

Public Entertainments (Demerit Points) Rules 2017

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FIRST SCHEDULE Specified public entertainment

SECOND SCHEDULE Demerit points and demerit point offences

No. S 434

**PUBLIC ENTERTAINMENTS ACT
(CHAPTER 257)**

**PUBLIC ENTERTAINMENTS
(DEMERIT POINTS) RULES 2017**

In exercise of the powers conferred by sections 15 and 23 of the Public Entertainments Act, the Minister for Home Affairs makes the following Rules:

Citation and commencement

1. These Rules are the Public Entertainments (Demerit Points) Rules 2017 and come into operation on 1 August 2017.

Definitions

2. In these Rules, unless the context otherwise requires —

“current demerit points” means demerit points that have been recorded in the demerit points register and have not been cancelled;

“demerit points offence” means an offence under section 19(1)(c) of the Act for contravening a condition of a licence;

“fun fair” means an amusement fair which is, or may be, established and operated at a particular place or premises for a continuous period of not more than 31 days, being a place or premises to which the public or any class of the public has access, whether gratuitously or otherwise;

“licence” means a licence issued or renewed under the Act authorising —

- (a) the provision of any public entertainment in a particular place or premises in respect of which a Class 1A or Class 1B liquor licence is granted under the Liquor Control (Supply and Consumption) Act 2015 (Act 5 of 2015);
- (b) the provision of any of the following public entertainment at a particular place or premises:
 - (i) an amusement centre;
 - (ii) a billiard saloon;
 - (iii) a computer games centre; or
- (c) the provision of any public entertainment which is any machine or device by the manipulation of which chances are given of obtaining prizes in money or kind, at a particular place or premises except at a fun fair;

“licensee” means the holder of a licence;

“Licensing Officer” means the Public Entertainment Licensing Officer;

“new licence” means a licence that —

- (a) is issued on or after 1 August 2017 in respect of a particular place or premises and authorising the provision of a specified public entertainment; and
- (b) is not issued in substitution for a licence in respect of the same place or premises and for the same type of public entertainment, and which has expired immediately before its issue;

“probation period”, for a licensee holding a new licence, means a period —

- (a) starting from the day on which the licensee is issued the licence; and
- (b) ending 12 consecutive months after the date in paragraph (a);

“specified public entertainment” means any type of public entertainment set out in the First Schedule.

Award of demerit points

3.—(1) The Licensing Officer must award demerit points in accordance with these Rules against a licensee who provides any specified public entertainment and who —

- (a) is convicted of, or has accepted an offer to compound, a demerit points offence committed or allegedly committed before, on or after 1 August 2017 by the licensee; or
- (b) has consented to have a demerit points offence committed on or after 1 August 2017 taken into consideration by a court for the purposes of sentencing the licensee for the commission of any other offence under the Act or any other written law.

(2) The number of demerit points to be awarded against a licensee for a demerit points offence committed or allegedly committed by the licensee is the number set out in the second column in the applicable table in the Second Schedule corresponding to —

- (a) the specified public entertainment provided by the licensee; and
- (b) the licence condition set out in the first column of the table which is contravened or allegedly contravened by the licensee.

(3) Every demerit point awarded under this rule against a licensee for a demerit points offence must be entered by the Licensing Officer into a register (called in these Rules the demerit points register).

(4) Demerit points awarded under this rule are cancelled only after the demerit points are reckoned for the purposes of cancelling a licence under section 14(3) of the Act on

the ground specified in section 14(1)(e) of the Act; and those demerit points in the demerit points register must immediately be cancelled with the cancellation of the licence.

Varying licence conditions

4. For the purposes of section 10(3) of the Act, the total number of demerit points awarded against a licensee is the total number of current demerit points, calculated in accordance with rule 6.

Threshold for suspension or cancellation of licence

5.—(1) For the purposes of section 14(3) of the Act, to suspend a licence on the ground specified in section 14(1)(e) of the Act, the number of demerit points accumulated by a licensee is —

- (a) where the licensee is not the holder of a new licence —
 - (i) at least 21 current demerit points, calculated in accordance with rule 6(1); but
 - (ii) not more than 23 current demerit points, calculated in accordance with rule 6(1); or
- (b) where the licensee is the holder of a new licence —
 - (i) at least 21 current demerit points, calculated in accordance with rule 6(2)(a) and (b)(ii); but
 - (ii) not more than 23 current demerit points, calculated in accordance with rule 6(2)(a) and (b)(ii).

(2) For the purposes of section 14(3) of the Act, to cancel a licence on the ground specified in section 14(1)(e) of the Act, the number of demerit points accumulated by a licensee is —

- (a) where the licensee is not the holder of a new licence, 24 or more current demerit points, calculated in accordance with rule 6(1); or
- (b) where the licensee is the holder of a new licence —
 - (i) 13 or more current demerit points, calculated in accordance with rule 6(2)(a) and (b)(i); or
 - (ii) 24 or more current demerit points, calculated in accordance with rule 6(2)(a) and (b)(ii).

Calculation of demerit points

6.—(1) For the purposes of rules 4 and 5, when calculating the number of current demerit points awarded against a licensee in respect of a licence (that is not a new licence) authorising a specified public entertainment to be provided at a particular place or premises, the Licensing Officer must only reckon such demerit points as have been awarded against the licensee —

- (a) in respect of the same place or premises, whether or not in relation to the same licence and whether or not in relation to a different type of public entertainment; and
- (b) for any demerit points offence committed or allegedly committed by the licensee during a period of 24 months preceding the date of the latest demerit points offence committed or allegedly committed by the licensee.

(2) For the purposes of rules 4 and 5, when calculating the number of current demerit points awarded against a licensee holding a new licence authorising a specified public entertainment to be provided at a particular place or premises, the Licensing Officer must only reckon such current demerit points as have been awarded against the licensee for any demerit points offence which —

- (a) relates to the new licence; and
- (b) is committed or allegedly committed by the licensee either as follows:
 - (i) within the licensee’s probation period;
 - (ii) outside of the licensee’s probation period but during the validity of the new licence.

Revocation

7. The Public Entertainments and Meetings (Demerit Points) Rules (R 2) are revoked.

Saving and transitional provisions

8.—(1) Rule 3 of the Public Entertainments and Meetings (Demerit Points) Rules (R 2) as in force immediately before 1 August 2017 continues to apply to a licensee in relation to any award of demerit points for a conviction or composition of a demerit points offence committed or allegedly committed by the licensee before that date.

(2) Any demerit points awarded under rule 3 of the Public Entertainments and Meetings (Demerit Points) Rules as in force immediately before 1 August 2017 are to be treated as current demerit points awarded under these Rules.

(3) To avoid doubt, nothing in these Rules affects the suspension under section 14(3)