

LAWS OF PITCAIRN, HENDERSON, DUCIE
AND OENO ISLANDS

Revised Edition 2009

CHAPTER XXVI

**AN ORDINANCE TO ESTABLISH A CODE FOR
THE SALE AND USE OF LIQUOR WITHIN THE
ISLANDS**

Ordinance:
No. 5 of 2009.

[17 March 2009]

1. This ordinance may be cited as the Sale and Use of
Liquor Ordinance 2009.

Citation

2. This Ordinance shall come into force on the 28th day
after it is made.

Commencement

3. Liquor means any fermented, distilled or spirituous
liquor (including spirits, wine, ale, beer, porter, honeymead,
stout, cider, and perry) containing a percentage by volume of
pure alcohol greater than 2.5 percent.

Interpretation

4. The provisions of the Schedule to this Ordinance
shall be a Code which shall regulate and control the sale and
consumption of liquor within the Islands.

Schedule to be a Code

5. The Alcohol Ordinance, c 26 dated 26 June 1997, is
hereby revoked as from the date this Ordinance comes into
force.

Alcohol Ordinance, c
26, revoked

SCHEDULE**LIQUOR CODE****PART I – PRELIMINARY**

1. Only persons over the age of 18 years may purchase or consume liquor.

2.—(1) No person shall purchase or acquire liquor on or from any commercially licensed premise with the intention of supplying the liquor to any person who is under the age of 18 years or with the intention of encouraging the consumption of liquor by any person under the age of 18 years.

(2) No person shall supply liquor to any person who is under the age of 18 years or encourage the consumption of liquor by any person who is under the age of 18 years.

Penalty: A fine of \$100.

3. No person being a member of the working crew on supply ship days, including cargo handlers at ship and shore, shall consume liquor while working longboats are in the water.

Penalty: A fine of \$100.

4. No person being a member of the longboat crew, including cargo handlers at ship and shore, shall, after notice has been received of the impending arrival of any ship, consume liquor during the 12-hour period to the estimated arrival of the ship.

Penalty: A fine of \$100.

5. No person shall drive or be in command of or operate any vessel or machinery while under the influence of alcohol.

Penalty: A fine of \$250 and/or prohibition from driving any motor vehicle or commanding or operating any vessel or machinery for a period of up to 6 months in respect of the first offence, and a fine of \$250 and prohibition from driving any motor vehicle or commanding or operating any vessel or machinery for a period of up to 12 months in respect of any subsequent offence.

6. No person shall drive any motor vehicle while under the influence of alcohol.

Penalty: A fine of \$250 and/or prohibition from driving any motor vehicle or commanding or operating any vessel or machinery for a period of up to 6 months in respect of the first offence, and a fine of \$250 and prohibition from driving any motor vehicle or commanding or operating any vessel or machinery for a period of up to 12 months in respect of any subsequent offence.

7.—(1) A person who drives any motor vehicle or who is in command of or operates any vessel or machinery while he or she is prohibited from doing so commits an offence and shall be liable to a fine of \$500 and/or a further period of prohibition of up to 12 months.

(2) It shall be a defence to this offence if a person drives a motor vehicle or commands or operates a vessel or machinery with the genuine and reasonable belief that there is an emergency requiring that he or she drive that vehicle or command or operate that vessel.

8. No firearm of any kind, spear gun or other weapon whatsoever shall be used by any person while under the influence of alcohol.

Penalty: A fine of \$250.

9.—(1) If any member of the Police believes that a person is under the influence of liquor, he or she may require that person to undertake a sobriety test.

(2) A person who is required to undertake a sobriety test must comply with a request by any member of Police to undertake tasks and perform acts that may indicate whether that person is under the influence of liquor, such tasks and acts including (without limitation) walking in a straight line, balancing on one leg, touching the nose with an index finger while the person's eyes are closed.

(3) A person who fails to complete or refuses to comply with a sobriety test when required to do so and who would, if found to be under the influence of liquor, commit any of the offences set out in sections 5 to 8 of this Code, commits an offence by reason of such failure or refusal.

Penalty: A fine of \$250 and/or prohibition from driving any motor vehicle or commanding or operating any vessel or machinery for a period of up to 6 months in respect of the first offence, and a fine of \$250 and prohibition from driving any motor vehicle or commanding or operating any vessel or machinery for a period of up to 12 months in respect of any subsequent offence.

(4) For the avoidance of doubt, the fact that a person is under the influence of alcohol may be proved in court by any relevant and admissible evidence including evidence as to that person's undertaking a sobriety test in accordance with this section, but a sobriety test shall not be necessary to prove that a person is under the influence of alcohol.

10.—(1) Subject to section 11, no liquor shall be consumed in the following public places on Pitcairn:

The School
The Square
Public Roads
The Eco Trail
General Store
The Museum
The Medical Centre
The Landing

Penalty: A fine of \$50.

(2) No liquor shall be consumed on Henderson, Ducie or Oeno.

Penalty: A fine of \$50.

11.—(1) Notwithstanding section 10, the Island Council may from time to time by public notice allow the consumption of liquor in one or more of the public places specified in section 10 for one or more periods or dates as specified in the notice so long as the period specified in any notice does not exceed one month.

(2) Notwithstanding section 10, the Island Council may by public notice specify further public places in which restrictions may apply either generally, or for one or more periods or dates as specified in the notice, prohibiting:

- (a) the consumption of liquor in that public place;
- (b) the bringing of liquor into that public place;
- (c) the possession of liquor in that public place.

(3) The Island Council may by public notice remove any restrictions prohibiting the consumption of liquor in a public place or any other

restrictions made under section 11(2), either generally or for 1 or more specified periods or dates.

(4) A restriction made under this section does not prohibit, in the case of liquor in an unopened bottle or other unopened container, the transport of that liquor from premises that adjoin a public place during any period when it is lawful to sell liquor on those premises for consumption off the premises, provided the liquor is promptly removed from the public place.

PART II – COMMERCIAL LIQUOR LICENCING

12. No person shall sell, supply or deliver liquor anywhere within the Islands, including the territorial waters, otherwise than in accordance with the terms of a Commercial Liquor Licence granted to that person.

Penalty: A fine of \$250.

13. Any permanent resident on Pitcairn Island over the age of 18 seeking the grant of a Commercial Liquor Licence may make an application on the Commercial Liquor Licence Application Form (attached as Schedule A), to be considered by the Island Council. If approved, a Commercial Liquor Licence shall be granted by or on behalf of the Island Council.

14.—(1) A Commercial Liquor Licence may be refused if, in the opinion of the Island Council, it would be contrary to the public interest to grant it.

(2) The Island Council shall give reasons for its decision, which shall be final. There will be no right of appeal against a refusal to grant a Commercial Liquor Licence, nor shall a court have jurisdiction to review refusal to grant a licence, but a new application may be made after a period of 6 months.

15. A Commercial Liquor Licence may be one or more of three types, and an applicant shall specify which one or more of these he or she is applying for:

- (a) an On Site/Off Site (Full) licence (in the form attached as Schedule B), which authorises the holder to sell liquor for consumption on the premises described in the licence and to sell or deliver liquor for consumption off those premises;
- (b) an On-Site (Limited) licence (in the form attached as Schedule C) which authorises the holder to sell liquor for consumption on the premises described in the licence provided the liquor is sold only to persons who are residing in those premises as accommodation guests;
- (c) an Off-Site (Limited) licence (in the form attached as Schedule D) which authorises the holder to sell liquor on occasions and at premises specified in the licence provided the liquor is consumed off those premises.

16. A Commercial Liquor Licence is valid for one year from the date of issue.

17.—(1) Every Commercial Liquor Licence holder shall ensure that a copy of the applicable licence is clearly displayed on the premises at all times so as to be easily read by persons entering through each principal entrance.

Penalty: \$100.

(2) Every Commercial Liquor Licence shall include the following terms and conditions:

- (a) That an age limit sign of “18 Years or older” in the form set out in Schedule E shall be displayed at every place where liquor is sold or consumed pursuant to that licence.
- (b) That a “Drink Smart” safe-drinking sign in the form set out in Schedule E shall be displayed at any On-Site/Off-Site (Full) or On-Site (Limited) liquor outlet.

18.—(1) The Island Council may revoke a Commercial Liquor Licence at any time if the terms and conditions listed in the Licence are not followed by the Licence Holder.

(2) For the avoidance of doubt, this power to revoke may be exercised whether or not a licence holder is prosecuted for an offence under this ordinance.

19.—(1) A Commercial Licence Holder must comply with the terms and conditions listed in the applicable Commercial Liquor Licence and shall not sell or supply liquor outside any hours specified in the licence nor sell or supply liquor to:

- (a) persons under the age of 18;
- (b) intoxicated persons.

Penalty: A fine of up to \$250 and/or the revocation of the Commercial Liquor Licence.

20.—(1) Any member of the Police may at any reasonable time enter and inspect any licensed premises, or any part of any licensed premises, to ascertain whether the licensee is complying with the provisions of this Code and the terms and conditions of the applicable Commercial Liquor Licence.

(2) Any member of the Police may at any time enter and inspect any licensed premises when that member has reasonable ground to believe that any offence against this Ordinance is being committed on those premises.

SCHEDULE A OF LIQUOR CODE**PITCAIRN ISLANDS****COMMERCIAL LIQUOR LICENCE APPLICATION FORM**

Date: _____

Applicant Name: _____

Applicant Address: _____

Name of premises or business to
be licensed: *(if applicable)* _____

Address of Premises: _____

Licence Type	Fee NZ\$	Tick
On Site / Off Site (Full Licence) <i>Bar, pub, tavern, club, hotel, restaurant, cafés</i> <i>General stores, bottle stores, grocery stores</i> <i>Homestay guests</i> <i>To sell liquor for consumption on-site</i> <i>To sell, supply and deliver liquor for consumption</i> <i>off the premises</i>	\$100.00	
On Site (Limited) <i>Homestays</i> <i>To sell liquor for consumption on-site</i> <i>(Accommodation guests only)</i>	\$ 20.00	
Off Site (Limited) <i>Private Trading Tables</i> <i>Sell, supply and deliver liquor for</i> <i>consumption off the premises</i> <i>Cruise ship days, Visitors / Tourists on-island</i> <i>(Typical trading days)</i>	\$ 20.00	
Total:		

*Applicants must be permanently residing on Pitcairn Island**Licence period: 12 months from date of issue*

Applicants Signature: _____ Date: _____

<i>Office Use:</i>	
<i>Fee Receipt Number:</i>	
<i>Declined:</i>	
<i>Approved:</i>	
<i>Licence Valid from:</i>	
<i>Expiry Date:</i>	

SCHEDULE B OF LIQUOR CODE**PITCAIRN ISLANDS****COMMERCIAL ON-SITE/OFF-SITE (FULL) LIQUOR LICENCE**

*Bar, pub, tavern, club, hotel, restaurant, café
General Stores, bottle stores, grocery stores*

(Premise, business or individuals name)

is hereby permitted
to sell or supply liquor for consumption on-site
to sell, supply and deliver liquor for consumption off the premises

Terms and Conditions

- Signage - Age limit sign to be on public display
- Signage – Safe drinking practices on public display
- No intoxicated person to be served
- No disorderly conduct
- Bar prices to be displayed
- The terms and conditions of this licence to be displayed in public view

Host responsibilities when applicable

- Provide and promote alternatives to liquor, such as low-alcohol and non-alcoholic beverages
- Make available and promote an appropriate food selection
- Identify and appropriately deal with intoxication
- Educate and train staff in host responsibility practices
- Alternative transport is arranged for intoxicated patrons

Periodic Inspection

Community police will carry out periodic inspections to ensure compliance of licence

Failure to Comply

Failure to comply with the terms and conditions may result in a fine up to \$250.00 and/or this licence being revoked

Licence issued on: _____

Licence expires on: _____

Signed: _____ **Licence holder**

Signed: _____ **on-behalf of
Pitcairn Island Council**

SCHEDULE C OF LIQUOR CODE

PITCAIRN ISLANDS

COMMERCIAL ON-SITE (*LIMITED*) LIQUOR LICENCE

Homestays

(Premise, business or individuals name)

is hereby permitted to sell liquor for consumption by accommodation guests on-site

Terms and Conditions If Applicable

- Signage – Age limit sign to be on public display
- Signage – Safe drinking practises sign on public display
- Limited to accommodation guests
- No intoxicated person to be served
- No disorderly conduct
- Bar prices to be displayed
- The terms and conditions of this licence to be displayed in public view

Host Responsibilities If Applicable

- Provide and promote alternatives to liquor, like low-alcohol and non-alcoholic beverages
- Make available and promote an appropriate food selection
- Prevent underage drinking
- Identify and appropriately deal with intoxication
- Educate and train staff in host responsibility practices
- Alternative transport is arranged for intoxicated patrons

Failure to Comply

Failure to comply with the terms and conditions may result this licence being revoked

Licence issued on: _____

Licence expires on: _____

Signed: _____ **Licence holder**

Signed: _____ **on-behalf of
Pitcairn Island Council**

SCHEDULE D OF LIQUOR CODE**PITCAIRN ISLANDS****COMMERCIAL OFF-SITE (LIMITED) LIQUOR LICENCE***Trading Tables**(Premise, business or individuals name)*

is hereby permitted to sell, supply and deliver liquor for consumption off the premises

Terms and Conditions

- Signage – Age limit sign to be on public display
- Limited to Expedition or Cruise ship passengers (typically trading days)
- Limited to locally produced liquor for consumption
- Prices to be displayed
- Onboard Vessel

Purchased liquor to be appropriately wrapped

- On-Island
 - Purchased liquor to be appropriately wrapped with customers name and / or necessary details clearly marked.
 - Purchased liquor to be delivered by seller to landing for collection by customer or delivery out to visiting vessel

Periodic Inspection

Community police will carry out periodic inspections to ensure compliance of licence

Failure to Comply

Failure to comply with the terms and conditions may result in this licence being revoked

Licence issued on: _____

Licence expires on: _____

Signed: _____ **Licence holder**

Signed: _____ **on-behalf of
Pitcairn Island Council**

SCHEDULE E OF LIQUOR CODE



**DRINK
SMART**

YOUR ABUSE EFFECTS ALL

Government of Pitcairn Islands



YOU MUST BE

18

YEARS OR OLDER TO
PURCHASE OR CONSUME ALCOHOL

Government of Pitcairn Islands