

BILL NO. 1 OF 2022

A BILL

FOR AN ACT TO AMEND THE LIQUOR ACT 2006

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Liquor (Amendment) Act 2022.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

(3) In this Act, the Liquor Act 2006 is referred to as the “Principal Act”.

Section 15 amended

2. Section 15 of the Principal Act is amended by—

(a) in subsection (1), deleting “3 years” and substituting “5 years”; and

(b) after subsection (2), inserting the following new subsections—

“(3) For the avoidance of doubt, any licence, except a licence for special use or a temporary licence, issued before the commencement of the Liquor (Amendment) Act 2022 is valid for the remainder of the term of the licence unless the term of the licence is earlier varied or the licence is earlier surrendered, suspended or cancelled.

(4) Any application for a licence, except for a licence for special use or a temporary licence, lodged before the commencement of the Liquor (Amendment) Act 2022 and is yet to be processed must be processed in accordance with this Act, and any licence issued must be issued for a term not exceeding 5 years.”.

Section 43 amended

3. Section 43 of the Principal Act is amended after subsection (5) by inserting the following new subsections—

“(6) Notwithstanding subsection (2), a person may apply for the renewal of a licence after the expiration of the term of the licence if the Authority is satisfied that the person did not apply for the renewal of the licence due to COVID-19 restrictions.

(7) For the avoidance of doubt, the provisions of this Act in relation to the renewal of a licence apply *mutatis mutandis* to an application for the renewal of a licence under subsection (6).”.

Section 46 amended

4. Section 46 of the Principal Act is amended by deleting “3” and substituting “5”.

Section 48 amended

5. Section 48(3) of the Principal Act is amended by deleting “3” wherever it appears and substituting “5”.

Section 86A inserted

6. The Principal Act is amended after section 86 by inserting the following new section—

“Exemption

86A.—(1) The Minister may, by order in the Gazette and subject to any condition the Minister thinks fit, exempt a person from paying the prescribed fee under section 15, 19, 25 or 43 if the Minister is satisfied that the person—

- (a) paid the applicable prescribed fee for the licence issued for the term immediately prior to the term of a licence for which payment of the prescribed fee is due and payable;
- (b) did not sell or supply liquor due to COVID-19 restrictions;
- (c) did not sell or supply liquor for the term of the licence issued, in part or for the entire term; and
- (d) incurred a significant loss of revenue for the term of the licence issued.

(2) Notwithstanding sections 15(1), 15(4), 46 and 48(3), a licence issued to a person exempted under subsection (1) is valid for a term not exceeding one year.”.

LIQUOR (AMENDMENT) BILL 2022

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

- 1.1 The Liquor Act 2006 (**‘Act’**) regulates *inter alia* the sale and supply of liquor in Fiji.
- 1.2 Under the Act, any person who sells or supplies liquor must be licensed subject to the conditions specified under the Act and any other condition as the Divisional Liquor Licensing Authority issuing the licence may impose.
- 1.3 Under section 15(1) of the Act, the maximum term of a licence, other than a licence for special use, is 3 years.
- 1.4 For ease of doing business and administration, the Liquor (Amendment) Bill 2022 (**‘Bill’**) seeks to amend the Act to extend the maximum term of a licence, other than a licence for special use or a temporary licence, from 3 years to 5 years.
- 1.5 The Bill also seeks to amend the Act to exempt a person from payment of the prescribed fees where the person did not operate as outlined in the person’s licence due to difficulties faced as a result of COVID-19 restrictions.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill amends section 15 of the Act to extend the maximum term of a licence issued under the Act, other than a licence for special use, from 3 years to 5 years.

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- 2.3 Clause 2 of the Bill also amends section 15 of the Act to insert transitional provisions to give clarity on the issuance of a licence prior to the commencement of the amending legislation. The licence will continue to be valid for the remainder of the term of the licence unless the term of the licence is earlier varied or the licence is earlier surrendered, suspended or cancelled.
- 2.4 Furthermore, clause 2 of the Bill provides that any application for a licence lodged before the commencement of the amending legislation and is yet to be processed must be processed in accordance with the Act, and any licence issued, except a licence for special use or a temporary licence, must be issued for a term not exceeding 5 years.
- 2.5 Clause 3 of the Bill amends section 43 of the Act to allow a person who did not renew their licence due to COVID-19 restrictions, to apply for the renewal of their licence.
- 2.6 Clause 4 of the Bill amends section 46 of the Act to extend the maximum term for the renewal of a licence from 3 years to 5 years.
- 2.7 Clause 5 of the Bill amends section 48(3) of the Act to extend the maximum term for the renewal of a licence from 3 years to 5 years.
- 2.8 Clause 6 of the Bill inserts section 86A into the Act to empower the Minister to exempt a person from paying the prescribed fee under section 15,19, 25 or 43 if the Minister is satisfied that the person—
- (a) paid the applicable prescribed fee for the licence issued for the term immediately prior to the term of a licence for which payment of the prescribed fee is due and payable;
 - (b) did not sell or supply liquor due to COVID-19 restrictions;
 - (c) did not sell or supply liquor for the term of the licence issued, in part or for the entire term; and
 - (d) incurred a significant loss of revenue for the term of the licence issued.
- 2.9 Clause 6 of the Bill also provides that where a person is exempted from payment of the prescribed fee, the licence issued is valid for a maximum term of one year.

3.0 MINISTERIAL RESPONSIBILITY

- 3.1 The Act comes under the responsibility of the Attorney-General.

A. SAYED-KHAIYUM
Attorney-General