

THE REGISTRATION OF CLUBS ACT

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THE REGISTRATION OF CLUBS ACT

Cap. 339.
Act
12 of 1985
Sch.
19/1991.

[19th February, 1936.]

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

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;

Interpreta-
tion.

“intoxicating liquor” means spirits, wine, beer, porter, cider, perry and any fermented, distilled or spirituous liquor which cannot, according to any law for the time being in force relating to the sale of intoxicating liquor, be legally sold unless duly authorized 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 the 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 a club which is required to be registered under this Act, but is not so registered, or which has been struck off the register 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 supplied to members or their guests, or any other

Obligation
to register
clubs.

REGISTRATION OF CLUBS

premises which are habitually so used, and in which any intoxicating liquor is so supplied, shall cause the club to be registered in manner provided in this Act.

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

Register of clubs.

4.—(1) The Clerk of the Courts for every parish shall keep separate registers of all registered members' clubs and proprietary clubs within the parish, but shall not enter a club thereon without an order from the Resident Magistrate in whose parish such club is situated.

(2) The register shall be in a form prescribed by the Minister and shall contain—

- (a) the name and objects of the club;
- (b) the address of the club;
- (c) the name of the secretary and in addition, in the case of a proprietary club, the name of the proprietor;
- (d) the number of members;
- (e) the rules of the club relating to—
 - (i) the election of members and the admission of temporary and honorary members and of guests;
 - (ii) the terms of subscription and entrance fee, if any;
 - (iii) the cessation of membership;
 - (iv) the hours of opening and closing; and
 - (v) the mode of altering the rules.

(3) The Clerk of the Courts shall keep the register of clubs corrected up to date in accordance with the returns furnished by the secretaries as required by this Act, and

the register shall at all reasonable hours be open to the inspection of any constable or to a revenue officer.

5.—(1) The secretary of every club shall in the month of January in every year, and in the case of a new club, prior to the opening of the said club and in the month of January in each succeeding year, make application to the Resident Magistrate for the parish in which the club is situated for an order to the Clerk of the Courts to enter the club on the register.

Mode of
application
for
registration.

(2) In support of such application, the secretary shall produce to the Resident Magistrate a return signed by the secretary giving the particulars mentioned in subsection (2) of section 4, together with a statement also signed by him 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.

(3) The secretary shall give evidence to the satisfaction of the Resident Magistrate in verification of the matters mentioned in the last preceding subsection.

(4) There shall be payable to the Collector of Taxes in respect of each application for registration of—

- (a) a members' club, a fee of five hundred dollars;
- (b) a proprietary club, a fee of two thousand dollars, and no application shall be entertained by the Resident Magistrate unless at the making thereof he is satisfied that payment of such fee has been made.

19/1991
S. 2 (a).
19/1991
S. 2 (b).

(5) Where an application is refused by the Resident Magistrate, there shall be refunded to the applicant a sum which—

19/1991
S. 2 (c).

- (a) in respect of an application for registration of a members' club, shall be four hundred and fifty dollars; and
- (b) in respect of an application for registration of a proprietary club, shall be one thousand eight hundred dollars.

Notice to
Superintendent
of Police
of applica-
tion for
registration.

6. The secretary of every club shall, before making application to the Resident Magistrate for an order to the Clerk of the Courts to enter the club upon the register, give twenty-one days' notice to the Superintendent of Police for the parish of his intention to apply and the Superintendent shall—

- (a) verify the particulars obtained in the return;
- (b) make enquiries to enable him to inform the Resident Magistrate to whom the application is made upon the matters to be considered by him under the next succeeding section;
- (c) attend at the hearing of the application; and
- (d) be entitled to object to the making of an order for registration of the club either generally or on any of the grounds of complaint set forth in section 11, subsection (1).

Magistrate
to consider
application.

7. The Resident Magistrate to whom application is made shall duly consider the return furnished by the secretary and his evidence in verification thereof, and the evidence called by the Constabulary, and shall determine whether the Clerk of the Courts enter the club in the register of clubs and direct the Clerk accordingly.

When
Magistrate
may refuse
order to
register.

8. The Resident Magistrate to whom application is made shall not order the Clerk of the Courts to enter any club in the register if in his opinion—

- (a) the return furnished as aforesaid is inaccurate or incomplete; or
- (b) the objects, nature or system of management of the club, or the character or antecedents of the promoters, proprietors or secretary of the club, are unsatisfactory, or the situation of the club premises is unsuitable; or
- (c) the club premises have, in his opinion, been purchased or leased for the purpose of the said club by any brewer, firm of brewers, brewery company, distiller, distillers, or wine and spirit merchants;

or if, in his opinion, the club is compelled to purchase intoxicating liquors from any brewer, firm of brewers, brewery company, distiller, distillers, or wine and spirit merchants, in consideration of money advanced to or on account of the said club by the said brewer, firm of brewers, brewery company, distiller, distillers or wine and spirit merchants; or

- (d) the premises for which application is made are likely to become a nuisance to the neighbourhood; or
- (e) there is satisfactory proof of any of the grounds of complaint set out in section 11, subsection (1); or
- (f) any other good cause is shown.

9. The Clerk of the Courts shall within three days of the entry of a club in the register, send or cause to be sent to the Commissioner of Inland Revenue notice that the said club has been entered in the register by him in conformity with the provisions of this Act.

Notice to
Commissioner of
Inland
Revenue of
registration.
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10.—(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 shall be guilty of an offence and be liable to a penalty not exceeding forty dollars.

Penalty for
supplying or
keeping
liquor in
unregistered
club.

(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 shall be liable to a penalty not exceeding forty dollars, unless he proves to the satisfaction of the court that the liquor was so kept without his knowledge or consent.

Striking off
club
register.

11.—(1) Where a club has been registered in pursuance of this Act, a Resident Magistrate on complaint in writing by any person may, if he thinks fit, make an order directing the club to be struck off the register on all or any of the following grounds, namely—

- (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 the club premises; or
- (e) that persons who are not members are habitually admitted to the club merely for the purpose of obtaining intoxicating liquor; or
- (f) that the club occupies premises in respect of which within twelve months next preceding the formation of the club, a licence has been forfeited or the renewal of a licence has been refused, or in respect of which an order has been made that they shall not be used for the purposes of a club; or
- (g) in the case of a members' club that the supply of intoxicating liquor to the club is not under the control of the members or the committee appointed by the members; or
- (h) that the club has become a nuisance to the neighbourhood.

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

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

(4) Where the Resident Magistrate makes an order striking a club off the register, he may, if he think 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 case of a first order, to twelve months, or, 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 Resident Magistrate.

12. Any Superintendent or Assistant Superintendent of the Jamaica Constabulary Force may, at any time during such hours as a registered club's premises are open to members, enter upon the premises and call for and inspect all books and documents required to be kept on the premises and take copies of any entry in such books or documents and the provisions of sections 52 and 60 of the Spirit Licence Act shall not apply to clubs registered under this Act.

Power to enter upon club premises.

13. Any servant, officer or member of a club who obstructs or prevents, or attempts to obstruct or prevent any such Superintendent or Assistant Superintendent from having free access to the club premises during such hours as the said premises are open to the members of the said club, or from obtaining information such as he is empowered to obtain for the purposes of this Act, shall be liable to a penalty not exceeding twenty dollars for the first offence and for any subsequent offence to a penalty not exceeding one hundred dollars.

Penalty for obstructing Constabulary.

14.—(1) If a Resident Magistrate or a Justice 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,

Search warrant.

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 constable named therein.

(2) A search warrant granted under this section shall authorize the constable 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 and papers relating to the business of the club.

Penalty for
false return
of secretary.

15.—(1) If the secretary of any registered club or any club which is required to be registered under this Act omits to make any return required by this Act, he shall be liable to a penalty not exceeding twenty dollars and in the case of a second or subsequent offence to a penalty not exceeding forty dollars.

(2) If the secretary of any such club knowingly makes a return which is false in any material particular, he shall be liable to a penalty not exceeding one hundred dollars.

Procedure.

16. All penalties hereby imposed shall be recovered and enforced in a summary manner before a Resident Magistrate of the parish where the offence is committed, who, if such penalty be not forthwith paid, may impose imprisonment with or without hard labour for any period not exceeding six months.

General
penalty.

17. Any person who acts in contravention of or fails to comply with any of the provisions of this Act, or any regulations made thereunder, for which no special penalty is provided by this Act, shall be liable in the case of a first offence to a penalty not exceeding ten dollars, and in case of a second or subsequent offence to a penalty not exceeding twenty dollars.

18.—(1) The Minister may make regulations as to all or any of the following matters— Regulations.

- (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) 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;
- (d) the admission of visitors as guests or temporary members of any registered club.

(2) Any such regulation may differentiate between a members' club and a proprietary club.

(3) Regulations made under this section shall be subject to affirmative resolution and, when so approved by resolution, shall be published in the *Gazette* and as from the date of publication or from the date specified therein, such regulations shall have the same force and effect as if they were contained in and formed part of this Act.

19. The Minister may, if satisfied that a proprietary club is established and carried on by any person for the benefit of his employees and not for profit or gain, direct the Resident Magistrate to treat any application under section 5 as if such club was in fact a members' club. Saving as to proprietary clubs established by employers for employees.

20. Nothing in the foregoing provisions of this Act or in the Spirit Licence Act shall be deemed to prohibit or restrict the sale or supply of intoxicating liquor to or in any Naval, Military, Air Force, Constabulary or Volunteer Force Canteen or Mess. Savings as to Canteens and Messes.