



MONTSERRAT

CHAPTER 6.14

REGISTRATION OF CLUBS ACT

Revision Edition

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

REGISTRATION OF CLUBS ACT

Act 5 of 1955 .. in force 5 October 1955

Amended by Acts: 17 of 1956

23 of 1973 .. in force 1 January 1974

9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

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REGISTRATION OF CLUBS ACT

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CHAPTER 6.14

REGISTRATION OF CLUBS ACT

(Acts 5 of 1955, 17 of 1956, 23 of 1973 and 9 of 2011)

Commencement

[5 October 1955]

Short title

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

Interpretation

2. In this Act—

“**club**” means any community or society who assemble or meet together in pursuit of a common object;

“**intoxicating liquor**” means spirits, wine, beer, porter, cider, sherry and any fermented, distilled or spirituous liquor which cannot, according to any Act for the time being in force relating to the sale of intoxicating liquor, be legally sold unless duly authorised by a licence granted thereunder;

“**members’ club**” means a club, all the property funds and assets of which belong jointly to the members thereof, whether such are vested in Trustees for the members or otherwise;

“**proprietary club**” means any club other than a members’ club;

“**secretary**” in relation to a club includes any officer of a club or other person performing the duties of a secretary and, in the case of a proprietary club where there is no secretary, the proprietor of the club;

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

Registration of Clubs

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 so supplied shall cause the club to be registered or its registration to be renewed as the case may be, in manner provided in this Act.

(2) The registration of a club under this Act shall not constitute the club premises licensed premises, nor authorise any sale of intoxicating liquor therein which would otherwise be illegal.

Keeping of register

4. (1) The Accountant General shall keep a register of all registered clubs within Montserrat.

(2) The register shall contain the following particulars—

- (a) the name and objects of the club;
- (b) the address of the club;
- (c) brief details of the terms of occupancy of the club premises;
- (d) the name of the secretary and in addition, in the case of a proprietary club, the name of the proprietor;
- (e) the number of members;
- (f) a printed copy of the rules of the club.

Mode of application for registration

5. (1) The secretary of every club, required to be registered under this Act shall not later than 15 January in every year, and in the case of a new club prior to the opening thereof and not later than 15 January in each succeeding year make application to the Accountant General to enter the club on the register or to renew its registration as the case may be.

(2) In support of such application, the secretary shall furnish a return to the Accountant General signed by the secretary giving the particulars mentioned in section 4(2) in the case of a new club, and any changes in such particulars in the case of a renewal of registration.

(3) Such return shall also contain a statement signed by the secretary that there is kept upon the club premises a register of the names and addresses of the club members, and a record of the latest payment of their subscriptions and a register of the names and addresses of visitors and guests.

Conditions for registration of members' club

6. No members' club shall be registered under this Act unless it complies with the following conditions—

- (a) that the supply of intoxicating liquor to the club shall be under the control of the members or the committee or governing body appointed by the members and that no member of the committee or governing body and no manager or servant employed in the club shall have any personal interest in the sale of intoxicating liquor therein or in the profits arising from such sale;

- (b) that the names and addresses of persons proposed as ordinary members of the club shall be displayed on a conspicuous place in the club premises for at least a week before their election, and that an interval of not less than two weeks shall elapse between nomination and election of ordinary members;
- (c) that all members of the club shall be elected by the whole body of members or a committee of members;
- (d) that there shall be a defined subscription payable by members of the club in advance;
- (e) that correct accounts and books shall be kept showing the financial affairs of the club;
- (f) that no intoxicating liquor shall be sold or supplied for consumption outside the premises of the club;
- (g) that intoxicating liquor shall only be supplied in the club premises at the request of members of the club and that a visitor shall not be supplied with intoxicating liquor except on the invitation and in the company of a member and unless that member shall, upon the admission of such visitor to the club premises, enter the name and address of the visitor and his own name in the visitors' book and the date of the visit;
- (h) that no person shall be allowed to become an honorary or temporary member of the club or be relieved of the payment of the regular entrance fee or subscription except a person possessing certain qualifications defined in the rules or subject to conditions and regulations prescribed therein;
- (i) that no person under the age of sixteen years shall be admitted a member of the club, unless the club is one primarily devoted to some athletic purpose:

Provided that, no intoxicating liquor shall be sold or supplied to any member or person under sixteen years of age.

Conditions for registration of proprietary clubs

7. No proprietary club shall be registered under this Act unless it complies with all of the conditions pertaining to members' clubs mentioned in section 6 with the exception of conditions paragraphs (a) and (c) of that section.

Hours of proprietary clubs

8. A proprietary club shall only be kept open between the hours of 7 a.m. and 12 midnight daily except with the written permission of the Assistant Superintendent of Police.

Grant of application for registration

9. The Accountant General, if he is satisfied—

- (a) that the application of the secretary supplied the particulars mentioned in section 4(2);
- (b) that provision has been made in the rules of the club for the due observance of the conditions set out in sections 6 and 7;
- (c) that the locality and premises are suitable; and
- (d) that the office bearers are fit and proper persons to manage a club,

shall grant an application to enter such club on the register or renew its registration as the case may be on payment of the prescribed fee.

Annual registration fee

10. (1) Subject to the provisions of subsection (2) the annual fee for the registration or renewal of registration of a club shall be paid into the Treasury within fourteen days of the notification of the acceptance of an application by the Accountant General, and such registration or renewal of registration shall continue in force until the following 31 December.

(2) The annual fee for the registration or renewal of registration of a club shall be—

for a members' club	\$ 50
for a proprietary club	\$200

(Substituted by Act 23 of 1973)

Striking off register

11. (1) Where a club has been registered in pursuance of this Act a Magistrate may on complaint in writing cause a summons to be issued on the secretary of the club or such other person as the Magistrate may direct for appearance before him.

If upon the hearing the Magistrate is satisfied that—

- (a) the club has ceased to exist;
 - (b) the club is not conducted in good faith as a club or it is kept or habitually used for an unlawful purpose;
 - (c) there is frequent drunkenness in the club premises;
 - (d) illegal sales of intoxicating liquor have taken place on the club premises;
 - (e) the conditions laid down in section 6 are not being observed;
- or

(f) the provisions of section 12 are not being observed; he may make an order directing the club to be struck off the register.

(2) Where a Magistrate makes an order striking a club off the register, he may, if he 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 registration under this Act for a specified period which may extend, in case of a second or subsequent order, to five years:

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

Books of documents required to be kept

12. Every registered club shall keep on the club premises—

- (a) a minute book recording the business transacted at all meetings of the committee and general meetings with the names of the persons present at such meetings;
- (b) a register of ordinary members showing their addresses, and a record of the latest payment of their subscriptions;
- (c) a separate register of temporary and honorary members showing the date of election and period of such membership;
- (d) a copy of the rules of the club with any subsequent changes authenticated by the signature of the secretary;
- (e) all accounts for intoxicating liquor supplied to the club during the preceding six months.

Power of search

13. (1) If a Magistrate is satisfied by information on oath that there is reasonable ground for supposing that intoxicating liquor is sold or kept for sale on premises of an unregistered club, he may grant a search warrant to any member of the Police Service named therein.

(2) A search warrant granted under this section shall authorise the member of the Police Service named therein to enter at any time any premises named therein within one month of the date thereof, if need be by force, and to inspect the premises and to seize and carry away any intoxicating liquor therein suspected to have been sold or kept for sale.

(Amended by Act 9 of 2011)

Offences and penalties

14. (1) If any intoxicating liquor is sold or kept for sale on the premises of an unregistered club the person selling or keeping for sale or authorising the selling or keeping for sale of such intoxicating liquor shall be liable to the following penalties—

- (a) for the first offence he shall be liable to a penalty of \$120, or to imprisonment for a term of one month;

- (b) for the second offence he shall be liable to a penalty of \$240, or to imprisonment for a term of three months;
- (c) for the third and any subsequent offence he shall be liable to a penalty of \$480, or to imprisonment for any term of six months.

In addition to any other penalty imposed by this section, in the case of a conviction for any offence under this section, the court shall declare all intoxicating liquor found in the possession of any such person as last aforesaid, and the vessels containing liquor, to be forfeited.

(2) Intoxicating liquor shall not be sold on a registered club's premises except to a member of such club and only for consumption on the premises and any person selling or obtaining any intoxicating liquor in contravention of the provisions of this subsection shall be guilty of an offence and liable on summary conviction to a penalty of \$120.

(3) Any person who obstructs or prevents or attempts to obstruct any member of the Police Service in the exercise of any of the powers by this Act conferred on him shall be guilty of an offence and liable on summary conviction to a penalty of \$48. (*Amended by Act 9 of 2011*)

(4) If a secretary of a club knowingly makes a return which is false in any material particular he shall be guilty of an offence and liable on summary conviction to a penalty of \$24.

Procedure

15. Proceedings under this Act shall be taken in the manner provided in the Magistrate's Court Act.
