



Tuvalu

ALCOHOLIC DRINKS (AMENDMENT) ACT 2017



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Act No.9 of 2017

I assent:


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Sir Iakoba Taeia Italeli
Governor General

Dated on ²⁴.... November, 2017

AN ACT TO AMEND VARIOUS PROVISIONS OF THE ALCOHOLIC DRINKS ACT 1984.

ENACTED BY THE PARLIAMENT OF TUVALU

Commencement [24 November 2017]

1 Short Title

This Act may be cited as the Alcoholic Drinks (Amendment) Act 2017.

2 Commencement

This Act commences on the date fixed by the Minister.

3 Amendment to section 24

Section 24 is repealed in its entirety and replaced with the following:

24 Effect of hotel-keeper's licence

- (1) Subject to the conditions of the licence, a hotel-keeper's licence authorizes the sale and supply of alcoholic drinks to any person of or over the age of 18 years, by the holder of the licence and his agents and servants —
- (a) between 11 a.m. and 3 p.m. and between 6:30 p.m. and 10 p.m., and during any extended hours under Section 58 – in opened containers, for drinking on the licenced premises;

- (b) between 11 a.m. and 3 p.m. and between 6:30 p.m. and 10 p.m. – in unopened containers, for drinking off the premises; and
 - (c) at any other time to bona fide lodgers and their guests for drinking otherwise than at the bar.
- (2) Alcoholic drinks sold in unopened containers under paragraph (1)(b) must be removed from the premises immediately.

4 Amendment to section 29

Section 29 is repealed in its entirety and replaced with the following:-

29 Effect of publican's licence

- (1) Subject to the conditions of the licence, a publican's licence authorizes the sale and supply of alcoholic drinks to any person of or over the age of 18 years, by the holder of the licence and his agents and servants —
 - (a) between 11 a.m. and 3 p.m. and between 6:30 p.m. and 10 p.m., and during any extended hours under Section 58 – in opened containers, for drinking on the licenced premises; and
 - (b) between 11 a.m. and 3 p.m. and between 6:30 p.m. and 10 p.m. – in unopened containers, for drinking off the premises.
- (2) Alcoholic drinks sold in unopened containers under paragraph (1)(b) must be removed from the premises immediately.

5 Amendment to section 30

Paragraph 30(5)(c) is repealed in its entirety and replaced with the following:-

- (c) is in the company of a parent or other ancestor or of a guardian for the purpose of attending a privately held function at the premises and is at the private function; or

6 Amendment to section 78

Paragraph 78(c) is repealed in its entirety and replaced with the following:-

- (c) between 11 a.m. and 3 p.m. and between 6:30 p.m. and 10 p.m..

7 Amendment to section 84

Section 84 is amended as follows:

- (a) by repealing subsections (1) and (2) in their entirety and replacing them with the following:-
- (1) A prohibited person who –

- (a) drinks any alcoholic drink;
- (b) has any alcoholic drink in his possession;
- (c) is present on any licenced premises; or
- (d) is drunk,

is guilty of an offence, and is liable to a fine of \$200 and to imprisonment for 12 months, and the offender may be arrested without warrant.

(b) by repealing subsection 84(3) in its entirety.

(c) in subsection 84(4) by replacing the words:-

“Subsection (1) or (2)” with

“Subsection (1)”.

8 Amendment to section 86

Subsection 86(2) is repealed in its entirety and replaced with the following:-

- (2) The holder of any licence who knowingly sells an alcoholic drink to a prohibited person or allows a prohibited person to remain on the premises is guilty of an offence, and is liable to a fine of \$1000.

9 New section 93A

The Act is amended by inserting the following after section 93:-

93A Failure to remove unopened container of alcohol from licenced premises

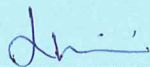
- (1) A person who:
 - (a) purchases an alcoholic drink under section 24(1)(b) or 29(1)(b);
 - (b) is warned by the licence holder or an agent or servant of the licence holder to remove the alcoholic drink from the licenced premises;
 - (c) does not remove the alcoholic drink from the licenced premises,is guilty of an offence, and is liable to a fine of \$200.
- (2) The holder of a licence, or any agent or servant of the holder of a licence, who knowingly permits a person to remain on the licenced premises with an alcoholic drink purchased under section 24(1)(b) or 29(1)(b) is guilty of an offence, and is liable to a fine of \$500.

10 Amendment to section 99

Subsection 99(3) is repealed in its entirety and replaced with the following:-

- (3) Any other person who knowingly sells or supplies any alcoholic drink to a person under the age of 18 years is guilty of an offence, and is liable to a fine of \$100.
- (4) A person under the age of 18 years who –
 - (a) obtains or attempts to obtain any alcoholic drink on or from any licenced premises; or
 - (b) has in his possession or drinks any alcoholic drink;
 - (c) is drunk,is guilty of an offence, and is liable to a fine of \$100.

I certify that this is a correct copy of the Act passed by the parliament of Tuvalu on the _____
October 2017.



Lakaga Uniuni

Clerk to Parliament (Ag)

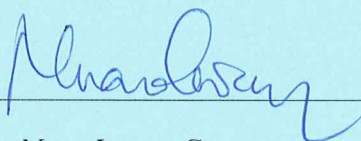
I certify that this Act has been assented to by the Governor General as representative of Head of State.



Laigane Italeli Talia

Attorney General (Ag)

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November, 2017.



Nese Ituaso Conway

Secretary to Government (Ag)