

CLUBS ACT**Principal Act****Act. No. 1924-09***Commencement*

1.1.1925

Assent

9.12.1924

Amending
enactmentsRelevant current
provisionsCommencement
date

Act. 1932-12	ss. 9(5), 12 and 13	19.12.1932
1935-08	s. 9(1), (2) and (3)	26.6.1935
1937-07	s. 4(6)	28.9.1937
1943-01	s. 6	29.1.1943
1949-25	s. 12(4)	

English sources

Licensing (Consolidation) Act 1910 (10 Edw. 7 c.24)

Finance (1909-1910) Act 1910 (10 Edw. 7 c.38)

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AN ACT TO PROVIDE FOR THE REGISTRATION AND LICENSING
OF CLUBS.

Short title.

1. This Act may be cited as the Clubs Act.

Interpretation.

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

“club” means any society of persons associated together under the permission of the Governor for social intercourse or for the promotion of politics, sport, art, science or literature, or for any purpose except the acquisition of gain;

“registered club” means a club for the time being registered under this Act;

“secretary”, in relation to a club, includes any officer of the club or other person performing the duties of a secretary and if there be no secretary, then the lessee or lessees of the premises occupied by the club;

“unregistered club” means a club which requires to be registered under this Act, but is not so registered, or which has been struck off the register of clubs.

Obligation to register.

(1910 c.24, s.91)

3.(1) The secretary of every club which occupies a house or part of a house which is habitually used for the purposes of a club and in which any intoxicating liquor is supplied to members or their guests, or any other premises which are habitually so used and in which intoxicating liquor is so supplied, shall cause the club to be registered in manner provided by this Act.

(2) The registration of a club under this Act shall not constitute the club premises licensed premises, or authorize any sale of liquor therein which would otherwise be illegal.

Mode of registration.

4.(1) The Financial and Development Secretary shall keep a register of all registered clubs. (s.92)

(2) The register shall be in a form approved by the Governor and shall contain—

- (a) the name and objects of the club;
- (b) the address of the club;
- (c) the name of the secretary; and
- (d) the number of members resident in Gibraltar.

(3) The Financial and Development Secretary shall also keep particulars of the rules of the club relating to—

- (a) the election of members and the admission of temporary and honorary members and of guests;
- (b) the terms of subscription and entrance fee, if any;
- (c) the cessation of membership;
- (d) the hours of opening and closing; and
- (e) the mode of altering rules.

(4) The secretary of every such club shall furnish to the Financial and Development Secretary –

- (a) in the month of January in every year, a return signed by the secretary, giving the above-mentioned particulars together with a signed statement of the names and addresses of the club members resident in Gibraltar and a record of the latest payment of their subscriptions; and
- (b) in the first month of each quarter of every year, a return of members who have joined or ceased to belong to the club during the preceding quarter:

Provided that the Financial and Development Secretary may, with the approval of the Governor, exempt any club from the requirements of this subsection.

(5) When a new club which requires to be registered under this Act is about to be opened, the secretary shall, before the opening of the club, furnish to the Financial and Development Secretary a return signed by the secretary, giving the above-mentioned particulars.

(6) The Financial and Development Secretary shall keep the register of clubs corrected up to date in accordance with the returns of the secretaries, and the register shall, at all reasonable hours, be open to the inspection of a police officer or other person duly authorized to inspect the register.

Penalty for supplying or keeping liquor in unregistered club.

(s.93)

5.(1) If any intoxicating liquor is supplied or sold to any member or guest on the premises of an unregistered club, the person supplying or selling the liquor, and every person authorizing the supply or sale of the liquor, is guilty of an offence and is liable, on summary conviction, to imprisonment for one month and to a fine of £50.

(2) If any intoxicating liquor is kept for supply or sale on the premises of an unregistered club, every officer and member of the club is guilty of an offence and is liable, on summary conviction, to a fine of £5, unless he proves to the satisfaction of the court that the liquor was so kept without his knowledge or consent.

Supply of liquor in clubs for consumption off the premises.

(s.94)

6. Intoxicating liquor shall not be supplied in a club for consumption off the premises except to a member on the premises; and, if any person supplies or obtains any intoxicating liquor in contravention of the provisions of this section, he is guilty of an offence and is liable, on summary conviction, to a fine of £10.

Striking club off the register.

7.(1) Where a club has been registered in pursuance of this Act, the magistrates' court, on complaint in writing by any person may, if it thinks fit, make an order directing the club to be struck off the register on all or any of the following grounds – (s.95)

- (a) that the club has ceased to exist or that the number of members is less than twenty-five; or
- (b) that it is not conducted in good faith as a club, or that it is kept or habitually used for any unlawful purpose; or
- (c) that there is frequent drunkenness on the club premises; or
- (d) that illegal sales of intoxicating liquor have taken place on club premises; or

- (e) that persons who are not members are habitually admitted to the club premises merely for the purpose of obtaining intoxicating liquor; or
- (f) that persons are habitually admitted as members without an interval of at least forty-eight hours between their nomination and admission; or
- (g) that the supply of intoxicating liquor to the club is not under the control of the members or of a committee appointed by the members.

(2) For the purpose of determining whether a club is conducted in good faith as a club, the court shall have regard to the nature of the premises occupied by the club.

(3) If the court grants a summons on the complaint, the summons shall be served on the secretary and on such other person, if any, as the court shall direct.

(4) Where the court makes an order striking a club off the register, the court may, if it thinks fit, by that order further direct that the premises occupied by the club shall not be used for the purposes of any club which requires to be registered under this Act for a specified period, which may extend, in the case of a first order, to twelve months, or, in the case of a second or subsequent order, to five years:

Provided that any such direction may, for good cause shown, be subsequently varied or cancelled by the court.

Search warrant to enter club.

(s.96) 8. (1) If a justice of the peace is satisfied by information on oath that there is reasonable ground for supposing that any registered club is so managed or carried on as to constitute a ground for striking it off the register, or that any intoxicating liquor is sold or supplied, or kept for sale or supply, on the premises of an unregistered club, he may grant a search warrant to any police officer named therein.

(2) A search warrant granted under this section shall authorize the police officer named therein to enter the club, if need be by force, and to inspect the premises of the club, to take the names and addresses of any persons found therein and to seize any books or papers relating to the business of the club.

Duty on return of purchases of intoxicating liquor to be supplied in a club.

(1910 c.38,
s.48)

9. (1) It shall be the duty of the secretary of every registered club to deliver to the Financial and Development Secretary in the first month of each quarter in every year, or within such further time as he may in any case allow, a return of the purchases during the preceding three months of intoxicating liquor to be supplied in or to the club or on behalf of the club to the members thereof, in such form and containing such particulars as may be required by him and every such return shall be charged with a duty of 5 pence for every £1 or part of £1 of the purchases shown in the return.

(2) If any duty under this section remains unpaid after the first day of the last month in each quarter in any year, the duty may be levied by distress on the premises of the club in respect of which the duty is due, and the Financial and Development Secretary may, for that purpose, by warrant signed by him, authorize any person to distrain upon the premises, and to sell any distress levied by public auction, after giving six days' previous notice of the sale and the proceeds of the sale shall be applied in or towards payment of the costs and expenses of the distress and sale, and the payment of the duty due, and the surplus, if any, shall be paid to the secretary of the club, and treated by him as part of the club funds:

Provided that a distress shall not be levied under this subsection unless notice in writing requiring the payment of the amount of duty unpaid has been served on the secretary of the club by leaving the notice at the club premises or by sending it to him by post addressed to the club.

(3) If any duty payable under this section remains unpaid after the first day of the last month in each quarter in any year, or if the secretary of the club fails in any quarter to deliver a return as required by this section, the supply of any intoxicating liquor in the club shall, so long as the duty remains unpaid or the failure continues, as the case may be, be deemed to be a sale of intoxicating liquor without a licence.

(4) The Minister responsible for finance may make regulations for adapting the provisions of this section to the case of a club which is discontinued during any quarter and for procuring a return under this section of the purchases of intoxicating liquor up to the date of the discontinuance of the club as a registered club, and for charging the duty under this section in respect of that return.

(5) For the purpose of verifying the duty payable under this section, the Minister responsible for finance may demand production of all books of account, invoices and any other document which he may consider necessary for the said verification, and upon demand by the Minister responsible for finance, the secretary of the club, shall produce such books, invoices and documents within two days of the date of such demand, or in default

thereof, is guilty of an offence and is liable, on summary conviction, to a fine of £25.

Penalty for false returns, etc., by club secretary.

(1910 c.38, s.97) 10. (1) The secretary of any registered club or any club which requires to be registered under this Act who omits to make any return required by this Act, is guilty of an offence and is liable, on summary conviction, to a fine of £20 and in the case of a second or subsequent offence, to imprisonment for one month and to a fine of £50.

(2) The secretary of any such club who knowingly makes a return, which is false in any material particular is guilty of an offence and is liable, on summary conviction, to imprisonment for three months and to a fine of £50.

Appeals.

11. A person who deems himself aggrieved by any order or conviction made by the magistrates' court under this Act may appeal therefrom in manner provided by the Criminal Procedure Act:

Provided that no conviction or order made in pursuance of this Act, originally or on appeal, relative to any offence, penalty, fine or summary order, shall be quashed for want of form, or if made by the magistrates' court, be removed by certiorari or otherwise, either at the instance of the Crown or of any private party, into any superior court.

Governor's permission required for all clubs.

12.(1) No person shall open, keep or use any house or part of a house or other premises whatsoever for the purpose of being used as a club without the permission in writing of the Governor first hand and obtained.

(2) The Financial and Development Secretary shall not register any club under this Ordinance except upon production to him of the Governor's permission.

(3) The Governor may make such rules as he may deem expedient for the regulation of clubs and may therein prescribe the conditions subject to which such permission will be granted.

(4) A person who offends against the provisions of this section is guilty of an offence and is liable on summary conviction to imprisonment for three months or to a fine £25.

Withdrawal of Governor's permission.

13.(1) Where the Governor has given his permission for the opening or keeping open of a club, he may at any time thereafter if he shall consider it advisable to do so withdraw such permission and upon notification to the Financial and Development Secretary of the withdrawal of such permission the Financial and Development Secretary shall strike such club off the register.

(2) *Omitted.*