



# Licensing Act 1964 (repealed)

## 1964 CHAPTER 26

### PART XIII

#### MISCELLANEOUS

[<sup>F1</sup> Other]

#### Textual Amendments

**F1** Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17; S.I. 2001/3736, art. 2

#### 180 Consent to grant of occasional licence.

[<sup>F2</sup>(1) Justices of the peace may, on the application of the holder of a justices' on-licence, grant him a licence (in this Act referred to as an "occasional licence") authorising the sale by him of any intoxicating liquor to which his justices' on-licence extends at such place other than the premises in respect of which his justices' on-licence was granted, during such period not exceeding three weeks at one time, and between such hours, as may be specified in the occasional licence, but an occasional licence shall not authorise the sale of intoxicating liquor thereunder—

- (a) in a [<sup>F3</sup>district or part thereof] in Wales and Monmouthshire in which section 66(1) of this Act for the time being applies, on any Sunday; or
- (b) on Christmas Day, Good Friday, or any day appointed for public fast or thanksgiving.]

(2) Subject to the following provisions of this section, the justices shall not hear an application for [<sup>F4</sup>an occasional licence] unless satisfied that the applicant has served on the chief officer of police at least twenty-four hours' notice of his intention to apply for [<sup>F4</sup>it], stating the name and address of the applicant, the place and occasion for which [<sup>F4</sup>it] is required, the period for which he requires it to be in force, and the hours to be specified in [<sup>F4</sup>it].

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- (3) Subject to subsection (4) of this section, the justices may, if they see fit, grant [<sup>F5</sup>an occasional licence] without a hearing if written application for the grant is made by lodging two copies of the application with the clerk to the justices not less than one month before the day or earliest day for which application is made, and the application gives the particulars required for a notice under subsection (2) of this section.
- (4) Where written application is made in accordance with subsection (3) of this section—
- (a) the clerk on receipt of the application shall serve notice of it on the chief officer of police by sending him a copy of the application; and
  - (b) if, not later than seven days after the day he sends it, written notice of objection is given by or on behalf of the chief officer to the clerk by lodging two copies with him, the application shall not be granted without a hearing, unless the objection is afterwards withdrawn by a further notice given in the same way; and
  - (c) the clerk, on receipt of any such notice of objection or notice withdrawing objection, shall send a copy to the applicant.
- (5) Where written application is made in accordance with subsection (3) of this section but the application is not granted without a hearing, the application may be heard without the applicant having served notice on the chief officer of police under subsection (2) of this section.
- (6) Justices shall not grant [<sup>F6</sup>an occasional licence to an applicant who holds only a residential licence; and, if he holds only a restaurant licence or residential and restaurant licence, they shall not grant the occasional licence] unless satisfied that the sale of intoxicating liquor under the authority of the occasional licence is to be ancillary to the provision of substantial refreshment.
- (7) The power of justices of the peace to grant [<sup>F7</sup>an occasional licence] shall be exercisable by justices acting for the petty sessions area in which the place to which the application relates is situated, and by the number of justices and in the place required by [<sup>F8</sup>the <sup>M1</sup>Magistrates' Courts Act 1980] for the hearing of a complaint.
- [<sup>F9</sup>(8) An occasional licence granted to the holder of a justices' on-licence in respect of any premises shall have effect as if granted to any person who is for the time being the holder of a justices' on-licence in respect of those premises and shall be of no effect at any time when no justices' licence is for the time being held in respect of those premises.]

#### Textual Amendments

- F2** S. 180(1) substituted by Finance Act 1967 (c. 54, SIF 68A:1), Sch. 7 para. 15(1)
- F3** Words substituted by Local Government Act 1972 (c. 70, SIF 81:1), Sch. 25 para. 5
- F4** Words substituted by Finance Act 1967 (c. 54, SIF 68A:1), Sch. 7 para. 15(2)
- F5** Words substituted by Finance Act 1967 (c. 54, SIF 68A:1), Sch. 7 para. 15(3)
- F6** Words substituted by Finance Act 1967 (c. 54, SIF 68A:1), Sch. 7 para. 15(4)
- F7** Words substituted by Finance Act 1967 (c. 54, SIF 68A:1), Sch. 7 para. 15(5)
- F8** Words substituted by virtue of Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 8 para. 5
- F9** S. 180(8) added by Finance Act 1967 (c. 54, SIF 68A:1), Sch. 7 para. 15(6)

#### Marginal Citations

- M1** 1980 c. 43 (82).

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181 ..... F10

**Textual Amendments**

F10 S. 181 repealed by Licensing (Retail Sales) Act 1988 (c. 25, SIF 68A:1), ss. 2, 4(2)

**[<sup>F11</sup>181A Sales to or by persons under 18 of intoxicating liquor on wholesale premises.**

- (1) In any premises from which he deals wholesale the wholesaler or his servant shall not sell intoxicating liquor to a person under eighteen.
- (2) In any premises from which he deals wholesale the wholesaler shall not allow a person under eighteen to make any sale of intoxicating liquor unless the sale has been specifically approved by the wholesaler or by a person of or over the age of eighteen acting on his behalf.
- (3) A person under eighteen shall not in premises from which intoxicating liquor is dealt in wholesale buy or attempt to buy such liquor.
- (4) In proceedings for an offence under subsection (1) of this section—
  - (a) where the person charged is charged by reason of his own act, it shall be a defence for him to prove—
    - (i) that he exercised all due diligence to avoid the commission of an offence under that subsection; or
    - (ii) that he had no reason to suspect that the other person was under eighteen; and
  - (b) where the person charged is charged by reason of the act of some other person, it shall be a defence for him to prove that he exercised all due diligence to avoid the commission of an offence under that subsection.
- (5) A person guilty of an offence under subsection (1) or (3) of this section shall be liable to a fine not exceeding level 3 on the standard scale.
- (6) A person guilty of an offence under subsection (2) of this section shall be liable to a fine not exceeding level 1 on the standard scale.
- (7) In this section “wholesaler” and “wholesale” have the same meaning as in section 4 of the Alcoholic Liquor Duties Act 1979.]

**Textual Amendments**

F11 S. 181A inserted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 17

**182 Relaxation, with respect to licensed premises, of law relating to music and dancing licences and billiards.**

- (1) No statutory regulations for music and dancing shall apply to licensed premises so as to require any licence for the provision in the premises of public entertainment by the reproduction of wireless (including television) broadcasts [<sup>F12</sup>or of programmes included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service], or of public entertainment

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by way of music and singing only which is provided solely by the reproduction of recorded sound, or by not more than two performers, or sometimes in one of those ways and sometimes in the other.

(2) ..... F13

#### Textual Amendments

**F12** Words inserted by virtue of [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\)](#), s. 57(1), [Sch. 5 para. 14](#) and [Broadcasting Act 1990 \(c.42, SIF 96\)](#), ss. 4(6), 87(6), 203(1), [Sch. 20 para. 7](#)

**F13** [S. 182\(2\)](#) repealed by [Billiards \(Abolition of Restrictions\) Act 1987 \(c. 19, SIF 12:1\)](#), s. 1, [Sch. 1](#)

### 183 Name of holder of licence, etc., to be affixed to licensed premises.

- (1) Subject to section 55(5) of this Act, the holder of a justices' licence, other than a residential licence, shall keep painted on or affixed to the licensed premises in a conspicuous place, and in such form and manner as the licensing justices may direct, his name, and after the name the word "licensed" followed by words sufficient to express the business for which the licence is granted, and in particular—
  - (a) words expressing whether the licence is an on-licence or an off-licence;
  - (b) if the licence is a six-day licence or an early-closing licence, words indicating that the licence is such.
- (2) In the case of a restaurant licence or a residential and restaurant licence the nature of the business for which the licence is granted is sufficiently indicated for the purposes of subsection (1) of this section, so far as relates to the restrictions imposed by the conditions as to the sale and supply of intoxicating liquor, if the words express that the holder of the licence is licensed to sell for consumption on the premises with meals.
- (3) A person shall not have on his premises words or letters importing that he is authorised, as the holder of a licence, to sell any intoxicating liquor that he is not authorised to sell.
- (4) If any person contravenes this section he shall be liable, on a first conviction to a fine not exceeding [<sup>F14</sup>£25], and on a subsequent conviction to a fine not exceeding [<sup>F14</sup>£50].

#### Textual Amendments

**F14** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), s. 31(5)(6)(9)

#### Modifications etc. (not altering text)

**C1** [S. 183\(4\)](#): [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 35 (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

### 184 Communication between licensed premises and places of public resort.

- (1) If any person makes or uses, or allows to be made or used, any internal communication between licensed premises and any premises, other than licensed premises, used for public resort, or as a refreshment house, he shall be guilty of an offence, and shall be guilty of a further offence for every day on which the communication remains open.

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- (2) A person guilty of an offence under this section shall be liable to a fine not exceeding [<sup>F15</sup>level 1 on the standard scale] and, if he is the holder of a justices' licence, he shall on conviction forfeit the licence.

#### Textual Amendments

**F15** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

### 185 Licence or exemption order to be produced on demand.

If the holder of a justices' licence, [<sup>F16</sup>an occasional licence] a canteen licence [<sup>F17</sup>, an order under section 87A of this Act] or a general or special order of exemption, on being ordered by a justice of the peace, [<sup>F18</sup>or constable] to produce it for examination, fails to do so within a reasonable time he shall be liable to a fine not exceeding [<sup>F19</sup>level 1 on the standard scale].

#### Textual Amendments

**F16** Words added by [Finance Act 1967 \(c. 54, SIF 68A:1\)](#), **Sch. 7 para. 17(a)**

**F17** Words inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, **Sch. 3 para. 18**

**F18** Words substituted by [Finance Act 1967 \(c. 54, SIF 68A:1\)](#), **Sch. 7 para. 17(b)**

**F19** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), **s. 31(5)(6)(9)** and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**

### 186 Right of constables to enter premises.

[<sup>F20</sup>(1) For the purpose of preventing or detecting the commission of any offence against this Act a constable may enter licensed premises, a licensed canteen or premises for which or any part of which a special hours certificate is in force under section 78 of this Act—

- (a) at any time within the hours specified in relation to the premises in subsection (1A) of this section, and
- (b) in the case of premises for which a justices' licence is in force or a licensed canteen, at any time outside those hours when he suspects, with reasonable cause, that such an offence is being or is about to be committed there.

(1A) The hours referred to in subsection (1)(a) of this section are—

- (a) in the case of licensed premises (other than premises which are licensed premises by virtue only of an occasional licence) or a licensed canteen, the permitted hours and the first half hour after the end of any period forming part of those hours;
- (b) in the case of premises for which an occasional licence is in force, the hours specified in the licence;
- (c) in the case of premises for which, or any part of which, a special hours certificate is in force under section 78 of this Act, the hours beginning at eleven o'clock in the evening and ending thirty minutes after the end of the permitted hours fixed by section 76 of this Act;

and, in relation to premises within more than one paragraph of this subsection, the hours referred to in subsection (1)(a) are the hours specified in any of the relevant paragraphs.]

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- (2) If any person, himself or by any person in his employ or acting with his consent, fails to admit a constable who demands entry to premises in pursuance of this section he shall be liable, on a first conviction to a fine not exceeding [<sup>F21</sup>level 1 on the standard scale], and on a subsequent conviction to a fine not exceeding [<sup>F21</sup>level 1 on the standard scale].

**Textual Amendments**

- F20** S. 186(1)(1A) substituted for s. 186(1) by [Licensing \(Amendment\) Act 1977 \(c. 26, SIF 68A:1\), s. 1](#)
- F21** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\), s. 31\(5\)\(6\)\(9\)](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#)

**187 Search warrant.**

- (1) If a justice of the peace is satisfied by information on oath that there is reasonable ground for believing that any intoxicating liquor is sold by retail or exposed or kept for sale by retail at any place in the county or borough for which he is justice, being a place where that liquor may not lawfully be sold by retail, he may issue a search warrant under his hand to a constable authorising him at any time or times within one month from the date of the warrant to enter that place, which shall be named in the warrant, by force if need be, and search the place for intoxicating liquor and seize and remove any intoxicating liquor that the constable has reasonable grounds for supposing to be in the place for the purpose of unlawful sale there or elsewhere, and the vessels containing the liquor.
- (2) If the owner or occupier of the place from which any intoxicating liquor has been removed under the preceding subsection is convicted of selling by retail, or of exposing for sale by retail, any intoxicating liquor that he is not authorised to sell by retail, or is convicted of having in his possession intoxicating liquor that he is not authorised to sell, any intoxicating liquor so removed, and the vessels containing it, shall be forfeited.
- (3) Where a constable seizes any intoxicating liquor in pursuance of a warrant issued under this section, any person found in the place shall, unless he proves that he is there for a lawful purpose, be liable to a fine not exceeding [<sup>F22</sup>level 1 on the standard scale].
- (4) Where a constable seizes any liquor as aforesaid, and any person so found, on being asked by a constable for his name and address—
  - (a) refuses to give them, or
  - (b) gives a false name or address, or
  - (c) gives a name or address that the constable has reasonable grounds for thinking to be false, and refuses to answer satisfactorily any questions put by the constable to ascertain the correctness of the name or address given,
 he shall be liable to a fine not exceeding [<sup>F22</sup>level 1 on the standard scale].
- (5) . . . . . <sup>F23</sup>

**Textual Amendments**

- F22** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\), s. 31\(5\)\(6\)\(9\)](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#)

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**F23** S. 187(5) repealed by Police and Criminal Evidence Act 1984 (c. 66, SIF 95, 47), s. 119, **Sch. 7 Pt. I**

**Modifications etc. (not altering text)**

**C2** S. 187(1) amended (E.)(1.4.1996) by S.I. 1996/674, reg. 2, **Sch. Pt. II para. 5(2)(m)**  
S. 187(1) amended (W.)(1.4.1996) by S.I. 1996/675, art. 2, **Sch Pt. II, para. 7(2)(m)**

**188 Closing of licensed premises in case of riot.**

- (1) Where a riot or tumult happens or is expected to happen in any county or borough, any two justices of the peace for the county or borough may order every holder of a justices' licence for premises in or near the place where the riot or tumult happens or is expected to happen to close his premises for such time as the justices may order.
- (2) If any person keeps premises open for the sale of intoxicating liquor during the time that justices have ordered them to be closed under this section he shall be liable to a fine not exceeding [<sup>F24</sup>level 3 on the standard scale].
- (3) Any person acting by the order of a justice of the peace may use such force as may be necessary for the purpose of closing premises ordered to be closed under this section.

**Textual Amendments**

**F24** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46

**189 Temporary licence pending appeal against conviction.**

Where on conviction of an offence a justices' licence or a canteen licence is forfeited, either by the court or by virtue of the conviction, and the person convicted appeals against the conviction, the convicting court may, on such conditions as it thinks just, grant a temporary licence to be in force until the appeal is determined or ceases to be prosecuted.

**190 Magistrates' courts, etc. not to sit in licensed premises.**

- (1) Licensed premises shall not be used as a petty-sessional court house or an occasional court house.
- (2) No licensing sessions shall be held in licensed premises.
- (3) A coroner's inquest shall not be held in licensed premises or in a room in a building part of which is licensed premises, if any other suitable place is provided.

**191 Procedure for amending certain rules of clubs established before 3rd August 1961.**

- (1) Subject to subsection (2) of this section, where in the case of a club established before 3rd August 1961 there is no power, except with the agreement of all the members, to amend the rules of the club with respect to any matter mentioned in subsection (3) of this section, a resolution passed at a general meeting of the club by a majority of not less than two-thirds of the votes cast and (if the members have unequal voting rights) not less than two-thirds of the members voting shall be as effective to amend the rules with respect to that matter as if unanimously agreed to by all the members.

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- (2) A resolution shall not have effect under this section unless—
- (a) notice of the intention to propose a resolution for the purpose under this section was given to all members entitled to receive notice of the meeting, and the length of notice given was not less than twenty-one days nor less than that required for summoning the meeting; and
  - (b) the amendments are designed to adapt the rules to the provisions of Parts II and III of this Act in a manner and for a purpose specified in the resolution (whether by facilitating an application for a registration certificate or justices' on-licence for any club premises, or by altering or facilitating the alteration of the permitted hours in any club premises, or otherwise).
- (3) The matters with respect to which the rules of a club may be amended under this section are the sale or supply of intoxicating liquor in club premises (including the permitted hours), the purchase of intoxicating liquor for the club, the admission of persons to membership of the club or to any of the privileges of membership, the constitution of any committee entrusted with the management of the whole or any part of the affairs of the club, general meetings of the club, and any provision made by the rules as to the application otherwise than for the benefit of the club as a whole of any money or property of the club or gain arising from the carrying on of the club.



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