of the Liquor Control (Supply and Consumption) Act 2015”.

10 (4) Section 26 of the Employment Agencies Act (Cap. 92, 2012 Ed.) is amended by deleting the words “section 18 of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184)” and substituting the words “section 14(1) of the Liquor Control (Supply and Consumption) Act 2015”.

15 (5) Section 29 of the Foreign Employee Dormitories Act 2015 is repealed and the following section substituted therefor:

“Foreign employee dormitory deemed to be public place

29. Every foreign employee dormitory is deemed to be a public place for the purposes of section 14(1) of the Liquor Control (Supply and Consumption) Act 2015.”.

20 (6) Section 12 of the Massage Establishments Act (Cap. 173, 2013 Ed.) is amended by deleting the words “section 18 of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184)” and substituting the words “section 14(1) of the Liquor Control (Supply and Consumption) Act 2015”.

25 (7) The Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184, 1997 Ed.) is amended —

(a) by repealing section 18; and

30 (b) by deleting the words “\$1,000 or to imprisonment for a term not exceeding one month and, in the case of a second or subsequent conviction, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months” in section 20 and substituting the words “\$2,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a second or subsequent conviction, to a fine

not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both”.

(8) Section 510 of the Penal Code (Cap. 224, 2008 Ed.) is repealed.

(9) Section 2(1) of the Public Entertainments and Meetings Act (Cap. 257, 2001 Ed.) is amended by deleting the words “a public house licence is granted under section 74(1)(a) of the Customs Act (Cap. 70)” in paragraph (a) of the definition of “specified establishment” and substituting the words “such liquor licence as may be prescribed is granted under the Liquor Control (Supply and Consumption) Act 2015”.

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EXPLANATORY STATEMENT

This Bill seeks to regulate the supply and consumption of liquor at public places. In particular, the Bill provides for the following:

- (a) in relation to the supply of liquor, no person may supply liquor unless authorised by a liquor licence granted by the Licensing Officer (clause 4). Insofar as the liquor licence stipulates trading hours, the licensee may only supply liquor during those trading hours. The Minister for Home Affairs (the Minister) may alter the trading hours of any liquor licence by order published in the *Gazette* (clause 6);
- (b) in relation to consumption, consumption of liquor at public places is prohibited during any period prescribed by the Minister, and the Minister may prescribe different periods for different areas or premises in Singapore (clause 12);
- (c) where any area in Singapore carries a significant risk of public disorder associated with the consumption of liquor, the Minister may declare the area as a Liquor Control Zone. The main effects of declaring an area as a Liquor Control Zone are that —
 - (i) offences committed in relation to the supply and consumption of liquor at the Liquor Control Zone attract penalties not more than one and a half times that which could otherwise be imposed if the offences were committed in an area that is not a Liquor Control Zone (clause 16); and
 - (ii) individuals may be banned from entering the Liquor Control Zone (clause 18).

The Minister may also, under clauses 6(2) and 12, further restrict trading hours for the supply of liquor, and the period during which liquor may be consumed at public places, in any Liquor Control Zone.

The Bill also makes consequential and related amendments to certain other written laws.

PART 1

PRELIMINARY

Clause 1 relates to the short title and commencement.

Clause 2 defines certain terms used in the Bill.

Clause 3 provides for the persons who will administer the Bill.

PART 2

SUPPLY OF LIQUOR

Clause 4 prohibits certain supplies of liquor unless authorised by a liquor licence.

Clause 5 requires a licensee to supply liquor only at the premises that are specified in the liquor licence.

Clause 6 prohibits a licensee from carrying on certain activities except during the trading hours specified in the liquor licence. The clause further empowers the Minister to prescribe trading hours which will apply instead of the trading hours specified in a liquor licence. This power will be exercised particularly where the area in which the licensee is operating is a Liquor Control Zone (see clause 15).

Clause 7 prohibits any person from displaying any sign, etc., falsely claiming, suggesting or implying that premises are licensed premises when they are not.

Clause 8 relates to the grants and renewals of liquor licences.

Clause 9 relates to the suspension and cancellation of liquor licences.

Clause 10 provides for various powers of entry and search for the purposes of ascertaining whether any provision of the Part or any regulations made in connection with the Part, and any restriction or condition of a liquor licence, are being complied with.

Clause 11 empowers the Commissioner of Police (the Commissioner) to order, in certain circumstances, all or any of the following:

- (a) that licensed premises be closed for a period not exceeding 72 hours;
- (b) that the licensee of those premises take certain steps, at the licensee's expense, to prevent or minimise any significant threat or risk to public

order, safety or peace that may arise from the supply of liquor at the licensed premises;

(c) that the liquor licence of the licensee be modified or suspended.

PART 3

CONSUMPTION OF LIQUOR

Clause 12 prohibits the consumption of any liquor at any public place during such period as may be prescribed by the Minister.

Clause 13 relates to the grant of consumption permits, which allow the consumption of liquor at public places during any period prescribed under clause 12.

Clause 14 provides for various offences in connection with the consumption of liquor, and provides police officers and approved persons with certain powers to deal with any individual who has consumed or is consuming liquor and is incapable of taking care of himself or herself, or is causing annoyance to any other person.

PART 4

LIQUOR CONTROL ZONES

Clause 15 relates to the declaration by the Minister of any area in Singapore which carries a significant risk of public disorder associated with the consumption of liquor as a Liquor Control Zone.

Clause 16 enhances the penalty for an offence under clause 4, 12 or 14 committed in a Liquor Control Zone to be not more than one and a half times of that specified in the relevant clause.

Clause 17 empowers the Commissioner to require the cessation of all business activities at any premises in a Liquor Control Zone, where the business activities are carried on by a person reasonably suspected of contravening clause 4(1) a second or subsequent time in relation to the premises.

Clause 18 relates to the giving of a Liquor Control Zone banning notice by the Commissioner or an authorised officer to an individual, banning the individual from a Liquor Control Zone or all licensed premises in a Liquor Control Zone.

Clause 19 provides for certain effects of a Liquor Control Zone banning notice.

Clause 20 provides for the powers of the police officers and approved persons in relation to an individual who enters or is about to enter a Liquor Control Zone.

PART 5

ENFORCEMENT

Clauses 21 to 24 provide for various powers of enforcement in relation to the Bill.

PART 6

APPEALS

Clauses 25 and 27 relate to the bringing of appeals to the Liquor Appeal Board and the Minister, respectively, against certain decisions made by the Licensing Officer, the Commissioner or any authorised officer.

Clause 26 relates to the constitution of the Liquor Appeal Board.

PART 7

MISCELLANEOUS

Clause 28 provides for the offence of knowingly or recklessly providing any false or misleading information or document.

Clause 29 empowers the Minister to exempt any person or class of persons from provisions in the Bill other than matters referred to in clauses 4(2)(d) and 12(3)(c).

Clause 30 empowers any police officer to make arrests without warrant in connection with the Bill.

Clause 31 makes it an offence for any person to hinder or obstruct public officers and auxiliary police officers acting in discharge of duties under the Bill.

Clause 32 deals with the liability of corporate offenders and their officers.

Clause 33 relates to the composition of offences.

Clause 34 provides immunity for certain acts done in good faith and with reasonable care.

Clause 35 empowers the Minister to make regulations that are necessary or convenient to carry out the Bill.

Clause 36 provides for the presentation of all regulations made under the Bill to Parliament.

Clause 37 empowers the Minister to make regulations to provide for saving and transitional provisions in connection with the Bill.

Clause 38 provides for various consequential and related amendments to certain other written laws. In particular —

- (a) Part VIII of the Customs Act (Cap. 70) is repealed as the licensing of the supply of liquor will now be dealt with under the Bill;
- (b) section 18 of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184) (Drunkenness in public places) is repealed as the same offence is enacted in clause 14(2);
- (c) the penalties are enhanced for offences under section 20 of the Miscellaneous Offences (Public Order and Nuisance) Act (relating to riotous, disorderly or indecent behaviour in public — which could arise from persons being in a state of intoxication); and
- (d) section 510 of the Penal Code (Cap. 224) (Misconduct in public by a drunken person) is repealed as the same offence is enacted in clause 14(1).

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
