

LAWS OF GUYANA

MEMBERS' CLUBS ACT

CHAPTER 82:26

Act

37 of 1952

Amended by

25 of 1958

20 of 1973

20 of 1992

**Current Authorised Pages**

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
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**Note**  
**on**  
**Subsidiary Legislation**

**This Chapter contains no subsidiary legislation**

**Note**

This Act was extended to the Exclusive Economic Zone by the Exclusive Economic Zone (Extension of Enactments) Order 1992.

**CHAPTER 82:25**  
**MEMBERS' CLUBS ACT**  
**ARRANGEMENT OF SECTIONS**

## SECTION

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1953 Ed.  
c. 321

37 of 1952

**An Act respecting Members' Clubs, and the Control of the  
Sale of Intoxicating Liquor therein.**

[26<sup>TH</sup> NOVEMBER, 1912]

Short title.  
[20 of 1973]

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

Interpretation.  
[20 of 1973]

2. In this Act—

“club” means any community or society consisting of not less than twenty-five members who assemble or meet together in pursuit of a common object;

“Commissioner” means the Commissioner-General of the Revenue Authority appointed under the Revenue Authority Act and includes –

c. 79:04

(a) any officer of the Revenue Authority acting in the performance of his duties;

c. 65:01

(b) any mines officer within the meaning of the Mining Act, authorised in writing by the Commissioner to perform any of the functions conferred on the Commissioner of the Revenue Authority by this Act, and

(c) any District Commissioner authorised in writing by the Commissioner to perform any of the functions conferred on the Commissioner by this Act;

“intoxicating liquor” means spirits, wine, beer, porter, cider, perry 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;

c. 89:01

“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, and includes a club registered as a company to which a licence has been granted in accordance with section 22 of the Companies Act or under the memorandum or articles of association of which its profits are not divisible amongst its members;

“secretary”, in relation to a club, includes any officer of a club

or other person performing the duties of a secretary;

“unlicensed members’ club” means any members’ club which is required to be licensed under the Intoxicating Liquor Licensing Act but which is not so licensed.

c. 82:21

Obligation to license members’ club. [20 of 1973]

3. (1) No person shall use or permit to be used premises for the purpose of a club in which intoxicating liquor is supplied to members or their guests unless the club is a members’ club that is licensed in the manner provided in the Intoxicating Liquor Licensing Act.

c. 82:21

(2) The secretary of a members’ club shall apply under the Intoxicating Liquor Licensing Act for the grant of a certificate for the issue to, or renewal of a licence for, the club and for the purposes of effecting compliance with, and the enforcement of, the provisions of that Act the secretary shall be deemed to be the holder of the Licence issued to the club.

Penalty in respect of intoxicating liquor in unlicensed members’ club. [20 of 1973  
20 of 1992]

4. (1) If any intoxicating liquor is supplied or sold to any member or guest on the premises of an unlicensed members’ club the person supplying or selling the liquor and every person authorising the supply or sale of the liquor is liable to a fine of ten thousand dollars and to imprisonment for three months.

(2) If any intoxicating liquor is kept for supply or sale on the premises of an unlicensed members’ club, every officer and member of the club is liable to a fine of two thousand five hundred dollars, unless he proves to the satisfaction of the court that the liquor was so kept without his knowledge or consent.

Penalty in respect of unauthorised sale of intoxicating liquor. [20 of 1973]

5. (1) If any intoxicating liquor is sold on the premises of a members’ club without a licence in force authorising such sale or contrary to the terms of any licence granted in respect of such premises the secretary of the club is liable to a fine of ten thousand dollars unless he shall prove to the satisfaction

20 of 1992] of the court that all reasonable precautions have been taken to prevent any such illegal sale.

(2) Any person selling, assisting in or privy to a sale of intoxicating liquor in contravention of subsection (1) is liable to a fine of ten thousand dollars.

Search warrant.  
[20 of 1973  
20 of 1992]

6. (1) If a magistrate or justice of the peace is satisfied by information on oath that there is reasonable ground for supposing that any members' club is so managed or carried on as to constitute a ground mentioned in section 12 of the Intoxicating Liquor Licensing Act for refusing the grant of a certificate, or that any intoxicating liquor is sold or supplied, or kept for sale or supply, on the premises of an unlicensed members' club, he may grant a search warrant to the Commissioner or any police constable named therein.

c. 82:21

(2) A search warrant granted under this section shall authorise the Commissioner or the police constable named therein to enter the club at any time of any day within one month from the date thereof, if need be by force, and to inspect the premises of the club, to take the names and addresses of any person found therein, and to seize any books and papers relating to the business of the club.

(3) If any person required by the Commissioner or a police constable under this section to give his name and address fails to give the same or gives a false name or address that person is liable to a fine of one thousand dollars.

Procedure and  
appeal.  
[20 of 1973]  
c. 10:02

7. (1) Proceedings under this Act may be taken, and all penalties incurred may be imposed or recovered, in the manner provided by the Summary Jurisdiction (Procedure) Act.

(2) An appeal shall lie to the Full Court of the High Court from any conviction, judgment, order or decision of a magistrate made or given under this Act, and the procedure

in respect of such appeals shall be such as is laid down in the Summary Jurisdiction (Procedure) Act.

Notification to  
Commissioner  
of  
discontinuance  
of a club or  
change of  
secretary.  
[20 of 1973]

8. (1) In the event of the winding up, dissolution or discontinuance of a members' club the secretary thereof shall notify the Commissioner of the date of such winding up, dissolution or discontinuance.

(2) In the event of the person appointed to be the secretary of a members' club ceasing to hold office by reason of death, resignation or dismissal it shall be the duty of the chairman of the committee of a members' club to notify such fact in writing to the Commissioner and also the name of any successor appointed, within fourteen days of the occurrence of either of such events.

Regulations.  
[20 of 1973]

9. (1) The Minister may, subject to affirmative resolution of the National Assembly, make regulations as to all or any of the following matters—

- (a) the hours of opening or closing of club premises;
- (b) the hours during which intoxicating liquor may or may not be supplied to members or their guests;
- (c) restricting the supply of intoxicating liquor to members for consumption off the club premises;
- (d) the manner of application for, the procedure thereon and by whom an application for extension of hours during which a club may remain open, or during which intoxicating liquor may be supplied, may be granted;

- (e) the admission of visitors as guests or temporary members of any members' club.

Schedule. (2) Until amended or revoked by any regulations made under this section, the regulations contained in the Schedule shall be in force.

General penalty.  
[20 of 1992]

10. Any person who contravenes any of the provisions of this Act, for which no special penalty is provided, is liable in the case of a first offence to a fine of five hundred dollars, and in case of a second or subsequent offence to a fine of one thousand dollars.

Saving as to clubs established by employers for employees.  
[20 of 1973]  
c. 82:21

11. The Minister may, if satisfied that a club is established and carried on by any person for the benefit of his employees and not for profit or gain, direct the Board to treat any application under the Intoxicating Liquor Licensing Act as if such club was in fact a members' club.

Saving as to canteens and messes.  
[25 of 1958]

12. Nothing in the foregoing provisions of this Act shall be deemed to prohibit or restrict the sale or supply of intoxicating liquor to or in any Guyana Defence Force, Prison Officers or Police Canteen or Mess where the sale or supply of intoxicating liquor is carried on under the authority of the Government.

s. 9  
[20 of 1973]

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**SCHEDULE  
REGULATIONS**

1. These Regulations may be cited as the Registration of Clubs Regulations.

2. The rules of every registered club shall provide for the hours of opening and closing.

3. Nothing in this Schedule shall be deemed to prohibit or restrict the supply of intoxicating liquor to a member of a club residing on the club premises or his guests.

4. The secretary of a club may, if so authorised by the rules of the club, issue in accordance therewith a card of membership as a visiting member for not more than fifteen days to a person temporarily visiting Guyana except that no subscription shall be payable by such visiting member in respect thereof and no such card shall be issued to the same person more than twice in any one year; and nothing in this regulation shall preclude the election of visitors as temporary or honorary members of a club in accordance with the rules of the club.

5. Subject to regulation 6, nothing in these Regulations shall restrict the admission of persons to a club as visitors or guests in accordance with the rules of the club nor the supply of intoxicating liquor to a visitor or guest on the invitation and at the expense of a member of the club or on the invitation and at the expense of the club itself.

6. The member introducing a visitor or guest, or the secretary when a card of membership has been issued to a visiting member or when visitors or guests have been admitted on the invitation of the club, shall cause to be entered in the club register of visitors and guests the name and address of any such visiting member, visitor or guest.

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