



# Licensing Act 1964

1964 CHAPTER 26

**E+W**

An Act to consolidate certain enactments relating to the sale and supply of intoxicating liquor in England and Wales and to matters connected therewith; with corrections and improvements made under the Consolidation of Enactments (Procedure) Act 1949. [25th March 1964]

## Modifications etc. (not altering text)

- C1 Act subject to transfer of powers in part (W) (1.7.1999) by S.I. 1999/672, art. 2, [Sch. 1](#)
- C2 Act amended by [Finance Act 1967](#) (c. 54, SIF 68A:1), [Sch. 7 para. 24](#)
- C3 Functions of clerk of court, where the court is the Crown Court, now exercisable by the appropriate officer of the Crown Court: [Courts Act 1971](#) (c. 23, SIF 37), [Sch. 8 Pt. I](#)
- C4 Act restricted by [Housing Act 1985](#) (c. 68, SIF 61), s. [11\(3\)](#)

## Commencement Information

- I1 Act wholly in force at 1st January 1965 see s. [204\(2\)](#).

## PART I **E+W**

### THE GENERAL LICENSING SYSTEM

#### *Justices' licences and provisions as to licensing justices*

#### 1 **Justices' licenses.** **E+W**

- (1) In this Act . . . <sup>F1</sup>“justices’ licence” means a licence under this Part of this Act authorising . . . <sup>F1</sup> the sale by retail of intoxicating liquor (and also, in the case of a licence granted to a club for club premises, for its supply to or to the order of members otherwise than by way of sale).
- (2) In this Act “justices’ on-licence” and “justices’ off-licence” mean respectively—

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- (a) a justices’ licence . . . <sup>F1</sup> authorising sale for consumption either on or off the premises for which the licence is granted; and
  - (b) a justices’ licence . . . <sup>F1</sup> authorising sale for consumption off those premises only.
- (3) A justices’ licence shall be in such form as the Secretary of State may prescribe [<sup>F2</sup>and—
- (a) in the case of a justices’ on-licence may authorise the sale—
    - (i) of intoxicating liquor of all descriptions; or
    - (ii) of beer, cider and wine only; or
    - (iii) of beer and cider only; or
    - (iv) of cider only; or
    - (v) of wine only;
  - (b) in the case of a justices’ off-licence, may authorise the sale—
    - (i) of intoxicating liquor of all descriptions; or
    - (ii) of beer, cider and wine only.]

**Textual Amendments**

**F1** Words repealed by [Finance Act 1967 \(c. 54, SIF 63:2\)](#), [Sch. 16 Pt. 1](#)

**F2** Words substituted by [Finance Act 1967 \(c. 54, SIF 68A:1\)](#), [Sch. 7 para. 1](#)

**2 Licensing justices and districts. E+W**

[<sup>F3</sup>(1) The licensing districts for the purposes of this Act shall be the petty sessions areas, within the meaning of [<sup>F4</sup>the <sup>M1</sup>Magistrates’ Courts Act 1980]].

- (2) The licensing justices shall be—
- (a) for the City of London, a committee of the justices for the City;
  - (b) . . . . . <sup>F5</sup>
  - (c) for any other petty sessions area, a committee (which shall be known as the divisional licensing committee) of the county justices acting for that area . . . <sup>F6</sup>

[<sup>F7</sup>(2A) In paragraph (c) of subsection (2) above, the reference to the county justices acting for a petty sessions area includes a reference to the justices of a London commission area (within the meaning of section 2 of the Justices of the Peace Act 1979) who act for a petty sessions area in that area.]

- (3) For the purpose of carrying out their functions under this Act the licensing justices for each district shall hold licensing sessions as follows, that is to say,—
- (a) a general annual licensing meeting, and
  - (b) not less than four . . . <sup>F8</sup> transfer sessions,
- in the twelve months beginning with February in every year.
- (4) Except where this Act otherwise provides, all powers exercisable by licensing justices under this Act may be exercised at any licensing sessions, but this subsection shall not affect the operation of any enactment in so far as it expressly authorises licensing justices to act otherwise than at a licensing sessions.

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- (5) Part I of Schedule 1 to this Act shall have effect with respect to the constitution and procedure of licensing committees and Part II thereof with respect to the holding of licensing sessions.

#### Textual Amendments

- F3** S. 2(1) substituted by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **Sch. 25 para. 1**  
**F4** Words substituted by virtue of [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), **Sch. 8 para. 5**  
**F5** S. 2(2)(b) repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **Sch. 30**  
**F6** Words repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **Sch. 30**  
**F7** S. 2(2A) inserted by [S.I. 1985/1383, art. 8](#), **Sch.**  
**F8** Words repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), ss. 14(1), 19, **Sch. 4**

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

- C5** S. 2 modified by [S.I. 1985/1383, art. 4\(4\)](#)  
S. 2(2) modified (E.)(1.4.1996) by 1996/674, reg. 2, Sch. Pt. II, para. 5(2)(m)  
S. 2(2) modified (W.)(1.4.1996) by 1996/675, reg. 2, Sch. Pt. II, para. 7(2)(m)  
**C6** S. 2 extended by [Licensing \(Occasional Permissions\) Act 1983 \(c.24, SIF 68A:1\)](#), s. 4(2)(a)

#### Marginal Citations

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

### *Grant of justices' licence*

#### **3 Grant of justices' licence.** **E+W**

- (1) Licensing justices may grant a justices' licence to any such person, not disqualified under this or any other Act for holding a justices' licence, as they think fit and proper.
- (2) A justices' licence may be granted as a new licence or by way of renewal, transfer or, subject to section 93(4) of this Act, removal.
- (3) In this Act—
- renewing a justices' licence means granting a justices' licence for any premises to the holder of a similar licence in force for those premises;
  - removing a justices' licence means taking it from the premises for which it was granted and granting it for other premises;
  - transferring a justices' licence means granting it for any premises to a person in substitution for another person who holds or has held a licence for those premises.
- (4) Schedule 2 to this Act shall have effect with regard to the procedure to be followed in relation to applications for the grant of a justices' licence.

#### **4 New licences.** **E+W**

- (1) Subject to the provisions of Part IV of this Act, licensing justices granting a new justices' on-licence, other than a licence for the sale of wine alone . . .<sup>F9</sup>, may attach to it such conditions governing the tenure of the licence and any other matters as they think proper in the interests of the public; but no payment may be required in pursuance of a condition attached under this subsection.

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- (2) Subject to section 113 of this Act, licensing justices shall not grant a new justices' on-licence for premises unless the premises are in their opinion structurally adapted to the class of licence required.

#### Textual Amendments

**F9** Words repealed by [Finance Act 1967 \(c. 54, SIF 63:2\)](#), [Sch. 16 Pt. I](#)

### 5 **Removals.** **E+W**

- (1) Subject to the following provisions of this Act, licensing justices shall have the same power to grant a removal of a justices' licence as they have to grant a new licence.
- (2) Licensing justices may grant an ordinary removal to premises in their licensing district from any other premises, whether in that district or not.
- (3) An application for a removal shall be made by the person wishing to hold the licence after the removal.
- (4) Subject to sections 113, 122 and 126 of this Act, licensing justices shall not grant the removal of a justices' on-licence to any premises unless in their opinion the premises are structurally adapted to the licence.
- (5) Licensing justices shall not grant an ordinary removal unless they are satisfied that no objection to the removal is made—
- (a) where the licence is a justices' on-licence, by the owner of the premises from which it is sought to remove the licence or by the holder of the licence,
  - (b) where the licence is a justices' off-licence, by the holder of the licence, or by any person other than the owner of the said premises and the holder of the licence or, as the case may be, other than the holder of the licence, whom the justices consider to have a right to object to the removal.
- (6) In this Act, "ordinary removal" means a removal which is neither a special removal (as defined in section 15(2) of this Act) nor a planning removal or temporary premises removal (as defined in sections 121(2) and 126(2) of this Act respectively).

### 6 **Provisional grant of new licence or removal.** **E+W**

- (1) Where licensing justices are satisfied, on application made by a person interested in any premises which are—
- (a) about to be constructed or in the course of construction for the purpose of being used as a house for the sale of intoxicating liquor (whether for consumption on or off the premises); or
  - (b) about to be altered or extended or in the course of alteration or extension for that purpose (whether or not they are already used for that purpose);
- that the premises, if completed in accordance with plans deposited under this Act, would be such that they would have granted a justices' on-licence or a justices' off-licence for the premises, they may make a provisional grant of such a licence for those premises.

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- (2) Any such application may be made either for the provisional grant of a new licence or for a provisional removal of a licence to the premises, and the grant may be made accordingly.
- (3) On an application by the holder of a provisional licence, licensing justices may consent to any modifications of the deposited plans where, in their opinion, the premises, if completed in accordance with the modified plans, will be fit and convenient for their purpose.
- (4) Licensing justices shall, after such notice has been given as they may require, declare a provisional grant final on being satisfied—
  - (a) that the premises have been completed in accordance with the plans deposited, or in accordance with those plans with modifications consented to under the preceding subsection; and
  - (b) that the holder of the provisional licence is not disqualified by this or any other Act for holding a justices' licence and is in all other respects a fit and proper person to hold a justices' licence;

F10

[<sup>F11</sup>(4A) The holder of a provisional licence may also apply to have a provisional grant declared final before the premises have been completed if it is likely that they will be completed as mentioned in paragraph (a) of subsection (4) of this section before the date appointed for the next licensing sessions; and the licensing justices, if they are satisfied that the premises are likely to be so completed and are further satisfied of the matters mentioned in paragraph (b) of that subsection, may direct that the declaration may be made before the next licensing sessions by a single licensing justice.

(4B) In a case where a direction has been given under subsection (4A) of this section, a single licensing justice, after such notice has been given as he may require, shall declare the provisional grant final if he is satisfied that the premises have been completed as mentioned in paragraph (a) of subsection (4) of this section.

(4C) Until a provisional grant has been declared final under subsection (4) or (4B) of this section it shall not be valid.]

(5) If on an application for the provisional grant of a justices' licence the applicant deposits, instead of plans of the premises, a plan sufficient to identify the site of the premises, together with such description of the premises as will give a general indication of their proposed size and character (with reference in particular to the sale of intoxicating liquor), then—

- (a) the licensing justices shall deal with the application as if the site plan and description deposited instead were the deposited plans, and shall assume that the premises will be fit and convenient for their purpose; but
- (b) any provisional grant of a licence made on the application shall become ineffective unless affirmed under subsection (6) of this section in pursuance of an application made at a licensing sessions held within the twelve months following the date of the grant (or, where there is an appeal, the date the appeal is disposed of).

(6) Where licensing justices make a provisional grant of a licence by virtue of subsection (5) of this section the holder of the provisional licence may apply for the grant to be affirmed, and shall give notice of the application and deposit plans, as if he were applying (otherwise than under that subsection) for the grant of the licence; and the licensing justices shall affirm the provisional grant if satisfied that the premises,

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if completed in accordance with the plans deposited, will be fit and convenient for their purpose.

**Textual Amendments**

**F10** Words repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 4](#)

**F11** [S. 6\(4A\)–\(4C\)](#) inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 9

**7 Renewals. E+W**

- (1) Licensing justices may not renew a justices’ licence at transfer sessions, except where the licence was due for renewal at the preceding general annual licensing meeting and the justices are satisfied that the applicant had reasonable cause for not applying for renewal at that meeting.
- (2) A person intending to oppose an application for the renewal of a justices’ licence shall give notice in writing of his intention to the applicant [<sup>F12</sup>and the clerk to the licensing justices], specifying in general terms the grounds of the opposition, not later than seven days before the commencement of the licensing sessions at which the application is to be made, and unless notice has been so given the licensing justices shall not entertain the objection, . . . <sup>F13</sup>
- (3) . . . . . <sup>F14</sup>
- (4) Evidence given on an application for the renewal of a justices’ licence shall be given on oath.
- (5) Where the holder of a justices’ licence fails to apply for its renewal at the general annual licensing meeting at which it is due for renewal, and the licence expires in consequence of his failure, an application by him for a similar licence for the same premises shall be treated as an application for renewal, and the grant of the licence applied for shall be treated as a renewal of the expired licence, if the application is made not later than the next general annual licensing meeting and the licensing justices are satisfied that he had reasonable cause for his failure.

**Textual Amendments**

**F12** Words inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 3 para. 1\(a\)](#)

**F13** Words repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 4](#)

**F14** [S. 7\(3\)](#) repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Schs. 3 para. 1\(b\)](#), 4

**8 Transfers. E+W**

- (1) Subject to sections 138 and 145 of this Act, licensing justices shall not grant a transfer of a justices’ licence except in the following cases and to the following persons, that is to say—
  - (a) where the holder of the licence has died, to his representatives or the new tenant or occupier of the premises;
  - (b) where the holder of the licence becomes incapable through illness or other infirmity of carrying on business under the licence (and notwithstanding that the licence may have ceased to be in force before the transfer), to his assigns or the new tenant or occupier of the premises;

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- [<sup>F15</sup>(c) where the holder of the licence has been adjudged bankrupt, or a [<sup>F16</sup>voluntary arrangement proposed by the holder of the licence has been approved under Part VIII of the Insolvency Act 1986], or a trustee has been appointed under a deed of arrangement within the meaning of the Deeds of Arrangement Act <sup>M2</sup>1914 for the benefit of the creditors of the holder of the licence, to the trustee of the bankrupt's estate or under the deed or the supervisor of the [<sup>F16</sup>voluntary arrangement] or the new tenant or occupier of the premises:]
- (d) where the holder of the licence has given up or is about to give up, or his representatives have given up or are about to give up, occupation of the premises, to the new tenant or occupier of the premises or the person to whom the representatives or assigns have, by sale or otherwise, bona fide conveyed or made over the interest in the premises;
- (e) where the occupier of the premises, being about to quit them, has wilfully omitted or neglected to apply for the renewal of the licence, to the new tenant or occupier of the premises;
- (f) where the owner of the premises or some person on his behalf has been granted a protection order under section 10(3) of this Act and application for the transfer is made at the first or second licensing sessions begun after the making of that order, to the owner or person applying on his behalf.
- (2) For the purposes of paragraph (d) of the preceding subsection, a person occupying premises for the purpose of carrying on business under a licence shall be treated as giving up occupation on his giving up the carrying on of the business, notwithstanding that he remains temporarily in occupation of the premises or part of them.
- (3) The foregoing provisions of this section, except paragraphs (e) and (f) of subsection (1), shall apply in relation to the transfer of a provisional licence as if the licence were in force, and shall, as so applying, be construed as if "occupation" included intended occupation, and similarly as respects other expressions.
- (4) Licensing justices may, at their general annual licensing meeting, make regulations determining the time that must elapse after the hearing of an application for transfer before another such application may be made in respect of the same premises; but licensing justices may in any particular case dispense with the observance of regulations made under this subsection.

#### Textual Amendments

**F15** S. 8(1)(c) substituted (with saving in [Insolvency Act 1986 \(c. 45, SIF 66\)](#), s. 437, [Sch. 11 para. 10](#)) by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235, [Sch. 8 para. 12\(1\)\(2\)](#)

**F16** Words substituted by [Insolvency Act 1986 \(c. 45, SIF 66\)](#), s. 439(2), [Sch. 14](#)

#### Marginal Citations

**M2** [1914 c.47\(11:1\)](#).

VALID FROM 01/02/1998

#### [<sup>F17</sup>8A Approval of prospective licensees. **E+W**

- (1) If, on an application made to licensing justices with respect to any licensed premises, the justices are satisfied that the applicant—



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- (a) is a fit and proper person, and
  - (b) is not disqualified under this or any other Act for holding a justices' licence, the justices may, subject to subsection (3) of this section, approve him as a prospective licensee of the premises.
- (2) Where the power of licensing justices to transfer a justices' licence for any premises is exercisable by virtue of section 8(1) of this Act, any person who has been approved as a prospective licensee of the premises may, by notice in writing—
- (a) to the clerk to the licensing justices, and
  - (b) to the chief officer of police,
- elect that the enactments relating to the sale of intoxicating liquor and to licensed premises shall apply as if the licence were transferred to him immediately after the giving of the notice; and any election so made shall have effect accordingly.
- (3) Licensing justices shall not approve a person as a prospective licensee of any licensed premises if, in their opinion, there is a likelihood that, if he became a licensee of the premises under subsection (2) of this section, he would be prevented by other commitments from properly discharging his functions as such a licensee.
- (4) Licensing justices approving any person as a prospective licensee of any licensed premises shall cause a memorandum of the approval to be endorsed on the justices' licence for the premises or, where a copy of the licence is admissible in evidence, on a copy of the licence.
- (5) Paragraphs 1(a) and (c), 4(a) and (b) and 5 to 8 of Schedule 2 to this Act (application for justices' licence) shall apply in relation to an application for approval under this section as they apply to an application for the grant of a justices' licence.]

#### Textual Amendments

F17 S. 8A inserted (1.2.1998) by 1998/114, art. 2

## 9 Persons and premises disqualified for holding or receiving justices' licence. **E**

**+W**

- (1) Without prejudice to the provisions of this or any other Act whereby a person may be disqualified for holding a justices' licence, the following persons shall be so disqualified, that is to say—
- (a) a sheriff's officer or officer executing the legal process of any court;
  - (b) a person convicted, whether under this Act or otherwise, of forging a justices' licence or making use of a forged justices' licence knowing it to have been forged;
  - (c) a person convicted, whether under this Act or otherwise, of permitting to be a brothel premises for which at the time of the conviction he held a justices' licence.
- (2) Where within a period of two years two persons severally holding a justices' licence for any premises forfeit their licences, the premises shall be disqualified for receiving a justices' licence for a period of twelve months following the second forfeiture.
- (3) Premises shall be disqualified for receiving a justices' licence if they are situated on land acquired or appropriated by a special road authority, and for the time being used,



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for the provision of facilities to be used in connection with the use of a special road provided for the use of traffic of class I (with or without other classes).

(4) For the purpose of subsection (3) of this section—

- (a) “special road” and “special road authority” have the same meanings as in [<sup>F18</sup>the <sup>M3</sup>Highways Act 1980], except that “special road” includes a trunk road to which by virtue of [<sup>F18</sup>paragraph 3 of schedule 23 to that Act] the provisions of that Act apply as if the road were a special road; and
- (b) “class I” means class I in Schedule 4 to that Act as varied from time to time by any order under [<sup>F19</sup>section 17] of that Act, but if that Schedule is amended by such an order so as to add to it a further class of traffic, the order may adapt the reference in subsection (3) of this section to traffic of class I so as to take account of the additional class.

[<sup>F20</sup>(4A) Premises shall be disqualified for receiving a justices’ licence if they are primarily used as a garage or form part of premises which are primarily so used.

(4B) In subsection (4A) of this section, the reference to use as a garage is a reference to use for any one or more of the following purposes, namely, the retailing of petrol or derv or the sale or maintenance of motor vehicles.]

(5) The provisions . . . <sup>F21</sup> of this section shall be without prejudice to the disqualification under any other Act of premises for receiving a justices’ licence.

(6) A justices’ licence purporting to be held by any person disqualified for holding a licence, or attached to premises disqualified for receiving a licence, shall be void.

#### Textual Amendments

- F18** Words substituted by [Highways Act 1980 \(c. 66, SIF 59\)](#), [Sch. 24 para. 12\(a\)](#)
- F19** Words substituted by [Highways Act 1980 \(c. 66, SIF 59\)](#), [Sch. 24 para. 12\(b\)](#)
- F20** [S. 9\(4A\)\(4B\)](#) inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), [s. 10](#)
- F21** Words repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), [s. 19](#), [Sch. 3 para. 2](#), [Sch. 4](#)

#### Marginal Citations

- M3** [1980 c. 66 \(59\)](#).

VALID FROM 01/02/1998

### *[<sup>F22</sup>Interim authorities*

#### Textual Amendments

- F22** Cross heading inserted (1.2.1998) by 1998/114, art. 3(1)

#### <sup>F23</sup>**9A Interim authorities.** **E+W**

(1) This section applies where the power of licensing justices to transfer a justices’ licence for any premises is exercisable by virtue of section 8(1) of this Act.

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- (2) If the licensing justices are satisfied, on application made by notice in writing to the clerk to the licensing justices and to the chief officer of police, that the applicant—
  - (a) is a fit and proper person, and
  - (b) is not disqualified under this or any other Act for holding a justices' licence, the justices may grant him an authority (in this Act referred to as an "interim authority") conferring in respect of the premises the same authority as that conferred by the justices' licence.
- (3) An interim authority shall be granted for a period of 28 days beginning with such date as may be specified in it.
- (4) If during the period for which an interim authority granted to any person is in force, an application for the transfer of the justices' licence is made (whether by him or by any other person), the interim authority shall continue in force until the application is disposed of.
- (5) While an interim authority in respect of any premises is in force, the enactments relating to the sale of intoxicating liquor and to licensed premises (other than those relating to the renewal or transfer of licences or to protection orders) shall apply to the person granted the authority as if he were the holder of the justices' licence.
- (6) The power conferred on licensing justices by subsection (2) of this section—
  - (a) shall not be exercisable in relation to premises which are already the subject of an interim authority, and
  - (b) shall not be exercisable more than twice in relation to each occasion on which the power to transfer a justices' licence becomes exercisable as mentioned in subsection (1) of this section.

#### Textual Amendments

**F23** SS. 9A and 9B inserted (1.2.1998) by [S.I. 1998/114](#), [art. 3\(1\)](#)

#### **F24** **9B** Supplementary provisions relating to interim authorities. **E+W**

- (1) Where an application for an interim authority is made under section 9A of this Act within seven days of the power of the licensing justices to transfer a justices' licence becoming exercisable by virtue of section 8(1) of this Act—
  - (a) an interim authority shall be deemed to have been granted in respect of the premises; and
  - (b) subject to subsection (2) of this section, that authority shall remain in force for a period of 14 days beginning with the date of the application.
- (2) An interim authority deemed to have been granted by virtue of subsection (1) of this section shall cease to have effect if, within the period of 14 days mentioned in that subsection—
  - (a) the chief officer of police, or
  - (b) an officer of police designated by him,
 by notice in writing served on the applicant and the licensing justices, objects to the granting of an interim authority under section 9A of this Act.
- (3) The power conferred on licensing justices by section 9A of this Act—

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- (a) may be exercised by a single justice, and
  - (b) may be exercised otherwise than at licensing sessions.
- (4) A justice to whom application is made under section 9A of this Act for an interim authority may examine the applicant on oath.]

#### Textual Amendments

**F24** Ss. 9A and 9B inserted (1.2.1998) by S.I. 1998/114, art. 3(1)

### *Protection orders*

## 10 Protection orders. **E+W**

- (1) A person who proposes to apply for the transfer of a justices' licence for any premises may apply to justices of the peace acting for the petty sessions area in which the premises are for the grant of an authority, in this Act referred to as a "protection order", to sell intoxicating liquor on the premises, and the justices may grant the protection order if they are satisfied that the applicant is a person to whom the licensing justices could grant a transfer of the licence.
- (2) The authority conferred by a protection order in respect of any premises shall be the same as that conferred by the justices' licence in force (or last in force) for those premises; and, while the order is in force, the enactments relating to the sale of intoxicating liquor and to licensed premises (other than those relating to the renewal or transfer of licences or to protection orders) shall apply to the person granted the order as if he were the holder of that licence . . . <sup>F25</sup>
- (3) Where—
- (a) a justices' licence for any premises is forfeited for the first time by virtue of a second or subsequent conviction under section 160 of this Act or of a conviction under section 184 thereof, or
  - (b) a justices' licence for any premises is forfeited by order of a magistrates' court made on complaint under section 20(3) of this Act, or
  - (c) a justices' licence for any premises is forfeited by order of a court under section 169(8) of this Act, or
  - (d) a justices' licence for any premises is forfeited by virtue of a disqualification order made under section 100 of this Act, or
  - (e) the holder of a justices' licence for any premises becomes disqualified for the first time for holding such a licence by reason of being convicted as mentioned in section 9(1) of this Act,
- justices of the peace may grant a protection order to any owner of the premises or any other person authorised by an owner of the premises, notwithstanding the forfeiture or the previous licence holder's disqualification; but not more than one protection order may be granted under this subsection on any such forfeiture or disqualification.
- (4) A protection order shall remain in force until the conclusion of the second licensing sessions begun after the date of the order (and until any application made at the sessions for a transfer of the justices' licence has been disposed of) except that it shall cease to have effect before that time on the coming into force of a justices' licence

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granted by way of transfer or removal of the licence for the premises, or the coming into force of a further protection order for the premises.

[<sup>F26</sup>(5) Where the holder of a justices’ licence has died or has been adjudged bankrupt, or a [<sup>F27</sup>voluntary arrangement proposed by the holder of a justices’ licence has been approved under Part VIII of the Insolvency Act 1986], or a trustee has been appointed under a deed of arrangement within the meaning of the Deeds of Arrangement Act 1914 for the benefit of the creditors of the holder of a justices’ licence, the personal representatives or the person who is for the time being the trustee of the bankrupt’s estate or under the deed or the supervisor of the [<sup>F27</sup>voluntary arrangement] shall be in the same position as regards carrying on business under the licence as a person to whom a protection order had been validly granted on the date of the death, or, as the case may be, the date on which he became trustee or supervisor.]

**Textual Amendments**  
**F25** Words repealed by [Finance Act 1967 \(c. 54, SIF 63:2\)](#), [Sch. 16 Pt. I](#)  
**F26** [S. 10\(5\)](#) substituted (with saving in [Insolvency Act 1986 \(c. 45, SIF 66\)](#), s. 437, [Sch. 11 para. 10](#)) by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235, [Sch. 8 para. 12\(1\)\(3\)](#)  
**F27** Words substituted by [Insolvency Act 1986 \(c. 45, SIF 66\)](#), s. 439(2), [Sch. 14](#)

**11 Supplementary provisions relating to protection orders. E+W**

- (1) A protection order may be made for any premises so as to supersede a previous protection order (other than one made under section 10(3) of this Act), if the justices making the order are satisfied that the person granted the previous protection order consents to its being superseded, or that he no longer proposes to apply for a transfer of the licence or is not qualified to do so, or that he is for any reason unable to carry on business under the protection order.
- (2) Justices of the peace to whom application is made for a protection order may examine on oath the applicant or any person giving evidence before them.
- (3) Justices of the peace shall not grant a protection order unless the applicant has, not less than seven days before the application, given notice in writing to the chief officer of police, signed by the applicant or his authorised agent, and stating his name and address and his trade or calling during the six months preceding the giving of the notice; or, in an urgent case, unless the applicant has given such notice to the police as the justices think reasonable.
- (4) Justices of the peace granting a protection order shall cause a memorandum of the order to be endorsed on the licence, or, where a copy of the licence is admissible in evidence, on a copy of the licence; and a majority of the justices shall sign the memorandum or the justices shall cause the clerk to the justices to seal or stamp it with the official seal or stamp of the magistrates’ court of which he is clerk and to verify the seal or stamp by his signature.
- (5) A memorandum purporting to be made under subsection (4) of this section shall be received in evidence.
- (6) . . . . . <sup>F28</sup>

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- (7) The power of justices of the peace to grant protection orders shall be exercisable by the number of justices, and in the place, required by [<sup>F29</sup>the <sup>M4</sup>Magistrates' Courts Act 1980] for the hearing of a complaint.

#### Textual Amendments

**F28** S. 11(6) repealed by Finance Act 1967 (c. 54), Sch. 16 Pt. I

**F29** Words substituted by virtue of Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 8 para. 5

#### Marginal Citations

**M4** 1980 c. 43 (82).

### Old on-licences

## 12 Restricted power of licensing justices to refuse renewal or transfer of old on-licences. **E+W**

- (1) In this Act—

“old on-licence” means a justices’ on-licence, other than one for the sale of wine alone . . . <sup>F30</sup>, granted by way of renewal from time to time of a licence in force on 15th August 1904, or of a licence that before that day had been provisionally granted and confirmed under section 22 of the <sup>M5</sup>Licensing Act 1874 where the grant and confirmation have been subsequently declared final, except that it does not include a licence varied under section 37 of this Act or granted by way of renewal from time to time of a licence so varied; and

“old beerhouse licence” means an old on-licence for the sale of beer or cider, with or without wine, granted by way of renewal from time to time of a licence for premises for which a corresponding excise licence was in force on 1st May 1869;

no account being taken of any transfer nor, except for the purpose of determining whether a licence is an old beerhouse licence, of any removal.

- (2) Subject to any disqualification of the applicant or of the premises to which the application relates, licensing justices shall not refuse an application for the renewal of an old on-licence except on one or more of the following grounds, that is to say—
- in the case of an old beerhouse licence, those specified in subsection (3) of this section;
  - in the case of any other old on-licence, those specified in subsection (4) of this section;

and, in either case, the ground that there has been entered in the register of licences a conviction of bribery or treating made in pursuance of [<sup>F31</sup>section 168(7) of the Representation of the <sup>M6</sup>People Act 1983].

- (3) The renewal of an old beerhouse licence may be refused on the ground—
- that the applicant has failed to produce satisfactory evidence of good character; or
  - that the house or shop to which the application relates, or any adjacent house or shop owned or occupied by him, is of a disorderly character, or frequented by thieves, prostitutes or persons of bad character; or

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- (c) that a licence previously held by the applicant for the sale of wine, spirits, beer or cider has been forfeited for his misconduct, or that he has previously been adjudged for his misconduct disqualified for receiving such a licence or for selling wine, spirits, beer or cider.
- (4) The renewal of an old on-licence other than an old beerhouse licence may be refused on the ground—
  - (a) that the applicant is not a fit and proper person to hold the licence; or
  - (b) that the licensed premises have been ill-conducted or are structurally deficient or structurally unsuitable,
 and for the purposes of paragraph (b) of this subsection, premises shall be deemed to have been ill-conducted if, among other things, the holder of the licence has persistently and unreasonably refused to supply suitable refreshment, other than intoxicating liquor, at a reasonable price, or has failed to fulfil any reasonable undertaking given to the justices on the grant of the licence.
- (5) Where an application is made for the renewal of an old on-licence and the licensing justices ask the applicant to give an undertaking, they shall adjourn the hearing of the application and cause notice of the undertaking for which they ask to be served on the registered owner of the premises and shall give him an opportunity of being heard.
- (6) Licensing justices refusing to renew an old on-licence shall specify to the applicant in writing the grounds of their refusal.
- (7) Subsections (2) to (6) of this section shall apply to the transfer of an old on-licence as they apply to the renewal of such a licence, except that the transfer of an old beerhouse licence may also be refused on the ground that the applicant is not a fit and proper person to hold the licence.

**Textual Amendments**  
**F30** Words repealed by [Finance Act 1967 \(c. 54, SIF 63:2\)](#), [Sch. 16 Pt. 1](#)  
**F31** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), [Sch. 8 para. 7](#)

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**Marginal Citations**  
**M5** 1874 c. 49.  
**M6** 1983 c. 2 (42).

**13, 14.** ..... <sup>F32</sup> **E+W**

**Textual Amendments**  
**F32** Ss. 13, 14, 15(4), 16–18 repealed with saving by [Licensing \(Alcohol Education and Research\) Act 1981 \(c. 28, SIF 68A:1\)](#), s. 11, [Sch. 2 Pt. 1](#)

**15** **Special removals of old on-licences.** **E+W**

- (1) Where application is made for the special removal of an old on-licence from any premises in a licensing district to premises in the same district on the ground—

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- (a) that the premises for which the licence was granted are or are about to be pulled down or occupied under any Act for the improvement of highways, or for any other public purpose; or
  - (b) that the premises for which the licence was granted have been rendered unfit for use for the business carried on there under the licence by fire, tempest or other unforeseen and unavoidable calamity;
- the provisions of sections 12 . . . <sup>F33</sup> of this Act shall apply as they apply to a renewal, subject to the restrictions on removals imposed by Parts VI and VII of this Act and subject to subsections (3) and (4) of this section.
- (2) A removal to which those provisions apply as aforesaid is in this Act referred to as a special removal.
  - (3) In the application of those provisions to the special removal of a licence section 12 of this Act shall have effect as if the words “that the premises to be licensed” were inserted in subsection (4)(b) before the words “are structurally deficient or structurally unsuitable”.
  - (4) . . . <sup>F34</sup>
  - (5) Notwithstanding anything in section 6 of this Act, no provisional grant shall be made of a special removal.
  - (6) Section 8(4) of this Act shall apply in relation to applications for special removals as it applies in relation to applications for transfers.

**Textual Amendments**

**F33** Words repealed with saving by Licensing (Alcohol Education and Research) Act 1981 (c. 28, SIF 68A:1), s. 11, **Sch. 2 Pt. I**

**F34** Ss. 13, 14, 15(4), 16–18 repealed with saving by Licensing (Alcohol Education and Research) Act 1981 (c. 28, SIF 68A:1), s. 11, **Sch. 2 Pt. I**

16— ..... <sup>F35</sup> **E+W**  
18.

**Textual Amendments**

**F35** Ss. 13, 14, 15(4), 16–18 repealed with saving by Licensing (Alcohol Education and Research) Act 1981 (c. 28, SIF 68A:1), s. 11, **Sch. 2 Pt. I**

*Control of licensing justices over structure of licensed premises*

**19 Power to require structural alterations on renewal of on-licence. **E+W****

- (1) On an application for the renewal of a justices’ on-licence the licensing justices may require a plan of the premises to be produced to them and deposited with their clerk, and on renewing such a licence the licensing justices may order that, within a time fixed by the order, such structural alterations shall be made in the part of the premises where intoxicating liquor is sold or consumed as they think reasonably necessary to secure the proper conduct of the business.



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- (2) The clerk to the licensing justices shall serve on the registered owner of the premises notice of any order made under this section.
- (3) Where an order under this section is complied with, licensing justices shall not make a further order under this section within the five years following the first-mentioned order.
- (4) If the holder of the licence makes default in complying with an order under this section he shall be guilty of an offence; and he shall be guilty of a further offence for every day on which the default continues after the expiration of the time fixed by the order.
- (5) A person guilty of an offence under this section shall be liable to a fine not exceeding [<sup>F36</sup>level 1 on the standard scale].
- (6) The preceding provisions of this section shall apply in relation to a transfer whereby the duration of the licence is extended as they apply in relation to a renewal.

#### Textual Amendments

**F36** 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](#)

## 20 Consent required for certain alterations to on-licensed premises. **E+W**

- (1) No alteration shall be made to premises for which a justices' on-licence is in force if the alteration—
  - (a) gives increased facilities for drinking in a public or common part of the premises; or
  - (b) conceals from observation a public or common part of the premises used for drinking; or
  - (c) affects the communication between the public part of the premises where intoxicating liquor is sold and the remainder of the premises or any street or other public way;
 unless the licensing justices have consented to the alteration or the alteration is required by order of some lawful authority.
- (2) Before considering an application for their consent under this section, the licensing justices may require plans of the proposed alteration to be deposited with their clerk at such time as they may determine.
- (3) If subsection (1) of this section is contravened, a magistrates' court may by order on complaint declare the licence to be forfeited or direct that within a time fixed by the order the premises shall be restored to their original condition.
- (4) The clerk of the court that makes an order under subsection (3) of this section shall, if he is not the clerk to the licensing justices, serve notice of the order on the clerk to the licensing justices; and the clerk to the licensing justices shall serve notice of the order on the registered owner of the premises.
- (5) A person aggrieved by an order under subsection (3) of this section may appeal to [<sup>F37</sup>the Crown Court].
- (6) In this section—

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- (a) “public part” means a part open to customers who are not residents or guests of residents; and
- (b) “common part” means a part open generally to all residents or to a particular class of them.

#### Textual Amendments

**F37** Words substituted by virtue of [Courts Act 1971 \(c. 23, SIF 37\)](#), s. 56(2), [Sch. 9 Pt. I](#)

### *[ Revocation of justices licences ]*

#### **[20A** <sup>F38</sup> **Revocation.** **E+W**

- (1) Licensing justices may revoke a justices’ licence at any licensing sessions, other than licensing sessions at which an application for renewal of the licence falls to be considered, either of their own motion or on the application of any person.
- (2) The power to revoke a justices’ licence under this section is exercisable on any ground on which licensing justices might refuse to renew a justices’ licence or a justices’ licence of that description.
- (3) Licensing justices may only exercise the power conferred by this section if, at least twenty-one days before the commencement of the licensing sessions in question, notice in writing of the proposal to exercise the power or, as the case may be, to make the application has been given to the holder of the licence and, in the case of a proposed application, to the clerk to the licensing justices, specifying in general terms the grounds on which it is proposed the licence should be revoked.
- (4) Evidence given for the purposes of proceedings under this section shall be given on oath.
- (5) A decision under this section to revoke a justices’ licence shall not have effect—
  - (a) until the expiry of the time for appealing against the decision; or
  - (b) if the decision is appealed against, until the appeal is disposed of.]

#### Textual Amendments

**F38** [S. 20A](#) inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), [s.12\(1\)](#)

### *Appeals*

#### **21** **Appeals.** **E+W**

- (1) Subject to subsection (2) of this section, any person aggrieved by any of the following decisions of licensing justices, that is to say—
  - (a) a decision granting or refusing to grant a new justices’ licence or an ordinary removal of a justices’ licence;
  - (b) a decision refusing the renewal, transfer or special removal of a justices’ licence;

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- (c) a refusal to declare a provisional grant final or to affirm a provisional grant or to give consent, on the application of the holder of a provisional licence, to a modification of plans;
- (d) the making of an order under section 19 of this Act;
- (e) the refusal of a consent required under section 20 of this Act;
- [<sup>F39</sup>(ee) the revocation of a justices' licence; or]
- (f) any decision as to the conditions of a justices' on-licence;
- may appeal to [<sup>F40</sup>the Crown Court] against that decision.
- (2) A person may not appeal against the grant of a justices' licence unless he has appeared before the licensing justices and opposed the grant; and no person may appeal against a refusal to attach conditions to a licence or to vary or revoke conditions previously attached, except the person (if any) whose application or request is required for the justices to have jurisdiction to attach or to vary or revoke the conditions.
- (3) . . . . .<sup>F41</sup>
- [<sup>F42</sup>(4) Where the holder of a justices' licence gives notice of appeal against a refusal by the licensing justices to renew that licence [<sup>F43</sup>or a decision by the licensing justices to revoke it], the licensing justices or [<sup>F40</sup>the Crown Court] having jurisdiction to hear the appeal may, on such conditions as they think fit, order that the licence shall continue in force until the determination of the appeal notwithstanding that the appeal is not determined until after the date when the licence would otherwise cease to have effect.]

#### Textual Amendments

- F39** S. 21(1) para.(ee) substituted for word "or" by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 3 para. 3\(a\)](#)
- F40** Words substituted by virtue of [Courts Act 1971 \(c. 23, SIF 37\)](#), s. 56(2), [Sch. 9 Pt. I](#)
- F41** Ss. 21(3), 23(1)(2) repealed by [Courts Act 1971 \(c. 23, SIF 37\)](#), [Sch. 11 Pt. IV](#)
- F42** S. 21(4) added by [Finance Act 1967 \(c. 54, SIF 68A:1\)](#), [Sch. 7 para. 3](#)
- F43** Words inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 3 para. 3\(b\)](#)

## 22 Procedural provisions as to appeals. **E+W**

- (1) An appeal under section 21 of this Act shall be commenced by notice of appeal given by the appellant to the clerk to the licensing justices within [<sup>F44</sup>twenty-one days] after the decision appealed against.
- (2) On an appeal against the grant of a justices' licence the applicant for the licence and not the licensing justices shall be respondent, and notice of appeal must be given to him as well as to the clerk to the licensing justices.
- (3) On an appeal against a refusal to grant a justices' licence, or against a decision as to conditions given on the grant of a justices' licence, any person who appeared before the licensing justices and opposed the grant shall be respondent in addition to the licensing justices; . . .<sup>F45</sup>
- [<sup>F46</sup>(3A) On an appeal against a decision to revoke a justices' licence, any person on whose application the licence was revoked shall be respondent in addition to the licensing justices.]

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- (4) On any appeal under section 21 of this Act the clerk to the licensing justices shall transmit the notice of appeal to [<sup>F47</sup>the appropriate officer of the Crown Court], and the appeal shall be entered and notice thereof given by [<sup>F47</sup>the appropriate officer of the Crown Court], as in a case where the justices' clerk is required to transmit the notice of an appeal from a magistrates' court; and [<sup>F48</sup>section 109(1) of the <sup>M7</sup>Magistrates' Courts Act 1980] shall apply accordingly with respect to the abandonment of the appeal.
- (5) Where a person appears before licensing justices and opposes the grant of a justices' licence, his name and address shall be recorded by the clerk to the licensing justices and, in the event of an appeal against a refusal of the grant or against a decision as to conditions given on the grant, shall be transmitted to the clerk of the peace with the notice of appeal.
- (6) Where the same application to licensing justices gives rise to more than one appeal to [<sup>F49</sup>the Crown Court], [<sup>F49</sup>the Crown Court] may give such directions as they think fit for the appeals to be heard together or separately, and where two or more appeals are heard together, [<sup>F49</sup>the Crown Court] may deal with the costs of the appeals, so far as those costs are in their discretion, as if they were a single appeal.
- (7) A justice shall not act in the hearing or determination of an appeal under section 21 of this Act from any decision in which he took part.

#### Textual Amendments

- F44** Words substituted by virtue of S.I. 1982/1109, **Sch. 3 Pt. II para. 3**
- F45** Words repealed by S.I. 1971/1292, **Sch. 3**
- F46** S. 22(3A) inserted by **Licensing Act 1988** (c. 17, SIF 68A:1), s. 19, **Sch. 3 para. 4**
- F47** Words substituted by virtue of **Courts Act 1971** (c. 23, SIF 37), **Sch. 8 Pt. I**
- F48** Words substituted by **Magistrates' Courts Act 1980** (c. 43, SIF 82), s. 154, **Sch. 7 para. 45**
- F49** Words substituted by virtue of **Courts Act 1971** (c. 23, SIF 37), s. 56(2), **Sch. 9 Pt. I**

#### Marginal Citations

- M7** 1980 c. 43 (82).

## 23 Powers of quarter sessions on appeals. **E+W**

(1) ..... <sup>F50</sup>

(3) The judgment of [<sup>F51</sup>the Crown Court] on any such appeal shall be final.

[<sup>F52</sup>(4) Where the Crown Court allows an appeal against the revocation of a justices' licence which has been continued in force under section 21(4) of this Act, it may order that the licence shall further continue in force until the date of the next licensing sessions for the district in which the licence is granted.]

#### Textual Amendments

- F50** Ss. 21(3), 23(1)(2) repealed by **Courts Act 1971** (c. 23, SIF 37), **Sch. 11 Pt. IV**
- F51** Words substituted by virtue of **Courts Act 1971** (c. 23, SIF 37), s. 56(2), **Sch. 9 Pt. I**
- F52** S. 23(4) inserted by **Licensing Act 1988** (c. 17, SIF 68A:1), ss. 19, 20(3), **Sch. 3 para. 5**

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24 .....<sup>F53</sup> **E+W**

**Textual Amendments**

**F53** S. 24 repealed by S.I. 1971/1292, Sch. 3

25 **Award of costs of licensing justices out of local funds.** **E+W**

(1) Where—

(a) an appeal under section 21 of this Act, other than an appeal against the grant of a justices' licence, is allowed, or

(b) quarter sessions have, . . .<sup>F54</sup>, awarded costs against the appellant and are satisfied that the licensing justices cannot recover those costs from him,

the court shall order payment out of [<sup>F55</sup>central funds] of such sums as appear to the court sufficient to indemnify the licensing justices from all costs and charges whatever to which they have been put in consequence of the appellant's notice of appeal.

(2) .....<sup>F56</sup>

**Textual Amendments**

**F54** Words repealed by S.I. 1971/1292, Sch. 3

**F55** Words substituted by Courts Act 1971 (c. 23, SIF 37), Sch. 6 para. 7

**F56** S. 25(2)—(4) repealed by Courts Act 1971 (c. 23, SIF 37), Sch. 11 Pt. III

*Duration of Licences*

26 **Duration of licences.** **E+W**

(1) Subject to the following provisions of this section and to sections 27, 133(3) and 142(3) of this Act, a justices' licence—

[<sup>F57</sup>(a) if granted before 5th January 1989, shall be granted to have effect from the time of the grant until 4th April 1989;

(b) if granted after 4th January and before 5th April 1989, shall be granted to have effect from the time of the grant until 4th April 1992; and

(c) if granted after 4th April 1989, shall be granted to have effect from the time of the grant until the expiry of the current licensing period or, if granted in the last three months of that period, until the end of the next licensing period;

but shall be superseded on the coming into force of a licence granted by way of renewal, transfer or removal of it.]

(2) A justices' licence granted by way of transfer or removal may be granted to have effect from a time specified in the grant (not being earlier, where it is granted before the coming into force of the licence transferred or removed, than the time of the coming into force of that licence).

(3) In the case of a licence granted provisionally, subsection (1) of this section shall apply as if the licence were granted at the time when it is declared final, but a transfer of such a licence may be granted so as to have effect for the purpose of superseding

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that licence from a date before it is declared final, and, if so granted, shall as regards its duration and coming into force be subject to the same provisions as if it were the licence transferred.

- (4) Where on the renewal or transfer of a licence the licensing justices attach new conditions (whether in addition to or in substitution for any conditions previously attached) the justices may, on such terms as they think just, suspend the operation of those conditions in whole or in part pending the determination of any appeal against the decision to attach them or pending the consideration of the question of bringing such an appeal.

[<sup>F58</sup>(5) In this Act “licensing period” means a period of three years beginning with 5th April 1989 or any triennial of that date.]

#### Textual Amendments

**F57** S. 26(1) paras. (a)(b)(c) and words substituted for paras. (a)(b) by Licensing Act 1988 (c. 17, SIF 68A:1), s. 11(1)

**F58** S. 26(5) substituted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 11(1)(b)

## 27 Effect on duration of opposition to grant of licence. **E+W**

- (1) The provisions of this section shall have effect where on an application to licensing justices for the grant of a new justices’ licence, or for the grant of a licence by way of ordinary removal of a justices’ licence, a person appears before the licensing justices and opposes the grant, but the justices grant the licence.
- (2) Until the expiry of the time for bringing an appeal against the grant and, if such an appeal is brought, until the appeal has been disposed of,—
- the licence granted shall not come into force;
  - where the grant is by way of ordinary removal and the licence which it is sought to remove is in force at the time of the grant, the licence shall not expire unless the licensing justices otherwise direct.
- (3) If on appeal the grant is confirmed or if the appeal is abandoned, the time when the appeal is disposed of shall be substituted for the time of the grant for the purpose of determining the period for which the licence is to have effect, and [<sup>F59</sup>the Crown Court] shall (if need be) amend the licence accordingly.
- (4) If there is an appeal against the grant of an ordinary removal, and the licence which it is sought to remove is in force on the day when notice of appeal is given to the applicant for the removal, then—
- he may within seven days of that day give notice in writing to [<sup>F60</sup>the appropriate officer of the Crown Court] of his desire that the expiry of that licence shall be postponed for a specified period (not exceeding three weeks) after the appeal is disposed of, and if he does so, subsection (2) of this section shall apply until the expiry of that period;
  - whether or not he gives such a notice, [<sup>F59</sup>the Crown Court], if they confirm the grant and if he so requests, may by their order direct that that subsection shall continue to apply for such further period as they think fit;
  - if [<sup>F59</sup>the Crown Court] refuse to confirm the grant, and at the time of their decision it is too late to renew that licence at the general annual licensing meeting at which it was due for renewal, then—

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- (i) the holder of the licence shall be treated as having had reasonable cause for not applying for renewal at that meeting, and the licence may be renewed at transfer sessions accordingly; and
- (ii) if notice has been given under paragraph (a) of this subsection, and within the period for which the licence is continued in force by that paragraph notice is given to the clerk to the licensing justices of an application for the renewal of the licence at the first licensing sessions held not less than twenty-one days after the notice is given, the licence shall not expire until the application is disposed of or those sessions end without its being made.

#### Textual Amendments

- F59** Words substituted by virtue of [Courts Act 1971 \(c. 23, SIF 37\)](#), s. 56(2), [Sch. 9 Pt. I](#)
- F60** Words substituted by virtue of [Courts Act 1971 \(c. 23, SIF 37\)](#), [Sch. 8 Pt. I](#)

#### *Clerk to licensing justices and fees*

### 28 Clerk to licensing justices. **E+W**

- (1) The clerk to the justices acting for a petty sessions area shall be clerk to the licensing justices for the licensing district consisting of that area.
- (2) [<sup>F61</sup>Section 141(2) of the <sup>M8</sup>Magistrates' Courts Act 1980] (which provides for the case where there is more than one clerk to the justices for a petty sessions area) shall apply for the purposes of subsection (1) of this section as it applies for the purposes of that Act.
- (3) A clerk to licensing justices shall not himself or by his partner or clerk act as solicitor to, or agent for, any person—
  - (a) at any licensing sessions; or
  - (b) before justices of the peace [<sup>F62</sup>or the Crown Court] in proceedings under this Act, the <sup>M9</sup>Licensing Act 1872, or the <sup>M10</sup>Licensing Act 1902;
 and any person who contravenes this subsection shall be liable to a fine not exceeding [<sup>F63</sup>level 3 on the standard scale].
- (4) Where the clerk to licensing justices for any district was appointed before 1st April 1953, nothing in the preceding subsection shall prohibit him from acting at a licensing sessions for another licensing district or before justices acting for a petty sessions area other than that licensing district, or from preparing notices or forms.

#### Textual Amendments

- F61** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, [Sch. 7 para. 46](#)
- F62** Words inserted by [Courts Act 1971 \(c. 23, SIF 37\)](#), [Sch. 8 Pt. II para. 42\(1\)](#)
- F63** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)

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

- C7** [S. 28\(3\)](#) amended (01.01.1992) by [S.I. 1991/2684](#), arts. 2, 4, [Sch.1](#)



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#### Marginal Citations

- M8** 1980 c. 43 (82).  
**M9** 1872 c. 94 (68A:1).  
**M10** 1902 c. 28 (68A:1).

### 29 Fees chargeable in licensing matters. **E+W**

- (1) Subject to subsection (3) of this section, there may be charged by justices' clerks in respect of matters arising under this Act such fees as may be provided for by order of the Secretary of State and no others.
- (2) This section shall apply to the fees chargeable in any stipendiary magistrate's court, and to those chargeable by a justices' clerk acting as clerk to licensing justices or in any other capacity, as it applies to fees chargeable by a justices' clerk acting as such.
- (3) This section shall not affect the court fees chargeable (under [<sup>F64</sup>the Magistrate's Courts]Act 1980 or otherwise) in connection with prosecutions or with the enforcement of orders of a magistrates' court, nor the fees chargeable by a justices' clerk acting as secretary to a licensing planning committee.
- (4) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F64** Words substituted by virtue of [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 8 para. 5](#)

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

- C8** [S. 29](#) extended by [Licensing \(Occasional Permissions\) Act 1983 \(c. 24, SIF 68A:1\)](#), [s. 4\(2\)\(b\)](#)

### *Register of Licences*

### 30 Register of licences. **E+W**

- (1) The clerk to the licensing justices for a licensing district shall keep a register of licences in such form as the justices may prescribe, containing particulars of all justices' licences granted in the district, the premises for which they were granted, the names of the owners of those premises, and the names of the holders of the licences.
- (2) If in any licensing district there are more persons than one holding the office of clerk to the licensing justices, the licensing justices shall determine which of those persons shall keep the register of licences.
- (3) Licensing justices may cause a register of licences to be divided into parts and assign a part of the register to any part of their licensing district.
- (4) A register of licences shall be received in evidence of the matters required by this or any other Act to be entered in it, and any document purporting to be certified by a clerk to licensing justices to be a true copy of an entry in the register of licences kept by him shall be received in evidence of any such matters contained in the entry.
- (5) . . . <sup>F65</sup>

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### Textual Amendments

**F65** S. 30(5) repealed by [Finance Act 1983 \(c. 28, SIF 40\)](#), s. 9(1), [Sch. 10 Pt. I](#)

## 31 Convictions, forfeitures and disqualifications to be entered in register. **E+W**

- (1) The clerk to the licensing justices shall enter in the register of licences, in such form as may be prescribed by the Secretary of State, notice of any conviction of the holder of a justices' licence of an offence committed by him as such, including an offence against the provisions of any Act relating to the adulteration of drink; and the clerk of the court before whom the holder of a justices' licence is so convicted shall, if he is not the clerk to the licensing justices, forthwith send notice of the conviction to that clerk.
- (2) The clerk to the licensing justices shall enter in the register of licences any forfeiture of a justices' licence granted in the licensing district, any disqualification of premises under any enactment and any other matter relating to the licences in the register.
- (3) The provisions of this and the preceding section shall be in addition to those of any other enactment requiring entries to be made in the register of licences.

## 32 Registration of owner, etc. **E+W**

- (1) Every person applying for a new justices' licence, or the renewal of a justices' licence, shall state the name of the person for the time being entitled to receive, either on his own account or as mortgagee or other incumbrancer in possession, the rack-rent of the premises for which the licence is granted; and the clerk to the licensing justices shall enter that name in the register of licences as the name of an owner of the premises, and endorse the name on the licence.
- (2) The clerk to the licensing justices shall also, on the application of any person whose name is not entered under the preceding subsection, and who has an estate or interest in the premises, whether as owner, lessee or mortgagee, prior or paramount to that of the occupier, enter that person's name in the register of licences as an owner of the premises.

Where any such estate or interest is vested in two or more persons jointly, one only of those persons shall be registered as representing that estate or interest.

- (3) Any reference in this Act to the registered owner of premises shall be construed as a reference to any person whose name is for the time being entered in the register of licences under this section.

## 33 Notice of conviction of licence holder to be given to registered owner. **E+W**

- (1) Where the conviction of the holder of a justices' licence is entered in the register of licences under section 31(1) of this Act, the clerk to the licensing justices shall serve notice of the conviction on the registered owner of the premises.
- (2) A notice served under subsection (1) of this section shall, if served by post, be served by registered post or recorded delivery service; and for the purposes of [F66 section 7 of the M11 Interpretation Act 1978] a letter containing the notice shall be deemed to be properly addressed if it is addressed to any place that the owner has specified to the

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clerk as his address, or, if the owner has not specified any place, to any place that the clerk believes to be the owner's address.

- (3) Where the conviction of the holder of a justices' licence involves the disqualification of the licensed premises, the court before which the conviction takes place shall cause notice of the disqualification to be served on any registered owner of the premises who is not the occupier.

#### Textual Amendments

**F66** Words substituted by virtue of [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), s. **25(2)**

#### Marginal Citations

**M11** [1978 c. 30\(115:1\)](#).

### 34 Inspection of register. **E+W**

- (1) The following persons shall be entitled at any reasonable time to inspect the register of licences for a licensing district on payment of the fee chargeable, that is to say—
- any person rated in respect of a hereditament in the district;
  - any owner of licensed premises situated in the district;
  - any holder of a justices' licence granted in the district.
- (2) Any constable or any officer of Customs and Excise shall, without payment, be entitled at any reasonable time to inspect the register of licences.
- (3) If the clerk to the licensing justices or any other person refuses inspection of the register of licences under this section or obstructs any person attempting to inspect the register under this section or receives or demands any unauthorised charge for permitting the register to be inspected under this section, he shall be liable to a fine not exceeding [<sup>F67</sup>level 1 on the standard scale].

#### Textual Amendments

**F67** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. **38, 46**

### 35 Duty of licensing justices to have regard to entries in register. **E+W**

On an application for the grant of a justices' licence the licensing justices shall have regard to any entries in the register of licences relating to the person by whom, or the premises for which, the licence is to be held.

#### *Miscellaneous*

### 36 Proof of justices' licence and provisions as to forgery thereof. **E+W**

- (1) Any document purporting to be a justices' licence and—
- to be signed by the majority of the justices present when the licence was granted, or

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- (b) to be sealed or stamped with an official seal or stamp affixed or impressed under the authority of the licensing justices and to contain a certificate signed by the clerk to the licensing justices verifying that authority, shall be received in evidence.
- (2) Any document purporting to be a copy of a justices’ licence certified under the hand of the clerk to the licensing justices by whom the licence was granted to be a true copy shall be received in evidence—
  - (a) by licensing justices on an application for the renewal, transfer or removal of the licence, and
  - (b) by justices of the peace on an application for a protection order, if the justices are satisfied by evidence that the original has been lost or unlawfully withheld.
- (3) ..... F68
- (4) ..... F69

**Textual Amendments**  
**F68** S. 36(3) repealed by [Forgery and Counterfeiting Act 1981 \(c. 45, SIF 39:7\)](#), **Sch. Pt. I**  
**F69** S. 36(4) repealed by [Finance Act 1967 \(c. 54\)](#), **Sch. 16 Pt. I**

**37 Power to extend existing on-licence to additional types of liquor. E+W**

- (1) Subject to sections 112(4) and 123(3) of this Act, on an application by the holder of a justices’ on-licence [<sup>F70</sup>to which this section applies], or on the renewal or transfer of [<sup>F71</sup>such a licence] and at the request of the person applying for the renewal or transfer, the licensing justices, if satisfied that the application or request is made with the consent of the registered owner, shall vary the licence so as to add to the descriptions of intoxicating liquor authorised to be sold on the licensed premises.
- (2) On the variation of a licence under this section the licensing justices shall have the like power to attach conditions as they would have if they were granting the licence (with the variation) as a new justices’ on-licence, and any conditions attached may be in addition to or in substitution for any conditions previously attached to the licence.
- [<sup>F72</sup>(3) This section applies to any justices’ on-licence granted by way of renewal from time to time of a licence in force on or before 3rd August 1961, no account being taken of any transfer or removal.]

**Textual Amendments**  
**F70** Words inserted by [Licensing \(Amendment\) Act 1980 \(c. 40, SIF 68A:1\)](#) s. 1(1)(3) except in relation to any application made under section 37 before the end of the period of one month beginning with 17.7.1980  
**F71** Words substituted by [Licensing \(Amendment\) Act 1980 \(c. 40, SIF 68A:1\)](#) s. 1(1)(3) except in relation to any application made under section 37 before the end of the period of one month beginning with 17.7.1980

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**F72** S. 37(3) added by Licensing (Amendment) Act 1980 (c. 40, SIF 68A:1) s. 1(2)(3) except in relation to any application made under section 37 before the end of the period of one month beginning with 17.7.1980

**38** ..... <sup>F73</sup> **E+W**

**Textual Amendments**

**F73** S. 38 repealed with saving by Licensing (Alcohol Education and Research) Act 1981 (c. 28, SIF 68A:1), s. 11, **Sch. 2 Pt. I**

**PART II E+W**

**SALE AND SUPPLY OF INTOXICATING LIQUOR IN CLUB PREMISES**

*Conditions for supply of intoxicating liquor by clubs*

**39 Conditions for supply of intoxicating liquor by clubs. E+W**

- (1) No intoxicating liquor shall on any club premises be supplied by or on behalf of the club to a member or guest, unless the club is registered under this Act in respect of those premises or the liquor is supplied under the authority of a justices' licence held by the club for the premises.
- (2) No intoxicating liquor shall, on any premises in respect of which a club is registered, be supplied by or on behalf of the club for consumption off the premises except to a member in person.
- (3) Intoxicating liquor shall not be supplied by or on behalf of a registered club to a member or guest except at premises in respect of which the club is registered or at any premises or place which the club is using on a special occasion for the accommodation of members and to which persons other than members and their guests are not permitted access; and at any premises or place other than premises in respect of which the club is registered intoxicating liquor shall be so supplied only for consumption in the premises or place.
- (4) A person supplying or authorising the supply of intoxicating liquor in contravention of subsection (1) of this section shall be liable to imprisonment for a term not exceeding six months, or to a fine not exceeding [<sup>F74</sup>level 4 on the standard scale], or to both; and a person supplying or obtaining intoxicating liquor in contravention of subsection (2) or subsection (3) of this section shall be liable to a fine not exceeding [<sup>F75</sup>level 1 on the standard scale].
- (5) If intoxicating liquor is kept in any premises or place by or on behalf of a club for supply to members or their guests in contravention of this section, every officer of the club shall be liable to a fine not exceeding [<sup>F74</sup>level 1 on the standard scale], unless he shows that it was so kept without his knowledge or consent.
- (6) In this Act "club premises" means premises which are occupied by and habitually used for the purposes of a club.

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### Textual Amendments

- F74** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**
- F75** 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**

### *Registered clubs*

#### **40 Registration of clubs. E+W**

- (1) A club is registered, within the meaning of this Act, in respect of any premises if and so long as it holds for those premises a certificate under this Part of this Act of a magistrates' court (in this Act referred to as a registration certificate).
- (2) Subject to the provisions of this section and of section 50(4) of this Act, a registration certificate shall have effect for twelve months, but may be from time to time renewed, and may at any time be surrendered by the club.
- (3) Any renewal of a registration certificate shall be for one year from the expiry of the period for which the certificate was issued or last renewed, except that on the second or any subsequent renewal the certificate may, if the court thinks fit, be renewed for such number of years, not exceeding ten, from the expiry of that period as may be requested in the application for renewal or for any less number of years.
- (4) An application by a club for the issue or renewal of a registration certificate shall be made to a magistrates' court and shall comply with the requirements of Schedule 5 to this Act; and the provisions of Schedule 6 to this Act shall have effect as regards the procedure for registration and related matters.
- (5) Where an application for the renewal of a registration certificate is made not less than twenty-eight days before the certificate is due to expire, the certificate shall continue in force until the application is disposed of by the magistrates' court or the court otherwise orders under paragraph 10 of Schedule 6 to this Act.
- (6) Where an application is duly made in accordance with this Part of this Act for the issue or renewal of a registration certificate, the magistrates' court shall not, in the absence of an objection duly made in accordance with this Part of this Act, refuse the application except as provided by the following provisions of this Part of this Act; and a magistrates' court shall state in writing the grounds of any refusal to issue or renew a registration certificate.

#### **41 Qualifications for registration. E+W**

- (1) A club shall only be qualified to receive a registration certificate (whether in the first instance or by way of renewal), if under the rules of the club—
  - (a) persons may not be admitted to membership or be admitted as candidates for membership to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission; and
  - (b) persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission.

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- (2) A club shall be qualified to receive a registration certificate for any premises (whether in the first instance or by way of renewal), only if—
- (a) it is established and conducted in good faith as a club and has not less than twenty-five members; and
  - (b) intoxicating liquor is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club; and
  - (c) the purchase for the club, and the supply by the club of intoxicating liquor (so far as not managed by the club in general meeting or otherwise by the general body of members) is managed by an elective committee, as defined in Schedule 7 to this Act; and
  - (d) no arrangements are or are intended to be made—
    - (i) for any person to receive at the expense of the club any commission, percentage or similar payment on or with reference to purchases of intoxicating liquor by the club; or
    - (ii) for any person directly or indirectly to derive any pecuniary benefit from the supply of intoxicating liquor by or on behalf of the club to members or guests, apart from any benefit accruing to the club as a whole and apart also from any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the club.
- (3) Subject to subsection (4) of this section, in determining whether a club is established and conducted in good faith as a club a magistrates' court may have regard—
- (a) to any arrangement restricting the club's freedom of purchase of intoxicating liquor; and
  - (b) to any provision in the rules, or arrangement, under which money or property of the club, or any gain arising from the carrying on of the club, is or may be applied otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes; and
  - (c) to the arrangements for giving members proper information as to the finances of the club, and to the books of account and other records kept to ensure the accuracy of that information; and
  - (d) to the nature of the premises occupied by the club.
- (4) Subject to section 49(2) of this Act, where the rules of a club applying for the issue or renewal of a registration certificate conform with Schedule 7 to this Act, the court shall assume, as regards any matters not raised by an objection duly made in accordance with this Part of this Act, that the club satisfies the conditions of paragraphs (a) to (c) of subsection (2) of this section and, in the case of a renewal, also the conditions of paragraph (d) of that subsection, except that the court may, if it sees fit, inquire whether there is any such arrangement or provision in the rules as is referred to in paragraph (a) or (b) of subsection (3) of this section, and, if so, whether it is such that the club ought not to be treated as established and conducted in good faith as a club.

#### 42 **Modification of registration qualifications for certain clubs.** E+W

- (1) In the case of a club which is a registered society within the meaning of [<sup>F76</sup>the <sup>M12</sup>Industrial and Provident Societies Act 1965] or the <sup>M13</sup>Friendly Societies Act 1896—
- (a) any requirement of paragraph (c) of subsection (2) of section 41 of this Act that a matter shall be managed by an elective committee shall be treated as satisfied



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- so long as the matter is under the control of the members or of a committee appointed by the members (and references in this Act to that subsection shall be taken as referring to it as modified by this paragraph); and
- (b) the rules of the club shall be treated as conforming with Schedule 7 to this Act so long as they conform with that Schedule as regards voting at general meetings and as regards election or admission to membership.
- (2) Where the rules of a club make provision for a class of members to have limited rights or no rights of voting in relation to the affairs of the club, any question whether the requirements of the said paragraph (c) are satisfied in relation to the club, or whether the rules of the club conform with Schedule 7 to this Act shall, if the court determining the question so directs, be determined as if the exclusion of that class from voting to the extent provided for by the rules were authorised by the provisions of that Schedule as to voting at general meetings or elections; but the court shall not so direct unless satisfied that the provision so made by the rules is part of a bona fide arrangement made in the interests of the club as a whole and of that class of members for facilitating the membership of persons who are precluded by distance or other circumstances from making full use of the privileges of membership, and is not designed to secure for a minority of the members an unfair measure of control over the affairs of the club.

#### Textual Amendments

**F76** Words substituted by virtue of [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), s. 17(2)(a)

#### Marginal Citations

**M12** [1965 c. 12 \(55:3\)](#).

**M13** [1896 c. 25 \(55:2\)](#).

### 43 **Disqualification for and refusal of registration certificate.** E+W

- (1) A registration certificate shall not be issued or renewed, nor have effect, for premises disqualified by an order under section 47 of this Act for use for the purposes of a registered club, nor for licensed premises, nor for premises which include or form part of premises so disqualified or licensed premises; but this subsection does not prevent the issue or renewal for any premises of a registration certificate to take effect on their ceasing to be, include or form part of premises so disqualified or licensed premises.
- (2) A magistrates' court may refuse an application for the issue or renewal of a registration certificate, if it is proved that a person who, if a certificate is granted, will or is likely to take any active part in the management of the club during the currency of the certificate, is not a fit person, in view of his known character as proved to the court, to be concerned in the management of a registered club.
- (3) A magistrates' court may refuse an application for the issue or renewal of a registration certificate—
- (a) if the premises or any premises including or forming part of them have been licensed premises within the twelve months preceding the making of the application but have ceased to be licensed premises by the forfeiture [<sup>F77</sup> or revocation] of the licence or by the refusal of an application to renew it; or
  - (b) if the club has other club premises which are licensed premises and the court is of opinion that the issue or renewal of the registration certificate is likely

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to give occasion for abuse by reason of any difference in the permitted hours in the premises or otherwise.

#### Textual Amendments

F77 Words inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 3 para. 6](#)

#### 44 **Objections to and cancellation of registration certificate.** **E+W**

(1) Objections to an application for the issue or renewal of a registration certificate for any premises may be made by the chief officer of police, by the local authority or by any person affected by reason of his occupation of or interest in other premises, and may be made on any one or more of the following grounds, that is to say—

- (a) that the application does not give the information required by this Part of this Act, or the information is incomplete or inaccurate, or the application is otherwise not in conformity with this Part of this Act;
- (b) that the premises are not suitable and convenient for the purpose in view of their character and condition and of the size and nature of the club;
- (c) that the club does not satisfy the conditions of subsections (1) and (2) of section 41 of this Act, or that the application must or ought to be refused under section 43 of this Act;
- (d) that the club is conducted in a disorderly manner or for an unlawful purpose, or that the rules of the club are habitually disregarded as respects the admission of persons to membership or to the privileges of membership or in any other material respect;
- (e) that the club premises or any of them (including premises in respect of which the club is not registered or seeking registration) are habitually used for an unlawful purpose, or for indecent displays, or as a resort of criminals or prostitutes, or that in any such premises there is frequent drunkenness, or there have within the preceding twelve months been illegal sales of intoxicating liquor, or persons not qualified to be supplied with intoxicating liquor there are habitually admitted for the purpose of obtaining it;

and the court, if satisfied that the ground of objection is made out, may refuse the application and, in the case of an objection made on any of the grounds mentioned in paragraphs (a) to (c) of this subsection, shall do so unless in the case of an objection made on the ground mentioned in paragraph (b) the court thinks it reasonable not to, having regard to any steps taken or proposed to be taken to remove the ground of objection.

(2) A complaint against a club for the cancellation of a registration certificate held by the club for any premises may be made in writing to a magistrates' court by the chief officer of police or by the local authority, and may be made on any ground on which objection might be made under paragraph (c), (d) or (e) of the preceding subsection to an application for the renewal of the certificate; and the court, if satisfied that on such an objection the application for renewal must or ought to be refused on that ground, shall cancel the certificate.

#### 45 **Inspection of premises before first registration.** **E+W**

(1) Where a club applies for the issue of a registration certificate in respect of any premises, an officer of the local authority authorised in writing by that authority may,

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on giving not less than forty-eight hours' notice to the person signing the application and, if the premises are not occupied by the club, to the occupier, and on production of his authority, enter and inspect the premises at any reasonable time on such day, not more than fourteen days after the making of the application, as may be specified in the notice; and a constable authorised in writing by the chief officer of police shall have the like right to enter and inspect the premises, but a chief officer of police shall not so authorise a constable unless in his opinion special reasons exist making it necessary that the premises should be inspected for the proper discharge of his functions in relation to the registration of clubs.

- (2) Any person obstructing a constable or officer of a local authority in the exercise of the power conferred by this section shall be liable to a fine not exceeding [<sup>F78</sup>level 1 on the standard scale].
- (3) If on an application by the chief officer of police or by the local authority it is made to appear to a magistrates' court that, after reasonable steps had been taken by and on behalf of the applicant to inspect the premises in good time under subsection (1) of this section, it was not possible to do so within the time allowed, the court may extend the time allowed.
- (4) Where a club applies for the renewal of a registration certificate in respect of different, additional or enlarged premises, the foregoing subsections shall have effect as if the application were, so far as relates to those premises, an application for the issue of a registration certificate.

#### Textual Amendments

**F78** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46

#### **46 Rights of fire authorities in connection with registration of clubs.** E+W

- (1) As regards any matter affecting fire risks the local authority, if they are the fire authority, shall have the like rights in relation to the inspection of premises under section 45 of this Act on any application for the renewal of a registration certificate for the premises as they have in the case of an application for the issue of a certificate.
- (2) Where the local authority is not the fire authority, the clerk to the justices shall as soon as may be give the fire authority written notice of the making of an application for the issue or renewal of a registration certificate for any premises.
- (3) As regards any matter affecting fire risks a fire authority other than the local authority shall have the like rights—
  - (a) in relation to the inspection of premises under section 45 of this Act, and
  - (b) in relation to the making of objections, on the ground mentioned in paragraph (b) of section 44(1) of this Act, to the issue or renewal of a registration certificate,
 as the authority would have if they were the local authority.
- (4) In this section “fire authority” means, in relation to any premises, the authority discharging in the area where the premises are situated the functions of fire authority under the <sup>M14</sup>Fire Services Act 1947.

**Status:** Point in time view as at 01/01/1995. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

#### Marginal Citations

M14 1947 c. 41 (50).

#### 47 Power to order disqualification of premises. **E+W**

- (1) Subject to the following provisions of this section, where a club is registered in respect of any premises, and a magistrates' court cancels or refuses to renew the registration certificate for those premises on any ground mentioned in paragraph (c), (d) or (e) of section 44(1) of this Act, the court may order that, for a period specified in the order, the premises shall not be occupied and used for the purposes of any registered club.
- (2) The period specified in an order under this section shall not exceed one year unless the premises have been subject to a previous order under this section or to a similar order under any previous enactment about clubs, and shall not in any case exceed five years.
- (3) At any time while an order under this section is in force, a magistrates' court, on complaint made by any person affected by the order, may revoke the order or vary it by reducing the period of disqualification specified in it.
- (4) Any summons granted on a complaint under subsection (3) of this section for the revocation or variation of an order as respect any premises shall be served on the chief officer of police and on the local authority.
- (5) The foregoing provisions of this section do not apply where the premises in respect of which the club is registered are situated in the city of Oxford and the club is mainly composed of past or present members of the University of Oxford.

#### 48 Notification of alteration in rules of registered club. **E+W**

- (1) Where any alteration is made in the rules of a club registered in respect of any premises, the secretary of the club shall give written notice of the alteration to the chief officer of police and to the clerk of the local authority.
- (2) If the notice required by this section is not given within twenty-eight days of the alteration, the secretary shall be liable to a fine not exceeding [<sup>F79</sup>level 1 on the standard scale].
- (3) Notwithstanding anything in [<sup>F80</sup>section 127(1) of the <sup>M15</sup>Magistrates' Courts Act 1980], proceedings under this section for failing to give notice of an alteration of rules may be brought at any time within the twelve months following the date on which the alteration is made.

#### Textual Amendments

**F79** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

**F80** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, **Sch. 7 para. 47**

#### Marginal Citations

M15 1980 c. 43 (82).

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*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

#### **49 Sale of intoxicating liquor by registered clubs. E+W**

- (1) Notwithstanding anything in any enactment, where a club is registered in respect of any premises, and the rules of the club provide for the admission to the premises of persons other than members and their guests and for the sale of intoxicating liquor to them by or on behalf of the club for consumption on the premises, then subject to the following provisions of this section the authority of a licence shall not be required for such a sale, and intoxicating liquor may be supplied to those persons and their guests for consumption on the premises as it may to members and their guests.
- (2) In determining for the purposes of this Part of this Act whether a club is established and conducted in good faith as a club, a magistrates' court may, notwithstanding anything in subsection (4) of section 41 of this Act, have regard to any provision made by the rules for the sale of intoxicating liquor by or on behalf of the club, and to the use made or intended to be made of any such provision; and paragraphs (c) and (d)(ii) of subsection (2) of that section shall apply in relation to the sale of intoxicating liquor by or on behalf of a club as they apply in relation to its supply to members of the club.
- (3) Subject to subsection (4) of this section, a magistrates' court, on the issue or renewal of a registration certificate for any premises, may attach to the certificate such conditions restricting sales of intoxicating liquor on those premises as the court thinks reasonable (including conditions forbidding or restricting any alteration of the rules of the club so as to authorise sales not authorised at the time of the application to the court), and subsection (1) of this section shall not authorise a sale in breach of any such condition.
- (4) No condition shall be attached to a registration certificate under subsection (3) of this section so as to prevent the sale of intoxicating liquor to a person admitted to the premises as being a member of another club, if—
  - (a) the other club is registered in respect of premises in the locality which are temporarily closed; or
  - (b) both clubs exist for learned, educational or political objects of a similar nature; or
  - (c) each of the clubs is primarily a club for persons who are qualified by service or past service, or by any particular service or past service, in Her Majesty's forces and are members of an organisation established by Royal Charter and consisting wholly or mainly of such persons; or
  - (d) each of the clubs is a working men's club (that is to say, a club which is, as regards its purposes, qualified for registration as a working men's club under the <sup>M16</sup>Friendly Societies Act 1896 and is a registered society within the meaning of that Act or of [<sup>F81</sup>the <sup>M17</sup>Industrial and Provident Societies Act 1965]).
- (5) A registration certificate may, at the time of its renewal, or on the application of the club, or on complaint in writing made against the club by the chief officer of police or the local authority, be varied by imposing, varying or revoking any conditions authorised by subsection (3) of this section.
- (6) At the hearing of an application for the issue or renewal of a registration certificate, or of an application by a club under subsection (5) of this section, the chief officer of police or the local authority shall be entitled, on giving written notice of intention to do so, to make representations as to the conditions which ought to be attached to the certificate under this section.

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- (7) Where the rules of a club registered in respect of any premises are altered so as to authorise at those premises sales of intoxicating liquor not authorised by the rules at the time of the application or last application by the club for the issue or renewal of a registration certificate for those premises, the alteration shall not be effective for the purposes of subsection (1) of this section until notice of it has been given in accordance with section 48 of this Act.

#### Textual Amendments

**F81** Words substituted by virtue of [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), s. 17(2)(a)

#### Marginal Citations

**M16** 1896 c. 25 (55:2).

**M17** 1965 c. 12 (55:3).

### 50 Appeal to quarter sessions. **E+W**

- (1) A club may appeal to [<sup>F82</sup>the Crown Court] against any decision of a magistrates' court refusing to issue or renew a registration certificate, or cancelling a registration certificate, or against any decision of a magistrates' court as to the conditions of a registration certificate relating to sales of intoxicating liquor, or against any order of a magistrates' court under section 47 of this Act.
- (2) Where the decision appealed against relates to two or more premises, the appeal may be brought in respect of any of those premises without the others.
- (3) Where the decision appealed against was given on an application to the magistrates' court by the club, no person shall be made a party to the appeal except a person who appeared before the magistrates' court to make an objection to or representations on the application, but any such person shall be a party to the appeal, whether or not his objection related to the same premises as the appeal.
- (4) Where a magistrates' court refuses an application for the renewal of a registration certificate, the court may, on such conditions as it thinks fit, order that the certificate (as in force at the time of the application) shall continue in force pending the determination of an appeal against the refusal, or pending the consideration of the question of bringing such an appeal.

#### Textual Amendments

**F82** Words substituted by virtue of [Courts Act 1971 \(c. 23, SIF 37\)](#), s. 56(2), [Sch. 9 Pt. 1](#)

### 51 Register of clubs. **E+W**

- (1) The clerk to the justices for any petty sessions area shall keep a register of clubs holding registration certificates for premises in the area.
- (2) The register shall show for the premises in respect of which a club is registered the hours [<sup>F83</sup>on Sundays, Christmas Day and Good Friday], if any, fixed as the permitted hours by or under the rules of the club (as notified to the clerk to the justices), and



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shall contain such other particulars, and shall be in such form, as may be prescribed by regulations of the Secretary of State.

Any regulations under this subsection shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (3) The register shall at all reasonable times be open to inspection on payment of the appropriate fee (if any) by any person, and without payment by any officer of police, by any officer of Customs and Excise, or by any officer of the local authority who is authorised in writing to inspect it on their behalf.
- (4) Written notice, signed by the chairman or secretary of the club, shall be given to the clerk to the justices of any change in the particulars of the club which are contained or required to be contained in the register by virtue of regulations under this section; and if the notice required by this subsection is not given within forty-two days of the change, the chairman and secretary shall each be liable to a fine not exceeding [<sup>F84</sup>level 3 on the standard scale].

#### Textual Amendments

**F83** Words inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 1, [Sch. 1 para. 1](#)

**F84** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46

## 52 Provisions as to different premises of same club. **E+W**

- (1) A single registration certificate may relate to any number of premises of the same club, and on an application duly made a registration certificate may, at the time of renewal or otherwise, be varied as regards the premises to which it relates.
- (2) Where a variation of a registration certificate would result in the club being registered in respect of different, additional or enlarged premises, and is to be made otherwise than at the time of renewal, the provisions of this Act shall apply as they apply in the case of a renewal, except that the variation shall not extend the duration of the certificate.
- (3) Where a club seeks or holds a registration certificate for two or more premises not contiguous to one another, the court on an objection to the issue or renewal of the certificate or complaint for its cancellation may refuse to issue or renew it or may cancel it for some only of the premises, if the ground of objection or complaint relates only to those premises or is only made out for those premises, and the court is opinion that it is in the circumstances reasonable for the club to be or remain registered in respect of the other premises.
- (4) No order shall be made under section 47 of this Act in relation to any premises unless the ground of objection or complaint relates to and is made out for those premises or contiguous premises.

## 53 Penalty for false statements. **E+W**

If an application by a club for the issue or renewal of a registration certificate or for the variation of a registration certificate, or a notice under section 51(4) of this Act, contains any statement known to the person signing it to be false in a material particular, or if a person recklessly signs any such application or notice containing a



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statement which is false in a material particular, the person signing the application or notice shall be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding [<sup>F85</sup>level 3 on the standard scale], or to both.

**Textual Amendments**

**F85** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)

**54 Search warrants. E+W**

If a justice of the peace is satisfied by information on oath that there is reasonable ground for believing—

- (a) that there is ground for cancelling in whole or in part a registration certificate held by a club, and that evidence of it is to be obtained at the club premises or any of them; or
- (b) that intoxicating liquor is sold or supplied by or on behalf of a club in club premises for which the club does not hold a registration certificate or a justices' licence, or is kept in any club premises for sale or supply in contravention of this Part of this Act;

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 the club premises, or any of them, by force if need be, and search them and seize any documents relating to the business of the club.

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

**C9** [S. 54](#): power of seizure extended (*prosp.*) by [2001 c. 16, ss. 50, 52-54, 68, 138\(2\)-\(4\)](#), [Sch. 1 Pt. 1 para. 7](#)  
[s. 54](#) modified (*prosp.*) (E.W.N.I.) by [2001 c. 16, ss. 55, 68, 138\(2\)-\(4\)](#), [Sch. 1 Pt. 3 para. 90](#) (with [s. 57\(3\)](#))

*Licensing of club premises*

**55 Licensing of club premises. E+W**

- (1) ..... <sup>F86</sup>
- (2) ..... <sup>F87</sup> any justices' licence for club premises which is to be granted to a club, shall be taken out or granted in the name of an officer of the club nominated for the purpose by or on behalf of the club; and in relation to any premises for which a licence is so taken out or granted—
  - (a) the rights and obligations of the holder of the licence under the enactments relating to the sale of intoxicating liquor and to licensed premises shall attach to the person in whose name the licence is, and those enactments shall apply as if he were, as holder of the licence, in occupation of the premises; and
  - (b) for the purposes of those enactments any supply of intoxicating liquor by or on behalf of the club to a member as such or to any person on the order of a member shall be treated as sale of the liquor to the member, and references to a trade or trader shall apply accordingly.

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- (3) Where a justices' licence is granted to a club for any club premises, then, notwithstanding that the club is registered in respect of other club premises, section 39(3) of this Act shall not apply to the supply of intoxicating liquor under the authority of the licence.
- (4) Where a club is registered in respect of any club premises, and application is made for the grant (whether to the club or to another) of a justices' licence for other club premises of the club, the licensing justices shall not grant the licence unless they are satisfied that the purposes of the licence would not be served by the club being registered in respect of the other premises also and that the grant of the licence is not likely to give occasion for abuse by reason of any difference in the permitted hours in the premises or otherwise.
- (5) Where a justices' licence granted for club premises is subject to conditions forbidding or restricting the sale to non-members of intoxicating liquor, the licensing justices may insert in the licence a provision relieving the holder, if and in so far as the justices think appropriate in view of those conditions, from compliance with any provision of this Act which requires notices to be displayed in or on licensed premises but does not apply to premises in respect of which a club is registered.
- (6) Any such conditions as are mentioned in subsection (5) of this section may be attached under section 4(1) of this Act to a new justices' on-licence for club premises, notwithstanding that the licence is for the sale of wine alone . . . <sup>F88</sup>

#### Textual Amendments

- F86** S. 55(1) repealed by [Finance Act 1967 \(c. 54\)](#), [Sch. 16 Pt. I](#)
- F87** Words repealed by [Finance Act 1967 \(c. 54, SIF 63:2\)](#), [Sch. 16 Pt. I](#)
- F88** Words repealed by [Finance \(No. 2\) Act 1975 \(c. 45, SIF 99:3\)](#), [Sch. 14 Pt. I](#)

### *Miners' welfare institutes*

#### **56 Application of Part II to miners' welfare institutes.** E+W

- (1) A miners' welfare institute may be registered under this Part of this Act as a club subject to and in accordance with subsection (2) of this section, and in relation to such an institute while so registered this Act and any other enactment relating to the sale or supply of intoxicating liquor shall have effect, subject to that subsection, as if—
  - (a) the institute were a club occupying the premises of the institute and having for members the persons from time to time enrolled as members of the institute; and
  - (b) intoxicating liquor supplied or kept for supply by or on behalf of the trustees or managers in carrying on the institute to members or others were the liquor of the club supplied or kept for supply on behalf of the club.
- (2) In relation to the registration of a miners' welfare institute in respect of any premises of the institute sections 40 to 53 of this Act shall apply as they apply in the case of a club and premises occupied by the club, except that the following provisions and so much of any other provision as refers to any of them shall not apply, that is to say, subsections (2) to (4) of section 41, section 42 and paragraphs 5(c) and 6 to 8 of Schedule 5 to this Act.

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(3) In this section “miners’ welfare institute” means an association organised for the social well-being and recreation of persons employed in or about coal mines (or of such persons in particular); but nothing in this section shall apply in relation to a miners’ welfare institute unless <sup>F89</sup>—

[<sup>F89</sup>(a) it is managed by a committee or board of which not less than two-thirds consists partly of persons appointed by or on the nomination of, or appointed or elected from among persons nominated by, a licensed operator or operators (within the meaning of the Coal Industry Act 1994) and partly of persons appointed by or on the nomination of, or appointed or elected from among persons nominated by, an organisation or organisations representing persons employed in or about coal mines;

(aa) in the case of an institute in relation to which either—

- (i) the making of an appointment or nomination by a licensed operator, or
- (ii) the making of an appointment or nomination by such an organisation as is mentioned in paragraph (a) above,

is not practicable or would not be appropriate, it is managed by a committee or board of which not less than two-thirds consists partly of persons employed or formerly employed in or about coal mines and partly of persons appointed by the Coal Industry Social Welfare Organisation or a body or person to which the functions of that Organisation have been transferred under section 12(3) of the Miners’ Welfare Act 1952; or]

(b) the premises of the institute are held on trusts to which section 2 of the <sup>M18</sup>Recreational Charities Act 1958 applies.

**Textual Amendments**

**F89** S. 56(3): for paragraph (a) and the word immediately preceding it, s. 56(3)(a)(aa) substituted (31.10.1994) by 1994 c. 21, s. 67, **Sch. 9 para. 8**; S.I. 1994/2552, art. 2, **Sch. 1**

**Marginal Citations**

**M18** 1958 c. 17 (19).

*Supplemental*

**57 Applications to magistrates’ court under Part II. E+W**

(1) . . . . . <sup>F90</sup> where this Part of this Act provides for an application to be made with respect to any premises to a magistrates’ court, the application shall be made to a magistrates’ court acting for the petty sessions area in which the premises are.

(2) . . . . . <sup>F91</sup>

(3) . . . . . <sup>F92</sup>

**Textual Amendments**

**F90** Words repealed by **Justices of the Peace Act 1968** (c. 69, SIF 82), **Sch. 5 Pt. II**

**F91** S. 57(2) repealed by **Administration of Justice Act 1964** (c. 42, SIF 82), **Sch. 5**

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**F92** S. 57(3) repealed by [Justices of the Peace Act 1968 \(c. 69, SIF 82\)](#), **Sch. 5 Pt. II**

## 58 Interpretation of Part II. **E+W**

(1) In this Part of this Act—

- (a) “local authority” means the Common Council of the City of London, or the council of the . . . <sup>F93</sup>, London borough or . . . <sup>F94</sup> district, according to the situation of the premises in question; and
- (b) “clerk of the local authority” means, in the City of London or a borough, the town clerk.

(2) References in this Part of this Act to the chief officer of police shall be construed as referring to the chief officer of police for the police area in which the premises in question are, but anything required or authorised by this Part of this Act to be done by or to a chief officer of police may be done by or to any officer of police designated by the chief officer.

### Textual Amendments

**F93** Words repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **Sch. 30**

**F94** Word omitted by virtue of [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **s. 179(3)**

### Modifications etc. (not altering text)

**C10** S. 58(2) applied by [Sporting Events \(Control of Alcohol etc.\) Act 1985 \(c. 57, SIF 39:2\)](#), **s. 9(6)(7)**

## PART III **E+W**

### PERMITTED HOURS

### Modifications etc. (not altering text)

**C11** Pt. III (ss. 59–92) restricted by [Sporting Events \(Control of Alcohol etc.\) Act 1985 \(c. 57, SIF 39:2\)](#), **ss. 3(1)(a), 9(6)**

*Prohibition of sale, etc. of intoxicating liquor outside permitted hours*

## 59 Prohibition of sale, etc. of intoxicating liquor outside permitted hours. **E+W**

(1) Subject to the provisions of this Act, no person shall, except during the permitted hours—

- (a) himself or by his servant or agent sell or supply to any person in licensed premises or in premises in respect of which a club is registered any intoxicating liquor, whether to be consumed on or off the premises; or
- (b) consume in or take from such premises any intoxicating liquor.

(2) If any person contravenes this section he shall be liable to a fine not exceeding [<sup>F95</sup>level 3 on the standard scale].

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- (3) This section does not apply in relation to intoxicating liquor sold under an occasional licence.

#### Textual Amendments

**F95** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

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

**C12** [S. 59](#) excluded (14.10.1994) by [S.I. 1994/2478](#), **art. 4**

**C13** [S. 59\(1\)\(a\)](#) excluded by [Sporting Events \(Control of Alcohol etc.\) Act 1985 \(c. 57, SIF 39:2\)](#), **ss. 3(10), 9(6)**

**C14** [S. 59\(1\)\(b\)](#) excluded by [Sporting Events \(Control of Alcohol etc.\) Act 1985 \(c. 57, SIF 39:2\)](#), **ss. 3(11), 9(6)**

### *General provisions as to permitted hours*

#### **60 Permitted hours in licensed premises.** **E+W**

- (1) Subject to the following provisions of this Part of this Act, the permitted hours in licensed premises shall be—
- (a) on weekdays, other than Christmas Day or Good Friday, the hours from eleven in the morning to [<sup>F96</sup>eleven] in the evening, . . . <sup>F97</sup>; and
  - (b) on Sundays, Christmas Day and Good Friday, the hours from twelve noon to half past ten in the evening, with a break of [<sup>F98</sup>four hours beginning at three] in the afternoon.
- (2) . . . . . <sup>F99</sup>
- (4) The licensing justices for any licensing district, if satisfied that the requirements of the district make it desirable, may by order modify for the district the hours specified in subsection (1)(a) of this section, [<sup>F100</sup>so that the permitted hours begin at a time earlier than eleven, but not earlier than ten, in the morning].
- (5) In this Act “the general licensing hours” means, in relation to any licensing district, the hours specified in paragraphs (a) and (b) of subsection (1) of this section, with any modification applying in the district by virtue of [<sup>F101</sup>subsection] (4) of this section.
- (6) In premises licensed for the sale of intoxicating liquor for consumption off the premises only the permitted hours on weekdays, other than Christmas Day or Good Friday, shall begin at . . . <sup>F102</sup> eight in the morning . . . <sup>F103</sup>
- (7) References in this Act to the permitted hours shall, except in so far as the context otherwise requires, be construed in relation to any licensed premises where the permitted hours are restricted by any conditions attached to the licence, as referring to the hours as so restricted.

#### Textual Amendments

**F96** Word substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), **s. 1(1)(a)**

**F97** Words repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), **ss. 1(1)(b), 19, Sch. 4**

**F98** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), **s. 1(2)**

**F99** [S. 60\(2\)\(3\)](#) repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), **s. 19, Sch. 4**

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- F100** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 1(3)
- F101** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 1(7), **Sch. 1 para. 2**
- F102** Words repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), ss. 1(4), 19, **Sch. 4**
- F103** Words repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, **Sch. 4**

**61 Orders varying permitted hours. E+W**

- (1) The power of licensing justices to make orders under [F104 subsection] (4) of section 60 of this Act shall be exercised by them at their general annual licensing meeting in accordance with such procedure as may be prescribed by rules made by the Secretary of State.
- (2) An order under [F105 that subsection] may make different provisions for different periods of the year or for different weekdays in every week of the year or of any such period, or may make provision to take effect for particular periods only, or for particular weekdays in every week of the year or of any such period, but no alteration of the general licensing hours shall take effect within eight weeks of another.
- (3) The power of licensing justices to make an order under [F105 that subsection] shall include power to vary or revoke an order so made by a subsequent order.
- (4) An order made under [F105 that subsection] shall be published in such manner as the Secretary of State may direct.
- (5) A document purporting to be an order made by licensing justices under [F105 that subsection] and to be issued by them shall be received in evidence.

**Textual Amendments**

- F104** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), ss. 1(7), **Sch. 1 para. 3(a)**
- F105** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 1(7), **Sch. 1 para. 3(b)**

**62 Permitted hours in clubs. E+W**

- [F106](1) The permitted hours in premises in respect of which a club is registered shall be—
  - (a) on weekdays, other than Christmas Day or Good Friday, the general licensing hours; and
  - (b) on Sundays, Christmas Day and Good Friday, the hours fixed by or under the rules of the club in accordance with the following conditions—
    - (i) the hours fixed shall not be longer than [F107 six] and a half hours and shall not begin earlier than twelve noon nor end later than half past ten in the evening;
    - (ii) there shall be a break in the afternoon of not less than two hours which shall include the hours from three to five; and
    - (iii) there shall not be more than three and a half hours after five.]
- (2) ..... F108
- (3) Written notice (signed by the chairman or secretary of the club) of the hours [F109 on Sundays, Christmas Day and Good Friday] fixed as the permitted hours for any club premises by or under the rules of the club shall be given to the clerk to the justices for the petty sessions area in which the premises are; and no decision fixing those hours

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shall be effective until notice is so given, but the hours previously fixed and notified, if any, shall continue to apply.

#### Textual Amendments

**F106** S. 62(1) substituted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 1(5)

**F107** Word substituted by Licensing (Amendment) Act 1989 (c. 20, SIF 68A:1), s. 1

**F108** S. 62(2) repealed by Licensing Act 1988 (c. 17, SIF 68A:1), s. 19, Sch. 4

**F109** Words inserted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 1(7), Sch. 1 para. 4

### Exceptions

#### 63 Exceptions from prohibition of sale, etc. of intoxicating liquor outside permitted hours. **E+W**

- (1) Where any intoxicating liquor is supplied in any premises during the permitted hours, section 59 of this Act does not prohibit or restrict—
  - (a) during the first [<sup>F110</sup>twenty minutes] after the end of any period forming part of those hours, the consumption of the liquor on the premises, nor, unless the liquor was supplied or is taken away in an open vessel, the taking of the liquor from the premises;
  - (b) during the first half hour after the end of such a period, the consumption of the liquor on the premises by persons taking meals there, if the liquor was supplied for consumption as an ancillary to their meals.
- (2) Section 59 of this Act does not prohibit or restrict—
  - (a) the sale or supply to, or consumption by, any person of intoxicating liquor in any premises where he is residing;
  - (b) the ordering of intoxicating liquor to be consumed off the premises, or the despatch by the vendor of liquor so ordered;
  - (c) the sale of intoxicating liquor to a trader for the purposes of his trade, or to a registered club for the purposes of the club; or
  - (d) the sale or supply of intoxicating liquor to any canteen or mess.
- (3) Section 59 of this Act does not prohibit or restrict as regards licensed premises—
  - (a) the taking of intoxicating liquor from the premises by a person residing there; or
  - (b) the supply of intoxicating liquor for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of intoxicating liquor by persons so supplied; or
  - (c) the supply of intoxicating liquor for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
- (4) In subsection (2) of this section, as it applies to licensed premises, and in subsection (3) of this section, references to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.



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#### Textual Amendments

**F110** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 2

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

**C15** S. 63(2)(b) excluded by [Sporting Events \(Control of Alcohol etc.\) Act 1985 \(c. 57, SIF 39:2\)](#), ss. 3(1)(b), 9(6)

### *Restrictions on permitted hours in licensed premises*

#### 64 Seasonal licenses. **E+W**

- (1) The licensing justices for any licensing district, if satisfied that the requirements of the district make it desirable, may at the request of the person applying for the grant of a justices' on-licence, or on an application by the holder of such a licence, insert in the licence a condition that, during such part or parts of the year as may be specified in the condition, there shall be no permitted hours in the premises.
- (2) A licence in which such a condition is inserted is in this Act referred to as a seasonal licence.
- (3) Licensing justices may vary or revoke such a condition either on an application by the holder of the licence or on the renewal, transfer or removal of the licence and at the request of the person applying for the renewal, transfer or removal.

#### 65 Six-day and early-closing licences. **E+W**

- (1) Licensing justices shall, at the request of the person applying for the grant of a justices' on-licence [<sup>F111</sup>, or on an application by the holder of such a licence,], insert in the licence—
  - (a) a condition that on Sundays there shall be no permitted hours in the premises; or
  - (b) a condition that the permitted hours shall end one hour earlier in the evening than the general licensing hours.
- (2) A licence in which a condition is inserted under subsection (1) of this section is in this Act referred to as a six-day licence if the condition is as mentioned in paragraph (a), and as an early-closing licence if the condition is as mentioned in paragraph (b) of that subsection.
- [<sup>F112</sup>(3) Licensing justices shall revoke a condition inserted under subsection (1) of this section in an application by the holder of the licence requesting them to do so.]

#### Textual Amendments

**F111** Words inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, **Sch. 3 para. 7(a)**

**F112** S. 65(3) substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, **Sch. 3 para. 7(b)**

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## 66 Sunday closing in Wales and Monmouthshire. **E+W**

- (1) There shall be no permitted hours on any Sunday in licensed premises in Wales and Monmouthshire, except in a [F113district] in which this subsection does not apply.
- (2) Subsection (1) of this section does not, at the commencement of this Act, apply in any [F113district] in which, immediately before the commencement of this Act, section 111 of the <sup>M19</sup>Licensing Act 1953 did not apply.
- (3) If the local government electors for a [F113district] in which subsection (1) of this section applies determine by a majority, on a poll held in accordance with this and the next following section, that that subsection shall not apply, it shall not apply in that [F113district]; and if the local government electors for a [F113district] in which that subsection does not apply determine by a majority on a poll so held that that subsection shall apply, it shall apply in that [F113district].
- (4) There shall be no poll under this section for a [F113district], unless it is requisitioned by not less than five hundred local government electors for the [F113district], and a requisition shall not be effective unless—
  - (a) it is contained in one or more requisition papers in the form in the appendix to Schedule 8 to this Act, signed by the requisitioning electors and giving the particulars of them required by that form; and
  - (b) the requisition papers are delivered to the [F113proper officer of the district council] within the two months following 3rd August [F1131975], or within the same period seven or any multiple of seven years thereafter, and each requisition paper is accompanied by a statutory declaration verifying the signatures on it or by two or more statutory declarations between them verifying those signatures.
- (5) Subject to subsection (6) of this section, the date for a poll under this section in any year shall be the same for all [F113districts] and shall be such day as the Secretary of State may direct, being not more than six weeks after the end of the period allowed under subsection (4) of this section for delivering requisition papers for the poll.
- (6) If polling day at a general election for Parliament falls within the eight weeks after the end of the period allowed under subsection (4) of this section for delivering requisition papers, the date for the poll under this section may be more than six, but not more than twelve, weeks after the end of that period, and if Parliament is dissolved after the date has been fixed by a direction under subsection (5) of this section, the Secretary of State may revoke that direction and give a new direction fixing a later date.
- (7) On receipt of a requisition for a poll under this section the [F113proper officer of the district council] shall forthwith notify the Secretary of State, and after satisfying himself that the requisition complies with subsection (4) of this section (for which purpose he shall assume that the papers are signed by the persons by whom they purport to be signed) shall as soon as may be give public notice in the [F113district] in such manner as he thinks sufficient of the holding of the poll, and if the date for the poll is afterwards altered under subsection (6) of this section shall again give public notice accordingly.

### Textual Amendments

**F113** Words substituted by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 25 para. 3](#)

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### Marginal Citations

M19 1953 c. 46.

## 67 Supplementary provisions for Welsh Sunday polls. **E+W**

- (1) The following provisions of this section shall apply in relation to a poll under section 66 of this Act.
- (2) Subject to the provisions of Schedule 8 to this Act—
  - (a) the poll shall be conducted, and the expenses thereof paid, in all respects as if polls were being held throughout the [F114]district] at an ordinary election of [F114]district] councillors; and
  - (b) all persons having any duties in connection with the conduct of such an election shall have the like duties in connection with the poll.
- (3) When the number of votes cast on either side has been ascertained for the whole of any [F114]district], the [F114]chairman of the district council] shall declare the result of the poll, and shall deliver a certificate of the result, signed by him, to the [F114]proper officer of the district council].
- (4) If the decision on the poll is that subsection (1) of section 66 of this Act shall not apply where it applied before, or shall apply where it did not apply before, the decision shall take effect with the first Sunday not earlier than the fourth day after the date of the poll; and if the decision is that that subsection shall not apply where it applied before, any condition in a licence previously granted for premises in the [F114]district] under which the licence is a six-day licence shall be void (but without prejudice to the right to have such a condition re-inserted on the next or any subsequent application for a licence).
- (5) The following provisions of the [F115]Representation of the M20]People Act 1983] shall apply as if the poll were a poll at an ordinary election of [F114]district] councillors, that is to say—
  - (a) [F115]section 60, section 61] except subsections (1) and (4), and in [F115]section 65] subsection (1), except paragraph (a), and subsection (5) (which relate to personation, plural voting and other frauds in connection with voting);
  - (b) [F115]section 66] (which contains provision for preventing disclosure of the candidate for whom a person votes and generally for securing the secrecy of the ballot);
  - (c) [F115]sections 113 to 115] (which make bribery, treating and undue influence corrupt practices);
  - (d) [F115]sections 168 to 170 and 173], so far as they relate to offences under any provision mentioned in the foregoing paragraphs prosecuted on indictment or in a magistrates' court;
 but as if—
  - (i) in [F115]section 66] for the words “the candidate for whom” and for the words “the name of the candidate for whom” there were substituted the words “the result for which” and paragraph (b) of subsection (1) (which relates to the obligations of candidates and their agents) were omitted; and
  - (ii) in [F115]section 113] for the references to procuring the return of any person at an election there were substituted references to procuring one or other result of the poll.

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- (6) If, with intent to influence persons to give or refrain from giving their votes at the poll, any person, after the end of the period allowed for delivering requisition papers, publishes an advertisement in a newspaper or other periodical or procures an advertisement to be so published, he shall be guilty of an illegal practice, and [F116sections 169 and 173 of the Representation of the M21People Act 1983] shall apply so far as they relate to offences prosecuted in a magistrates' court; but the court before whom a person is convicted under this subsection may, if it thinks it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of [F116section 173].

#### Textual Amendments

**F114** Words substituted by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 25 para. 4](#)

**F115** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), [Sch. 8 para. 8](#)

**F116** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), [Sch. 8 para. 9](#)

#### Marginal Citations

**M20** [1983 c. 2 \(42\)](#).

**M21** [1983 c. 2 \(42\)](#).

[F117 *Restriction orders with respect to licensed premises and clubs*]

#### Textual Amendments

**F117** [Ss. 67A-67D](#) inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), [s. 3\(1\)](#)

### [67A [F118 **Restriction orders.** **E+W**]

- (1) An order under this section may be made with respect to—
- any licensed premises or part of licensed premises, other than premises licensed for the sale of intoxicating liquor for consumption off the premises only and any premises for which an occasional licence is in force; and
  - any premises in respect of which a club is registered.
- (2) An order under this section is referred to in this section and sections 67B, 67C and 67D of this Act as a “restriction order” and in those sections (and Schedule 8A to this Act) “theatre” means any premises in respect of which a notice under section 199 (c) of this Act is for the time being in force.
- (3) Where a restriction order is in force with respect to any premises or part of any premises, the permitted hours in those premises or that part shall not include any time specified in the order.
- (4) A restriction order may specify any time between half past two and half past five in the afternoon and may apply in relation to particular days of the week specified in the order and in relation to particular periods of the year so specified.
- (5) The power to make a restriction order shall be exercisable—
- with respect to licensed premises, by licensing justices, and

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- (b) with respect to premises in respect of which a club is registered, by a magistrates' court,  
on application being made to them under this section.
- (6) An application for a restriction order may be made by—
- (a) the chief officer of police;
  - (b) any person living in the neighbourhood, or any body representing persons who do;
  - (c) any person carrying on a business in the neighbourhood or managing or otherwise in charge of it in the neighbourhood; or
  - (d) the head teacher or other person in charge of any educational establishment in the neighbourhood.
- (7) A restriction order may be made—
- (a) on the ground that it is desirable to avoid or reduce any disturbance of or annoyance to—
    - (i) persons living or working in the neighbourhood,
    - (ii) customers or clients of any business in the neighbourhood, or
    - (iii) persons attending, or in charge of persons attending, any educational establishment in the neighbourhood,
 due to the use of the premises or part of the premises; or
  - (b) on the ground that it is desirable to avoid or reduce the occurrence of disorderly conduct in the premises or part of the premises or the occurrence in the vicinity of the premises of disorderly conduct on the part of persons resorting to the premises or part of the premises.
- (8) The terms of a restriction order shall be such as the licensing justices or, as the case may be, the magistrates' court think fit.
- (9) A restriction order shall have effect as from the date specified in it and (unless revoked or varied or the licence or registration ceases to be in force) for the period specified in it, which shall not exceed twelve months.
- (10) Schedule 8A to this Act shall have effect as respects the procedure for the making of restriction orders.]

#### Textual Amendments

**F118** Ss. 67A-67D inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 3(1)

#### [<sup>F119</sup> **67B Restriction orders: appeals** **E+W**]

- (1) Any holder of a justices' licence, any club or any proprietor of a theatre aggrieved by a decision of licensing justices or a magistrates' court—
  - (a) granting a restriction order, or
  - (b) as to the terms of a restriction order,
 may appeal to the Crown Court against the decision.
- (2) On an appeal under this section against a restriction order the applicant for the order shall be respondent in addition to the licensing justices or justices, as the case may be.

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- (3) Where an appeal is brought under this section against a restriction order, the operation of the order shall be suspended until the disposal of the appeal, unless the licensing justices or magistrates' court, as the case may be, or the Crown Court otherwise order.
- (4) The judgment of the Crown Court on any appeal under this section shall be final.]

#### Textual Amendments

**F119** Ss. 67A–67D inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 3(1)

### [<sup>F120</sup>67C Revocation or variation of restriction orders. **E+W**

- (1) Subject to subsection (2) below, where a restriction order is in force in respect of any premises or part of any premises the holder of the justices' licence, the club or the proprietor of the theatre, as the case may be, may apply to the licensing justices or magistrates' court who made the order to have it revoked or its terms varied.
- (2) No application for the revocation or variation of a restriction order shall be made within the period of six months beginning with the date on which the order came into force nor where a previous application has been made under this section with respect to the order.
- (3) On an application under this section in relation to a restriction order, the licensing justices or the magistrates' court may, if they think fit—
  - (a) where revocation of the order is sought, either revoke it or make such an order varying its terms as they think fit; and
  - (b) where variation of the terms of the order is sought, make such an order varying its terms as they think fit.
- (4) Schedule 8A to this Act shall have effect as respects the procedure for the revocation or variation of restriction orders.]

#### Textual Amendments

**F120** Ss. 67A–67D inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 3(1)

### [<sup>F121</sup>67D Duty to post notice of restriction order on premises. **E+W**

- (1) Where a restriction order is in force with respect to any licensed premises, the holder of the licence or the theatre proprietor, as the case may be, shall keep posted in some conspicuous place there a notice stating the effect of the order on the permitted hours.
- (2) Where a restriction order has effect with respect to a part only of licensed premises, subsection (1) above requires the notice to be posted in that part of the premises.
- (3) A person contravening this section shall be liable to a fine not exceeding level 1 on the standard scale.]

#### Textual Amendments

**F121** Ss. 67A–67D inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 3(1)

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*Extension of permitted hours in licensed premises and clubs*

**68 Extension of permitted hours in restaurants, etc. E+W**

- (1) In any premises to which either of the following paragraphs applies there shall be added to the permitted hours (so far as not otherwise comprised in them) for the purpose and in the part of the premises mentioned in subsection (2) of this section—
- (a) where this paragraph applies, the period [F122, on Sundays, Christmas Day and Good Friday, between the first and second parts of the general licensing hours;]
  - (b) where this paragraph applies, the hour following the general licensing hours; but for other purposes, or in other parts of the premises, the permitted hours shall be the same as if that paragraph did not apply to the premises.
- (2) The addition shall be for the purpose of the sale or supply to persons taking table meals in the premises, and the consumption, of intoxicating liquor which is supplied—
- (a) in a part of the premises usually set apart for the service of such persons; and
  - (b) for consumption by such a person in that part of the premises as an ancillary to his meal.
- (3) Either or both paragraphs of subsection (1) of this section may be applied, in accordance with section 69 of this Act, to licensed premises or to premises in respect of which a club is registered, if the licensing justices for the district in which the licensed premises are situated are satisfied or, in the case of premises in respect of which a club is registered, the magistrates' court is satisfied, that the premises are structurally adapted and bona fide used, or intended to be used for the purpose of habitually providing, for the accommodation of persons frequenting the premises, substantial refreshment to which the sale and supply of intoxicating liquor is ancillary.

**Textual Amendments**

F122 Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 1, [Sch. 1 para. 5](#)

**69 Application of paragraph (a) or (b) of s. 68(1). E+W**

- (1) Each paragraph of section 68(1) of this Act may be applied by the holder of the licence or, as the case may be, the secretary of the club, as from such day as he may fix by notice to the chief officer of police served not less than fourteen days before that day and, if so applied, shall continue to apply until its application is terminated under subsection (2) of this section or—
- (a) in the case of licensed premises, the licensing justices cease to be satisfied as mentioned in subsection (3) of the said section 68;
  - (b) in the case of premises in respect of which a club is registered, the magistrates' court declares that it is no longer so satisfied.
- (2) The holder of the licence or, as the case may be, the secretary of the club may terminate the application of either or both of the said paragraphs on 4th April in any year by notice to the chief officer of police served not less than fourteen days before that day.



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## 70 Extended hours in restaurants, etc. providing entertainment. **E+W**

- (1) Subject to the provisions of this section, where any licensed premises or premises in respect of which a club is registered are structurally adapted and bona fide used, or intended to be used, for the purpose of habitually providing, for the accommodation of persons frequenting them, musical or other entertainment as well as substantial refreshment, and the sale and supply of intoxicating liquor is ancillary to that refreshment and entertainment, then if—
- (a) paragraph (b) of section 68(1) of this Act applies to the premises, and
  - (b) an order under this section is in force with respect to them,
- the time added by the said section 68(1) to the permitted hours on weekdays on which the entertainment is provided and the purpose for which the time is added shall, in any part of the premises habitually set apart for the provision of the refreshment and entertainment, be as mentioned in subsection (2) of this section.
- (2) In any such part of the premises the time so added shall, . . . <sup>F123</sup>, extend until one o'clock in the morning following, . . . <sup>F123</sup>; and the purpose for which it is added shall be—
- (a) the sale and supply, before the provision of the entertainment or the provision of substantial refreshment has ended, of intoxicating liquor for consumption in any such part of the premises; and
  - (b) the consumption of intoxicating liquor so supplied;
- but this section does not authorise any sale or supply to a person admitted to the premises either after midnight or less than half an hour before the entertainment is due to end, except in accordance with subsection (2) of section 68 of this Act.
- (3) Where in any premises or part of premises the time added to the permitted hours by section 68(1) of this Act is so added for the purpose mentioned in subsection (2) of this section, section 59 of this Act does not restrict the consumption in the premises or part, during the first half hour after the entertainment ends, of intoxicating liquor supplied before it ends.
- (4) In this section “entertainment” does not include any form of entertainment given otherwise than by persons actually present and performing; and, subject to the provisions of this Act, no premises or part shall be treated for the purposes of this section as used or intended to be used for the purpose of habitually providing refreshment and entertainment or as habitually set apart for that purpose, unless it is used or intended to be used, or is set apart, for the purpose of providing them after, and for a substantial period preceding, the end of the general licensing hours on every weekday or on particular weekdays in every week, subject to any break for a period or periods not exceeding two weeks in any twelve successive months or on any special occasion or by reason of any emergency.
- (5) The power to make an order under this section shall be exercisable—
- (a) with respect to licensed premises, by licensing justices in accordance with section 71 of this Act; and
  - (b) with respect to premises in respect of which a club is registered, by the magistrates’ court in accordance with section 72 of this Act.

### Textual Amendments

**F123** Words repealed by [Licensing \(Amendment\) Act 1985 \(c. 40, SIF 68A:1\), s. 1\(2\)](#)

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## 71 Orders of licensing justices under s. 70. **E+W**

- (1) Licensing justices may make an order under section 70 of this Act with respect to any premises on the application of a person applying for or holding a justices' licence for the premises.
- (2) Any such order
  - <sup>F124</sup>(a) shall lapse when the licence ceases to be in force otherwise than on its being superseded on renewal or transfer; and
  - (b) may be varied by a further such order.]
- (3) Before making an application for an order under section 70 of this Act . . . <sup>F125</sup>, a person shall give notice of the application to the persons, in the manner and at the times required by Schedule 2 to this Act on an application for a new justices' licence for the premises; but if through inadvertence or misadventure he fails to do so paragraph 7 of that Schedule shall apply.
- (4) Where licensing justices make an order under section 70 of this Act with respect to any premises, the holder of the justices' licence for the premises shall within fourteen days give notice of the making of the order to the chief officer of police, and shall send with the notice a copy of the order; and if he fails to do so he shall be liable to a fine not exceeding [<sup>F126</sup>level 1 on the standard scale].

### Textual Amendments

**F124** S. 71(2)(a)(b) substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 4(1)(a)

**F125** Words repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), ss. 4(1)(b), 19, [Sch. 4](#)

**F126** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46

## 72 Orders of magistrates' court under s. 70. **E+W**

- (1) The magistrates' court may make an order under section 70 of this Act with respect to any premises on the application of the club which is registered in respect of the premises.
- (2) Any such order shall lapse on the club's registration certificate ceasing to be in force [<sup>F127</sup>without being renewed], but may be . . . <sup>F128</sup> varied by a further such order.
- (3) Where the magistrates' court makes an order under section 70 of this Act with respect to any premises the secretary of the club which is registered in respect of the premises shall within fourteen days give written notice of the making of the order to the chief officer of police, and shall send with the notice a copy of the order; and if he fails to do so he shall be liable to a fine not exceeding [<sup>F129</sup>level 1 on the standard scale].

### Textual Amendments

**F127** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 4(2)

**F128** Words repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), ss. 4(2), 19, [Sch. 4](#)

**F129** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46

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### 73 Supplementary provisions as to orders under s. 70. **E+W**

- (1) An order under section 70 of this Act shall not be made unless it is shown that the condition of subsection (1) of that section as to the use or intended use of the premises is satisfied in relation to the premises or part of the premises, to the periods, to the weekdays and to the times for which the order is to have effect, and that the premises or part of the premises is structurally adapted for the purpose; but in making an order by way of variation . . . <sup>F130</sup> of a previous order licensing justices or the magistrates' court may assume, unless they see reason to the contrary, that the conditions for the making of the previous order were and still are satisfied.
- (2) Licensing justices or the magistrates' court may refuse to make an order under the said section 70, or may in such an order limit the operation of that section to a particular part of the premises or to particular periods of the year or to particular weekdays or to a time earlier than one o'clock in the morning (and may impose different limitations in relation to different parts of the premises, different periods or different weekdays), if it appears to them reasonable to do so having regard to all the circumstances and in particular to the comfort and convenience of the occupiers and inmates of premises in the neighbourhood.
- (3) Where the use of any premises or part of premises for the purpose specified in subsection (1) of section 70 of this Act is, or is intended to be, limited to a particular period or periods of the year, an order under that section may be made to have effect for the whole or part of the period or periods in question, but excluding any period of less than four weeks.
- (4) Licensing justices or, as the case may be, the magistrates' court shall revoke an order under section 70 of this Act if they are satisfied on an application made by or on behalf of the chief officer of police for the police area in which the premises are situated, either—
  - (a) that use has not been made for the purpose specified in subsection (1) of that section of the premises or part of the premises for which the order has effect; or
  - (b) that it is expedient to revoke the order either by reason of the occurrence of disorderly or indecent conduct in the premises or part, or by reason of the conduct of persons resorting to the premises and any annoyance resulting or likely to result from it to the occupiers or inmates of premises in the neighbourhood, or by reason of the premises having been in any way ill-conducted.

#### Textual Amendments

**F130** Words repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 4](#)

### 74 Exemption orders. **E+W**

- (1) Subject to the following provisions of this section, justices of the peace may—
  - (a) on an application by the holder of a justices' on-licence for premises situated in the immediate neighbourhood of a public market or place where people follow a lawful trade or calling, or
  - (b) on an application by the secretary of a club registered in respect of any premises so situated,

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make an order (in this Act referred to as a general order of exemption) adding, either generally or for such days as may be specified in the order, such hours as may be so specified to the permitted hours in those premises.

- (2) Justices of the peace shall not make a general order of exemption unless satisfied, after hearing evidence, that it is desirable to do so for the accommodation of any considerable number of persons attending the public market, or following the trade or calling.
- (3) Justices of the peace may revoke or vary a general order of exemption; but, unless it is proved that the holder of the justices' on-licence or, as the case may be, the secretary of the club had notice of the revocation or variation, a person shall not be guilty of an offence under section 59 of this Act in doing anything that would have been lawful had the revocation or variation not been made.
- (4) Justices of the peace may—
  - (a) on an application by the holder of a justices' on-licence for any premises, or
  - (b) on an application by the secretary of a club registered in respect of any premises,

make an order (in this Act referred to as a special order of exemption) adding such hours as may be specified in the order to the permitted hours in those premises on such special occasion or occasions as may be so specified.

- (5) Any power conferred by this section to add to the permitted hours in any premises may be exercised in either or both of the following manners, that is to say, by adding to them any hour not comprised in them or by adding to them for all purposes any hour comprised in them for limited purposes by virtue of section 68 or section 70 of this Act.
- (6) In its application to premises in the City of London or the metropolitan police district [<sup>F131</sup>subsection (4) of] this section shall have effect as if for [<sup>F132</sup>the reference] to justices of the peace there were substituted—
  - (a) if the premises are in the City of London, [<sup>F132</sup>a reference] to the Commissioner of Police for the City of London acting with the approval of the Lord Mayor;
  - (b) if the premises are in the metropolitan police district, [<sup>F132</sup>a reference] to the Commissioner of Police for the Metropolis acting with the approval of the Secretary of State

[<sup>F133</sup>and the Commissioner of Police for the City of London and the Commissioner of Police for the Metropolis shall have the same power as justices' clerks to charge fees in respect of matters arising under this section.]

#### Textual Amendments

**F131** Words inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\), s. 7\(a\)](#)

**F132** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\), s. 7\(b\)](#)

**F133** Words added by [Licensing Act 1988 \(c. 17, SIF 68A:1\), s. 6\(1\)](#)

## 75 Procedural provisions as to exemption orders outside metropolitan area. E+W

- (1) Any power of justices of the peace under section 74 of this Act shall be exercisable by justices acting for the petty sessions area in which the premises are situated, and by the number of justices, and in the place, required by [<sup>F134</sup>the <sup>M22</sup>Magistrates' Courts Act 1980] for the hearing of a complaint.

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- (2) Subject to subsection (3) of this section, the justices may, if they see fit, make a special order of exemption without a hearing, if written application for the order 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.
- (3) Where such an application is made—
  - (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 an objection, shall send a copy to the applicant.

#### Textual Amendments

**F134** Words substituted by virtue of [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 8 para. 5](#)

#### Marginal Citations

**M22** [1980 c. 43 \(82\)](#).

### *Special hours certificates*

#### 76 Permitted hours where special hours certificate in force. **E+W**

- (1) This section applies to licensed premises or premises in respect of which a club is registered, or part of any such premises, during the time that—
  - (a) there is in force for the premises or part a special hours certificate granted under the following provisions of this Part of this Act; and
  - (b) the section is applied, under subsection (7) of this section, to the premises or part, by the holder of the licence or, as the case may be, the secretary of the club.
- (2) Subject to the following provisions of this section, the permitted hours on weekdays . . .  
<sup>F135</sup> in any premises or part of premises to which this section applies shall [<sup>F136</sup>extend until] two o'clock in the morning following, except that—
  - (a) the permitted hours shall end at midnight . . . <sup>F137</sup> on any day on which music and dancing is not provided after midnight; and
  - (b) on any day that music and dancing end between midnight and two o'clock in the morning, the permitted hours shall end when the music and dancing end [<sup>F138</sup>; and

[<sup>F139</sup> in any premises or part for which a certificate is in force subject to a limitation imposed in pursuance of section 78A or 81A of this Act, the permitted hours on any day to which the limitation relates shall not extend beyond the time specified in the certificate.]]
- (3) In relation to premises which are situated in any part of the metropolis outside the City of London which is specified for the purposes of this subsection by an order of the

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Secretary of State, subsection (2) of this section shall have effect with the substitution of references to three o'clock in the morning for the references to two o'clock in the morning.

- (4) Where the permitted hours are fixed by this section, section 63(1) of this Act shall apply to the consumption of liquor on the premises as if in paragraph (a) thereof half an hour were substituted for [<sup>F140</sup>twenty] minutes and paragraph (b) thereof were omitted.
- (5) ..... <sup>F141</sup>
- (6) Where a special hours certificate for any premises or part of premises is limited to particular days in every week, this section does not affect the permitted hours in the premises on days on which the certificate does not apply.
- (7) The holder of the licence or, as the case may be, the secretary of the club, may apply this section, or terminate its application, from such day as he may fix by notice in writing to the chief officer of police served not less than fourteen days before that day.

**Textual Amendments**

**F135** Words repealed by [Licensing \(Amendment\) Act 1985 \(c. 40, SIF 68A:1\), s. 1\(3\)](#)

**F136** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\), s. 1\(6\)](#)

**F137** Words repealed by [Licensing \(Amendment\) Act 1985 \(c. 40, SIF 68A:1\), s. 1\(3\)](#)

**F138** Word inserted by [Licensing \(Amendment\) Act 1980 \(c. 40, SIF 68A:1\), s. 2](#)

**F139** [S. 76\(2\)\(c\)](#) substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\), s. 19, Sch. 3 para. 8](#)

**F140** Word substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\), s. 19, Sch. 3 para. 8\(b\)](#)

**F141** [S. 76\(5\)](#) repealed by [Licensing \(Amendment\) Act 1976 \(c. 18, SIF 68A:1\), s. 1](#)

**77 Special hours certificates for licensed premises. E+W**

If, on an application made to the licensing justices with respect to licensed premises . . . <sup>F142</sup> the justices are satisfied—

- (a) that a music and dancing licence is in force for the premises, and
- (b) that the whole or any part of the premises is structurally adapted, and bona fide used, or intended to be used, for the purpose of providing for persons resorting to the premises music and dancing and substantial refreshment to which the sale of intoxicating liquor is ancillary,

the licensing justices [<sup>F143</sup>may] grant [<sup>F144</sup>, with or without limitations,] a special hours certificate for the premises or, if they are satisfied that part only of the premises is adapted or used or intended to be used as mentioned in paragraph (b) of this section, for that part.

**Textual Amendments**

**F142** Words repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\), Sch. 7 Pt. 1](#)

**F143** Word substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\), s. 5\(1\)\(a\)](#)

**F144** Words inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\), s. 5\(1\)\(b\)](#)



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VALID FROM 01/05/1996

**[<sup>F145</sup>77A Provisional grant of special hours certificates by licensing justices E+W**

- (1) Where, on an application made by a person interested in any premises of in respect of which a grant or provisional grant of a justices' licence has been made and which are to be, or are in the course of being, constructed, altered or extended, the licensing justices are satisfied—
  - (a) that a music and dancing licence is in force for the premises, and
  - (b) that the whole or any part of the premises is intended to be used, and, if completed in accordance with plans deposited with the licensing justices, will be structurally adapted, for the purpose of providing for persons resorting to the premises, music and dancing and substantial refreshment to which the sale of intoxicating liquor is ancillary,the licensing justices may make a provisional grant, with or without limitations, of a special hours certificate for the premises or, if they are satisfied that part only of the premises is intended to be used or will be adapted as mentioned in paragraph (b) of this subsection, for that part.
- (2) Where a special hours certificate has been granted under subsection (1) of this section, the licensing justices may, on application by the person who applied for the certificate, consent to any modification of the deposited plans if, in their opinion, the premises to which the certificate relates will, if completed in accordance with the modified plans, be structurally adapted for the purpose mentioned in paragraph (b) of that subsection.
- (3) Where a special hours certificate has been granted under subsection (1) of this section, the licensing justices shall, after such notice has been given as they may require, declare the provisional grant final on being satisfied, in relation to the premises to which the certificate relates—
  - (c) that they are, or are part of, licensed premises;
  - (d) that they are, or are part of, premises for which a music and dancing licence is in force; and
  - (e) that they have been completed in accordance with the deposited plans.
- (4) Until a provisional grant under subsection (1) of this section has been declared final under subsection (3) of this section, the certificate to which the provisional grant relates shall not be valid.
- (5) Where licensing justices—
  - (a) refuse to make a provisional grant of a special hours certificate;
  - (b) make a provisional grant of such a certificate with limitations;
  - (c) refuse to declare a provisional grant of such a certificate final; or
  - (d) refuse to give consent, on the application of the person who applied for the certificate, to any modification of the deposited plans,they shall specify in writing to the applicant their reasons for doing so.
- (6) In subsection (1) of this section, references to premises for which a music and dancing licence is in force include premises for which a person holds a music and dancing licence which is subject to a condition that it shall be of no effect until confirmed.
- (7) In this section and sections 78ZA and 81B <sup>F146</sup> of this Act—



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- (a) “deposited plans”, in relation to a special hours certificate, means the plans deposited in connection with the application for the certificate; and
- (b) references to completion in accordance with the deposited plans are, where any modification of those plans has been consented to under subsection (2) of this section or section 78ZA(2) of this Act, to completion in accordance with those plans with that modification.]

#### Textual Amendments

**F145** S. 77A inserted (1.5.1996) by S.I. 1996/977, art. 3

**F146** Inserted by the Licensing Act 1988 (c.17).

## 78 Special hours certificates for clubs. **E+W**

If, on an application made to the magistrates’ court with respect to premises in respect of which a club is or is to be registered, . . . <sup>F147</sup> the court is satisfied—

- (a) that a certificate granted under section 79 of this Act is in force for the premises, and
- (b) that the whole or any part of the premises is structurally adapted, and bona fide used, or intended to be used, for the purpose of providing for the members of the club music and dancing and substantial refreshment to which the supply of intoxicating liquor is ancillary,

the court [<sup>F148</sup> may] grant [<sup>F149</sup>, with or without limitations,] a special hours certificate for the premises or, if the court is satisfied that part only of the premises is adapted or used or intended to be used as mentioned in paragraph (b) of this section, for that part.

#### Textual Amendments

**F147** Words repealed by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), Sch. 7 Pt. I

**F148** Word substituted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 5(1)(a)

**F149** Words inserted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 5(1)(b)

VALID FROM 01/05/1996

## <sup>F150</sup>78ZA Provisional grant of Special Hours Certificates by Magistrates’ Court **E+W**

(1) Where, on an application made to the magistrates’ court with respect to premises in respect of which a club is or is to be registered and which are to be, or are in the course of being altered or extended, the court is satisfied—

- (a) that a certificate granted under section 79 of this Act is in force for the premises; and
- (b) that the whole or any part of the premises is intended to be used, and, if completed in accordance with plans deposited with the court, will be structurally adapted, for the purpose of providing for the members of the club music and dancing and substantial refreshment to which the supply of intoxicating liquor is ancillary,

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the court may make a provisional grant, with or without limitations, of a special hours certificate for the premises or, if the court is satisfied that part only of the premises is intended to be used or will be adapted as mentioned in paragraph (b) of this subsection, for that part.

- (2) Where a special hours certificate has been granted under subsection (1) of this section, the magistrates' court may, on application by the person who applied for the certificate, consent to any modification of the deposited plans if, in its opinion, the premises to which the certificate relates will, if completed in accordance with the modified plans, be structurally adapted for the purpose mentioned in paragraph (b) of that subsection.
- (3) Where a special hours certificate has been granted under subsection (1) of this section, the magistrates' court shall, after such notice has been given as it may require, declare the provisional grant final on being satisfied, in relation to the premises to which the certificate relates—
  - (a) that they are, or are part of, premises in respect of which a club is or is to be registered;
  - (b) that they are, or are part of, premises for which a certificate granted under section 79 of this Act is in force; and
  - (c) that the premises have been completed in accordance with the deposited plans.
- (4) Until a provisional grant under subsection (1) of this section has been declared final under subsection (3) of this section, the certificate to which the provisional grant relates shall not be valid.
- (5) Where a magistrates' court—
  - (a) refuses to make a provisional grant of a special hours certificate;
  - (b) makes a provisional grant of such a certificate with limitations;
  - (c) refuses to declare a provisional grant of such a certificate final; or
  - (d) refuses to give consent, on the application of the person who applied for the certificate, to any modification of the deposited plans,it shall specify in writing to the applicant its reasons for doing so.]

#### Textual Amendments

**F150 S. 78ZA** inserted (1.5.1996) by 1996/977, art. 4

#### [<sup>F151</sup>78A Limitations on special hours certificates. **E+W**

- (1) On an application for a special hours certificate the licensing justices or, as the case may be, the magistrates' court may grant a certificate under section 77 or 78 of this Act limited in any of the following respects.
- (2) The limitations referred to are limitations—
  - (a) to particular times of the day;
  - (b) to particular days of the week;
  - (c) to particular periods of the year.

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- (3) Different limitations may be imposed by virtue of subsection (2)(a) above for different days.
- (4) Where a special hours certificate is subject to limitations under this section the licensing justices or, as the case may be, the magistrates' court may, on the application of the licensee or the club, vary any limitation to which it is so subject.]

#### Textual Amendments

**F151** S. 78A inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 5(2)

### 79 Licensing authority's certificate of suitability of club premises for music and dancing. **E+W**

- (1) If, on an application by the secretary of a club with regard to any premises in respect of which the club is or proposes to be registered [<sup>F152</sup>, the licensing authority under the statutory regulations for music and dancing] are satisfied that the premises (whether or not they are kept or intended to be kept for dancing, music or other public entertainment of the like kind) in all other respects fulfil the authority's requirements for the grant of a music and dancing licence, the authority may grant a certificate for the premises under this section.
- (2) The authority may grant a certificate under this section on such terms, and subject to such conditions or restrictions, as they think fit; and, subject to the following provisions of this section, the certificate shall remain in force for such period as may be specified therein.
- (3) The authority may, on the application of the secretary of the club, from time to time renew a certificate granted under this section; and subsections (1) and (2) of this section shall apply to the renewal as they apply to the grant of a certificate.
- (4) The authority may, on the application of the secretary of the club, waive or modify any condition or restriction subject to which a certificate has been granted or renewed under this section.
- (5) If, while a certificate under this section is in force, it appears to the authority—
  - (a) that any condition or restriction subject to which the certificate was granted or last renewed, as the case may be, has not been complied with or, in the case of a condition or restriction that has been modified under subsection (4) of this section, that the condition or restriction as so modified has not been complied with, and
  - (b) that the condition or restriction has not been waived under that subsection,
 the authority may give the secretary of the club notice in writing that they propose to revoke the certificate, specifying the ground upon which they propose to revoke it, and shall give him an opportunity of being heard by a person appointed by the authority for the purpose.
- (6) The authority may, not less than seven days after the giving of a notice under subsection (5) of this section and, if the secretary avails himself of the opportunity of being heard, after considering the report of the person appointed to hear the secretary, revoke the certificate.

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[<sup>F153</sup>(7) On any application for the grant or renewal of a certificate, or the waiver or modification of a condition or restriction in a certificate, under this section, the applicant shall pay a reasonable fee determined by the authority.]

**Textual Amendments**

**F152** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), [Sch. 2, para. 5](#)

**F153** [S. 79\(7\)](#) added by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), [s. 6\(2\)](#) (the original [s. 79\(7\)](#) having been repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), [Sch. 7 Pt. I](#))

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

**C16** [S. 79](#): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\)](#), [Sch. 1 para. B14](#)

**80 Special hours certificates limited to particular days or parts of the year. E+W**

- (1) Where a special hours certificate is granted for any premises or part of premises which are used or intended to be used only on particular weekdays for the provision of music and dancing and substantial refreshment the certificate shall be limited to those days in the week on which it is shown to the satisfaction of the licensing justices or magistrates' court granting it that music and dancing and refreshment are, or are intended to be, provided as required by section 77 or 78 of this Act.
- (2) ..... <sup>F154</sup>
- (3) So long as the justices' licence in force for any premises is a seasonal licence, any special hours certificate for those premises or any part of them shall be taken, except in so far as it is granted for a more restricted period under [<sup>F155</sup>section 78A of this Act], to extend, but only to extend, to the season during which there are permitted hours in the premises under the condition attached to the licence under section 64 of this Act.
- (4) On the variation or revocation of the condition referred to in subsection (3) of this section, the licensing justices shall, if need be, vary the special hours certificate so as to secure that it does not operate except as respects any period or periods during which it is shown to their satisfaction that it is intended to use the premises or part in question as mentioned in section 77 of this Act.

**Textual Amendments**

**F154** [S. 80\(2\)](#) repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), [ss. 5\(3\)\(a\), 19](#), [Sch. 4](#)

**F155** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), [s. 5\(3\)\(b\)](#)

**81 Revocation of special hours certificates. E+W**

- (1) If at any time while a special hours certificate is in force no music and dancing licence or, as the case may be, no certificate under section 79 of this Act is in force for the premises to which or part of which the special hours certificate relates that certificate shall thereby be revoked.

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- (2) At any time while a special hours certificate for any premises or part of premises is in force, the chief officer of police may apply to the licensing justices or, if it was granted under section 78 of this Act, to the magistrates' court, for the revocation of the certificate on the ground that, while the certificate has been in force—
- (a) the premises have not, or the part has not, been used as mentioned in section 77 or, as the case may be, section 78 of this Act; or
  - (b) a person has been convicted of having at those premises or that part contravened section 59 of this Act;

or that on the whole the persons resorting to the premises or part are there, at times when the sale or supply of intoxicating liquor there is lawful by virtue only of the certificate, for the purpose of obtaining intoxicating liquor rather than for the purpose of dancing or of obtaining refreshments other than intoxicating liquor; and if the licensing justices or magistrates' court are satisfied that the ground of the application is made out they may revoke the certificate.

- (3) Where a special hours certificate is revoked under subsection (2) of this section in consequence of a contravention of section 59 of this Act, no special hours certificate shall be valid in relation to the premises or part in question, if it is issued on an application made earlier than two months after the date of the revocation or made earlier than such later time, if any (not being more than twelve months after that date) as may be specified in the order revoking the certificate.

- [<sup>F156</sup>(4) At any time while a special hours certificate for any premises or for part of any premises is in force, the chief officer of police may apply to the licensing justices or, if it was granted under section 78 of this Act, to the magistrates' court, for the revocation of the certificate on the ground that the revocation is expedient by reason of the occurrence of disorderly or indecent conduct in the premises or part to which the certificate relates; and if the licensing justices or the magistrates' court, as the case may be, are satisfied that the ground of the application is made out, they shall revoke the certificate.]

#### Textual Amendments

**F156** S. 81(4) substituted by [Licensing \(Amendment\) Act 1981 \(c. 40, SIF 68A:1\)](#), s. 1

#### [<sup>F157</sup>81A **Special hours certificates: further powers to impose limitations as to hours.** **E**

**+W**

- (1) Limitations to particular times of the day may also be attached to special hours certificates by licensing justices or, as the case may be, a magistrates' court as provided by subsections (2) and (3) below; and different limitations may be imposed under this section for different days.
- (2) On an application for revocation of such a certificate under section 81(2) of this Act, the justices or court may, instead of revoking the certificate, attach any limitation authorised by subsection (1) above or vary any such limitation to which the certificate is subject under section 78A of this Act.
- (3) At any time while such a certificate is in force (other than for any premises situated as mentioned in section 76(3) of this Act) the justices or court may, on the application of the chief officer of police, attach any limitation authorised by subsection (1) above

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or vary any such limitation to which the certificate is subject under section 78A of this Act.

- (4) Where a special hours certificate is subject to limitations under subsection (2) or (3) above, the licensing justices or, as the case may be, the magistrates' court may, on the application of the licensee or the club, vary any limitation to which it is so subject.]

#### Textual Amendments

F157 S. 81A substituted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 5(4)

VALID FROM 19/03/2001

#### [<sup>F158</sup>81A Special hours certificates: exclusion of Sundays in case of disturbance etc. **E** **+W**

- (1) At any time while there is in force for any premises or for part of any premises a special hours certificate which extends to Sundays, a person or authority mentioned in subsection (3) may apply to the licensing justices or, if it was granted under section 78 or 78ZA of this Act <sup>F159</sup>, to the magistrates' court, for the imposition of a limitation excluding Sundays on the following grounds.
- (2) The grounds referred to are that such a limitation is desirable to avoid or reduce on Sundays—
- (a) any disturbance of or annoyance to—
    - (i) persons living or working in the neighbourhood, or
    - (ii) customers or clients of any business in the neighbourhood; or
  - (b) the occurrence in the vicinity of the premises of disorderly conduct on the part of persons resorting to the premises or part of the premises.
- (3) The persons and authorities referred to in subsection (1) are—
- (a) a person falling within sub-paragraph (i) of subsection (2)(a);
  - (b) the chief officer of police; or
  - (c) a relevant local authority within the meaning of section 71(5) of this Act.
- (4) If on an application under this section the licensing justices or, as the case may be, the magistrates' court are satisfied that the grounds of the application are made out, they shall attach a limitation to the special hours certificate which has the effect of excluding Sundays.]

#### Textual Amendments

F158 S. 81AA inserted (19.3.2001) by S.I. 2001/920, art. 2, Sch. para. 10

F159 Section 78ZA was inserted by S.I. 1996/977.

#### [<sup>F160</sup>81B Special hours certificates: appeals **E+W**

- (1) Subject to subsection (2) of this section, any person aggrieved by a decision of licensing justices or a magistrates' court—

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*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

<sup>F161</sup>(a) [ not to grant a special hours certificate under section 77 or 78 of this Act;]

<sup>F162</sup>(aa) [ to revoke or not to revoke a special hours certificate on an application under subsection (2) or (4) of section 81 of this Act,]

<sup>F163</sup>(b) [ to attach or not to attach limitations under section 78A of this Act, or

(c) to attach or not to attach limitations under section 81A of this Act,]

may appeal to the Crown Court against that decision.

<sup>F164</sup>(2) [ Only the chief officer of police may appeal against a decision not to revoke a certificate as mentioned in paragraph (aa) of subsection (1) of this section or not to attach a limitation under section 81A(3) of this Act; and a person may appeal against a decision not to attach a limitation under section 81A(2) of this Act only if he has appeared before the licensing justices or magistrates' court and made representations that the limitation be attached.]

(3) A person other than the appellant shall be a party to an appeal under this section if, and only if, he has appeared before the licensing justices or magistrates' court and made representations on the application to which the decision appealed against relates.

(4) Licensing justices shall have the same power to make an order for the payment of costs on the abandonment of an appeal under this section as a magistrates' court has by virtue of [<sup>F165</sup>section 109 of the <sup>M23</sup>Magistrates' Courts Act 1980] on the abandonment of an appeal to which that section relates.]

#### Textual Amendments

**F160** S. 81B inserted by Licensing (Amendment) Act 1980 (c. 40, SIF 68A:1), s. 3

**F161** S. 81B(1)(a) inserted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 5(5)

**F162** S. 81B(1) para. (a) renumbered as para. (aa) as provided by Licensing Act 1988 (c. 17, SIF 68A:1), s. 5(5)

**F163** S. 81B(1)(b)(c) substituted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 19, Sch. 3 para. 9(b)

**F164** S. 81B(2) substituted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 19, Sch. 3 para. 9(b)

**F165** Words substituted by virtue of Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 8 para. 5

#### Marginal Citations

**M23** 1980 c. 43(82)

## 82 Special hours certificate and extension or exemption orders in respect of same premises. **E+W**

(1) Where section 76 of this Act applies to part only of any premises the part to which it applies and the part to which it does not apply shall be treated as separate premises for the purposes of section 68(1)(b) of this Act and for the purpose of general and special orders of exemption.

(2) Section 68(1)(b) and section 76 of this Act may both be applied to the same premises or part of premises, so that section 68(1)(b) has effect on days on which the permitted hours are not affected by section 76.



**Status:** Point in time view as at 01/01/1995. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

### 83 Supplementary provisions as to special hours certificates. **E+W**

- (1) In sections 76 to 81 of this Act “music and dancing licence” means a licence granted by the licensing authority under the statutory regulations for music and dancing and authorising the keeping or using of any premises for public dancing, singing, music or other public entertainment.
- (2) References in those sections to providing music and dancing and refreshment shall be construed as references to providing them on every weekday or on particular weekdays in every week, subject to any break for a period or periods not exceeding two weeks in any twelve successive months or on any special occasion or by reason of any emergency; and references in those sections to providing dancing shall be construed as references to providing facilities for dancing that are adequate having regard to the number of persons for whose reception in the premises or part of premises in question provision is made.

VALID FROM 29/07/1999

*[<sup>F166</sup>Millennium licensing hours]*

#### Textual Amendments

**F166** Crossheading and s. 83A inserted (29.7.1999) by [S.I. 1999/2137](#), [art. 2\(1\)](#)

### <sup>F167</sup>83A Millennium licensing hours **E+W**

Schedule 8B to this Act shall have effect in relation to the permitted hours on 31st December 1999 in—

- (a) licensed premises, other than premises licensed for the sale of intoxicating liquor for consumption off the premises only; and
- (b) premises in respect of which a club is registered.]

#### Textual Amendments

**F167** Crossheading and s. 83A inserted (29.7.1999) by [S.I. 1999/2137](#), [art. 2\(1\)](#)

*Parties organised for gain*

### 84 Prohibition of consumption of intoxicating liquor outside general licensing hours at parties organised for gain. **E+W**

- (1) It shall be unlawful before the beginning or after the end of the general licensing hours to supply or consume intoxicating liquor at any party organised for gain and taking place in premises kept or habitually used for the purpose of parties so organised at which intoxicating liquor is consumed; but this subsection does not prohibit anything done at a party taking place in licensed premises or at any party for which an occasional licence has been granted nor anything done as part of the activities of a canteen, mess or club at the canteen, mess or the premises in respect of which the club is registered.

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*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

- (2) If any person—
- (a) supplies intoxicating liquor in contravention of subsection (1) of this section, or
  - (b) being the occupier of any premises, permits them to be used for a party, and that subsection is contravened at the party, or
  - (c) being a person concerned in the organisation of a party, permits any person to supply or consume intoxicating liquor at the party in contravention of that subsection, or
  - (d) being a person licensed to sell intoxicating liquor, delivers such liquor before the beginning or after the end of the general licensing hours to any premises kept or habitually used as mentioned in that subsection or permits it to be so delivered,
- he shall be liable, on a first conviction to a fine not exceeding fifty pounds, and on a subsequent conviction to imprisonment for a term not exceeding three months or a fine not exceeding one hundred pounds or both.
- (3) Any person who consumes intoxicating liquor in contravention of subsection (1) of this section shall be liable, on a first conviction to a fine not exceeding five pounds, and on a subsequent conviction to a fine not exceeding thirty pounds.
- (4) For the purposes of this section, a party shall be deemed to have been organised for gain if any pecuniary advantage accrued or was intended to accrue to any person concerned in its organisation as a result of the party; and in determining whether any such advantage so accrued or was intended to accrue no account shall be taken of any expenditure incurred in connection with the party; but a party shall not be deemed to have been organised for gain by reason only that any person concerned in its organisation took part or intended to take part in the playing of any game, or made or intended to make bets on any game, if the arrangements were such as to give him no greater chance of winning than any other person.
- (5) For the purposes of this section, a person shall be deemed to have been concerned in the organisation of a party if he took any part in procuring the assembly of the party or in acting as host or assisting the host at the party.
- (6) Nothing in this section shall affect the delivery or supply of intoxicating liquor to, or the consumption of intoxicating liquor by, a person in premises in which he is for the time being residing; and in determining for the purposes of this section whether a party is being held in any premises, or whether any premises are kept or habitually used for the purpose of holding parties, the presence of persons residing in the premises shall be disregarded.
- (7) The reference in subsection (1) of this section to licensed premises shall be construed as including a licensed canteen.

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

**C17** S. 84(2)(3): [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.)

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**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

## 85 Supplemental provisions as to parties organised for gain. **E+W**

- (1) If a justice of the peace is satisfied by information on oath that there is reasonable ground for believing that any premises in the county or borough for which he is justice are kept or habitually used for the holding of parties at which the provisions of subsection (1) of section 84 of this Act are contravened, 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 those premises, which shall be named in the warrant, by force if need be, and search them and to seize and remove any intoxicating liquor found there that the constable has reasonable grounds for supposing to be on the premises for the purpose of being supplied or consumed in contravention of the provisions of that section.
- (2) If any person found on premises in which intoxicating liquor is seized under subsection (1) of this section, on being asked by a constable for his name and address, refuses to give them or gives a false name or address, he shall be liable to a fine not exceeding [<sup>F168</sup>level 1 on the standard scale].
- (3) If any person is convicted of an offence under section 84 of this Act in respect of the premises in which any liquor is seized under this section, the liquor so seized and the vessels containing it shall be forfeited.

### Textual Amendments

**F168** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46

### Miscellaneous

## 86 Permitted hours in off-sales department of on-licensed premises. **E+W**

- (1) If licensing justices are of opinion, in the case of any premises for which a justices' on-licence is to be or has been granted, that a specified part of the premises is structurally adapted for the sale of intoxicating liquor for consumption off the premises, they shall at the request of the person applying for the licence or on an application by the holder insert in the licence a condition that the specified part shall not be used for the sale or supply of intoxicating liquor for consumption on the premises; and while—
  - (a) the licence is subject to the condition; and
  - (b) the specified part is not connected by any internal communication open to customers with a part of the licensed premises used for the sale or supply of intoxicating liquor for consumption on the premises;the permitted hours in the specified part shall be the same as in premises licensed for sales for consumption off the premises only, whatever the permitted hours in any other part of the licensed premises may be.
- (2) Licensing justices may vary or revoke any such condition either on an application by the holder of the licence or on the renewal or transfer of the licence and at the request of the person applying for the renewal or transfer.

## [<sup>F169</sup>86A International ports. **E+W**

- (1) At a port where this section is in operation section 59 of this Act shall not apply to licensed premises within an approved wharf.

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**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

- (2) The Secretary of State may by order bring this section into operation at any port which appears to him to be one at which there is a substantial amount of international passenger traffic.
- (3) Before the Secretary of State makes an order bringing this section into operation at a port, he shall satisfy himself that arrangements have been made for affording reasonable facilities on licensed premises within any approved wharf at that port for obtaining hot and cold beverages other than intoxicating liquor at all times when intoxicating liquor is obtainable on those premises.
- (4) If it appears to the Secretary of State that at any port where this section is in operation such arrangements as are mentioned in subsection (3) of this section are not being maintained, he shall revoke the order bringing this section into operation at that port, but without prejudice to his power of making a further order with respect to that port.
- (5) In this section, “approved wharf” has the same meaning as in the Customs and <sup>M24</sup>Excise Management Act 1979.]

#### Textual Amendments

**F169** S. 86A inserted (3.11.1994) by 1994 c. 40, ss. 18(1), 82(3)

#### Marginal Citations

**M24** 1979 c. 2.

## 87 International airports. **E+W**

- (1) At an airport where this section is in operation section 59 of this Act shall not apply to licensed premises which are within the examination station approved for the airport under <sup>F170</sup>section 22 of the <sup>M25</sup>Customs and Excise Management Act 1979].
- (2) This section is, at the commencement of this Act, in operation at any airport at which, immediately before that commencement, the <sup>M26</sup>Licensing (Airports) Act 1956 was in operation, and the Minister of Aviation may by order bring this section into operation at any airport which appears to him to be one at which there is a substantial amount of international passenger traffic; and may revoke any such order, and any order under the said Act of 1956, by a subsequent order under this section.
- (3) Before the Minister makes an order bringing this section into operation at an airport, he shall satisfy himself that arrangements have been made for affording reasonable facilities on licensed premises within the said examination station at the airport for obtaining hot and cold beverages other than intoxicating liquor at all times when intoxicating liquor is obtainable on those premises, and if it appears to him that at any airport where this section is in operation such arrangements are not being maintained, he shall revoke the order with respect to that airport, but without prejudice to his power of making a further order with respect to that airport.

#### Textual Amendments

**F170** Words substituted by Customs and Excise Management Act 1979 (c. 2), Sch. 4 para. 12 Table Pt. I

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

- C18** S. 87 brought into operation at certain additional airports by S.I.s 1985/653, 1730, 1986/525, 971, 1987/1982, 1990/1043
- C19** S. 87 extended with modifications by S.I. 1972/971, art. 5, Sch. 2; brought into operation at certain airports by S.I. 1983/1217, art. 2, Sch. 1

**Marginal Citations**

- M25** 1979 c. 2 (40:1).
- M26** 1956 c. 37.

[<sup>F171</sup>**87A Power to vary permitted hours in on-licensed vineyard premises.** **E+W**]

- (1) Licensing justices, on an application by the holder of a justices' on-licence for any premises which form part of a vineyard, may make an order varying the permitted hours in those premises if, after hearing evidence, they are satisfied—
  - (a) that the sale of intoxicating liquor on the premises is ancillary to the carrying on of a business of producing wine from grapes grown in the vineyard; and
  - (b) that it is desirable to make an order under this section for the accommodation of persons visiting the vineyard.
- (2) An order under this section may vary the permitted hours either generally or for such days or part or parts of the year as the licensing justices think fit.
- (3) In making an order under this section with respect to permitted hours on weekdays, other than Christmas Day or Good Friday, licensing justices may not so vary the hours as to make them exceed in total more than twelve hours on any day.
- (4) In making an order under this section with respect to permitted hours on Sundays, Christmas Day or Good Friday, licensing justices may not so vary the hours as to make them—
  - (a) begin before twelve noon; or
  - (b) exceed in total more than five and a half hours on any day.
- (5) A person intending to apply for an order under this section shall give notice in writing of his intention to the clerk to the licensing justices and the chief officer of police at least 21 days before the commencement of the licensing sessions at which the application is to be made.
- (6) Licensing justices shall not hear an application for an order under this section unless notice under subsection (5) of this section has been duly given.
- (7) Licensing justices may revoke or vary an order under this section; but, unless it is proved that the holder of the justices' on-licence had notice of the revocation or variation, a person shall not be guilty of an offence under section 59 of this Act in doing anything that would have been lawful had the revocation or variation not been made.]

**Textual Amendments**

- F171** S. 87A inserted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 8

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## 88 Saving as to Sunday observance. **E+W**

Where, by virtue of section 70 of this Act or under a special hours certificate, the permitted hours on a Saturday in any licensed premises or part of licensed premises extend beyond midnight, nothing in the<sup>M27</sup> Sunday Observance Act 1780 shall apply—

- (a) where section 70 of this Act applies to the premises or part, by reason of the provision there of entertainment (in addition to substantial refreshment),
- (b) where a special hours certificate is in force for the premises or part, by reason of the provision there of music and dancing,

before the end of those permitted hours.

### Marginal Citations

M27 1780 c. 49 (45A).

### Supplementary provisions

## 89 Duty of licensee to post notice where permitted hours modified. **E+W**

- (1) Where the permitted hours in any licensed premises or part of licensed premises depend to any extent on a general order of exemption [<sup>F172</sup>, an order under section 87A of this Act] or on any provision of section 68, 70 or 76 of this Act, the holder of the licence shall keep posted in some conspicuous place there a notice stating the effect of the order or provision applying and, if it applies on certain days only, stating the days on which it applies.
- (2) A person contravening this section shall be liable to a fine not exceeding [<sup>F173</sup>level 1 on the standard scale].

### Textual Amendments

F172 Words inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, **Sch. 3 para. 10**

F173 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

## 90 Opening during permitted hours not obligatory. **E+W**

Nothing in this Act shall be taken to require licensed premises to be open for the sale of intoxicating liquor or for any other purpose during the permitted hours, except in so far as they are so required by any conditions attached to the licence.

## 91 Procedure of licensing justices. **E+W**

The Secretary of State may make rules prescribing the procedure on applications to licensing justices under section 77 [<sup>F174</sup>, 78A, 81 or 81A] of this Act and the procedure for the exercise of the powers of licensing justices under sections 68 and 70 to 73 of this Act.

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#### Textual Amendments

F174 Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 3 para. 11](#)

## 92 Meaning of the magistrates' court in relation to clubs, and procedure on applications to magistrates' courts. **E+W**

- (1) In this Part of this Act “the magistrates’ court” means, in relation to any club premises, a magistrates’ court having jurisdiction in relation to the issue and renewal of the club’s registration certificate for the premises.
- (2) The following applications to a magistrates’ court under this Part of this Act shall be made by way of complaint against the club, that is to say,—
  - (a) an application for a declaration under section 69(1)(b) of this Act;
  - (b) an application for the revocation of an order under section 70 of this Act made by a magistrates’ court;
  - (c) an application for the revocation of a special hours certificate granted under section 78 of this Act.
- (3) Subject to paragraph 18 of Schedule 6 to this Act, paragraphs 13 and 14 of that Schedule shall apply in relation to any complaint made by virtue of subsection (2) of this section as they apply in relation to a complaint for the cancellation or variation of a registration certificate.
- (4) In relation to any application relating to club premises made to a magistrates’ court under this Part of this Act, other than an application mentioned in subsection (2) of this section, section 46(2) of this Act and paragraphs 1 to 10, 11(1) and 16 of Schedule 6 to this Act shall (subject to paragraph 18 of that Schedule) apply with any necessary modifications as they apply in relation to applications for the issue of a registration certificate, . . . <sup>F175</sup>

#### Textual Amendments

F175 Words repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 4](#)

## PART IV **E+W**

### RESTAURANTS AND GUEST HOUSES

## 93 Provisions as to grant of certain licences for restaurants, guest houses, etc. **E+W**

- (1) In this Act “Part IV licence” means a justices’ on-licence which—
  - (a) is granted for such premises and is subject to such conditions as are mentioned in section 94 of this Act; and
  - (b) is not subject to any other condition, except—
    - (i) conditions required to be attached to it under section 95 or 96 of this Act, or



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- (ii) a condition by virtue of which it is a six-day licence, early-closing licence or seasonal licence, or
  - (iii) in the case of a licence for club premises, conditions prohibiting or restricting sales of intoxicating liquor to non-members.
- (2) A Part IV licence is a restaurant licence, a residential licence or a residential and restaurant licence, according as it falls within subsection (1), (2) or (3) of section 94 of this Act.
- (3) Licensing justices shall not refuse an application duly made for the grant of a new Part IV licence or for the renewal or transfer of a Part IV licence, except on one or more of the grounds specified in section 98 of this Act; but this subsection shall not affect—
- (a) the operation of any enactment relating to the disqualification of persons or premises for holding or receiving a justices' licence; or
  - (b) the application to any club premises of section 55(4) of this Act.
- (4) No licence shall be granted by way of removal of a Part IV licence.
- (5) Nothing in section 4(1) of this Act shall be taken to prevent the granting of a licence for wine alone . . . <sup>F176</sup> as a Part IV licence.

#### Textual Amendments

**F176** Words repealed by [Finance Act 1967 \(c. 54, SIF 63:2\)](#), [Sch. 16 Pt. I](#)

## 94 **Conditions attached to Part IV licences for restaurants, guest houses, etc.** E

+W

- (1) In this Act “restaurant licence” means a Part IV licence which—
- (a) is granted for premises structurally adapted and bona fide used, or intended to be used, for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises; and
  - (b) is subject to the condition that intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
- (2) In this Act “residential licence” means a Part IV licence which—
- (a) is granted for premises bona fide used, or intended to be used, for the purpose of habitually providing for reward board and lodging, including breakfast and one other at least of the customary main meals; and
  - (b) is subject to the condition that intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons residing there or their private friends bona fide entertained by them at their own expense, and for consumption by such a person or his private friend so entertained by him either on the premises or with a meal supplied at but to be consumed off the premises.
- (3) In this Act “residential and restaurant licence” means a Part IV licence which—
- (a) is granted for premises falling within both paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of this section; and

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- (b) is subject to the condition that intoxicating liquor shall not be sold or supplied otherwise than as permitted by the conditions of a restaurant licence or by those of a residential licence.
- (4) The conditions as to the sale and supply of intoxicating liquor set out in subsection (1) (b) and subsection (2)(b) of this section—
  - (a) shall not extend to the supply for consumption on the premises of intoxicating liquor (whether inside or outside the permitted hours) in any case in which section 59 of this Act does not prohibit liquor being so supplied outside the permitted hours;
  - (b) shall not extend to the sale of intoxicating liquor, or supply of liquor, sold on the premises under the authority of an occasional licence;
  - (c) subject to paragraph (b) of this subsection, shall extend to all sales of intoxicating liquor, whether or not requiring the authority of a justices' licence.
- (5) It shall be an implied condition of any Part IV licence that suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

**95 Permitted hours in premises for which restaurant or residential and restaurant licence is in force. E+W**

- (1) ..... <sup>F177</sup>
- (2) On the renewal or transfer of such a licence and at the request of the person applying for the renewal or transfer, or on an application by the holder, licensing justices shall revoke any such condition previously attached, if satisfied that it is no longer required by subsection (1) of this section.
- (3) ..... <sup>F178</sup> paragraph (a) of section 68(1) of this Act shall apply to any premises for which a restaurant licence or residential and restaurant licence is for the time being in force.

**Textual Amendments**

**F177** S. 95(1) repealed by [Licensing Act 1988 \(c. 17, SIF 68:1\)](#), s. 19, Sch. 3 para. 12, [Sch. 4](#)

**F178** Words preceding “ paragraph (a) of section 68(1)” expressed to be repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 4](#)

**96 Requirement of sitting accommodation for residential licence or residential and restaurant licence. E+W**

- (1) Where licensing justices grant a new residential licence or residential and restaurant licence, they shall, unless it appears to them that in the particular circumstances of the case there is good reason not to do so, attach to the licence a condition that there shall be afforded in the premises, for persons provided with board and lodging for reward, adequate sitting accommodation in a room not used or to be used for sleeping accommodation, for the service of substantial refreshment or for the supply or consumption of intoxicating liquor.
- (2) Where such a licence is granted without the condition required by subsection (1) of this section, licensing justices shall, on the renewal or transfer of the licence, attach

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the condition if by reason of any change of circumstances it appears to them that the requirement ought no longer to be dispensed with.

**97 Restrictions concerning justices' licences for restaurants and guest-houses, etc. E+W**

- (1) Licensing justices shall not attach to any new justices' on-licence—
  - (a) any conditions calculated to restrict the sale or supply of intoxicating liquor to a sale or supply in connection with the service of meals, other than such condition as is required to be attached to a restaurant licence (modified, if need be, to allow for any sale or supply which it is desired to authorise in addition to the sale or supply in connection with the service of table meals); or
  - (b) any conditions calculated to restrict the sale or supply of intoxicating liquor to a sale or supply to persons residing in the licensed premises, other than such condition as is required to be attached to a residential licence (modified, if need be, to allow for any sale or supply which it is desired to authorise in addition to a sale or supply to persons residing in the premises).
- (2) No justices' licence other than a restaurant licence shall be granted for a restaurant carried on under the powers of the <sup>M28</sup>Civic Restaurants Act 1947.
- (3) Paragraphs (a) to (c) of subsection (4) of section 94 of this Act shall apply also to any conditions which are in the same terms as those set out in subsection (1)(b) or subsection (2)(b) of that section but are attached to a justices' licence which is not a Part IV licence.

**Marginal Citations**

**M28** 1947 c. 22 (81:4).

**98 Grounds for refusing applications for Part IV licences. E+W**

- (1) Licensing justices may refuse an application for the grant of a Part IV licence on any of the following grounds, that is to say,—
  - (a) that the applicant is not of full age, or is in any other respect not a fit and proper person to hold one;
  - (b) that the premises do not fall within paragraph (a) of subsection (1), (2) or (3), as the case may be, of section 94 of this Act, or are not suitable and convenient for the use contemplated by that paragraph, having regard to their character and condition, to the nature and extent of the proposed use and (where it applies) to the condition as to sitting accommodation required by section 96 of this Act or as to the supply of intoxicating liquor for consumption as an ancillary to a table meal only;
  - (c) that within the twelve months preceding the application—
    - (i) a justices' on-licence for the premises has been forfeited; or
    - (ii) the premises have been ill-conducted while a justices' on-licence or a licence under the <sup>M29</sup>Refreshment Houses Act 1860 was in force for them; or
    - (iii) the condition as to sitting accommodation required by section 96 of this Act has been habitually broken while a residential licence or

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- a residential and restaurant licence, or other licence with the like condition, was in force for the premises; or
- (iv) the condition implied by section 94(5) of this Act as to the availability of beverages other than intoxicating liquor has been habitually broken while a Part IV licence, or other licence with the like condition, was in force for the premises.
- (2) Licensing justices may also refuse an application for the grant of a restaurant licence or residential and restaurant licence on the ground that the trade done in the premises in providing refreshment to persons resorting there (but not provided with board and lodging) does not habitually consist to a substantial extent in providing table meals of a kind to which the consumption of intoxicating liquor might be ancillary.
- (3) Licensing justices may also refuse an application for the grant of a Part IV licence on the ground that the sale or supply of intoxicating liquor on the premises is undesirable either because it would be by self-service methods, that is to say, methods allowing a customer to help himself on payment or before payment, or because—
- (a) in the case of a residential licence or a residential and restaurant licence, a large proportion of the persons provided with board and lodging for reward;
- (b) in the case of a restaurant licence or a residential and restaurant licence, a large proportion of the persons resorting to the premises but not provided with board and lodging;
- is habitually made up of persons under the age of eighteen who are not accompanied by others (whether parents or persons of full age) who pay for them.
- (4) If on an application for the grant of a Part IV licence for any premises it is made to appear to the licensing justices on behalf of any such authority as is mentioned in subsection (5) of this section—
- (a) that the authority or an officer designated in that behalf by the authority desired in connection with the application to have the premises inspected as to the matters mentioned in paragraph (b) of subsection (1) of this section; and
- (b) that after reasonable steps had been taken by or on behalf of the authority or officer for the purpose it was not possible to have the premises so inspected;
- the licensing justices may refuse the application.
- (5) The authorities referred to in subsection (4) of this section are—
- (a) (according to the situation of the premises) the Common Council of the City of London or the council of the county borough, London borough or county district; and
- (b) the authority (if not included in paragraph (a) of this subsection) discharging in the area where the premises are situated the functions of fire authority under the <sup>M30</sup>Fire Services Act 1947; and
- (c) the chief officer of police for the police area where the premises are situated.
- (6) Licensing justices refusing an application for the grant of a Part IV licence shall specify in writing to the applicant the grounds of their refusal.

**Marginal Citations**

**M29** 1860 c. 27 (75:1).

**M30** 1947 c. 41 (50).

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## 99 Application for Part IV licence in place of other on-licence. **E+W**

- (1) Where licensing justices refuse an application duly made for the grant of a new justices' on-licence other than a Part IV licence, they shall at the request of the applicant treat him as having also duly made an alternative application for such Part IV licence, relating to such descriptions of intoxicating liquor, as he may specify in the request.
- (2) Where on appeal quarter sessions refuse to confirm the grant of a new justices' on-licence other than a Part IV licence, they shall at the request of the holder of the licence treat the appeal as an appeal against the grant of such Part IV licence, relating to such descriptions of intoxicating liquor, as he may specify in the request and, if they dismiss that appeal, shall, on confirming the grant, attach to the licence the conditions required by the foregoing provisions of this Part of this Act.
- (3) On the renewal, transfer or removal of a justices' on-licence licensing justices may, at the request of the applicant made with the consent of the registered owner (if any) of the licensed premises, vary the licence by attaching the conditions required for it to be granted as a Part IV licence of the description specified in the request (in substitution for any conditions previously attached), and the renewal, transfer or removal of a justices' on-licence with such a variation shall not be refused except on the grounds on which a renewal may be refused of a licence of the description so specified.
- (4) Where under subsection (3) of this section conditions are attached to a justices' on-licence, the applicant for the renewal, transfer or removal may appeal notwithstanding that it is done at his request.

## 100 Power of court to disqualify for Part IV licences on conviction of certain offences. **E+W**

- <sup>F179</sup>(1) Where a person is convicted of an offence to which this section applies committed by him in respect of premises for which, at the time of the offence, he held a Part IV licence, the court by or before which he is convicted may make a disqualification order under this section.]
- (2) A disqualification order may, at the discretion of the court, be either—
  - (a) an order disqualifying the person convicted, for such period as may be specified in the order (but not exceeding five years from the date the order comes into force), from holding or obtaining Part IV licences or licences under <sup>F180</sup>the <sup>M31</sup>Late Night Refreshment Houses Act 1969]; or
  - (b) an order prohibiting such licences from being held or granted within such period as aforesaid by or to any person in respect of the premises at which the offence in question was committed; or
  - (c) an order imposing both such a disqualification and such a prohibition;
 and, if such an order is made, any licence within the disqualification or prohibition, if previously obtained, shall be forfeited or, if subsequently obtained, shall be null and void.
- (3) ..... <sup>F181</sup>
- (4) ..... <sup>F182</sup> this section applies to the following offences, that is to say,—
  - (a) offences under sections 161, 172 and 177 of this Act;

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- (b) offences under sections 175 and 176 of this Act and any other offence of permitting the premises to be a brothel;
- (c) offences under section 1(1) of the <sup>M32</sup>Betting, Gaming and Lotteries Act 1963;
- (d) ..... <sup>F183</sup>

**Textual Amendments**

- F179** S. 100(1) substituted by Refreshment Houses Act 1964 (c. 88, SIF 69A:1), **Sch. para. 2**
- F180** Words substituted by Late Night Refreshment Houses Act 1969 (c. 53, SIF 60A), **s. 13(3)**
- F181** S. 100(3) repealed by Refreshment Houses Act 1964 (c. 88, SIF 69A:1), **Sch. para. 2**
- F182** Words repealed by Refreshment Houses Act 1964 (c. 88, SIF 69A:1), **Sch. para. 2**
- F183** S. 100(4)(d) repealed by Theft Act 1968 (c. 60, SIF 39:6), **Sch. 3 Pt. III**

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

- C20** S. 100(2) applied by Late Night Refreshment Houses Act 1969 (c. 53, SIF 60A), **s. 11(4)**

**Marginal Citations**

- M31** 1969 c. 53 (60A).
- M32** 1963 c. 2 (12:1).

**101 Supplementary provisions as to disqualification orders. E+W**

- (1) The court making a disqualification order under section 100 of this Act may, on such conditions as it thinks just, suspend the operation of the order with a view to enabling a licence to remain in force pending an appeal against the conviction or against the making of the disqualification order, or pending the consideration of the question of bringing such an appeal; but, unless so suspended, a disqualification order under that section shall come into force on the day on which it is made.
- (2) A court shall not make such a disqualification order containing a prohibition on the holding or grant of licences in respect of premises specified in the order, unless an opportunity has been given to any person interested in the premises and applying to be heard by the court to show cause why the order should not be made.
- (3) At any time while such a disqualification order is in force, a magistrates' court, on complaint made by any person affected by the order, may revoke the order or vary it by reducing any period of disqualification or prohibition specified in the order; and any person who has made a complaint under this section and is aggrieved by the decision of the court on that complaint may appeal to quarter sessions.
- (4) Where on complaint made under subsection (3) of this section the relief asked for is or includes the revocation or variation of a prohibition imposed by the order on the holding or grant of licences in respect of any premises, any summons granted on the complaint shall be served on the chief officer of police for the police area in which the premises are.
- (5) References in any enactment, including this Act, to a person disqualified for holding a justices' licence, or to premises disqualified for receiving a justices' licence, shall for the purposes of Part IV licences apply, but for other purposes shall not apply, to persons or premises disqualified only by a disqualification order under section 100 of this Act.

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- (6) The powers of the court under section 100 of this Act may be exercised on a conviction in addition to any other powers which the court is required to or does exercise on the conviction.

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

**C21** S. 101 extended by [Late Night Refreshment Houses Act 1969 \(c. 53, SIF 60A\)](#), s. 11(4)

**PART V** **E+W**

**102** ..... <sup>F184</sup> **E+W**

**Textual Amendments**

**F184** S. 102 repealed by [S.I. 1979/977](#), [Sch.](#)

**103** ..... <sup>F185</sup> **E+W**

**Textual Amendments**

**F185** S. 103 repealed by [Licensing \(Abolition of State Management\) Act 1971 \(c. 65, SIF 68A:1\)](#), s. 1

**104**— ..... <sup>F186</sup> **E+W**

**107.**

**Textual Amendments**

**F186** Ss. 104–107 repealed by [S.I. 1979/977](#), [Sch.](#)

**PART VI** **E+W**

NEW TOWNS

**108** **Committee to determine distribution of licensed premises in new town.** **E+W**

- (1) For the purpose of determining the number, nature and distribution of licensed premises in new towns there shall be a committee for each new town or, if it appears to the Secretary of State that by reason of the proximity of any two new towns it is expedient that one committee should be constituted for them and the Secretary of State by order so directs, for those two new towns.
- (2) It shall be the duty of every such committee to consider from time to time, having regard to the existing circumstances of the area for which the committee is constituted and of the proposed development of that area, what licensed premises the area requires,



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what accommodation and amenities should be provided in those premises and what facilities should be available in them for obtaining both intoxicating liquor and meals and other refreshments, including the provision of accommodation in which beverages other than intoxicating liquor may be consumed and in which the consumption of intoxicating liquor is prohibited.

- (3) Such committees shall be constituted and their procedure regulated in accordance with Schedule 10 to this Act.
- (4) Where a committee is constituted for two new towns, references in this Part of this Act and in Schedule 10 to this Act to the area for which the committee is constituted shall be construed as references to the aggregate of the areas of the new towns.

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

**C22** S. 108:

**C23** S. 108: functions transferred (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

### 109 Formulation and submission to Minister of proposals by committee. **E+W**

- (1) In the light of its consideration of the matters mentioned in subsection (2) of section 108 of this Act, a committee constituted under that section shall from time to time formulate proposals specifying—
  - (a) the places in the area for which the committee is constituted at which licensed premises should be established; and
  - (b) what description of [<sup>F187</sup>justices' licence] for the sale of intoxicating liquor should be authorised to be held for each of the licensed premises established in accordance with the proposals.
- (2) Any such proposals shall contain supplementary provisions for the type of accommodation, amenities and services to be provided in premises which are or include such licensed premises, including, unless the committee in any particular case otherwise decides, provision for the service of meals and of refreshments other than intoxicating liquor.
- (3) The committee shall submit proposals formulated under this section to the Minister, together with such plans and other matter explanatory of the nature and effect of the proposals as the committee thinks fit or the Minister may in particular case require.
- (4) Where a committee has submitted proposals to the Minister under this section it shall publish by advertisement, in each of two successive weeks, in one or more local newspapers circulating in the area for which the committee is constituted, and may publish in such manner as it may determine, a notice that it has submitted the proposals, naming a place at which copies of the proposals and of the plans and explanatory matter submitted to the Minister may be seen at all reasonable hours, and stating the time, which shall not be less than twenty-eight days, within which and the manner in which objections to the proposals may be made to the Minister.

#### Textual Amendments

**F187** Words substituted by Finance Act 1967 (c. 54, SIF 68A:1), Sch. 7 para. 5

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

C24 S. 109: functions transferred (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

### 110 **Objections to and confirmation of proposals and power to revoke or vary.** E

+W

- (1) If no objection to proposals submitted under section 109 of this Act is made to the Minister within the time and in the manner stated in the notice published under subsection (4) of that section, or if all objections so made are withdrawn, the Minister may confirm the proposals.
- (2) If objection is made as mentioned in subsection (1) of this section and not withdrawn, the Minister shall afford to any person making an objection an opportunity of appearing before and being heard by a person appointed for the purpose by the Minister or, if it appears to him that the matters to which the objection relates are such as to require investigation by public local inquiry, he shall cause such an inquiry to be held; and after considering any objection not withdrawn and the report of the person before whom the objector appeared or of the person holding the inquiry, as the case may be, the Minister may confirm the proposals.
- (3) [<sup>F188</sup>Subsections (2) to (5) of the <sup>M33</sup>Local Government Act 1972] (which relate to the summoning of witnesses and the production of documents before, and the costs incurred at, local inquiries under that section) shall apply to an inquiry held under this section as they apply to inquiries held under that section, but with the substitution for references to a department of references to the Minister.
- (4) The power of the Minister under this section to confirm proposals shall include power—
  - (a) where the proposals relate to the establishment of licensed premises at more than one place, to confirm the proposals, but without prejudice to the next following paragraph, so far as they relate to one or some only of the places in question;
  - (b) to confirm the proposals subject to modifications so far as they relate to the situation of proposed licensed premises;
  - (c) to confirm the proposals subject to the modification of any supplementary provisions contained in the proposals or to the addition of any supplementary provisions that the committee could have included in the proposals;
 and references in this Part of this Act to proposals that have been confirmed shall be construed accordingly.
- (5) Proposals of a committee under section 109 of this Act may be varied or revoked by subsequent proposals formulated by the committee and submitted to and confirmed by the Minister in like manner as the original proposals; and references in this Part of this Act to proposals under that section that have been confirmed shall be construed as references to such proposals as they have effect having regard to any subsequent variation or revocation of them.

#### Textual Amendments

F188 Words substituted by virtue of [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), s. 272(2)

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*Changes to legislation:* There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

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

**C25** S. 110: functions transferred (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

**Marginal Citations**

**M33** 1972 c. 70 (81:1).

**111 Grant of new licences and removals in new towns. E+W**

- (1) Where application is made for the grant of a new justices' licence for, or for the removal of a justices' licence to, premises in a new town which are situated in a place specified in that behalf by proposals under section 109 of this Act that have been confirmed, then, if the effect of the grant would be that the premises would be licensed in accordance with the proposals, the licensing justices shall make the grant if they are satisfied that—
  - (a) the premises are fit and convenient for the purpose; and
  - (b) the applicant is not disqualified by this or any other Act for holding a justices' licence and is in all other respects a fit and proper person to hold a justices' licence; and
  - (c) effect has been or will be given to any supplementary provisions contained in the proposals.
- (2) Where an application such as is mentioned in subsection (1) of this section is for the provisional grant under section 6(1) of this Act of a new licence or of the removal of a licence, paragraph (a) of subsection (1) of this section shall have effect as if the reference to the premises were a reference to them as they would be if constructed in accordance with the plans submitted to the justices.
- (3) Subsections (5) and (6) of section 6 of this Act shall not apply to any such application as is mentioned in subsection (1) of this section for the provisional grant of a licence.
- (4) Nothing in this section shall limit the powers and duties of licensing justices to impose conditions on the grant of a new justices' licence.

**112 Restriction on grant or variation of justices' licence for premises in new towns. E+W**

- (1) The provisions of subsection (2) or subsection (3) of this section have effect with respect to the grant of new justices' licences, other than Part IV licences, for premises in new towns, and the removal of justices' licences to such premises, as follows:—
  - (a) subsection (2) applies where—
    - (i) the licence is a justices' on-licence and the premises are not on-licensed premises, . . . <sup>F189</sup>
    - (ii) . . . . . <sup>F190</sup>
  - (b) subsection (3) applies where—
    - (i) the licence is a justices' on-licence and the premises are on-licensed premises; . . . <sup>F189</sup>
    - (ii) . . . . . <sup>F191</sup>but the effect of the grant or removal would be to add to the descriptions of intoxicating liquor authorised to be sold in the premises or to abolish a limitation that intoxicating liquor should only be sold for consumption with a meal in a restaurant.

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- (2) Where this subsection applies the new licence or removal shall not be granted unless—
  - (a) the premises are situated in a place specified in that behalf by proposals under section 109 of this Act that have been confirmed; and
  - (b) the effect of the grant would be that the premises would be licensed in accordance with the proposals; and
  - (c) the licensing justices are satisfied that effect has been or will be given to any supplementary provisions contained in the proposals.
- (3) Where this subsection applies the new licence or removal shall not be granted unless the committee constituted under section 108 of this Act for the new town notifies the licensing justices that it has no objection to the grant.
- (4) A justices' licence for premises in a new town shall not be varied under section 37 of this Act so as to add to the descriptions of intoxicating liquor authorised to be sold in the premises unless the licensing justices are satisfied that the committee constituted for the new town under section 108 of this Act has no objection to the variation.
- (5) In this section “on-licensed premises” means premises for which a justices' on-licence is in force; and in determining for the purposes of this section whether any premises are on-licensed premises . . . <sup>F192</sup> a justices' licence for the premises shall be treated as being in force if it would be in force but for the fact that its grant for or removal to the premises was provisional and has not been declared final.

#### Textual Amendments

**F189** Word repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\)](#), **Sch. 34 Pt. XV**

**F190** [S. 112\(1\)\(a\)\(ii\)](#) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\)](#) Sch. 34 Pt. XV

**F191** [S. 112\(1\)\(b\)\(ii\)](#) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\)](#), **Sch. 34 Pt. XV**

**F192** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\)](#), **Sch. 34 Pt. XV**

### 113 Temporary licensed premises. **E+W**

- (1) Proposals under section 109 of this Act may include provision whereby during such period (in this section referred to as “the interim period”) as may be specified in the proposals subsection (2) of this section shall apply to any place specified in the proposals for the situation of licensed premises.
- (2) While, by virtue of proposals under section 109 of this Act that have been confirmed, this subsection applies to any place, premises situated at that place shall not be treated for the purposes of section 4(2) or section 5(4) of this Act as not being structurally adapted to the class of licence required or, as the case may be, to the licence by reason only of the materials of which the premises are constructed or to be constructed or of the fact that the premises were constructed or have been used for other purposes.
- (3) Nothing in subsection (2) of this section shall require justices to grant a new justices' licence for, or the removal of a justices' licence to, premises situated at the said place if in their opinion the premises are not proper to be used for the purpose.
- (4) Where licensing justices grant a new justices' licence or the removal of a justices' licence by virtue of subsection (2) of this section they shall certify that they have so granted it; and unless a licence so granted is previously removed, otherwise than by

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virtue of that subsection, to other premises at the same place or removed to premises at a different place, it shall become void on the expiry of the interim period.

- (5) Where proposals under section 109 of this Act include such provision as is authorised by subsection (1) of this section, proposals of the committee for other places at which licensed premises should be established may include provision whereby the proposals shall not have effect until the expiry of the interim period or such earlier date as the committee may from time to time determine.

#### **114 Membership of committee not to disqualify licensing justice. E+W**

A person shall not be disqualified for acting as a licensing justice in relation to any matter by reason only that, as a member of a committee constituted under section 108 of this Act, he was concerned with the matter in question.

#### **115 Development corporation to provide services for, and pay expenses of, committee. E+W**

- (1) The development corporation for the new town for which a committee is constituted under section 108 of this Act shall provide for the committee such accommodation and secretarial and other services as may be requisite for enabling the committee to exercise its functions, and shall pay any expenses incurred by the committee in the exercise of its functions or in the payment of travelling and other allowances to its members, so far as those expenses are incurred with the agreement of the development corporation or, in default of such agreement, with the approval of the Secretary of State; and any such agreement or approval may be given either before or after the expenses are incurred.
- (2) Where a committee is constituted for two new towns—
- the accommodation and services mentioned in subsection (1) of this section shall be provided by such one of the development corporations concerned, or partly by one and partly by the other, as the corporations may from time to time agree or, in default of agreement, as the Secretary of State may determine; and
  - the expenses mentioned in that subsection shall be defrayed by the development corporations in such proportions as may be so agreed or determined;

and references in that subsection to the development corporation shall be construed accordingly.

- [<sup>F193</sup>(3) Subsections (1) and (2) above shall have effect, in a case where the Development Board for Rural Wales is responsible under the <sup>M34</sup>Development of Rural Wales Act 1976 for the development of the new town or (where a committee is constituted for two new towns) for the development of one or both of the new towns, in accordance with the following provisions, that is to say—
- where the committee is constituted for one new town for which the Board is responsible, subsection (1) above shall apply as if the Board were the development corporation for that town;
  - where the committee is constituted for two new towns for both of which the Board is responsible, subsection (1) above shall apply (instead of subsection (2)) as if the two towns were one town and the Board were the development corporation for that town;

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- (c) where the committee is constituted for two new towns for one of which the Board is responsible, subsections (1) and (2) above shall apply as if the Board were the development corporation for that town.]

#### Textual Amendments

**F193** S. 115(3) added by [Development of Rural Wales Act 1976 \(c. 75, SIF 64\)](#), [Sch. 7 para. 2](#)

#### Marginal Citations

**M34** [1976 c. 75 \(64\)](#).

### 116 Effect of transfer of development corporation's property to Commission for the New Towns. **E+W**

- (1) The following provisions of this section shall apply on the coming into operation of an order [<sup>F194</sup>under section 41 of the <sup>M35</sup>New Towns Act 1981 providing] in relation to any new town for a transfer of the development corporation's property to the Commission for the New Towns.
- (2) If under section 108 of this Act a committee was constituted for that new town only, the committee shall cease to exist.
- (3) If under the said section 108 a committee was constituted for that and another new town—
- the committee shall cease to exercise its functions as respects the first-mentioned new town, and thereafter this section shall apply as if under the said section 108 the committee had been constituted for the said other new town only; and
  - the Secretary of State shall vary any order made by him under that section in such manner as appears to him requisite in consequence of the coming into operation of the order mentioned in subsection (1) of this section.
- (4) Sections 111 and 112 of this Act shall cease to apply to the new town, but without prejudice to the operation of the said section 111 as respects any application made before the date on which the order mentioned in subsection (1) of this section came into operation or made at the licensing sessions next held after that day.

#### Subordinate Legislation Made

**P1** [S. 116](#): functions transferred (1.7.1999) by [S.I. 1999/672](#), [art. 2](#), [Sch. 1](#)

#### Textual Amendments

**F194** Words substituted by [New Towns Act 1981 \(c. 64, SIF 123:3\)](#), [Sch. 12 para. 1](#)

#### Marginal Citations

**M35** [1981 c. 64 \(123:3\)](#).

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*Changes to legislation:* There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

## 117 Meaning of “new town” and effect of revocation or variation of order designating site of proposed new town. **E+W**

- (1) In the foregoing provisions of this Part of this Act “new town” means an area designated as the site of a proposed new town [<sup>F195</sup>under section 1 of the New Towns Act 1981 by] an order that has become operative.
- (2) If an order designating the site of a proposed new town is revoked, section 116 of this Act shall with the necessary modifications apply as if at the time of the revocation of the order an order had come into force [<sup>F195</sup>under section 41 of the New Towns Act 1981 providing] in relation to the new town for a transfer of the development corporation’s property to the Commission for the New Towns.
- (3) Where, by reason of the variation of an order designating the site of a proposed new town, land ceases to be comprised in such a site, the variation shall not affect the operation of section 111 of this Act as respects an application made before the variation took effect or at the next licensing sessions held thereafter, but the land excluded from such a site by the variation shall not otherwise be treated for the purposes of this Part of this Act as comprised in a new town.

### Textual Amendments

**F195** Words substituted by [New Towns Act 1981 \(c. 64, SIF 123:3\)](#), [Sch. 12 para. 1](#)

## PART VII **E+W**

### LICENSING PLANNING AREAS

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

**C26** Pt. VII excluded by [Licensing \(Amendment\) Act 1967 \(c. 51, SIF 68A:1\)](#), [s. 1](#)

**C27** References to the administrative county of London to be construed as references to the metropolis: [Administration of Justice Act 1964 \(c. 42, SIF 82\)](#), [Sch. 3, para. 31\(5\)](#); references to local planning authorities to be construed as references to district planning authorities only: [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [s. 204\(2\)](#)

## 118 Licensing planning areas. **E+W**

- (1) The Secretary of State may by order declare a licensing planning area any area consisting of—
  - (a) a licensing district or county district the whole or part of which has sustained extensive war damage; or
  - (b) two or more such districts which are contiguous and the whole or part of each of which has sustained extensive war damage;if he is satisfied that it is desirable to do so by reason of the war damage and the consequences of that damage, including redevelopment that has taken place or is likely to take place in the area.
- (2) Before declaring an area a licensing planning area, the Secretary of State shall consult with the licensing justices for the licensing district or districts comprising, or included



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in whole or in part in, the area and with any local planning authority having jurisdiction therein.

(3) ..... F196

#### Textual Amendments

F196 S. 118(3) repealed by Statute Law (Repeals) Act 1981 (c. 19), Sch. 1 Pt. XI

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

C28 S. 118: functions transferred (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

### 119 Licensing planning committees. E+W

- (1) For every licensing planning area there shall be a licensing planning committee.
- (2) It shall be the duty of every licensing planning committee to review the circumstances of its area and to try to secure, after such consultation and negotiation as it may think desirable, and by the exercise of the powers conferred on it by this Part of this Act, that the number, nature and distribution of licensed premises in the area, the accommodation provided in them and the facilities given in them for obtaining food, accord with local requirements, regard being had in particular to any redevelopment or proposed redevelopment of the area.
- (3) A licensing planning committee shall comply with such general or special directions as the Secretary of State may from time to time give it about consultation with such authorities or bodies as he may specify in the directions.
- (4) Licensing planning committees shall be constituted and their procedure regulated in accordance with Schedule 11 to this Act.
- (5) A licensing planning committee may pay to its secretary, and to the secretary of any sub-committee appointed under that Schedule, such remuneration as the Secretary of State may approve.
- (6) In such circumstances as the Secretary of State may approve, a licensing planning committee may defray expenses incurred in travelling by its secretary, or the secretary of any such sub-committee.
- (7) Any expenses properly incurred by a licensing planning committee shall be defrayed by the local planning authority having jurisdiction in the area, or, where there are two or more such authorities, by those authorities in such proportions as the Secretary of State may direct.

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

C29 S. 119: functions transferred (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

### 120 Variation and abolition of licensing planning areas. E+W

- (1) The Secretary of State may, on the application of the licensing planning committee for any licensing planning area, and after such consultation with other authorities as he may think desirable, by order include in the area any licensing district or part of

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a licensing district, whether contiguous with the existing area or not, to which there has been, or is in his opinion likely to be, a substantial transfer of population, or of industry or other activities from the existing area.

- (2) The Secretary of State may, after consultation with the licensing planning committee for any licensing planning area, by order exclude from the area any licensing district or part of a licensing district included in the existing area.
- (3) An order under either of the two preceding subsections may make such variations in the provisions of the order constituting the area as appear to the Secretary of State to be expedient in consequence of the inclusion in, or exclusion from, the existing area of any district or part of a district.
- (4) If it appears to the Secretary of State that it is no longer expedient that an area should be a licensing planning area, he may, after consultation with the licensing planning committee for the area, by order revoke the order constituting the area.

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

**C30** S. 120: functions transferred (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

**121 Submission and confirmation of proposals.** **E+W**

- (1) The licensing planning committee for any area may from time to time—
  - (a) formulate proposals for the removal, subject to and in accordance with the provisions of this Part of this Act relating to removals, and subject to such conditions, if any, as the proposals may specify, of justices' licences from premises in the area to other premises in the area specified in the proposals or to premises on sites in the area so specified;
  - (b) formulate with the agreement of the persons interested in the premises in question proposals for the surrender, subject to such conditions, if any, as the proposals may specify, of existing justices' licences for premises in the area, other than licences in suspense under this Act; and
  - (c) formulate with the agreement of the persons interested in the premises in question proposals for the extinguishment of existing justices' licences for premises in the area which are in suspense under this Act;and shall submit any such proposals to the Minister, together with such plans and other matter explanatory of the nature and effect of the proposals as may be prescribed or as the Minister may in any particular case require.
- (2) Any such removal as is mentioned in paragraph (a) of the preceding subsection is in this Act referred to as a "planning removal".
- (3) Where a licensing planning committee has submitted proposals to the Minister under this section it shall publish in the prescribed manner a notice that it has submitted the proposals, naming a place at which copies of the proposals and of the plans and explanatory matter submitted to the Minister may be seen at all reasonable hours, and stating the time within which and the manner in which objections to the proposals may be made to the Minister.
- (4) If no objection to proposals submitted under this section is made to the Minister within the time and in the manner stated in the notice, or if all objections so made are withdrawn, the Minister may confirm the proposals with or without modification.

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- (5) If objection is so made and not withdrawn, the Minister shall afford to any person making an objection an opportunity of appearing before and being heard by a person appointed for the purpose by the Minister or, if it appears to him that the matters to which the objection relates are such as to require investigation by public local inquiry, he shall cause such an inquiry to be held; and after considering any objection not withdrawn and the report of the person before whom the objector appeared or of the person holding the inquiry, as the case may be, the Minister may confirm the proposals with or without modification.
- (6) [<sup>F197</sup>Subsections (2) to (5) of the <sup>M36</sup>Local Government Act 1972] (which relate to the summoning of witnesses and the production of documents before, and the costs incurred at, local inquiries under that section) shall apply to an inquiry held under this section as they apply to inquiries held under that section, but with the substitution for references to a department of references to the Minister.
- (7) Proposals under this section may be varied by subsequent proposals formulated and submitted to and confirmed by the Minister in like manner as the original proposals; and references in this Part of this Act to proposals that have been confirmed shall be construed as references to such proposals as they have effect having regard to any subsequent variation of them.

#### Textual Amendments

**F197** Words substituted by virtue of [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [s. 272\(2\)](#)

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

**C31** [S. 121](#): functions transferred (1.7.1999) by [S.I. 1999/672](#), [art. 2](#), [Sch. 1](#)

#### Marginal Citations

**M36** [1972 c. 70 \(81:1\)](#).

## 122 Planning removals. **E+W**

- (1) Where proposals of a licensing planning committee that have been confirmed provide for a planning removal, and application is made to the licensing justices for the licensing district in which the premises to which it is intended to make the removal are situated, the justices shall grant the removal if they are satisfied that—
- the premises are fit and convenient for the purpose;
  - the applicant is not disqualified by this or any other Act for holding a justices' licence and is in all other respects a fit and proper person to hold a justices' licence; and
  - any conditions specified in the proposals as confirmed have been complied with.
- (2) If the application is for the provisional grant of a planning removal, any plans submitted to the licensing justices shall be treated for the purposes of section 6 of this Act as plans deposited under this Act, but subsections (5) and (6) of that section shall not apply, and if the provisional grant is made it shall not be declared final unless the licensing justices are satisfied, in addition to the matters mentioned in subsection (4) of that section, that any conditions specified in the proposals as confirmed have been complied with.

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- (3) Any such application to licensing justices as is mentioned in the preceding provisions of this section, and any application for a provisional grant of a planning removal to be declared final may be made or dealt with at any meeting of the licensing justices specially called for the purpose as well as at licensing sessions.
- (4) Sections 21 to 25 of this Act shall apply, with the necessary modifications, to a decision of licensing justices refusing to grant a planning removal (including a refusal to make a provisional grant) as they apply to a decision refusing a special removal.

**123 Limitations on power to grant or vary licences in licensing planning areas. E**  
**+W**

- (1) No new justices' licence, other than a Part IV licence, shall be granted for any premises in a licensing planning area unless the licensing justices are satisfied that the licensing planning committee have no objection to the grant.
- (2) No ordinary or special removal of a justices' licence shall be granted to any premises in a licensing planning area unless the premises are licensed premises and the licensing justices are satisfied that the licensing planning committee have no objection to the grant.
- (3) A justices' licence for premises in a licensing planning area shall not be varied under section 37 of this Act so as to add to the descriptions of intoxicating liquor authorised to be sold in the premises unless the licensing justices are satisfied that the licensing planning committee has no objection to the variation.

**124 Extinguishment of licences in licensing planning areas. E+W**

- (1) Where proposals of a licensing planning committee that have been confirmed provide for the surrender of a justices' licence for premises in its area, then, if such conditions as the proposals may specify have been complied with, the licence shall, by virtue of this Part of this Act, be extinguished as from such date as the proposals may specify, or such later date as the licensing planning committee may allow.
- (2) Where the proposals of a licensing planning committee provide for the extinguishment of a justices' licence in suspense under this Act, then, on confirmation of the proposals, the licence shall be extinguished.

**125 Old on-licences in licensing planning areas. E+W**

- (1) The renewal of an old on-licence for premises in a licensing planning area shall not be refused on any grounds other than those on which licensing justices may refuse it under section 12 of this Act . . . <sup>F198</sup>

**Textual Amendments**

**F198** Words repealed with saving by [Licensing \(Alcohol Education and Research\) Act 1981 \(c. 28, SIF 68A:1\)](#), s. 11, [Sch. 2 Pt. I](#)

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**126 Temporary premises. E+W**

- (1) A licensing planning committee may, on the application of a person intending to make an application under subsection (2) of this section in respect of a justices’ licence for premises in its area, certify, in the prescribed form, that for such period as may be specified in the certificate the committee has no objection to the business of the holder of the licence being carried on in such temporary premises in the area as may be so specified.
- (2) Where such a certificate is given, then, subject to the following provisions of this section,—
  - (a) an application may be made to the licensing justices for the removal of the licence to the temporary premises so specified, and
  - (b) a subsequent application may be made to licensing justices for the removal of the licence from those premises to premises on the site of the premises to which the licence related before the removal to the temporary premises,
 in all respects as if those removals (in this Act referred to as “temporary premises removals”) were planning removals for which proposals had been confirmed under this Part of this Act; and section 122 of this Act shall apply accordingly.
- (3) Where, before such a certificate is given, proposals for the planning removal of the licence have been confirmed under this Part of this Act, but the licence has not been removed, paragraph (b) of subsection (2) of this section shall have effect as if for the reference to premises on the site of the premises to which the licence related before the removal to the temporary premises there were substituted a reference to the premises to which the licence is to be removed in pursuance of the planning removal.
- (4) Subject to section 141(6) of this Act, where a licence is removed to temporary premises by virtue of a temporary premises removal, the licence shall, at the expiry of the period specified in the certificate of the licensing planning committee, or such longer period, if any, as the committee may allow, become void unless it has previously been removed to other premises.
- (5) Where a certificate is given under subsection (1) of this section, the temporary premises specified in the certificate shall be treated for the purposes of section 5 of this Act as structurally adapted to the licence; but nothing in this subsection shall require justices to grant a removal to, or to renew a licence for, any premises which in their opinion are not proper to be used, for the period specified in the certificate or, as the case may be, for the further period allowed by the committee, for the purposes of the business of the holder of the licence.
- (6) Nothing in this section shall limit the powers conferred by this Part of this Act as to the granting of planning removals; and in the provisions of this Part of this Act conferring those powers and in the preceding provisions of this section, references to removals include references to removals to or from temporary premises from or to other premises on the same site.
- (7) In this section “temporary premises” includes all premises, whether temporary in their nature or not, which it is not intended to use permanently for the purposes of the business in question.

127, ..... F199 **E+W**  
128.

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**Textual Amendments**

**F199** Ss. 127, 128 repealed by [Greater London Council \(General Powers\) Act 1984 \(c. xxvii\)](#), s. 42, [Sch. 4 Pt. 1](#)

**129 Regulations. E+W**

The Secretary of State may make regulations—

- (a) about the procedure to be followed on and in connection with applications under this Part of this Act to licensing justices,
- (b) about the procedure, including quorum, of licensing planning committees and of sub-committees appointed under Schedule 11 to this Act,
- (c) for fixing the time within which and the manner in which objections to proposals of a licensing planning committee may be made to the Minister,
- (d) about the keeping and auditing of accounts of the expenditure of licensing planning committees and the furnishing by those committees of estimates of expenses to the authorities by whom the expenses of the committees fall to be defrayed, and
- (e) for prescribing anything that by this Part of this Act is required or authorised to be prescribed.

**130 Membership of licensing planning committee not to disqualify licensing justice. E+W**

A person shall not, by reason of his membership of, or anything done by him in the course of his duties as a member of, a licensing planning committee or a sub-committee of a licensing planning committee, be held to be disqualified for acting as a licensing justice in relation to any matter falling to be decided by the licensing justices for the licensing planning area or any part of of it, whether under this Part of this Act or otherwise.

**131** ..... **F200 E+W**

**Textual Amendments**

**F200** S. 131 repealed by [Expiring Laws Continuance Act 1970 \(c. 58\)](#), s. 1(2)

**PART VIII E+W**

SUSPENSION OF LICENCES BY REASON OF WAR CIRCUMSTANCES

**132 Suspension of licence where business discontinued owing to war circumstances. E+W**

- (1) Where the Commissioners are satisfied, on application made to them for a certificate under this section, that a business for the purposes of which or in connection with which a justices' licence was granted has been temporarily discontinued by reason

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of war circumstances, they shall certify accordingly, and shall state in the certificate whether or not those circumstances include the destruction of the premises or serious damage to them.

- (2) As from the date of a certificate under this section, the justices' licence for the premises shall be in suspense by virtue of this section until it is again in force for all purposes by virtue of this Part of this Act or until it is extinguished either by virtue of this Part of this Act or of section 107 or section 124(2) of this Act.
- (3) While a justices' licence is in suspense by virtue of this section—
  - (a) it may be transferred or removed in accordance with the provisions in that behalf of Parts I and VII of this Act;
  - (b) it may be extinguished under section 107 or section 124(2) of this Act;
 but, except so far as is requisite for giving effect to those provisions and the other provisions of this Part of this Act, and except as provided by section 104(4) of this Act, it shall not be in force for any purpose.
- (4) Notwithstanding the grant of a certificate under this section, a licence shall not be in suspense by virtue of this section if an event has occurred before the grant which would have brought the suspension to an end.
- (5) For the purposes of this Part of this Act—
  - (a) "war circumstances" means circumstances directly or indirectly attributable to any war in which Her Majesty may be or has been engaged;
  - (b) the destruction of the premises or serious damage to them, though not caused by enemy action or other causes arising from war, shall be deemed, in relation to a business carried on in those premises, to be war circumstances if the execution of works necessary to enable the business to be carried on is prevented by war circumstances;

and any reference in this Part of this Act to a licence in suspense is a reference to a licence in suspense by virtue of this section.

### **133 Restoration to full force of licence in suspense. E+W**

- (1) Where the holder of a licence for the time being in suspense wishes to resume the business carried on in the premises for which the licence was granted, he may give notice in writing to that effect to the clerk to the licensing justices; and, subject to subsection (2) of this section, from the time of his giving the notice the licence shall be in force for all purposes.
- (2) Where the licence is an on-licence, and the certificate granted under section 132 of this Act states that the war circumstances include destruction of the premises or serious damage to them, then, unless plans of such works as are reasonably necessary to secure the proper conduct of the business have been submitted to the licensing justices and approved by them, and the licensing justices have signified their satisfaction that the works have been executed in accordance with those plans, a notice under subsection (1) of this section shall have no effect.
- (3) A licence in force for all purposes after being in suspense shall, unless previously forfeited or becoming void under this Act, be in force until [F201the expiry of the licensing period current] when it ceased to be in suspense.



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- (4) Where a licence in suspense is removed the licence granted by way of removal shall not be in suspense and the provisions of this Act shall apply in relation to it as they apply in relation to a licence granted by way of removal of a licence in force.

**Textual Amendments**

**F201** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 11(3)

**134 Extinguishment of licence in suspense when suspension no longer justified. E**  
+W

- (1) Where a licence is in suspense and the licensing justices are satisfied that there are no longer any war circumstances that justify its continuing to be in suspense, they may order it to be extinguished at the expiry of such period as may be specified in the order unless it is again in force for all purposes by virtue of section 133 of this Act before the expiry of that period.
- (2) If Her Majesty by Order in Council declares that there are in general no longer any war circumstances that justify justices' licences continuing to be in suspense, every licence in suspense at the date of the Order shall be extinguished at the expiry of such period as may be specified in the Order unless it is again in force for all purposes by virtue of section 133 of this Act before the expiry of that period.
- (3) Licensing justices may, on application made to them in that behalf, extend the period specified in an order under subsection (1) of this section, or, in relation to a particular licence, the period specified in an Order in Council under subsection (2) of this section.

**135 Extinguishment of licence in suspense on grounds of conduct or fitness. E+W**

- (1) Where at a general annual licensing meeting objection to the continuance of a licence that is for the time being in suspense is made on grounds relating to the conduct of the holder of the licence or his fitness to hold it, then if, had the licence been in force for all purposes, the licensing justices would have had jurisdiction to refuse its renewal on those grounds and would have done so had the licence holder applied for its renewal at that meeting, they may order the licence to be extinguished.
- (2) Notwithstanding the making of such an order, licensing justices may grant a transfer of the licence to which the order relates on an application made at the same general annual licensing meeting or at the first transfer sessions thereafter; and if a transfer of the licence is so granted the order for extinguishment shall not have effect.

**136** ..... <sup>F202</sup> E+W

**Textual Amendments**

**F202** S. 136 repealed with saving by [Licensing \(Alcohol Education and Research\) Act 1981 \(c. 28, SIF 68A:1\)](#), s. 11, **Sch. 2 Pt. I**

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**137 Discontinuance of business taking place during proceedings for renewal. E+W**

- (1) If the discontinuance of business occasioning the suspension of a licence by virtue of section 132 of this Act occurs on or after the first day of a general annual licensing meeting and before 5th April next following and—
- (a) in proceedings taken in relation to any objection to the renewal of the licence made at that meeting on grounds relating to the conduct of the holder of the licence or his fitness to hold it, or
  - (b) in proceedings taken in relation to any reference to the compensation authority of the question of the renewal of the licence at that meeting,
- the renewal of the licence is refused, the licence shall be extinguished, but without prejudice to the payment of compensation under section 14 of this Act.
- (2) If a justices' licence subsisting by virtue of a provisional renewal pending a reference to the compensation authority becomes a licence in suspense it shall be extinguished upon a refusal of the renewal by the compensation authority.

**138 Transfer of licence in suspense to owner of licensed premises. E+W**

Licensing justices may grant a transfer of a justices' licence to the owner of the licensed premises or to a person applying on his behalf in the following cases, as well as in those mentioned in section 8 of this Act, that is to say,—

- (a) where the holder of the licence has wilfully omitted or neglected to take steps requisite for preventing its extinguishment under subsection (1) or subsection (2) of section 134 of this Act;
- (b) where an order has been made under section 135 of this Act in relation to the licence, or the renewal of the licence has been refused in such circumstances as are mentioned in section 137 of this Act on grounds relating to the conduct of the holder of the licence or his fitness to hold it;
- (c) where the licence has been forfeited, or the holder thereof disqualified, while the licence was in suspense, in circumstances in which a protection order could have been granted under section 10(3) of this Act if the business had not been discontinued;
- (d) where the holder of the licence has, or his representatives have, given up occupation of the licensed premises whilst the licence was in suspense.

**139 Appeals to quarter sessions. E+W**

Sections 21 to 25 of this Act shall apply with the necessary modifications—

- (a) to a refusal of licensing justices to approve plans submitted to them for the purposes of subsection (2) of section 133 of this Act, or to signify their satisfaction under that subsection;
- (b) to the making of an order under section 134(1) of this Act;
- (c) to a refusal of licensing justices to grant an application under section 134(3) of this Act;
- (d) to the making of an order under section 135 of this Act.

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## 140 Rules, etc. **E+W**

The Secretary of State may make such rules, prescribe such forms and generally do such things as he thinks expedient for regulating the practice under this Part of this Act, including the service of documents.

## PART IX **E+W**

### SUSPENSION OF LICENCES BY REASON OF COMPULSORY ACQUISITION, ETC.

## 141 Suspension of justices' licence where licensed premises compulsorily acquired or temporary premises cease to be available. **E+W**

- (1) Where the Commissioners are satisfied on an application made to them for a certificate under this subsection—
  - (a) that a business is temporarily discontinued by reason of the compulsory acquisition, or the proposed compulsory acquisition, of licensed premises in which the business was carried on, other than acquisition or proposed acquisition by the Secretary of State under section 104 of this Act, and
  - (b) that the removal of the licence to other premises, not being temporary premises, reasonably satisfactory to the person by whom the business was carried on would be prevented by the restriction on removals imposed by section 123(2) of this Act, or by its being otherwise impracticable to provide such other premises as aforesaid,they shall certify accordingly.
- (2) Where the Commissioners are satisfied on an application made to them for a certificate under this subsection—
  - (a) that a business carried on in licensed premises which are temporary premises has been temporarily discontinued on account of those premises ceasing to be available or on account of the expiry of the period specified in the certificate of the licensing planning committee under section 126 of this Act relating to the premises and of any extension of that period under subsection (4) of that section, and
  - (b) that the circumstances are as mentioned in paragraph (b) of subsection (1) of this section,they shall certify accordingly.
- (3) Where a licence granted for any premises is in suspense by virtue of section 132 of this Act, and the Commissioners are satisfied on an application made to them for a certificate under this subsection—
  - (a) that the premises have been compulsorily acquired otherwise than by the Secretary of State under section 104 of this Act, or that it is proposed that they shall be compulsorily acquired otherwise than as aforesaid, and
  - (b) that the circumstances are as mentioned in paragraph (b) of subsection (1) of this section,they shall certify accordingly.
- (4) As from the date of a certificate under this section, the justices' licence in force for the premises immediately before the discontinuance mentioned in subsection (1) or (2) of this section or, as the case may be, the licence in suspense as mentioned in

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subsection (3) of this section, shall be in suspense by virtue of this section until it is again in force for all purposes by virtue of this Part of this Act or until it is extinguished, either by virtue of this Part of this Act or of section 107 or section 124(2) of this Act; and, if it is such a licence as is mentioned in subsection (3) of this section, shall no longer be in suspense by virtue of section 132 of this Act.

- (5) While a justices' licence is in suspense by virtue of this section—
- (a) it may be transferred or removed in accordance with the provisions in that behalf of Parts I and VII of this Act,
  - (b) it may be extinguished under section 107 or section 124(2) of this Act;
- but, except so far as is requisite for giving effect to those provisions and the other provisions of this Part of this Act, it shall not be in force for any purpose.
- (6) Where a certificate has been granted under subsection (2) of this section, the provisions of section 126(4) of this Act avoiding a licence on the expiry of such periods as are mentioned therein—
- (a) shall, if the relevant period expired before the granting of the certificate, be deemed not have avoided the licence, and
  - (b) shall not avoid the licence during the period of its suspension.
- (7) In this Part of this Act—
- (a) references to compulsory acquisition of premises include references—
    - (i) to acquisition by agreement by an authority or persons, and for a purpose, such that the authority or persons could be authorised to acquire the premises compulsorily; and **(129:5)**.
    - (ii) to the taking possession of premises by a local authority by virtue of a lease or authorisation under the <sup>M37</sup>War Damaged Sites Act 1949;
  - (b) references to premises include references to the site of premises; and references to a licence granted for premises in any district or area include references to a licence granted for premises the site of which is in that district or area;

and, unless the context otherwise requires, any reference in this Part of this Act to a licence in suspense is a reference to a licence in suspense by virtue of this section.

#### Marginal Citations

M37 1949 c. 84

## 142 Restoration to full force of licence in suspense. **E+W**

- (1) Where a licence is in suspense and it is proposed to resume on the same site the business formerly carried on in the premises for which the licence was granted, the holder of the licence may apply to the licensing justices for the district in which the premises are situated for their approval of his fitness to hold the licence and, if the justices approve his fitness, he may give notice in writing to the clerk to the licensing justices of the proposal to resume the business; and, subject to subsection (2) of this section, from the time of his giving the notice the licence shall be in force for all purposes.
- (2) Where a notice under this section relates to an on-licence then, unless plans of such works as are reasonably necessary to secure the proper conduct of the business have

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been submitted to the licensing justices and approved by them, and the justices have signified their satisfaction that the works have been executed in accordance with those plans, the notice shall have no effect.

- (3) A justices' licence in force for all purposes after being in suspense shall, unless previously forfeited or becoming void under this Act, be in force until [<sup>F203</sup>the expiry of the licensing period current] when it ceased to be in suspense.
- (4) Where a licence in suspense is removed the licence granted by way of removal shall not be in suspense and the provisions of this Act shall apply in relation to it as they apply in relation to a licence granted by way of removal of a licence in force.

#### Textual Amendments

**F203** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\), s. 11\(3\)](#)

### 143 **Extinguishment of licence in suspense when suspension no longer justified.** E

+W

- (1) Where a licence is in suspense and the licensing justices are satisfied—
- (a) that a removal of the licence as mentioned in paragraph (b) of subsection (1) of section 141 of this Act would no longer be prevented as mentioned in that paragraph, or
  - (b) that, in a case where it is proposed to resume the business in question on the same site, it would be reasonably practicable to carry out any such works as are mentioned in subsection (2) of section 142 of this Act,
- they may order the licence to be extinguished at the expiry of such period as may be specified in the order unless it is again in force for all purposes before the expiry of that period.
- (2) If Her Majesty by Order in Council declares that the removal of licences as mentioned in paragraph (b) of subsection (1) of section 141 of this Act is in general no longer prevented as mentioned in that paragraph, every licence in suspense at the date of the Order shall be extinguished at the expiry of such period as may be specified in the Order unless it is again in force for all purposes before the expiry of that period.
- (3) Licensing justices may, on application made to them in that behalf, extend the period specified in an order under subsection (1) of this section, or, in relation to a particular licence, the period specified in an Order in Council under subsection (2) of this section.

### 144 **Extinguishment of licence in suspense on other grounds.** E+W

Sections . . . <sup>F204</sup> 137 of this Act shall apply to a licence in suspense by virtue of section 141 of this Act as they apply to a licence in suspense by virtue of section 132 of this Act.

#### Textual Amendments

**F204** Words repealed with saving by [Licensing \(Alcohol Education and Research\) Act 1981 \(c. 28, SIF 68A:1\), s. 11, Sch. 2 Pt. I](#)

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#### 145 **Transfer of licence in suspense.** E+W

Without prejudice to the power to transfer a licence in suspense in the cases mentioned in section 8 of this Act, if licensing justices are satisfied, with respect to a licence in suspense, that any person other than the holder has an interest in it or that the holder has no interest in it, they shall, on an application by any person appearing to them to have such an interest, transfer the licence to the person or persons appearing to them to have such an interest.

#### 146 **Appeals to quarter sessions.** E+W

Sections 21 to 25 of this Act shall apply with the necessary modifications—

- (a) to a refusal of licensing justices to approve the fitness of a holder of a licence, on an application under subsection (1) of section 142 of this Act;
- (b) to a refusal of licensing justices to approve plans submitted to them for the purposes of subsection (2) of that section, or to signify their satisfaction under that subsection;
- (c) to the making of an order under section 143(1) of this Act;
- (d) to a refusal of licensing justices to grant an application under section 143(3) of this Act.

#### 147 **Rules, etc.** E+W

The Secretary of State may make such rules, prescribe such forms and generally do such things as he thinks expedient for regulating the practice under this Part of this Act, including the service of documents.

### PART X E+W

#### SEAMEN’S CANTEENS

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

**C32** Functions of Minister of Transport under Pt. X now exercisable by Secretary of State concurrently with Board of Trade: [S.I. 1965/145, art. 2](#), [Sch. 1](#), and 1970/1537, art. 2(1)(a)

#### *Canteen licences*

#### 148 **Licences for seamen’s canteens authorising the holding of retailer’s on-licences.** E+W

- (1) If a body approved by the Minister of Transport have provided or propose to provide a seamen’s canteen the need for which has been certified by that Minister, after consultation with the Merchant Navy Welfare Board, the licensing justices may grant a licence under this Part of this Act (in this Act referred to as a “canteen licence”) authorising the person who is the manager of the canteen <sup>F205</sup>to sell for consumption in
  - (a) intoxicating liquor of all descriptions; or
  - (b) beer, cider and wine only; or
  - (c) beer and cider only; or

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- (d) cider only; or
- (e) wine only.]

(2) In this Part of this Act, “canteen” includes a part of a hostel where food or drink is supplied, whether or not the food or drink is separately paid for.

**Textual Amendments**

**F205** Words substituted by [Finance Act 1967 \(c. 54, SIF 68A:1\)](#), [Sch. 7 para. 6](#)

**149 Grant of canteen licences. E+W**

(1) The licensing justices shall not refuse to grant a canteen licence except under subsection (2) of this section or on one or more of the following grounds, that is to say—

- (a) that the applicant is disqualified by this or any other Act for holding a justices’ licence or is in other respects not a fit and proper person to hold a canteen licence; or
- (b) that the premises are not fit and convenient for the purposes of the canteen; or
- (c) in a case where objection has been made to the situation of the canteen, on the ground specified in the objection; or
- (d) that the applicant or body providing the canteen has entered into an agreement limiting the sources from which the intoxicating liquor or the mineral waters to be sold in the canteen may be obtained,

but nothing in this subsection shall prevent the licensing justices from specifying in a canteen licence [<sup>F206</sup>as the description or descriptions of intoxicating liquor authorised to be sold a description or descriptions other than that or those requested by the applicant.]

(2) Before application is made for the grant of a canteen licence draft rules as to the persons entitled to use the canteen shall be prepared for submission with the application and the licensing justices shall refuse to grant the licence unless the body providing the canteen undertake to make rules for the canteen in the form of the draft, with the modifications, if any, required by the licensing justices, and not to vary those rules without their consent.

(3) A canteen licence shall provide that at all times at which intoxicating liquor is sold food and beverages other than those of an intoxicating character shall also be provided for sale.

(4) An applicant for the grant of a canteen licence shall give the notices and serve the documents required in that behalf by Schedule 12 to this Act.

**Textual Amendments**

**F206** Words substituted by [Finance Act 1967 \(c. 54, SIF 68A:1\)](#), [Sch. 7 para. 7](#)



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## 150 Provisional canteen licences. **E+W**

- (1) In a case where it is proposed to construct or convert premises for a seamen’s canteen, a canteen licence may be a provisional licence to be made final after the proposal has been carried out.
- (2) In the application of section 149 of this Act to a provisional canteen licence—
  - (a) paragraph (a) of subsection (1) shall be omitted; and
  - (b) the reference in paragraph (b) of that subsection to the premises shall be taken as a reference to those premises after the proposed construction or conversion has been carried out.
- (3) On an application by the holder of a provisional canteen licence, the licensing justices may consent to any modification of the plan served on the clerk to the licensing justices where, in their opinion, the premises, if completed in accordance with the modified plan, will be fit and convenient for the purposes of the canteen.
- (4) Licensing justices shall not refuse an application to make a provisional canteen licence final except on either or both of the following grounds, that is to say—
  - (a) that the canteen has not been constructed or converted in accordance with the plan served on the clerk to the licensing justices or in accordance with that plan with modifications consented to under the preceding subsection;
  - (b) that the person who is to hold the licence is disqualified by this or any other Act for holding a justices’ licence or is in other respects not a fit and proper person to hold a canteen licence;
 and until a provisional licence has been made final it shall not come into force.
- (5) An applicant for a provisional canteen licence to be made final shall give such notices as the licensing justices may require.

## [<sup>F207</sup>150A] Variation of description of intoxicating liquor authorised to be sold. **E+W**

If, after giving such notices as the licensing justices may require, the holder of a canteen licence so requests by an application under this section, the licensing justices may vary the description or descriptions of intoxicating liquor authorised to be sold.]

### Textual Amendments

**F207** S. 150A inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 3 para. 13](#)

## 151 Renewal of canteen licences. **E+W**

- (1) A canteen licence shall, unless renewed under this section,
  - [<sup>F208</sup>(a) If it comes into force before 5th April 1989, expire on 4th April 1989; and
  - (b) if it comes into force after 4th April 1989, expire at the end of the licensing period which is current when it comes into force.]
- (2) If the Minister of Transport has, in the calendar year in which the licence would otherwise expire, certified that the canteen is still needed, the licensing justices may renew the licence for a further period of [<sup>F209</sup>three years].

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- (3) The power of licensing justices to renew a canteen licence shall be exercisable only at [<sup>F210</sup>the general annual licensing meeting immediately preceding the expiry of the licensing period for which the licence was granted].
- (4) Licensing justices shall not refuse an application for the renewal of a canteen licence except under section 153(1) of this Act or on one or more of the following grounds, that is to say,—
  - (a) that the manager is disqualified by this or any other Act for holding a justices’ licence or is on other respects not a fit and proper person to hold a canteen licence; or
  - (b) that the rules as to the persons entitled to use the canteen have not been observed or that the canteen has in other respects been improperly conducted; or
  - (c) that the manager or the body providing the canteen has entered into an agreement of the kind mentioned in paragraph (d) of section 149(1) of this Act.
- (5) . . . . . <sup>F211</sup>
- (6) A person intending to oppose an application for the renewal of a canteen licence shall, not later than five days before the hearing of the application, give notice in writing to the holder of the licence [<sup>F212</sup>and to the clerk to the licensing justices] specifying the ground of his objection.

**Textual Amendments**

- F208** S. 151(1)(a)(b) substituted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 11(2)(a)
- F209** Words substituted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 11(2)(b)
- F210** Words substituted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 19, Sch. 3 para. 14(a)
- F211** S. 151(5) repealed by Licensing Act 1988 (c. 17, SIF 68A:1), s. 19, Sch. 4
- F212** Words inserted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 19, Sch. 3 para. 14(b)

**152 Transfer of canteen licences. E+W**

- (1) . . . . . <sup>F213</sup> where the holder of a canteen licence. . . . . <sup>F213</sup> ceases to be the manager of the canteen, the person for the time being in charge of the canteen may, during the period of fourteen days from the date on which the holder of [<sup>F214</sup>the licence] ceased to be the manager, sell intoxicating liquor in the canteen as if [<sup>F214</sup>the licence] had been transferred to him.
- (2) A canteen licence may be transferred either by the licensing justices or by justices of the peace for the petty sessions area in which the canteen is situated.
- (3) A licence transferred under this section by justices of the peace shall become void at the expiry of three months from the date on which the transfer takes effect, unless—
  - (a) within that period the transfer has been confirmed by the licensing justices, or a further transfer has been made under this section; or
  - (b) the transfer is to a person resuming the management of the canteen after an interval not exceeding four weeks.
- (4) A transfer of a canteen licence and the confirmation of such a transfer shall not be refused except on the ground that the applicant is disqualified by this or any other Act

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for holding a justices' licence or is in other respects not a fit and proper person to hold a canteen licence.

- (5) An applicant for the transfer or confirmation of the transfer of a canteen licence shall give the notices required in that behalf by Schedule 12 to this Act.
- (6) The power of justices of the peace to transfer a canteen licence shall be exercisable by the number of justices, and in the place, required by [<sup>F215</sup>the <sup>M38</sup>Magistrates' Courts Act 1950] for the hearing of a complaint.

#### Textual Amendments

**F213** Words repealed by [Finance Act 1967 \(c. 54, SIF 63:2\)](#), [Sch. 16 Pt. I](#)

**F214** Words substituted by [Finance Act 1967 \(c. 54, SIF 68A:1\)](#), [Sch. 7 para. 9](#)

**F215** Words substituted by virtue of [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 8 para. 5](#)

#### Marginal Citations

**M38** [1980 c. 43 \(82\)](#).

### 153 Alterations to canteen premises. **E+W**

- (1) On renewing a canteen licence the licensing justices may by order, to be served on the holder, direct that, within a time fixed by the order, such structural alterations shall be made in the premises comprising the canteen as they think reasonably necessary to secure the proper conduct of the canteen; and if, when application for renewal of the licence is next made after the time fixed by the order has expired, it is not shown to the satisfaction of the licensing justices that the order has been complied with, the justices may refuse to renew the licence.
- (2) If an order under subsection (1) of this section is complied with, the licensing justices shall not make a further order within the five years following the first-mentioned order.
- (3) Section 20 of this Act shall apply in relation to premises for which a canteen licence is in force as it applies in relation to premises for which a justices' on-licence is in force.

### [<sup>F216</sup>153A] Revocation of canteen licences. **E+W**

- (1) Licensing justices may revoke a canteen licence at any licensing sessions, other than licensing sessions at which an application for renewal of the licence falls to be considered, either of their own motion or on the application of any person.
- (2) The power to revoke a canteen licence under this section is exercisable on any ground on which licensing justices might refuse to renew a canteen licence.
- (3) Licensing justices may only exercise the power conferred by this section if, at least twenty-one days before the commencement of the licensing sessions in question, notice in writing of the proposal to exercise the power or, as the case may be, to make the application has been given to the holder of the licence and, in the case of a proposed application, to the clerk to the licensing justices, specifying in general terms the grounds on which it is proposed the licence should be revoked.
- (4) Evidence given for the purposes of proceedings under this section shall be given on oath.

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- (5) A decision under this section to revoke a canteen licence shall not have effect—
- (a) until the expiry of the time for appealing against the decision; or
  - (b) if the decision is appealed against, until the appeal is disposed of.]

**Textual Amendments**

**F216** S. 153A inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 12(2)

**154 Rights of appeal. E+W**

- (1) Where licensing justices—
- (a) refuse to grant, renew or transfer a canteen licence, or
  - (b) refuse to make a provisional canteen licence final or to give consent, on the application of the holder of such a licence, to a modification of the plan served on the clerk to the licensing justices, or
  - (c) on an application for the grant of a canteen licence do not [<sup>F217</sup>grant such a licence authorising sale of intoxicating liquor of the description or descriptions] duly requested by the applicant, or
  - (d) [<sup>F218</sup>do not comply with a] request duly made for a change in the [<sup>F219</sup>description or descriptions of intoxicating liquor the sale of which is] to be authorised, or
  - (e) require modifications in the rules proposed to be made as to the persons entitled to use the canteen, or withhold their consent to a variation of those rules, or
  - [<sup>F220</sup>(ee) revoke a canteen licence under section 153A of this Act; or]
  - (f) make an order under section 153(1) of this Act, or
  - (g) refuse to give a consent required under section 20 of this Act as applied by section 153(3) of this Act,
- any person aggrieved may appeal to [<sup>F221</sup>the Crown Court]
- (2) ..... <sup>F222</sup>
- (3) Sections 22 to 25 of this Act shall, with the necessary modifications, apply in relation to appeals under this section and, in the case of an appeal under paragraph (a), (c), (d) or (e) of subsection (1) of this section, subsections (3) and (5) of section 22 shall so apply as they apply in the case of a refusal to grant a licence.

**Textual Amendments**

- F217** Words substituted by [Finance Act 1967 \(c. 54, SIF 68A:1\)](#), **Sch. 7 para. 10**
- F218** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, **Sch. 3 para. 15(a)**
- F219** Words substituted by [Finance Act 1967 \(c. 54, SIF 68A:1\)](#), **Sch. 7 para. 11**
- F220** S. 154(ee) inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, **Sch. 3 para. 15(b)**
- F221** Words substituted by virtue of [Courts Act 1971 \(c. 23, SIF 37\)](#), s. 56(2), **Sch. 9 Pt. I**
- F222** S. 154(2) repealed by [Courts Act 1971 \(c. 23, SIF 37\)](#), **Sch. 11 Pt. IV**

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*Sale and supply of intoxicating liquor in licensed canteens*

**155 Prohibition of sale, etc. of intoxicating liquor in canteens outside permitted hours.** **E+W**

- (1) Subject to subsection (2) of this section, no person shall, except during the permitted hours,—
  - (a) himself or by his servant or agent sell or supply intoxicating liquor to any person in a licensed canteen; or
  - (b) consume intoxicating liquor in a licensed canteen.
- (2) Where any intoxicating liquor is supplied in a licensed canteen during the permitted hours, subsection (1) of this section does not prohibit or restrict—
  - (a) the consumption of the liquor during the first ten minutes after the end of any period forming part of those hours;
  - (b) the consumption of the liquor during the first half hour after the end of such a period by persons taking meals on the premises, if the liquor was supplied for consumption as an ancillary to their meals.
- (3) If any person contravenes subsection (1) of this section he shall be liable to a fine not exceeding [<sup>F223</sup>level 3 on the standard scale].

**Textual Amendments**

**F223** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. **38, 46**

**156 Permitted hours in licensed canteen.** **E+W**

- (1) Subject to the following provisions of this section, the permitted hours in a licensed canteen shall be the general licensing hours.
- (2) Paragraph (a) of section 68(1) of this Act shall apply to every licensed canteen.
- (3) Subsections (4) to (6) of section 74 and section 75 of this Act shall apply in relation to a licensed canteen and the holder of the canteen licence as they apply in relation to premises for which a justices’ on-licence is in force and the holder of that licence.

[<sup>F224</sup>**156A**Restriction orders. **E+W**

Sections 67A, 67B and 67C of this Act shall apply in relation to a licensed canteen as they apply in relation to premises for which a justices’ on-licence is in force, with the substitution for any reference to the holder of the justices’ licence of a reference to the holder of the canteen licence.]

**Textual Amendments**

**F224** [S. 156A](#) inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), ss. **3(2), 20(3)**

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**157 Prohibition of sale or supply of intoxicating liquor in canteens for consumption off the premises. E+W**

In a licensed canteen intoxicating liquor shall not be sold or supplied for consumption outside the canteen, and if any person—

- (a) himself or by his servant or agent sells or supplies intoxicating liquor in a licensed canteen for consumption outside the canteen, or
- (b) takes intoxicating liquor from a licensed canteen for consumption outside the canteen,

he shall be liable to a fine not exceeding [<sup>F225</sup>level 2 on the standard scale].

**Textual Amendments**

**F225** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46

*Supplementary*

**158 Exemption of licensed canteens from restrictions under s. 214 of Merchant Shipping Act 1894. E+W**

A hostel which includes a licensed canteen shall be exempt from any byelaws made under section 214 of the <sup>M39</sup>Merchant Shipping Act 1894 and from any Order in Council under that section requiring that only persons duly licensed under such byelaws shall keep seamen's lodging houses or let lodgings to seamen.

**Marginal Citations**

**M39** 1894 c. 60 (111).

**159** ..... <sup>F226</sup> **E+W**

**Textual Amendments**

**F226** S. 159 repealed by Forgery and Counterfeiting Act 1981 (c. 45, SIF 39:7), Sch. Pt. I

**PART XI E+W**

GENERAL PROVISIONS REGULATING SALE, ETC.,  
POSSESSION AND DELIVERY OF INTOXICATING LIQUOR

**160 Selling liquor without licence. E+W**

(1) Subject to the provisions of this Act, if any person—

- (a) sells or exposes for sale by retail any intoxicating liquor without holding a justices' licence or canteen licence [<sup>F227</sup>or occasional permission] authorising . . . <sup>F228</sup> the sale of that liquor, or

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- (b) holding a justices' licence [<sup>F229</sup>an occasional licence] or a canteen licence [<sup>F227</sup>or occasional permission] sells or exposes for sale by retail any intoxicating liquor except at the place for which that licence [<sup>F227</sup>or permission] authorises . . . <sup>F228</sup> the sale of that liquor,  
 he shall be guilty of an offence under this section.
- (2) Where intoxicating liquor is sold in contravention of this section on any premises, every occupier of the premises who is proved to have been privy or consenting to the sale shall be guilty of an offence under this section.
- (3) A person guilty of an offence under this section shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding [<sup>F230</sup>level 4 on the standard scale], or to both.
- (4) The holder of a justices' licence or a canteen licence shall, on his second or subsequent conviction of an offence under this section, forfeit the licence.
- (5) The court by or before which a person is convicted of an offence under this section committed after a previous conviction of such an offence may order him to be disqualified for holding a justices' licence—
- (a) on a second conviction, for a period not exceeding five years;
  - (b) on a third or subsequent conviction, for any term of years or for life.
- (6) The court by or before which the holder of a justices' licence [<sup>F229</sup>an occasional licence] or a canteen licence is convicted of an offence under this section may declare all intoxicating liquor found in his possession, and the vessels containing it, to be forfeited.

[<sup>F231</sup>(7) In subsection (1) of this section “occasional permission” means a permission granted under the <sup>M40</sup>Licensing (Occasional Permissions) Act 1983.]

#### Textual Amendments

**F227** Words inserted by [Licensing \(Occasional Permissions\) Act 1983 \(c. 24, SIF 68A:1\), s. 4\(3\)\(a\)](#)

**F228** Words repealed by [Finance Act 1967 \(c. 54, SIF 63:2\), Sch. 16 Pt. I](#)

**F229** Words added by [Finance Act 1967 \(c. 54, SIF 68A:1\), Sch. 7 para. 12](#)

**F230** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#)

**F231** [S. 160\(7\)](#) inserted by [Licensing \(Occasional Permissions\) Act 1983 \(c. 24, SIF 68A:1\), s. 4\(3\)\(b\)](#)

#### Marginal Citations

**M40** [1983 c. 24 \(68A:1\)](#).

## 161 Selling liquor in breach of conditions of licence. **E+W**

- (1) If the holder of a justices' on-licence knowingly sells or supplies intoxicating liquor to persons to whom he is not permitted by the conditions of the licence to sell or supply it he shall be guilty of an offence under this section.
- (2) If the holder of a Part IV licence knowingly permits intoxicating liquor sold in pursuance of the licence to be consumed on the licensed premises by persons for whose consumption there he is not permitted by the conditions of the licence to sell it, he shall be guilty of an offence under this section.



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- (3) A person guilty of an offence under this section shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding [<sup>F232</sup>level 4 on the standard scale] or to both.

#### Textual Amendments

**F232** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)

### 162 Keeping on premises of liquor of kind not authorised by licence. **E+W**

If without reasonable excuse the holder of a justices' licence [<sup>F233</sup>an occasional licence] or a canteen licence has in his possession on the premises in respect of which the licence is in force any kind of intoxicating liquor which he is not authorised to sell, he shall be liable—

- (a) on a first conviction, to a fine not exceeding [<sup>F234</sup>£25],  
(b) on a subsequent conviction, to a fine not exceeding [<sup>F234</sup>£50],  
and shall forfeit the liquor and the vessels containing it.

#### Textual Amendments

**F233** Words added by [Finance Act 1967 \(c. 54, SIF 68A:1\)](#), [Sch. 7 para. 13](#)

**F234** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31\(5\)\(6\)\(9\)](#)

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

**C33** [S. 162 \(a\) \(b\)](#): [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.)

### 163 Delivery from vehicles, etc. **E+W**

- (1) A person shall not, in pursuance of a sale by him of intoxicating liquor, deliver that liquor, either himself or by his servant or agent, from any van, barrow, basket or other vehicle or receptacle unless the quantity, description and price of the liquor and the name and address of the person to whom it was to be supplied had been entered, before the liquor was dispatched—

- (a) in a day book kept on the premises from which the liquor was dispatched, and  
(b) in a delivery book or invoice carried by the person delivering the liquor.

- (2) A person shall not, himself or by his servant or agent—

- (a) carry in any van, barrow, basket or other vehicle or receptacle, while in use for the delivery of intoxicating liquor in pursuance of a sale by that person, any intoxicating liquor that is not entered in a day book and delivery book or invoice under subsection (1) of this section;  
(b) deliver in pursuance of a sale by him any intoxicating liquor at any address not entered as aforesaid.

- (3) A person shall not, himself or by his servant or agent, refuse to allow a constable to examine any van, barrow, basket or other vehicle or receptacle while in use for the

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distribution or delivery of any intoxicating liquor or to examine a delivery book or invoice carried, or day book kept, under subsection (1) of this section.

- (4) The holder of a justices' licence shall not be guilty of an offence under this section committed by his servant or agent if he proves that the offence was committed without his knowledge or consent.
- (5) Nothing in this section shall prohibit or restrict the delivery of intoxicating liquor to a trader for the purposes of his trade, or to a registered club for the purposes of the club.
- (6) If any person contravenes this section he shall be liable to a fine not exceeding [<sup>F235</sup>level 2 on the standard scale].

#### Textual Amendments

**F235** 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](#)

#### 164 Penalty for breach of terms of off-licence. **E+W**

- (1) Where a person, having purchased intoxicating liquor from the holder of a justices' licence which does not cover the sale of that liquor for consumption on the premises, drinks the liquor—
  - (a) in the licensed premises, or
  - (b) in premises which adjoin or are near the licensed premises and which belong to the holder of the licence or are under his control or used by his permission, or
  - (c) on a highway adjoining or near those premises,
 then, if the drinking is with the privity or consent of the holder of the licence, the holder of the licence shall be liable, on a first conviction to a fine not exceeding ten pounds, and on a subsequent conviction to a fine not exceeding [<sup>F236</sup>level 2 on the standard scale].
- (2) If the holder of a justices' off-licence, with intent to evade the terms of the licence, takes, or suffers any other person to take, any intoxicating liquor from the licensed premises for the purpose of its being sold on his account or for his benefit or profit, he shall be liable, on a first conviction to a fine not exceeding ten pounds, and on a subsequent conviction to a fine not exceeding twenty pounds.
- (3) For the purposes of subsection (2) of this section, if liquor is taken for the purpose of its being drunk in any house, tent, shed or other building belonging to the holder of the licence, or hired, used or occupied by him, the burden of proving that he did not intend to evade the terms of the licence shall lie upon him.
- [<sup>F237</sup>(4) If the holder of a justices' off-licence sells any spirits or wine in an open vessel, he shall be liable on a first conviction to a fine not exceeding ten pounds and on a subsequent conviction to a fine not exceeding twenty pounds.]

#### Textual Amendments

**F236** 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](#)

**F237** [S. 164\(4\)](#) added by [Finance Act 1967 \(c. 54, SIF 68A:1\)](#), [Sch. 7 para. 14](#)

**Status:** Point in time view as at 01/01/1995. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

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

**C34** S. 164(2)(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.)

### 165 Long pull prohibited. **E+W**

If any person, in licensed premises, a licensed canteen or the premises of a registered club, himself or by his servant or agent sells or supplies to any person as the measure of intoxicating liquor for which he asks an amount exceeding that measure, he shall be liable to a fine not exceeding [<sup>F238</sup>level 2 on the standard scale].

#### Textual Amendments

**F238** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46

### 166 Restriction on credit sales. **E+W**

(1) Subject to the following provisions of this section, a person shall not in any licensed premises, licensed canteen or the premises of a registered club—

- (a) himself or by his servant or agent sell or supply intoxicating liquor for consumption on the premises, or
- (b) consume intoxicating liquor,

unless it is paid for before or at the time when it is sold or supplied; and if any person contravenes this subsection he shall be liable to a fine not exceeding [<sup>F239</sup>level 2 on the standard scale].

(2) Subsection (1) of this section does not apply—

- (a) if the liquor is sold or supplied for consumption at a meal supplied at the same time, is consumed with the meal and is paid for together with the meal; or
- (b) if, in the case of licensed premises, the liquor is sold or supplied for consumption by a person residing in the premises or his guests and is paid for together with his accommodation.

(3) Nothing in this section shall prohibit or restrict the sale or supply of intoxicating liquor to any canteen or mess.

#### Textual Amendments

**F239** 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

### 167 Saving for liqueur chocolates. **E+W**

(1) No provision of this Act as to the sale, supply, purchase, delivery or consumption of intoxicating liquor, except subsection (2) of this section, and no enactment requiring the authority of an excise licence for the sale or supply of intoxicating liquor, shall have effect in relation to intoxicating liquor in confectionery which—

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**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

- (a) does not contain intoxicating liquor in a proportion greater than one fiftieth of a gallon of liquor [<sup>F240</sup>(containing a quantity of ethyl alcohol amounting to 57 per cent of the volume of the liquor inclusive of the alcohol contained in it as at 20°C)] per pound of the confectionery; and
  - (b) either consists of separate pieces weighing not more than one and a half ounces or is designed to be broken into such pieces for the purposes of consumption.
- (2) Intoxicating liquor in confectionery shall not be sold to a person under sixteen, and if any person knowingly contravenes this subsection he shall be liable on a first conviction to a fine not exceeding ten pounds and on a subsequent conviction to a fine not exceeding twenty-five pounds.

#### Textual Amendments

**F240** Words substituted by S.I. 1979/1476, reg. 2

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

**C35** S. 167(2): 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.)

## PART XII E+W

### PROTECTION OF PERSONS UNDER EIGHTEEN AND OTHER PROVISIONS AS TO CONDUCT OF LICENSED PREMISES AND LICENSED CANTEENS.

#### *Persons under eighteen*

#### 168 **Children prohibited from bars.** E+W

- (1) The holder of a justices' licence shall not allow a person under fourteen to be in the bar of the licensed premises during the permitted hours.
- (2) No person shall cause or procure, or attempt to cause or procure, any person under fourteen to be in the bar of licensed premises during the permitted hours.
- (3) Where it is shown that a person under fourteen was in the bar of any licensed premises during the permitted hours, the holder of the justices' licence shall be guilty of an offence under this section unless he proves either—
  - (a) that he [<sup>F241</sup>exercised all] due diligence to prevent the person under fourteen from being admitted to the bar, or
  - (b) that the person under fourteen had apparently attained that age.
- (4) No offence shall be committed under this section if the person under fourteen—
  - (a) is the licence-holder's child, or
  - (b) resides in the premises, but is not employed there, or
  - (c) is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.

**Status:** Point in time view as at 01/01/1995. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

- (5) No offence shall be committed under this section if the bar is in any railway refreshment-rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of a justices' licence is merely ancillary.
- (6) If any person contravenes this section he shall be liable, on a first conviction to a fine not exceeding [<sup>F242</sup>level 1 on the standard scale], and on a subsequent conviction to a fine not exceeding [<sup>F242</sup>level 1 on the standard scale].
- (7) A local education authority may institute proceedings for an offence under this section.
- (8) Where in any proceedings under this section it is alleged that a person was at any time under fourteen, and he appears to the court to have then been under that age, he shall be deemed for the purposes of the proceedings to have then been under that age, unless the contrary is shown.

#### Textual Amendments

**F241** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 3 para. 16](#)

**F242** 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

VALID FROM 03/01/1995

#### [<sup>F243</sup>168A] Children's certificates. **E+W**

- (1) The holder of a justices' licence may apply to the licensing justices for the grant of a certificate in relation to any area of the premises for which the licence is in force which consists of or includes a bar.
- (2) Licensing justices may grant an application for a certificate under subsection (1) of this section ("a children's certificate") if it appears to them to be appropriate to do so, but shall not do so unless they are satisfied—
  - (a) that the area to which the application relates constitutes an environment in which it is suitable for persons under fourteen to be present, and
  - (b) that meals and beverages other than intoxicating liquor will be available for sale for consumption in that area.
- (3) Where a children's certificate is in force, the holder of the justices' licence for the licensed premises to which the certificate relates shall keep posted in some conspicuous place in the area to which the certificate relates a notice which—
  - (a) states that a children's certificate is in force in relation to the area, and
  - (b) explains the effect of the certificate and of any conditions attached to it.
- (4) A person who fails to perform the duty imposed on him by subsection (3) of this section shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding level 1 on the standard scale.
- (5) In any proceedings for an offence under subsection (4) of this section, it shall be a defence for the accused to prove that he took all reasonable precautions, and exercised all due diligence, to avoid the commission of the offence.
- (6) Schedule 12A to this Act (supplementary provisions) shall have effect.

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**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

- (7) Subsection (1) of this section shall apply to an applicant for a justices' licence as it applies to the holder of a justices' licence, and, in its application by virtue of this subsection, shall have effect as if the reference to the premises for which the licence is in force were to the premises which are the subject of the application for a justices' licence.]

#### Textual Amendments

**F243** S. 168A inserted (3.1.1995) by 1994 c. 40, s. 19(2); S.I. 1994/3188, art. 3

VALID FROM 23/01/2001

#### <sup>F244</sup>169A Sale of intoxicating liquor to a person under 18. **E+W**

- (1) A person shall be guilty of an offence if, in licensed premises, he sells intoxicating liquor to a person under eighteen.
- (2) It is a defence for a person charged with an offence under subsection (1) of this section, where he is charged by reason of his own act, to prove that he had no reason to suspect that the person was under eighteen.
- (3) It is a defence for a person charged with an offence under subsection (1) of this section, where he is charged by reason of the act or default of some other person, to prove that he exercised all due diligence to avoid the commission of an offence under that subsection.
- (4) Subsection (1) of this section has effect subject to section 169D of this Act.]

#### Textual Amendments

**F244** S. 169A-169H substituted (23.1.2001) for s. 169 by 2000 c. 30, ss. 1, 3(2)

VALID FROM 23/01/2001

#### <sup>F245</sup>169B Allowing the sale of intoxicating liquor to a person under 18. **E+W**

- (1) A person to whom this subsection applies shall be guilty of an offence if, in licensed premises, he knowingly allows any person to sell intoxicating liquor to a person under eighteen.
- (2) Subsection (1) of this section applies to a person who works in the licensed premises in a capacity, whether paid or unpaid, which gives him authority to prevent the sale.
- (3) Subsection (1) of this section has effect subject to section 169D of this Act.

**Status:** Point in time view as at 01/01/1995. This version of this Act contains provisions that are not valid for this point in time.  
**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

#### Textual Amendments

**F245** S. 169A-169H substituted (23.1.2001) for s. 169 by 2000 c. 30, ss. 1, 3(2)

VALID FROM 23/01/2001

#### <sup>F246</sup>**169C** Purchase of intoxicating liquor by or for a person under 18. **E+W**

- (1) A person under eighteen shall be guilty of an offence if, in licensed premises, he buys or attempts to buy intoxicating liquor.
- (2) A person shall be guilty of an offence if, in licensed premises, he buys or attempts to buy intoxicating liquor on behalf of a person under eighteen.
- (3) A person shall be guilty of an offence if he buys or attempts to buy intoxicating liquor for consumption in a bar in licensed premises by a person under eighteen.
- (4) It is a defence for a person charged with an offence under subsection (2) or (3) of this section to prove that he had no reason to suspect that the person was under eighteen.
- (5) Subsections (1) and (2) of this section have effect subject to section 169D of this Act.

#### Textual Amendments

**F246** S. 169A-169H substituted (23.1.2001) for s. 169 by 2000 c. 30, ss. 1, 3(2)

VALID FROM 23/01/2001

#### <sup>F247</sup>**169D** Exception to the section 169A-C offences. **E+W**

Sections 169A(1), 169B(1), and 169C(1) and (2) of this Act do not apply where—

- (a) the person under eighteen has attained the age of sixteen,
- (b) the intoxicating liquor in question is beer, porter or cider, and
- (c) its sale or purchase is for consumption at a meal in a part of the licensed premises which is not a bar and is usually set apart for the service of meals.

#### Textual Amendments

**F247** S. 169A-169H substituted (23.1.2001) for s. 169 by 2000 c. 30, ss. 1, 3(2)

VALID FROM 23/01/2001

#### <sup>F248</sup>**169E** Consumption of intoxicating liquor by a person under 18. **E+W**

- (1) A person under eighteen shall be guilty of an offence if, in a bar in licensed premises, he consumes intoxicating liquor.



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**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

- (2) A person to whom this subsection applies shall be guilty of an offence if, in licensed premises, he knowingly allows a person under eighteen to consume intoxicating liquor in a bar.
- (3) Subsection (2) of this section applies to a person who works in the licensed premises in a capacity, whether paid or unpaid, which gives him authority to prevent the consumption.

#### Textual Amendments

**F248** S. 169A-169H substituted (23.1.2001) for s. 169 by 2000 c. 30, ss. 1, 3(2)

VALID FROM 23/01/2001

#### <sup>F249</sup>**169F** Delivery of intoxicating liquor to a person under 18. **E+W**

- (1) A person who works in licensed premises, whether paid or unpaid, shall be guilty of an offence if he knowingly delivers to a person under eighteen intoxicating liquor sold in those premises for consumption off the premises.
- (2) A person to whom this subsection applies shall be guilty of an offence if he knowingly allows any person to deliver to a person under eighteen intoxicating liquor sold in licensed premises for consumption off the premises.
- (3) Subsection (2) of this section applies to a person who works in the licensed premises in a capacity, whether paid or unpaid, which gives him authority to prevent the delivery.
- (4) Subsections (1) and (2) of this section do not apply where—
  - (a) the delivery is made at the residence or working place of the purchaser, or
  - (b) the person under eighteen works in the licensed premises in a capacity, whether paid or unpaid, which includes the delivery of intoxicating liquor.

#### Textual Amendments

**F249** S. 169A-169H substituted (23.1.2001) for s. 169 by 2000 c. 30, s. 1, 3(2)

VALID FROM 23/01/2001

#### <sup>F250</sup>**169G** Sending a person under 18 to obtain intoxicating liquor. **E+W**

- (1) A person shall be guilty of an offence if he knowingly sends a person under eighteen for the purpose of obtaining intoxicating liquor sold or to be sold in licensed premises for consumption off the premises.
- (2) Subsection (1) of this section applies regardless of whether the liquor is to be obtained from the licensed premises or from other premises from which it is delivered in pursuance of the sale.

**Status:** Point in time view as at 01/01/1995. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

- (3) Subsection (1) of this section does not apply where the person under eighteen works in the licensed premises where the sale has been or is to be made, in a capacity, whether paid or unpaid, which includes the delivery of intoxicating liquor.

#### Textual Amendments

**F250** S. 169A-169H substituted (23.1.2001) for s. 169 by 2000 c. 30, ss. 1, 3(2)

VALID FROM 23/01/2001

#### <sup>F251</sup>169H **Penalty for offences.** **E+W**

- (1) A person guilty of an offence under section 169A, 169B, 169C, 169E, 169F, or 169G of this Act shall be liable to a fine not exceeding level 3 on the standard scale.
- (2) Where the holder of a justices' licence is convicted of any of the offences referred to in subsection (1) and the licence is held in respect of the licensed premises in relation to which the offence was committed, the court may order that he shall forfeit the licence if—
- he already has one or more convictions of that or any other offence referred to in subsection (1) of this section, or
  - he already has one or more convictions of an offence under section 169 of this Act.

#### Textual Amendments

**F251** S. 169A-169H substituted (23.1.2001) for s. 169 by 2000 c. 30, ss. 1, 3(2)

VALID FROM 01/12/2001

#### <sup>F252</sup>169I **Enforcement role for weights and measures authorities in relation to certain offences** **E+W**

- (1) It is the duty of every local weights and measures authority in England and Wales to enforce within their area the provisions of sections 169A and 169B of this Act.
- (2) A local weights and measures authority shall have power to make, or to authorise any person to make on their behalf, such purchases of goods as may appear expedient for the purpose of determining whether or not the provisions of section 169A or 169B of this Act are being complied with.
- (3) In this section “local weights and measures authority” has the meaning given by section 69 of the Weights and Measures Act 1985 (local weights and measures authorities).]

*Status: Point in time view as at 01/01/1995. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

### Textual Amendments

**F252** S. 169I inserted (1.12.2001) by 2001 c. 16, s. 31(3); S.I. 2001/3736, art. 2

## 169 **Serving or delivering intoxicating liquor to or for consumption by persons under 18.** **E+W**

- (1) Subject to [<sup>F253</sup>subsection (4)] of this section, in licensed premises the holder of the licence or his servant shall not . . . <sup>F254</sup>sell intoxicating liquor to a person under eighteen or knowingly allow a person under eighteen to consume intoxicating liquor in a bar nor shall the holder of the licence knowingly allow any person to sell intoxicating liquor to a person under eighteen.
- (2) Subject to subsection (4) of this section, a person under eighteen shall not in licensed premises buy or attempt to buy intoxicating liquor, nor consume intoxicating liquor in a bar.
- (3) No person shall buy or attempt to buy intoxicating liquor for consumption in a bar in licensed premises by a person under eighteen.
- (4) Subsections (1) and (2) of this section do not prohibit the sale to or purchase by a person who has attained the age of sixteen of beer, porter, cider or perry for consumption at a meal in a part of the premises usually set apart for the service of meals which is not a bar.
- [<sup>F255</sup>(4A) Where a person is charged under subsection (1) of this section with the offence of selling intoxicating liquor to a person under eighteen and he is charged by reason of his own act, it shall be a defence for him to prove—
  - (a) that he exercised all due diligence to avoid the commission of such an offence; or
  - (b) that he had no reason to suspect that the person was under eighteen.
- (4B) Where the person charged with an offence under subsection (1) of this section is the licence holder and he is charged by reason of the act or default 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) Subject to subsection (7) of this section, the holder of the licence or his servant shall not knowingly deliver, nor shall the holder of the licence knowingly allow any person to deliver, to a person under eighteen intoxicating liquor sold in licensed premises for consumption off the premises, except where the delivery is made at the residence or working place of the purchaser.
- (6) Subject to subsection (7) of this section, a person shall not knowingly send a person under eighteen for the purpose of obtaining intoxicating liquor sold or to be sold in licensed premises for consumption off the premises, whether the liquor is to be obtained from the licensed premises or other premises from which it is delivered in pursuance of the sale.
- (7) Subsections (5) and (6) of this section do not apply where the person under eighteen is a member of the licence holder's family or his servant or apprentice and is employed as a messenger to deliver intoxicating liquor.

**Status:** Point in time view as at 01/01/1995. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

[<sup>F256</sup>(8) A person guilty of an offence under this section shall be liable to a fine not exceeding level 3 on the standard scale; and on a person's second or subsequent conviction of such an offence the court may, if the offence was committed by him as the holder of a justices' licence, order that he shall forfeit the licence.]

(10) ..... <sup>F257</sup>

**Textual Amendments**

**F253** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68:1\)](#), s. 19, **Sch. 3 para. 17**

**F254** Word repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, **Sch. 4**

**F255** [S. 169\(4A\)\(4B\)](#) inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. **16(3)**

**F256** [S. 169\(8\)](#) substituted for s. 169(8)(9) by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. **16(4)**

**F257** [S. 169\(10\)](#) repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, **Sch. 4**

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

**C36** [S. 169\(8\)](#) extended by [Gaming Act 1968 \(c. 65, SIF 12:1\)](#), s. **8(7)**

**170 Persons under 18 not to be employed in bars. E+W**

- (1) If any person under eighteen is employed in any bar of licensed premises at a time when the bar is open for the sale or consumption of intoxicating liquor, the holder of the licence shall be liable on a first conviction to a fine not exceeding five pounds and on a subsequent conviction to a fine not exceeding twenty pounds.
- (2) For the purposes of this section a person shall not be deemed to be employed in a bar by reason only that in the course of his employment in some other part of the premises he enters the bar for the purpose of giving or receiving any message or of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (3) For the purposes of this section a person shall be deemed to be employed by the person for whom he works notwithstanding that he receives no wages for his work.
- (4) Where in any proceedings under this section it is alleged that a person was at any time under eighteen, and he appears to the court to have then been under that age, he shall be deemed for the purposes of the proceedings to have then been under that age unless the contrary is shown.

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

**C37** [S. 170\(1\)](#): [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.)

**Status:** Point in time view as at 01/01/1995. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

VALID FROM 17/03/1997

**[<sup>F258</sup>170A] Employment in bars under approved training schemes E+W**

- (1) The Secretary of State may approve for the purposes of this section any training scheme which relates to the employment in bars of licensed premises of persons under eighteen if he is satisfied—
- (a) that the scheme includes satisfactory arrangements for the approval—
    - (i) of the persons to whom training is provided under it (“trainees”), and
    - (ii) of licensed premises participating in it;
  - (b) that, in relation to any person or premises approved under the arrangements mentioned in paragraph (a) of this subsection, the scheme includes satisfactory arrangements for the provision of documentary evidence of the approval to that person or, as the case may be, the holder of the justices’ licence for those premises;
  - (c) that the scheme includes satisfactory arrangements for monitoring—
    - (i) the quality of training provided under it, and
    - (ii) the progress of trainees;
  - (d) that, in relation to the provision under the scheme of training in a bar, the scheme includes satisfactory arrangements for ensuring that there is adequate supervision of trainees;
  - (e) that, in relation to the supervision mentioned in paragraph (d) of this subsection, the scheme includes arrangements for the provision to the holder of the justices’ licence for the licensed premises of a statement of—
    - (i) the criteria to be used by the holder of the licence in determining whether persons are fit to supervise trainees, and
    - (ii) the duties of persons supervising trainees; and
  - (f) that the scheme provides that licensed premises shall cease to be approved for participation in the scheme if trainees are not adequately supervised in their training in any bar of the premises.
- (2) A scheme shall not be taken for the purposes of paragraph (d) of subsection (1) of this section to include satisfactory arrangements for ensuring that there is adequate supervision of trainees if it fails to provide—
- (a) that supervision is to be undertaken by the holder of the licence or a person of or over the age of eighteen who acts on his behalf, or
  - (b) that, when the trainee is present in a bar which is open for the sale or consumption of intoxicating liquor, the person supervising the trainee must be present on the licensed premises and must be present in the bar unless his absence from the bar is—
    - (i) unavoidable,
    - (ii) necessary for carrying on the licence holder’s business, or
    - (iii) necessary to facilitate the trainee’s development under the scheme.
- (3) Where a person under eighteen is employed under a training scheme approved for the purposes of this section in any bar of licensed premises at a time when the bar is open for the sale or consumption of intoxicating liquor, and
- (a) the time falls outside—
    - (i) the general licensing hours, and

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- (ii) any period during which the consumption of intoxicating liquor is permitted by virtue of section 63(1) of this Act; or
- (b) the holder of the licence has not notified the chief officer of police that the licensed premises will be participating in the scheme,  
the holder of the licence shall be liable to a fine not exceeding level 1 on the standard scale.]

#### Textual Amendments

**F258** S. 170A inserted (17.3.1997) by S.I. 1997/957, art. 2(2)

### 171 Exclusion from sections 168 to 170 of bars while in regular use for service of table meals. **E+W**

References in the foregoing provisions of this Part of this Act to a bar do not include a bar at any time when it is usual in the premises in question for it to be, and it is,—

- (a) set apart for the service of table meals; and
- (b) not used for the sale or supply of intoxicating liquor otherwise than to persons having table meals there and for consumption by such a person as an ancillary to his meal.

### [<sup>F259</sup>171A] Prohibition of unsupervised off-sales by persons under 18. **E+W**

- (1) In any premises which are licensed for the sale of intoxicating liquor for consumption off the premises only or any off-sales department of on-licensed premises, the holder of the licence shall not allow a person under eighteen to make any sale of such liquor unless the sale has been specifically approved by the holder of the licence or by a person of or over the age of eighteen acting on his behalf.
- (2) The reference in subsection (1) of this section to an off-sales department of on-licensed premises is a reference to any part of premises for which a justices' on-licence has been granted which is set aside for use only for the sale of intoxicating liquor for consumption off the premises.
- (3) A person guilty of an offence under this section shall be liable to a fine not exceeding level 1 on the standard scale.]

#### Textual Amendments

**F259** S. 171A inserted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 18

#### *Preservation of order*

### 172 Licence holder not to permit drunkenness, etc. **E+W**

- (1) The holder of a justices' licence shall not permit drunkenness or any violent, quarrelsome or riotous conduct to take place in the licensed premises.
- (2) If the holder of a justices' licence is charged under subsection (1) of this section with permitting drunkenness, and it is proved that any person was drunk in the licensed

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premises, the burden of proving that the licence holder and the persons employed by him took all reasonable steps for preventing drunkenness in the premises shall lie upon him.

- (3) The holder of a justices' licence shall not sell intoxicating liquor to a drunken person.
- (4) If any person contravenes this section he shall be liable, on a first conviction to a fine not exceeding [<sup>F260</sup>£25], and on a subsequent conviction to a fine not exceeding [<sup>F260</sup>£50].

#### Textual Amendments

**F260** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31\(5\)\(6\)\(9\)](#)

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

**C38** [S. 172\(4\): 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; and [s. 172\(4\)](#), as so amended, further amended (1.12.2001) by [2001 c. 16, s. 32\(1\)\(7\)](#); [S.I. 2001/3736, art. 2](#)

VALID FROM 01/12/2001

#### [<sup>F261</sup>172] **Other persons in authority not to permit drunkenness etc.** E+W

- (1) A relevant person shall not permit drunkenness or any violent, quarrelsome or riotous conduct to take place in licensed premises.
- (2) If a relevant person is charged under subsection (1) of this section with permitting drunkenness, and it is proved that any person was drunk in the licensed premises, the burden of proving that the relevant person and any persons employed by him took all reasonable steps for preventing drunkenness in the premises shall lie upon him.
- (3) A relevant person shall not, in licensed premises, sell intoxicating liquor to a drunken person.
- (4) If any person contravenes this section he shall be liable to a fine not exceeding level 3 on the standard scale.
- (5) This section is without prejudice to the liability under section 172 of this Act of the holder of a justices' licence for acts or omissions of persons other than himself.
- (6) In this section "relevant person" means any person (other than the holder of the justices' licence for the licensed premises concerned) who—
  - (a) in a case falling within subsection (1) of this section, works in the licensed premises in a capacity, whether paid or unpaid, which gives him authority to prevent the drunkenness or (as the case may be) conduct concerned;
  - (b) in a case falling within subsection (3) of this section, works in the licensed premises in a capacity, whether paid or unpaid, which gives him authority to sell the intoxicating liquor concerned.]



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**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

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**Textual Amendments**

**F261** S. 172A inserted (1.12.2001) by 2001 c. 16, s. 32(2); S.I. 2001/3736, art. 2

**173 Procuring drink for drunken person. E+W**

- (1) If any person in licensed premises procures or attempts to procure any intoxicating liquor for consumption by a drunken person he shall be guilty of an offence under this section.
- (2) If any person aids a drunken person in obtaining or consuming intoxicating liquor in licensed premises he shall be guilty of an offence under this section.
- (3) A person guilty of an offence under this section shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding [<sup>F262</sup>level 1 on the standard scale].

**Textual Amendments**

**F262** 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

**174 Power to exclude drunkards, etc., from licensed premises. E+W**

- (1) Without prejudice to any other right to refuse a person admission to premises or to expel a person from premises, the holder of a justices' licence may refuse to admit to, or may expel from, the licensed premises any person who is drunken, violent, quarrelsome or disorderly, or whose presence in the licensed premises would subject the licence holder to a penalty under this Act.
- (2) If any person liable to be expelled from licensed premises under this section, when requested by the holder of the justices' licence or his agent or servant or any constable to leave the premises, fails to do so, he shall be liable to a fine not exceeding [<sup>F263</sup>level 1 on the standard scale].
- (3) Any constable shall, on the demand of the holder of a justices' licence or his agent or servant, help to expel from the licensed premises any person liable to be expelled from them under this section, and may use such force as may be required for the purpose.

**Textual Amendments**

**F263** Words substituted by Criminal Law Act 1977 (c. 45, SIF 39:1), Sch. 6 and Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46

**175 Prostitutes not to be allowed to assemble on licensed premises. E+W**

- (1) The holder of a justices' licence shall not knowingly allow the licensed premises to be the habitual resort or place of meeting of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution; but this section does not prohibit his allowing any such persons to remain in the premises for the purpose of obtaining reasonable refreshment for such time as is necessary for that purpose.

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- (2) If the holder of a justices' licence contravenes this section he shall be liable, on a first conviction to a fine not exceeding [<sup>F264</sup>£25], and on a subsequent conviction to a fine not exceeding [<sup>F264</sup>£50].

#### Textual Amendments

**F264** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31\(5\)\(6\)\(9\)](#)

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

**C39** [S. 175\(2\): 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.)

### 176 Permitting licensed premises to be a brothel. E+W

- (1) If the holder of a justices' licence permits the licensed premises to be a brothel, he shall be liable to a fine not exceeding [<sup>F265</sup>level 2 on the standard scale].
- (2) If the holder of a justices' licence is convicted, whether under this section or under any other enactment, of permitting his premises to be a brothel, he shall forfeit the licence.

#### Textual Amendments

**F265** 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](#)

### 177 Gaming on licensed premises. E+W

- (1) If the holder of a justices' licence suffers any game to be played in the premises in such circumstances that an offence under [<sup>F266</sup>the <sup>M41</sup>Gaming Act 1968] is committed or a requirement or restriction for the time being in force under [<sup>F266</sup>section 6] of that Act is contravened, he shall be liable, on a first conviction to a fine not exceeding ten pounds, and on a subsequent conviction to a fine not exceeding twenty pounds.
- (2) The conviction of the holder of a justices' licence of an offence in connection with the licensed premises under section 1(1) of the <sup>M42</sup>Betting, Gaming and Lotteries Act 1963 shall for the purposes of this Act be deemed to be a conviction of an offence under this section.

#### Textual Amendments

**F266** Words substituted by [Gaming Act 1968 \(c. 65, SIF 12:1\)](#), [Sch. 11 Pt. III](#)

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

**C40** [S. 177\(1\): 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.)

#### Marginal Citations

**M41** [1968 c. 65 \(12:1\)](#).

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**M42** 1963 c. 2 (12:1).

### *Offences in relation to constables*

#### **178 Offences in relation to constables.** **E+W**

If the holder of a justices' licence—

- (a) knowingly suffers to remain on the licensed premises any constable during any part of the time appointed for the constable's being on duty, except for the purpose of the execution of the constable's duty, or
- (b) supplies any liquor or refreshment, whether by way of gift or sale, to any constable on duty except by authority of a superior officer of the constable, or
- (c) bribes or attempts to bribe any constable,

he shall be liable, on a first conviction to a fine not exceeding [<sup>F267</sup>£25], and on a subsequent conviction to a fine not exceeding [<sup>F267</sup>£50].

#### **Textual Amendments**

**F267** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), s. 31(5)(6)(9)

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

**C41** [S. 178: 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.)

### *Application to seamen's canteens and occasional licences*

#### **179 Application of Part XII to seamen's canteens and premises for which occasional licence is in force.** **E+W**

- (1) This Part of this Act shall apply in relation to a licensed canteen—
  - (a) as if references to a justices' licence included references to a canteen licence and references to licensed premises or a bar in licensed premises included references to a licensed canteen; and
  - (b) as if subsections (4) to (7) of section 169 and section 171 were omitted.
- (2) In the application of this Part of this Act to licensed premises which are licensed premises by reason of being a place where intoxicating liquor is sold under an occasional licence, references in sections 172 to 178 to the holder of a justices' licence shall be construed as references to the holder of the occasional licence.

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*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

## PART XIII **E+W**

### MISCELLANEOUS

VALID FROM 01/12/2001

#### *[<sup>F268</sup> Closure of certain licensed premises due to disorder or disturbance.]*

#### **Textual Amendments**

**F268** Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17; S.I. 2001/3736, art. 2

#### **179A** [<sup>F269</sup> **Closure order**] **E+W**

- (1) A senior police officer may make a closure order in relation to relevant licensed premises if he reasonably believes that—
  - (a) there is likely to be disorder on, or in the vicinity of and related to, the premises and the closure of the premises is necessary in the interests of public safety;
  - (b) there is disorder on, or in the vicinity of and related to, the premises and the closure of the premises is necessary in the interests of public safety; or
  - (c) a disturbance is being caused to the public by excessive noise emitted from the premises and the closure of the premises is necessary to prevent the disturbance.
- (2) In this section and sections 179B to 179K of this Act—
 

“closure order” means an order requiring relevant licensed premises to be closed for a period not exceeding twenty-four hours beginning with the coming into force of the order; and

“relevant licensed premises” means licensed premises other than premises for which a justices’ off-licence only or an occasional licence is in force and other than premises in respect of which a notice under section 199(c) of this Act is in force.
- (3) In determining whether to make a closure order the senior police officer shall consider, in particular, any conduct of the holder of the justices’ licence for the premises or the manager of the premises in relation to the disorder or disturbance.
- (4) A closure order shall—
  - (a) specify the premises which are to be closed;
  - (b) specify the period for which the premises are to be closed;
  - (c) specify the grounds for the making of the order; and
  - (d) state the effect of sections 179B to 179E of this Act.
- (5) A closure order shall come into force as soon as notice of the order is given by a constable to—
  - (a) the holder of the justices’ licence for the premises; or
  - (b) a manager of the premises.

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- (6) A person who, without reasonable excuse, permits relevant licensed premises to be open in contravention of a closure order or any extension of it shall be guilty of an offence and shall be liable to a fine not exceeding £20,000 or to imprisonment for a term not exceeding three months or to both.

#### Textual Amendments

**F269** Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17; S.I. 2001/3736, art. 2

#### <sup>F270</sup>179B Consideration of closure order by certain justices **E+W**

- (1) The responsible senior police officer shall, as soon as reasonably practicable after the coming into force of a closure order, apply to relevant justices for them to consider under this section the order and any extension of it.
- (2) The relevant justices shall, as soon as reasonably practicable, consider whether to exercise their powers under subsection (3) of this section in relation to the order and any extension of it.
- (3) The relevant justices may—
- (a) revoke the order and any extension of it if the order or extension is still in force;
  - (b) order the relevant licensed premises to remain, or to be, closed until the matter is dealt with by an order of licensing justices at the next licensing sessions;
  - (c) make any other order as they think fit in relation to the premises.
- (4) In determining whether the premises will be, or will remain, closed the relevant justices shall, in particular, consider whether—
- (a) in the case of an order made by virtue of section 179A(1)(a) or (b) of this Act, closure is necessary in the interests of public safety because of disorder or likely disorder on the premises or in the vicinity of, and related to, the premises;
  - (b) in the case of an order made by virtue of section 179A(1)(c) of this Act, closure is necessary to ensure that no disturbance is, or is likely to be, caused to the public by excessive noise emitted from the premises.
- (5) A person who, without reasonable excuse, permits relevant licensed premises to be open in contravention of an order made under subsection (3)(b) of this section shall be guilty of an offence and shall be liable to a fine not exceeding £20,000 or to imprisonment for a term not exceeding three months or to both.
- (6) A person who, without reasonable excuse, fails to comply with, or does an act in contravention of, an order made under subsection (3)(c) of this section shall be guilty of an offence and shall be liable to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.
- (7) In this section and sections 179C to 179K of this Act “relevant justices” means—
- (a) licensing justices for the licensing district in which the premises are situated; or
  - (b) if no such justices are available within a reasonable time, justices of the peace acting for the petty sessions area in which the premises are situated.

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- (8) In this section and sections 179C to 179K of this Act “the responsible senior police officer” means the senior police officer who made the closure order or, if another senior police officer is designated for this purpose by the chief officer of police for the police area in which the premises are situated, that other senior police officer.]

#### Textual Amendments

**F270** Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17; S.I. 2001/3736, art. 2

#### [<sup>F271</sup>179C] Extensions of closure order **E+W**

- (1) If, before the end of the period for which relevant licensed premises are to be closed under a closure order or any extension of it (“the closure period”), the responsible senior police officer reasonably believes that—
- (a) relevant justices will not have considered under section 179B of this Act the order and any extension of it by the end of the closure period; and
  - (b) the conditions for an extension under this subsection are satisfied,
- he may extend the closure period for a further period, not exceeding twenty-four hours, beginning with the expiry of the previous closure period.
- (2) For the purposes of subsection (1) of this section the conditions for an extension under that subsection are that—
- (a) in the case of an order made by virtue of section 179A(1)(a) or (b) of this Act, closure is necessary in the interests of public safety because of disorder or likely disorder on the premises or in the vicinity of, and related to, the premises;
  - (b) in the case of an order made by virtue of section 179A(1)(c) of this Act, closure is necessary to ensure that no disturbance is, or is likely to be, caused to the public by excessive noise emitted from the premises.
- (3) An extension under subsection (1) of this section shall, subject to subsection (4) of this section, come into force as soon as notice of it has been given by a constable to—
- (a) the holder of the justices’ licence for the premises; or
  - (b) a manager of the premises.
- (4) No such extension shall come into force unless the notice has been given before the end of the previous closure period.]

#### Textual Amendments

**F271** Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17; S.I. 2001/3736, art. 2

#### [<sup>F272</sup>179D] Cancellation of closure order **E+W**

- (1) At any time—
- (a) after a closure order has been made; but
  - (b) before the order and any extension of it has been considered by relevant justices under section 179B of this Act,
- the responsible senior police officer may cancel the order and any extension of it.

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- (2) The responsible senior police officer shall cancel the closure order and any extension of it if he does not reasonably believe that—
  - (a) in the case of an order made by virtue of section 179A(1)(a) or (b) of this Act, closure is necessary in the interests of public safety because of disorder or likely disorder on the relevant licensed premises or in the vicinity of, and related to, the premises;
  - (b) in the case of an order made by virtue of section 179A(1)(c) of this Act, closure is necessary to ensure that no disturbance is, or is likely to be, caused to the public by excessive noise emitted from the premises.
- (3) Where a closure order and any extension of it is cancelled under subsection (1) or (2) of this section, the responsible senior police officer shall ensure that notice of the cancellation is given to—
  - (a) the holder of the justices' licence for the premises; or
  - (b) a manager of the premises.]

#### Textual Amendments

**F272** Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17; S.I. 2001/3736, art. 2

#### <sup>F273</sup> 179E Revocation of justices' licence etc. after closure order **E+W**

- (1) Where a closure order has come into force in relation to relevant licensed premises, licensing justices for the licensing district in which the premises are situated shall of their own motion consider, at the next licensing sessions, whether to exercise their powers under subsection (2) of this section.
- (2) The licensing justices may—
  - (a) revoke the justices' licence for the premises concerned; or
  - (b) attach to it such conditions as they think fit (whether in substitution for any conditions previously attached or otherwise);but no payment may be required in pursuance of a condition attached under paragraph (b) of this subsection.
- (3) The power under subsection (2) of this section to revoke a justices' licence is exercisable on any ground on which licensing justices might refuse to renew a justices' licence or a justices' licence of that description.
- (4) Licensing justices may only exercise their powers under subsection (2) of this section if, at least seven days before the commencement of the licensing sessions concerned, notice of the proposed exercise of the powers has been given to the holder of the licence specifying in general terms—
  - (a) the grounds on which it is proposed that the licence should be revoked; or
  - (b) (as the case may be) the conditions which are proposed to be attached to the licence and the reasons for them.
- (5) Where licensing justices have decided at the next licensing sessions whether to exercise their powers under subsection (2) of this section, they may also make such order as they think fit in relation to the closure order and any extension of it or any order under section 179B of this Act.



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- (6) Where licensing justices have decided to revoke a justices' licence under subsection (2) of this section, the revocation shall, subject to subsection (7) of this section, not have effect—
- (a) until the expiry of the time given for appealing against the decision; or
  - (b) if the decision is appealed against, until the appeal is disposed of.
- (7) Where the premises to which the licence relates have been closed until the making of the decision to revoke the licence by virtue of an order under section 179B(3)(b) of this Act, the premises shall, subject to section 179G(5) of this Act, remain closed (but the licence otherwise in force)—
- (a) until the expiry of the time given for appealing against the decision to revoke; or
  - (b) if the decision is appealed against, until the appeal is disposed of.
- (8) A person who, without reasonable excuse, permits premises to be open in contravention of subsection (7) of this section shall be guilty of an offence and shall be liable to a fine not exceeding £20,000 or to imprisonment for a term not exceeding three months or to both.
- (9) Where licensing justices have decided to attach conditions to a licence under subsection (2) of this section, the licensing justices may, on such terms as they think fit, suspend the operation of those conditions in whole or in part pending the determination of any appeal against the decision to attach them or pending the consideration of the question of bringing such an appeal.]

#### Textual Amendments

**F273** Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17; S.I. 2001/3736, art. 2

#### <sup>F274</sup> 179F Procedural requirements **E+W**

- (1) Where an application under section 179B(1) of this Act is made to justices of the peace acting for the petty sessions area in which the premises concerned are situated, the responsible senior police officer shall give notice to the chief executive to the licensing justices for the licensing district in which the relevant licensed premises are situated—
- (a) that a closure order has come into force;
  - (b) of the contents of the order and of any extension to the order; and
  - (c) of the application under section 179B(1) of this Act.
- (2) The powers conferred on licensing justices by section 179B of this Act may be exercised by a single justice and may be exercised otherwise than at licensing sessions.
- (3) The powers conferred on justices of the peace by section 179B of this Act shall be exercisable in the place required by the Magistrates' Courts Act 1980 (c. 43) for the hearing of a complaint and may be exercised by a single justice.
- (4) Evidence given for the purpose of proceedings under section 179B or 179E of this Act shall be given on oath.

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*Changes to legislation:* There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

- (5) The Secretary of State may make regulations about the procedure and practice to be followed on and in connection with proceedings before licensing justices under sections 179B and 179E of this Act.]

#### Textual Amendments

**F274** Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17; S.I. 2001/3736, art. 2

#### [<sup>F275</sup>179R Rights of appeal **E+W**

- (1) Any person aggrieved by a decision of relevant justices under section 179B of this Act or of licensing justices under section 179E of this Act may appeal to the Crown Court against the decision.
- (2) An appeal under subsection (1) of this section shall be commenced by notice of appeal given by the appellant to the chief executive to the licensing justices or (as the case may be) to the justices' chief executive within 21 days after the decision appealed against.
- (3) On an appeal against a decision under section 179E of this Act by licensing justices not to revoke a justices' licence, the holder of the licence shall be respondent in addition to the licensing justices.
- (4) Where the holder of a justices' licence gives notice of appeal against a decision under section 179E of this Act by licensing justices to revoke the licence, the Crown Court may, on such conditions as it thinks fit, order that the licence shall continue in force until the determination of the appeal notwithstanding that the appeal is not determined until after the date when the licence would otherwise cease to have effect.
- (5) Where—
  - (a) the holder of a justices' licence gives notice of appeal against a decision under section 179E of this Act by licensing justices to revoke the licence; and
  - (b) the premises are closed by virtue of section 179E(7) of this Act,the Crown Court may, on such conditions as it thinks fit, order that section 179E(7) of this Act shall not apply to the premises.
- (6) Sections 21 and 22(3A) of this Act (appeals) do not apply to any decision of licensing justices which is subject to a right of appeal under subsection (1) of this section or to any appeal under subsection (1) of this section.
- (7) Section 22(4), (6) and (7), section 23(3) and (4) and section 25(1) of this Act shall apply, with necessary modifications, to appeals under subsection (1) of this section against decisions of licensing justices as they apply to appeals under section 21 of this Act.
- (8) Section 23(4) of this Act shall have effect, in its application by virtue of subsection (7) of this section, as if the reference to section 21(4) of this Act were a reference to subsection (4) of this section.]

#### Textual Amendments

**F275** Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17; S.I. 2001/3736, art. 2

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### <sup>F276</sup> 179E Enforcement **E+W**

- (1) This section applies where a closure order or an order under section 179B(3)(b) of this Act has been made in relation to relevant licensed premises.
- (2) Any person who without reasonable excuse fails to leave the premises when asked to do so, for the purposes of ensuring compliance with the order concerned (or with any extension of a closure order or with section 179E(7) of this Act), by the holder of the justices' licence for the premises or any manager of the premises shall be guilty of an offence and liable to a fine not exceeding level 1 on the standard scale.
- (3) A constable shall, on the request of the holder of the justices' licence or any manager of the premises or any agent or servant of either of them, help to remove from the premises any person who is required to leave the premises by virtue of subsection (2) of this section.
- (4) A constable may use such reasonable force as may be required for the purpose of giving help under subsection (3) of this section.]

#### Textual Amendments

**F276** Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17; S.I. 2001/3736, art. 2

### <sup>F277</sup> 179I Exemption from liability for certain damages **E+W**

- (1) A constable shall not be liable for relevant damages in respect of anything done or omitted to be done by him in the performance or purported performance of his functions in relation to a closure order or any extension of it.
- (2) A chief officer of police shall not be liable for relevant damages in respect of anything done or omitted to be done by a constable under his direction or control in the performance or purported performance of the constable's functions in relation to a closure order or any extension of it.
- (3) Neither subsection (1) of this section nor subsection (2) of this section applies—
  - (a) if the act or omission is shown to have been in bad faith; or
  - (b) so as to prevent an award of damages made in respect of an act or omission on the ground that the act or omission was unlawful as a result of section 6(1) of the Human Rights Act 1998 (c. 42).
- (4) This section is without prejudice to any other exemption from liability for damages (whether at common law or otherwise).
- (5) In this section “relevant damages” means damages in proceedings for judicial review or for the tort of negligence or misfeasance in public office.]

#### Textual Amendments

**F277** Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17; S.I. 2001/3736, art. 2

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## **[<sup>F278</sup>179J] Offences by body corporate **E+W****

- (1) Where an offence under section 179A(6) or 179B(5) or (6) or 179E(8) of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, he as well as the body corporate commits the offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) of this section applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.]

### **Textual Amendments**

**F278** Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17, S.I. 2001/3736, art. 2

## **[<sup>F279</sup>179K] Interpretation of sections 179A to 179K **E+W****

- (1) In sections 179A to 179J of this Act and this section—
  - “chief officer of police” has the meaning given by section 101(1) of the Police Act 1996 (c. 16);
  - “closure order” has the meaning given by section 179A(2) of this Act;
  - “manager” (except in section 179J(1) of this Act) means any person who works in relevant licensed premises in a capacity which gives him authority to close the premises;
  - “the next licensing sessions” means the first licensing sessions held not less than fourteen days after the day on which the closure order concerned was considered by relevant justices under section 179B of this Act;
  - “notice” means notice in writing;
  - “police area” means a police area provided for by section 1 of the Police Act 1996 (c. 16);
  - “relevant justices” has the meaning given by section 179B(7) of this Act;
  - “relevant licensed premises” has the meaning given by section 179A(2) of this Act;
  - “the responsible senior police officer” has the meaning given by section 179B(8) of this Act; and
  - “senior police officer” means a police officer of or above the rank of inspector.
- (2) For the purposes of sections 179A to 179J of this Act, relevant licensed premises are open if any person other than the holder of the justices’ licence for the premises, a manager of the premises or any member of the family of either of them—
  - (a) enters onto the premises; and
  - (b) purchases, or is supplied with, any item of food or drink or any item which is usually sold on the premises.]

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### Textual Amendments

**F279** Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17; S.I. 2001/3736, art. 2

[<sup>F280</sup> Other]

### Textual Amendments

**F280** 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. **E+W**

- [<sup>F281</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>F282</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>F283</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>F283</sup>it], stating the name and address of the applicant, the place and occasion for which [<sup>F283</sup>it] is required, the period for which he requires it to be in force, and the hours to be specified in [<sup>F283</sup>it].
- (3) Subject to subsection (4) of this section, the justices may, if they see fit, grant [<sup>F284</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

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the applicant having served notice on the chief officer of police under subsection (2) of this section.

- (6) Justices shall not grant [<sup>F285</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>F286</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>F287</sup>the <sup>M43</sup>Magistrates' Courts Act 1980] for the hearing of a complaint.
- [<sup>F288</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

- F281** S. 180(1) substituted by Finance Act 1967 (c. 54, SIF 68A:1), Sch. 7 para. 15(1)
- F282** Words substituted by Local Government Act 1972 (c. 70, SIF 81:1), Sch. 25 para. 5
- F283** Words substituted by Finance Act 1967 (c. 54, SIF 68A:1), Sch. 7 para. 15(2)
- F284** Words substituted by Finance Act 1967 (c. 54, SIF 68A:1), Sch. 7 para. 15(3)
- F285** Words substituted by Finance Act 1967 (c. 54, SIF 68A:1), Sch. 7 para. 15(4)
- F286** Words substituted by Finance Act 1967 (c. 54, SIF 68A:1), Sch. 7 para. 15(5)
- F287** Words substituted by virtue of Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 8 para. 5
- F288** S. 180(8) added by Finance Act 1967 (c. 54, SIF 68A:1), Sch. 7 para. 15(6)

#### Marginal Citations

- M43** 1980 c. 43 (82).

181 ..... <sup>F289</sup> **E+W**

#### Textual Amendments

- F289** S. 181 repealed by Licensing (Retail Sales) Act 1988 (c. 25, SIF 68A:1), ss. 2, 4(2)

[<sup>F290</sup>181] **Sales to or by persons under 18 of intoxicating liquor on wholesale premises.** **E**  
**+W**

- (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.

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- (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**  
**F290** 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. E+W**

- (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>F291</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 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) ..... <sup>F292</sup>

**Textual Amendments**  
**F291** 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**  
**F292** 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. E+W**

- (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



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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>F293</sup>£25], and on a subsequent conviction to a fine not exceeding [<sup>F293</sup>£50].

#### Textual Amendments

**F293** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31\(5\)\(6\)\(9\)](#)

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

**C42** [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. **E+W**

- (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.
- (2) A person guilty of an offence under this section shall be liable to a fine not exceeding [<sup>F294</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

**F294** 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. **E+W**

If the holder of a justices’ licence, [<sup>F295</sup>an occasional licence] a canteen licence [<sup>F296</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>F297</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>F298</sup>level 1 on the standard scale].

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#### Textual Amendments

- F295** Words added by [Finance Act 1967 \(c. 54, SIF 68A:1\)](#), [Sch. 7 para. 17\(a\)](#)  
**F296** Words inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 3 para. 18](#)  
**F297** Words substituted by [Finance Act 1967 \(c. 54, SIF 68A:1\)](#), [Sch. 7 para. 17\(b\)](#)  
**F298** 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. **E+W**

- [<sup>F299</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.]
- (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>F300</sup>level 1 on the standard scale], and on a subsequent conviction to a fine not exceeding [<sup>F300</sup>level 1 on the standard scale].

#### Textual Amendments

- F299** [S. 186\(1\)\(1A\)](#) substituted for [s. 186\(1\)](#) by [Licensing \(Amendment\) Act 1977 \(c. 26, SIF 68A:1\)](#), [s. 1](#)  
**F300** 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. **E+W**

- (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

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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>F301</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>F301</sup>level 1 on the standard scale].
- (5) . . . . . [<sup>F302</sup>]

**Textual Amendments**

**F301** 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](#)

**F302** [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)**

**C43** [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. E+W**

- (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>F303</sup>level 3 on the standard scale].

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- (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

**F303** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)

#### 189 Temporary licence pending appeal against conviction. **E+W**

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. **E+W**

- (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. **E+W**

- (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.
- (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

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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.

## PART XIV **E+W**

### SUPPLEMENTAL

#### 192 **Jurisdiction of justices.** **E+W**

- (1) Any function vested by this Act in licensing justices or the justices acting for any petty sessions area shall be exercisable by a majority of the justices present at a meeting assembled for the purpose.
- (2) Without prejudice to [<sup>F304</sup>section 3 of the <sup>M44</sup>Magistrates' Courts Act 1980], any river or water lying between, or forming the boundary between, two or more petty sessions areas shall for the purposes of this Act be deemed to be in each of those areas.

#### Textual Amendments

**F304** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, [Sch. 7 para. 48](#)

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

**C44** S. 192 extended by [Licensing \(Occasional Permissions\) Act 1983 \(c. 24, SIF 68A:1\)](#), s. 4(2)(c)

#### Marginal Citations

**M44** [1980 c. 43 \(82\)](#).

#### [<sup>F305</sup>192A] **Power of justices at licensing sessions to act in divisions.** **E+W**

- (1) If a majority of the licensing justices present at a licensing sessions so resolve, they may for the purposes of that sessions constitute themselves into two or more divisions.
- (2) A division constituted in accordance with this section may exercise all the powers exercisable by licensing justices under this Act and those powers shall be exercisable by a majority of the members present at a meeting of the division assembled for the purpose.
- (3) The quorum of a division of justices constituted under this section shall be three.]

#### Textual Amendments

**F305** S. 192A inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 14(2) (subject to a saving in s. 14(2))

#### 193 **Disqualification of justices.** **E+W**

- (1) No justice shall act for any purpose under this Act in any county, . . . <sup>F306</sup>or be capable of being appointed or being a member of any committee therein for any such purpose, who is, or is in partnership with, a brewer, distiller, maker of malt for sale or retailer of malt or of any intoxicating liquor, in that county or borough.

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**Status:** Point in time view as at 01/01/1995. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

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- (2) No justice who holds any share or stock in a company which is such a brewer, distiller, maker of malt or retailer as aforesaid in any county, . . . <sup>F306</sup> shall be capable of being appointed or being a member of a licensing committee or compensation authority in that county . . . <sup>F306</sup> unless before his appointment as a member thereof he has disclosed to the justices appointing him the fact that he holds the share or stock; but where a member of any such committee or authority is disqualified for being a member thereof by acquiring any such share or stock he may be re-appointed if before his re-appointment he has disclosed to the justices re-appointing him the fact that he has acquired the share or stock.
- (3) A person who is the beneficial owner of any such share or stock as aforesaid held by him (whether his beneficial ownership extends to the whole holding or to a part of it or an interest in it only) shall not be appointed or re-appointed a member of any such committee or authority as aforesaid unless the justices appointing or re-appointing him are satisfied that the extent to which the company in question carries on or is interested in the business of [<sup>F307</sup>producing] , distilling, making of malt for sale or retailing of malt or of any intoxicating liquor is so small in comparison with its whole business that the fact that the said person is interested in the company affords no reasonable ground for suggesting that he is not a proper person to be a member of the committee or authority.
- (4) Subject to subsection (5) of this section, no justice shall act for any purpose under this Act in a case that concerns any premises in the profits of which he is interested, or of which he is wholly or partly the owner, lessee, or occupier, or for the owner, lessee, or occupier of which he is manager or agent; but a justice shall not be disqualified under this provision by reason of his having vested in him a legal interest only, and not a beneficial interest, in the premises concerned or the profits of them.
- (5) A justice having an interest in the profits of any premises shall not be thereby disqualified under subsection (4) of this section or otherwise from acting under this Act, if he would not fall to be treated as having such an interest but for the fact that he has a beneficial interest in shares of a company or other body having an interest in those profits, and if his beneficial interest in the shares of the company or body does not extend to shares of a total nominal value greater than twenty-five pounds, or to more than one-hundredth in nominal value of its issued share capital or of any class of its issued share capital.

In this subsection “share” includes stock, and “share capital” shall be construed accordingly.

- (6) No act done by any justice disqualified by this section shall be invalid by reason only of that disqualification, and no act done by any justice who by virtue of this section has ceased to be a member of any licensing committee or compensation authority shall be invalid by reason only of the cessation of membership.
- (7) If any justice, knowing that the circumstances are such that under this Act he is disqualified for acting for any of the purposes of this Act, acts as a justice for that purpose he shall be liable to a penalty not exceeding one hundred pounds, to be recovered by action in the High Court; but a justice proceeded against for more than one contravention of this section committed before the institution of the proceedings shall not be liable in respect of all such contraventions to an aggregate penalty exceeding one hundred pounds.

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- (8) No objection shall be allowed to any justices' licence on the ground that it was granted by justices not qualified to grant it.

#### Textual Amendments

**F306** Words repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 30](#)

**F307** Words in [s. 193\(3\)](#) substituted (1.1.1993) by [Finance Act 1991 \(c. 31, SIF 40:1\)](#), s. 7(4), [Sch. 2 para.1](#); [S.I. 1993/1152](#), art. 3, [Sch. 1 Pt.II](#).

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

**C45** [S. 193](#) extended by [Licensing \(Occasional Permissions\) Act 1983 \(c. 24, SIF 68A:1\)](#), [s. 4\(2\)\(c\)](#)

**C46** [S. 193\(1\)](#) modified by [Courts Act 1971 \(c. 23, SIF 37\)](#), [Sch. 8 Pt. II para. 42\(2\)](#)

### [<sup>F308</sup>193A] Power of clerk to licensing justices to grant unopposed renewals of justices' licences and canteen licences. **E+W**

- (1) This section has effect in relation to applications for the renewal of justices' licences and canteen licences made to the general annual licensing sessions immediately preceding the expiry of a licensing period.
- (2) The clerk to licensing justices may exercise on behalf of the justices their powers with respect to an application for the renewal of a justices' licence or canteen licence if—
- the application is not opposed; or
  - where under this Act the application may only be refused on specified grounds, it is not opposed on a ground on which renewal may be refused.
- (3) An application may not be dealt with under this section if—
- the justices so direct;
  - it is made in conjunction with any other application or request with respect to the licence sought to be renewed; or
  - in the case of an application for the renewal of a justices' licence, there is a relevant entry in the register of justices' licences maintained under this Act which relates to the applicant or the premises for which the licence is sought.
- (4) An entry in the register of justices' licences is relevant for the purposes of this section if it is an entry made in pursuance of section 31 of this Act or section 163(1)(b) or 168(7)(a) of the Representation of the <sup>M45</sup> People Act 1983 (reports or convictions of bribery or treating to be entered in the register).]

#### Textual Amendments

**F308** [S. 193A](#) inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), [s. 13](#)

#### Marginal Citations

**M45** [1983 c.2\(42\)](#).



*Status: Point in time view as at 01/01/1995. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

VALID FROM 01/02/1998

**[<sup>F309</sup>193A] Power of clerk to licensing justices to grant certain transfers etc. E+W**

- (1) This section applies where—
  - (a) the power of licensing justices to transfer a justices' licence for any premises is exercisable by virtue of section 8(1) of this Act, and
  - (b) application is made for the transfer of the licence or the grant of an interim authority.
- (2) If the applicant—
  - (a) holds a justices' licence, or
  - (b) has held such a licence at any time in the three years immediately preceding the date of the application,

the clerk to the licensing justices may grant the application on behalf of the justices unless he considers that there are circumstances which make it desirable for the matter to be considered by the justices.
- (3) The functions of the clerk to the licensing justices under this section may be exercised otherwise than at licensing sessions.]

**Textual Amendments**

**F309** S. 193AA inserted (1.2.1998) by S.I. 1998/114, art. 4

**[<sup>F310</sup>193B] Power of licensing justices to award costs. E+W**

- (1) On the hearing of any application under this Act relating to licensed premises or a seamen's canteen, the licensing justices may make such order as they think just and reasonable for the payment of costs to the applicant by any person opposing the application or by the applicant to any such person.
- (2) For the purposes of enforcement an order for costs made under subsection (1) above shall be treated as an order for the payment of a sum enforceable as a civil debt.]

**Textual Amendments**

**F310** S. 193B inserted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 15

**194 Prosecution of offences and disposal of forfeited goods. E+W**

- (1) Offences under this Act shall be punishable on summary conviction.
- (2) For the purposes of any provision of this Act imposing a penalty or forfeiture on a second or subsequent conviction, any conviction that took place more than five years previously shall be disregarded.
- (3) Liquor or vessels forfeited under this Act shall be sold or otherwise disposed of as the court imposing the forfeiture may direct; and the proceeds shall be applied as if they were a fine.

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**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

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

C47 S. 194(2) extended by [Gaming Act 1968 \(c. 65, SIF 12:1\)](#), s. 8(7)

**195 Application of s. 194 to offences under Licensing Act 1872 and Licensing Act 1902. E+W**

Subsections (1) and (2) of the preceding section shall apply to offences under section 12 of the <sup>M46</sup>Licensing Act 1872, and the said subsection (2) also to offences under section 6 of the <sup>M47</sup>Licensing Act 1902.

**Marginal Citations**

M46 1872 c. 94 (68A:1).

M47 1902 c. 28 (68A:1).

**196 Proof of sale or consumption of intoxicating liquor. E+W**

- (1) Evidence that a transaction in the nature of a sale of intoxicating liquor took place shall, in any proceedings relating to an offence under this Act, be evidence of the sale of the liquor without proof that money passed.
- (2) Evidence that consumption of intoxicating liquor was about to take place shall in any such proceedings be evidence of the consumption of intoxicating liquor without proof of actual consumption.
- (3) Evidence that any person, other than the occupier of licensed premises or a servant employed in licensed premises, [<sup>F311</sup>or, as the case may be, other than the occupier of a licensed canteen or a servant employed in such a canteen] consumed or intended to consume intoxicating liquor in the premises [<sup>F311</sup>or, as the case may be, canteen] shall be evidence that the liquor was sold by or on behalf of the holder of the justices' licence [<sup>F311</sup>occasional licence or canteen licence, as the case may be] to that person.

**Textual Amendments**

F311 Words inserted by [Finance Act 1967 \(c. 54, SIF 68A:1\)](#), [Sch. 7 para. 18](#)

**[<sup>F312</sup>196A] Extension to certain proceedings under this Act of section 97 of the Magistrates' Courts Act 1980. E+W**

- (1) For the purposes of section 97 of the <sup>M48</sup>Magistrates' Courts Act 1980 (procuring the attendance of witnesses etc. at the hearing of a complaint) the following proceedings shall be treated as the hearing of a complaint—
  - (a) proceedings on an application—
    - (i) for the grant of a justices' licence;
    - (ii) for the revocation of a justices' licence or canteen licence; or
    - (iii) for the making, variation or revocation of a restriction order; and

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- (b) proceedings in connection with the exercise by licensing justices of the power to revoke a justices' licence or canteen licence or canteen licence of their own motion.
- (2) Licensing justices before whom any such proceedings as are mentioned in subsection (1) above take place shall be treated for the purposes of section 97 of the Magistrates' Courts Act 1980 as a magistrates' court for the petty sessions area constituting the licensing district.]

#### Textual Amendments

**F312** S. 196A inserted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 19, Sch. 3 para. 19

#### Marginal Citations

**M48** 1980 c.43(83).

### 197 Service of notices, etc. **E+W**

Subject to any express provision in this Act or in rules under section 140 or section 147 of this Act, any notice or document, other than a summons, required or authorised to be given under this Act may be served by post.

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

**C48** S. 197 extended by Sporting Events (Control of Alcohol etc.) Act 1985 (c. 57, SIF 39:2), ss. 4(8), 9(6)

**C49** S. 197 extended by Licensing (Occasional Permissions) Act 1983 (c. 24, SIF 68A:1), s. 4(2)(d)

### 198 Orders, rules and regulations. **E+W**

- (1) Any power of the Treasury or of a Minister of the Crown under this Act to make orders, rules or regulations, except the power of the Secretary of State to make orders under Part VI of this Act, shall be exercisable by statutory instrument.
- (2) Any power to make orders conferred on the Secretary of State by any provision of this Act other than section 118, section 120 or Schedule 11 includes power to vary or revoke an order made in the exercise of that power.

### 199 Exemptions and savings. **E+W**

Nothing in this Act shall—

- (a) affect any privilege enjoyed by the University of Cambridge or by any person to whom any such privilege has been transferred in pursuance of any Act;
- (b) affect the exemption from the requirement to take out a justices' licence enjoyed by the Company of the master, warden and commonalty of Vintners of the City of London;
- [<sup>F313</sup>(c) make unlawful the sale or exposure for sale by retail without a justices' licence of any intoxicating liquor at any premises in respect of which a licence under the <sup>M49</sup>Theatres Act 1968 is for the time being in force, or which by virtue of any letters patent of the Crown may lawfully be used for the public performance of plays without a licence under that Act being held in respect thereof, if the proprietor of those premises has given to the clerk to the

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- licensing justices notice in writing of the intention to sell such liquor by retail at those premises and that notice has not been withdrawn;]
- [<sup>F314</sup>(d) make unlawful the sale or exposure for sale by retail without a justices' licence to passengers in an aircraft, vessel or railway passenger vehicle of intoxicating liquor for consumption on board the aircraft, vessel or vehicle if the aircraft or vessel is employed for the carriage of passengers and is being flown or navigated from a place in the United Kingdom to another such place or from and to the same place in the United Kingdom on the same day or, as the case may be, if the vehicle is a vehicle in which passengers can be supplied with food;]
- (e) prohibit the sale of medicated or methylated spirits;
  - (f) prohibit the sale by registered medical practitioners or registered pharmacists of spirits made up in medicine;
  - (g) prohibit the sale of intoxicating liquor by wholesale;
  - (h) affect any penalties recoverable by or on behalf of the Commissioners, or, except where the context requires it, any laws relating to excise; or
  - (i) apply to the sale or consumption of intoxicating liquor in canteens.

#### Textual Amendments

**F313** S. 199(c) substituted by [Theatres Act 1968 \(c. 54, SIF 45A\)](#), [Sch. 2](#)

**F314** S. 199(d) substituted by [Finance Act 1967 \(c. 54, SIF 68A:1\)](#), [Sch. 7 para. 20](#)

#### Marginal Citations

**M49** [1968 c. 54 \(45A\)](#).

## 200 **Meaning of “licensed premises” in this Act and s. 12 of Licensing Act 1872.** E

+W

- (1) Any reference in this Act to licensed premises shall, unless the context otherwise requires, be construed as a reference to premises for which a justices' licence [<sup>F315</sup>or occasional licence is in force and as including a reference to any [<sup>F316</sup>premises] in respect of which a notice under section 199(c) of this Act is for the time being in force] . . .  
<sup>F317</sup>
- (2) In section 12 of the <sup>M50</sup>Licensing Act 1872 the expression “licensed premises” shall include any place where intoxicating liquor is sold under an occasional licence.

#### Textual Amendments

**F315** Words substituted by [Finance Act 1967 \(c. 54, SIF 68A:1\)](#), [Sch. 7 para. 21](#)

**F316** Words substituted by [Theatres Act 1968 \(c. 54, SIF 45A\)](#), [Sch. 2](#)

**F317** Words repealed by [S.I. 1979/977](#), [Sch.](#)

#### Marginal Citations

**M50** [1872 c. 94 \(68A:1\)](#).

**Status:** Point in time view as at 01/01/1995. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

VALID FROM 27/09/1999

## 201 Interpretation of other expressions. **E+W**

(1) In this Act, unless the context otherwise requires—

“bar” includes any place exclusively or mainly used for the sale and consumption of intoxicating liquor;

“canteen”, except in Part X of this Act and in the expressions “canteen licence” and “licensed canteen”, means a canteen in which the sale or supply of intoxicating liquor is carried on under the authority of the Secretary of State;

“canteen licence” has the meaning assigned to it by section 148(1) of this Act;

[<sup>F318</sup>“children’s certificate” has the meaning assigned to it by section 168A(2) of this Act;]

[<sup>F319</sup>“cider” includes perry;]

“club premises” has the meaning assigned to it by section 39(6) of this Act;

“the Commissioners” means the Commissioners of Customs and Excise;

<sup>F320</sup>

“development corporation” has the same meaning as in [<sup>F321</sup>the <sup>M51</sup>New Towns Act 1981];

“early-closing licence” has the meaning assigned to it by section 65(2) of this Act;

“enactment” includes an enactment contained in any order, regulation or other instrument having effect by virtue of an Act;

“the general licensing hours” has the meaning assigned to it by section 60(5) of this Act;

“general order of exemption” has the meaning assigned to it by section 74(1) of this Act;

“grant” in relation to a justices’ licence includes a grant by way of renewal, transfer or removal and “application” shall be construed accordingly;

[<sup>F322</sup>“interim authority” has the meaning assigned to it by section 9A(2) of this Act;]

[<sup>F323</sup>“intoxicating liquor” means spirits, wine, beer, cider, and any other fermented, distilled or spirituous liquor [<sup>F324</sup>but does not include—

(a) [<sup>F325</sup>any liquor which is of a strength not exceeding 0.5 per cent at the time of the sale or other conduct in question;]

(b) perfumes;

(c) flavouring essences recognised by the Commissioners as not being intended for consumption as or with dutiable alcoholic liquor;

(d) spirits, wine or made-wine so medicated as to be, in the opinion of the Commissioners, intended for use as a medicine and not as a beverage;

and expressions used in paragraphs (a) and (d) above shall have the same meaning as in the <sup>M52</sup>Alcoholic Liquor Duties Act 1979.]]

“licensed canteen” means a canteen within the meaning of Part X of this Act in respect of which a canteen licence is in force;

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[<sup>F326</sup>“licensing period” has the meaning assigned to it by section 26(5) of this Act;]

“mess” means an authorised mess of members of Her Majesty’s naval, military or air forces;

[<sup>F327</sup>“the metropolis” means [<sup>F328</sup>the area consisting of the inner London boroughs and the City of London;]]

“the Minister” means [<sup>F329</sup>the Secretary of State];

[<sup>F330</sup>“occasional licence” means a licence granted under section 180 of this Act;]

“old on-licence” has the meaning assigned to it by section 12(1) of this Act;

“ordinary removal” has the meaning assigned to it by section 5(6) of this Act;

“Part IV licence” has the meaning assigned to it by section 93 of this Act;

“planning removal” has the meaning assigned to it by section 121(2) of this Act;

“registered”, in relation to a club, has the meaning assigned to it by section 40(1) of this Act;

“registered owner” has the meaning assigned to it by section 32(3) of this Act;

“residential licence”, “residential and restaurant licence” and “restaurant licence” have the meanings assigned to them by section 94 of this Act;

[<sup>F331</sup>“restriction order” has the meaning assigned to it by section 67A(2) of this Act;]

[<sup>F332</sup>“sale by retail”, in relation to any intoxicating liquor, means a sale of any liquor at any one time to any one person, except where the sale is—

- (a) to a trader for the purposes of his trade;
- (b) to a registered club for the purposes of the club;
- (c) to any canteen or mess;
- (d) to the holder of an occasional permission within the meaning of the Licensing (Occasional Permissions) Act <sup>M53</sup>1983 for the purposes of sales authorised by that permission; or
- (e) of not less than the following quantities—
  - (i) in the case of spirits, wine or made-wine, 9 litres or 1 case; or
  - (ii) in the case of beer or cider, 20 litres or 2 cases.

and is made from premises owned by the vendor, or occupied by him under a lease to which the provisions of Part 2 of the Landlord and Tenant Act 1954 apply.]

“seasonal licence” has the meaning assigned to it by section 64(2) of this Act;

“secretary”, in relation to a club, includes any officer of the club or other person performing the duties of a secretary and, in relation to a proprietary club where there is no secretary, the proprietor of the club;

“six-day licence” has the meaning assigned to it by section 65(2) of this Act;

“special hours certificate” means a certificate granted under section 77 [<sup>F333</sup>, 77A, 78 or 78ZA] of this Act;

“special order of exemption” has the meaning assigned to it by section 74(4) of this Act;

“special removal” has the meaning assigned to it by section 15(2) of this Act;

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“statutory regulations for music and dancing” means—

- (i) [<sup>F334</sup>Schedule 12 to the London Government Act 1963; or
- (ii) Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982;]

“table meal” means a meal eaten by a person seated at a table, or at a counter or other structure which serves the purpose of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purpose of a table;

“temporary premises removal” has the meaning assigned to it by section 126(2) of this Act;

[<sup>F335</sup>“wine” means wine or made-wine as defined by section 1 of the Alcoholic Liquor Duties Act 1979.]

- (2) For the purposes of this Act a person shall be treated as residing in any premises, notwithstanding that he occupies sleeping accommodation in a separate building, if he is provided with that accommodation in the course of a business of providing board and lodging for reward at those premises and the building is habitually used for the purpose by way of annexe or overflow in connection with those premises and is occupied and managed with those premises.
- (3) ..... <sup>F336</sup>
- (4) Any provision in the Act requiring or authorising notice to be given to the chief officer of police shall be construed as requiring or authorising the notice to be given—
  - (a) if the premises to which the notice relates (that is to say, in the case of an application for a licence, the premises to be licensed) are in the City of London, to the Commissioner of Police for the City;
  - (b) if the premises are in the metropolitan police district, to the Commissioner of Police of the Metropolis;
  - (c) if the premises are in any other police area to the chief constable for that area.
- (5) Except where the context otherwise requires, references in this Act to any enactment are references to that enactment as amended, and include references thereto as extended or applied, by any other enactment, including this Act.

### Textual Amendments

**F318** S. 201(1): definition inserted (3.1.1995) by 1994 c. 40, s. 39, **Sch. 11 para. 7(3)**; S.I. 1994/3188, **art. 3**

**F319** Definition inserted by **Finance Act 1967** (c. 54, SIF 68A:1), **Sch. 7 para. 22(a)**

**F320** Definition repealed by **Licensing (Alcohol Education and Research) Act 1981** (c. 28, SIF 68A:1), s. 11, **Sch. 2 Pt. I**

**F321** Words substituted by virtue of **Interpretation Act 1978** (c. 30, SIF 115:1), **s. 17(2)(a)**

**F322** S. 201(1): definition inserted (1.2.1998) by S.I. 1998/114, **art. 3(2)**

**F323** Definition substituted by **Finance Act 1967** (c. 54, SIF 68A:1), **Sch. 7 para. 22(b)**

**F324** Words substituted by **Finance Act 1981** (c. 35, SIF 40:1), s. 11(2)(c), **Sch. 8 para. 25**

**F325** In s. 201(1) in the definition of “intoxicating liquor” para. (a) substituted (1.1.1994) by **Licensing (Low Alcohol Drinks) Act 1990** (c. 21, SIF 68A:1, 2), **ss. 1, 3(2)**

**F326** Definition inserted by **Licensing Act 1988** (c. 17, SIF 68A:1), **s. 11(4)**

**F327** Definition substituted by **Administration of Justice Act 1964** (c. 42, SIF 82), **Sch. 3 Pt. II para. 31(4)**

**F328** Words in definition substituted (27.7.1999) by 1999 c. 22, ss. 76, 108, **Sch. 10 paras. 23, 29** (with s. 107, **Sch. 14 para. 7(2)**)



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**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

- F329** Words substituted by virtue of (W.) S.I. 1965/319, arts. 2, 10, **Sch. 1** and (E.) 1970/1681, arts. 2(1), 6(3)
- F330** Definition substituted by Finance Act 1967 (c. 54, SIF 68A:1), **Sch. 7 para. 22(c)**
- F331** Definition inserted by Licensing Act 1988 (c. 17, SIF 68A:1), **ss. 3(3), 20(3)**
- F332** Definition substituted by Licensing (Retail Sales) Act 1988 (c. 25, SIF 68A:1) ss. 1(1), 4(2)
- F333** S. 201(1): words in definition substituted (1.3.1996) by S.I. 1996/977, **art. 5(9)**
- F334** Words substituted by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), **Sch. 2 para. 6**
- F335** Definition inserted by Alcoholic Liquor Duties Act 1979 (c. 4, SIF 40:1), **Sch. 3 para. 5(1)(3)(b)**
- F336** S. 201(3) repealed by Administration of Justice Act 1964 (c. 42, SIF 82), **Sch. 5**

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

- C50** S. 201 extended by Licensing (Occasional Permissions) Act 1983 (c. 24, SIF 63A:1), **s. 4(2)(e)**
- C51** Para. (e) of definition of “sale by retail” explained by Licensing (Retail Sales) Act 1988 (c. 25, SIF 68A:1), **ss. 1(2), 4(2)**

#### Marginal Citations

- M51** 1981 c. 64 (123:3).
- M52** 1979 c. 4 (40:1).
- M53** 1983 c.24(68A:1).

## 202 Application to Isles of Scilly. **E+W**

- (1) The Secretary of State may by order made in relation to the Isles of Scilly provide—
- for substituting, for the provisions of this Act other than Part X prohibiting the sale or supply of intoxicating liquor except as authorised by or under those provisions, a prohibition of the sale or supply of intoxicating liquor except as authorised by annual or occasional permits granted by the joint police committee for the Isles of Scilly and in accordance with such conditions as the permits may specify;
  - for the exercise by that committee of the functions of licensing justices under Part III of this Act [<sup>F337</sup>, under the <sup>M54</sup>Licensing (Occasional Permissions) Act 1983] and under [<sup>F338</sup>section 6 of the <sup>M55</sup>Gaming Act 1968] and of the functions of justices of the peace under section 74 of this Act.
- (2) An order under this section may contain such supplemental and consequential provisions as appear to the Secretary of State expedient for the purposes of the order, including supplemental or consequential provisions excluding, modifying, or adapting any enactment relating to the sale or supply of intoxicating liquor in its application to the Isles of Scilly.

#### Textual Amendments

- F337** Words inserted by Licensing (Occasional Permissions) Act 1983 (c. 24, SIF 68A:1), **s. 4(4)**
- F338** Words substituted by Gaming Act 1968 (c. 65, SIF 12:1), **Sch. 11 Pt. III**

#### Marginal Citations

- M54** 1983 c. 24 (68A:1).
- M55** 1968 c. 65 (12:1).

*Status:* Point in time view as at 01/01/1995. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

**203** † **Amendments, transitional provisions and repeals.** **E+W**

- (1) ..... F339
- (2) This Act shall have effect subject to the transitional provisions contained in Schedule 14 to this Act.
- (3) ..... F339

<p><b>Textual Amendments</b></p> <p>F339 S. 203(1)(3) repealed by <a href="#">Statute Law (Repeals) Act 1974 (c. 22)</a>, <b>Sch. Pt. XI</b></p> <hr/> <p><b>Modifications etc. (not altering text)</b></p> <p>C52 Unreliable margin note</p>
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**204** **Short title, commencement and extent.** **E+W**

- (1) This Act may be cited as the Licensing Act 1964.
- (2) This Act shall come into force on 1st January 1965.
- (3) This Act does not extend to Scotland or Northern Ireland.

**Status:** Point in time view as at 01/01/1995. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

## SCHEDULES

### SCHEDULE 1 **E+W**

#### CONSTITUTION AND PROCEDURE OF LICENSING JUSTICES

#### PART I **E+W**

##### LICENSING COMMITTEES

- 1 A licensing committee shall be appointed in the month of October, November or December for the year beginning with the following 1st January.
- 2 A licensing committee shall consist of such number of members as the justices appointing the committee may determine, not being less than five nor more than <sup>[F340]</sup>twenty or such larger number as is for the time being authorised under para. 2A below.]

#### Textual Amendments

**F340** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 14(3)(a)

- <sup>[F341]</sup>2A The Secretary of State may direct that such number greater than twenty as is specified in the direction shall be the maximum number of members of licensing committees and a direction under this paragraph may apply to the committees for licensing districts specified in the direction and, where it does so apply, may specify different numbers for the committees for different districts.]

#### Textual Amendments

**F341** [Sch. 1 para. 2A](#) inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 14(3)(6)

- 3 A casual vacancy arising in a licensing committee from death, resignation or otherwise may be filled by the justices by whom the committee is appointed.
- 4 The quorum of a licensing committee shall be three.
- 5 The members of the committee retiring at the end of a year may be re-appointed; and, if members are not appointed in any year to succeed the retiring members, the retiring members may continue to act until their successors are appointed.
- 6 Notwithstanding anything in section 2(2) of this Act, where, in the case of any licensing district other than a borough having a separate commission of the peace, the total number of justices acting for the petty sessions area forming the district (excluding any who are disqualified under subsections (1) to (3) of section 193 of this Act) is less than ten, the committee for that district may, if the justices so determine, consist of all of them.

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## PART II E+W

### LICENSING SESSIONS

- 7 The licensing sessions of each twelve months beginning with February shall be held at as nearly regular intervals as may be, and the general annual licensing meeting shall be held in the first fortnight of February.
- 8 The licensing justices shall appoint the day, time and place for holding the licensing sessions of each twelve months at a meeting held not less than twenty-one days before the day appointed for the general annual licensing meeting or, in the case of the transfer sessions, either at that meeting or at the general annual licensing meeting.
- 9 The licensing justices may for the general annual licensing meeting appoint different days for different parts of the licensing district, and, if they do, may appoint different places also.
- 10 A licensing sessions may, for the purpose of dealing with business not disposed of, be from time to time continued by adjournment beyond the day appointed for the holding of the sessions; but no new application may be made at any adjourned sessions and references in this Act or any other enactment (in whatever terms) to the day or first day of a licensing sessions and to the conclusion of a licensing sessions shall be taken as referring to the day appointed for holding the sessions and to the conclusion of the proceedings on that day (and, in the case of a general annual licensing meeting for which different days are appointed for different parts of the licensing district, as having reference to the one appointed for the relevant part of the district).
- 11 When licensing justices have appointed the time and place for the holding of any licensing sessions, the clerk shall advertise notice of it in a newspaper circulating in the licensing district, and shall send notice of it—
- (a) to every member of the licensing committee;
  - (b) to every holder of a justices' licence or canteen licence in the licensing district;
  - (c) to every person who gives or has previously given the clerk notice of his intention to apply for such a licence at those sessions;
  - (d) to the chief officer of police for the police area or each of the police areas in which the licensing district or any part of it is situated.

## SCHEDULE 2 E+W

### APPLICATIONS FOR JUSTICES' LICENCES

- 1 A person proposing to apply at a licensing sessions for the grant of a new justices' licence, or for the ordinary or special removal or the transfer of a justices' licence, shall give the following notices:—
- (a) not less than twenty-one days before the day of the licensing sessions he shall give notice in writing to the clerk to the licensing justices, the chief officer of police and the proper local authority;

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- (b) in the case of a transfer he shall give the like notice to the holder of the licence (if any), and in the case of a removal he shall give the like notice to the registered owner of the premises from which it is sought to remove the licence and the holder of the licence (if any) unless he is also the applicant;
  - (c) except in the case of a transfer, he shall—
    - (i) not more than twenty-eight days before the day of the licensing sessions display notice of the application for a period of seven days in a place where it can conveniently be read by the public on or near the premises to be licensed (or, in the case of an application for a provisional grant, on or near the proposed site of those premises); and
    - (ii) not more than twenty-eight days nor less than fourteen days before the day of the licensing sessions (and, if the licensing justices so require, on some day or days outside that period but within such other period as they may require) advertise notice of the application in a newspaper circulating in the place where the premises to be licensed are situated.
- 2 A person proposing to apply at transfer sessions for the renewal of a justices’ licence shall give notice in accordance with sub-paragraph (a) of paragraph 1 of this Schedule.
- 3 With the notice given under sub-paragraph (a) of paragraph 1 of this Schedule to the clerk to the licensing justices there shall be deposited a plan of the premises to be licensed, if the application is—
- (a) for the grant of a new justices’ on-licence or of an ordinary removal of a justices’ on-licence; or
  - (b) for the provisional grant of a new justices’ off-licence or of an ordinary removal of a justices’ off-licence;
- and is not an application made in accordance with section 6(5) of this Act.
- 4 A notice under this Schedule—
- (a) shall be signed by the applicant or his authorised agent;
  - (b) shall state the name and address of the applicant and, except in the case of a removal of a licence held by him or of a renewal, his trade or calling during the six months preceding the giving of the notice;
  - (c) shall state the situation of the premises to be licensed and, in the case of a removal, the premises from which it is sought to remove the licence;
  - (d) in the case of a new licence, shall state the kind of licence for which application is to be made.
- 5 The notice required by sub-paragraph (a) of paragraph 1 of this Schedule to be given to the proper local authority shall be given—
- <sup>F342</sup>(a) if the premises to be licensed are outside Greater London, to the proper officer of the district council, and
  - (b) if the premises to be licensed are in a parish, to the proper officer of the parish council or, where there is no parish council, to the chairman of the parish meeting; and

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- (c) if the premises are in a community where there is a community council, to the proper officer of that council.]and, in the case of a new licence or a removal, shall also be given to the authority discharging in the area where those premises are situated the functions of fire authority under the <sup>M56</sup>Fire Services Act 1947.

**Textual Amendments**  
**F342** Para. 5(a)–(c) substituted by Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 25 para. 6**

**Marginal Citations**  
**M56** 1947 c. 41 (50).

6 The clerk to the licensing justices shall for each licensing sessions keep a list of the persons giving notice under this Schedule of their intention to apply for the grant of a justices’ licence; and the list shall show the name and address of the applicant, the nature of the application and the situation of the premises to be licensed and for the fourteen days preceding the sessions shall at all reasonable times be open to inspection, by any person on payment of the appropriate fee (if any) and, without payment, by any officer of Customs and Excise.

7 Where the applicant for the grant of a justices’ licence has, through inadvertence or misadventure, failed to comply with the requirements of the preceding paragraphs of this Schedule, the licensing justices may, upon such terms as they think fit, postpone consideration of his application; and, if on the postponed consideration they are satisfied that any terms so imposed have been complied with, they may deal with the application as if the applicant had complied with those requirements.

8 On the consideration of an application for a justices’ licence the applicant shall, if so required by the licensing justices, attend in person, and licensing justices may postpone consideration of an application until the applicant does so attend; but he shall not be required to attend in the case of a renewal unless objection is made to the renewal.

9 ..... **F343**

**Textual Amendments**  
**F343** Sch. 2 para. 9 repealed by Licensing Act 1988 (c. 17, SIF 68A:1), s. 19, **Sch. 4**

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SCHEDULES 3  
AND 4 **E+W**

F344  
. . .

**Textual Amendments**

**F344** Schs. 3, 4 repealed with saving by Licensing (Alcohol Education and Research) Act 1981 (c. 28, SIF 68A:1), s. 11, **Sch. 2 Pt. I**

SCHEDULE 5 **E+W**

Sections 3, 71.

REQUIREMENTS TO BE COMPLIED WITH BY CLUB'S  
APPLICATION FOR REGISTRATION CERTIFICATE

- 1 The application shall specify the name, objects and address of the club, and shall state that there is kept at that address a list of the names and addresses of the members.
- 2 The application shall state, in terms of subsections (1) and (2) of section 41 of this Act, that the club is qualified under those subsections to receive a registration certificate for the premises, or will be so qualified if, as regards any provision of the rules specified in the application, the court sees fit to give a direction under section 42(2) of this Act.
- 3 The application shall set out, or shall incorporate a document annexed which sets out, the names and addresses of the members of any committee having the general management of the affairs of the club, and those of the members of any other committee concerned with the purchase for the club or with the supply by the club of intoxicating liquor, and those of other officers of the club.
- 4 (1) The application shall state, or shall incorporate a document annexed which states, the rules of the club or, in the case of an application for renewal, the changes in the rules made since the last application for the issue or renewal of the certificate.  
(2) If, in the case of an application for renewal, there has been no such change as aforesaid, the application shall so state.
- 5 The application shall—
  - (a) identify the premises for which the issue or renewal of the registration certificate is sought; and
  - (b) state that those premises are or are to be occupied by and habitually used for the purposes of the club, the times at which they are or are to be open to members and the hours (if any) fixed by or under the rules of the club as the permitted hours there; and
  - (c) state the interest held by or in trust for the club in those premises and, if it is a leasehold interest or if the club has no interest, the name and address of any person to whom payment is or is to be made of rent under the lease or otherwise for the use of the premises.
- 6 (1) The application shall give, or shall incorporate a document annexed which gives—



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- (a) particulars of any property not comprised in paragraph 5 of this Schedule which is or is to be used for the purposes of the club and not held by or in trust for the club absolutely, including the name and address of any person to whom payment is or is to be made for the use of that property;
  - (b) particulars of any liability of the club in respect of the principal or interest of moneys borrowed by the club or charged on property held by or in trust for the club, including the name and address of the person to whom payment is or is to be made on account of that principal or interest;
  - (c) particulars of any liability of the club or of a trustee for the club in respect of which any person has given any guarantee or provided any security, together with particulars of the guarantee or security given or provided, including the name and address of the person giving or providing it.
- (2) An application for renewal, or document annexed to it, may give the particulars required by this paragraph by reference to the changes (if any) since the last application by the club for the issue or renewal of the registration certificate.
- (3) If there is no property or liability of which particulars are required by any paragraph of sub-paragraph (1) of this paragraph, the application shall so state.
- (4) In this paragraph, “liability” includes a future or contingent liability.
- 7 (1) The application shall give, or shall incorporate a document annexed which gives, particulars of any premises not comprised in paragraph 5 of this Schedule, which have within the preceding twelve months been occupied and habitually used for the purposes of the club, and shall state the interest then held by or in trust for the club in those premises and, if it was a leasehold interest or if the club had no interest, the name and address of any person to whom payment was made of rent under the lease or otherwise for the use of the premises.
- (2) If there are no premises of which particulars are required by this paragraph, the application shall so state.
- 8 Where the interest held by or in trust for the club in any land of which particulars are required by paragraph 5, 6 or 7 of this Schedule is or was a leasehold interest, and the rent under the lease is not or was not paid by the club or the trustees for the club, the application shall state the name and address of the person by whom it is or was paid.

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## SCHEDULE 6 **E+W**

### PROCEDURE ON APPLICATIONS AND COMPLAINTS RELATING TO REGISTRATION CERTIFICATES

#### PART I **E+W**

##### ISSUE, RENEWAL AND SURRENDER OF REGISTRATION CERTIFICATES

###### *Applications, etc.*

- 1 (1) An application by a club for the issue, renewal or variation of a registration certificate shall be made by lodging the application, together with the number of additional copies required under paragraph 4 of this Schedule, with the clerk to the justices.  
(2) The court may, on such conditions as the court thinks fit, allow such an application to be amended.  
(3) An amended application shall be made by lodging with the clerk to the justices the original application or the relevant parts of it altered so as to show the amendments, together with the number of additional copies required under paragraph 4 of this Schedule.
- 2 A registration certificate shall be surrendered by lodging with the clerk to the justices a notice of surrender, together with the certificate and such number of additional copies of the notice as is required under paragraph 4 of this Schedule.
- 3 (1) Any such application or amended application and any such notice shall be signed by the chairman or by the secretary of the club.  
(2) In the absence of objection the court shall not require proof that an application or amended application purporting to be so signed is duly signed.
- 4 On receipt of any such application or amended application or of any such notice the clerk to the justices shall forthwith send a copy to any chief officer of police concerned and to the clerk of any local authority concerned, and the number of additional copies required to be lodged with the clerk is the number necessary to provide the copies the clerk needs for this purpose.
- 5 A club applying for the issue of a registration certificate for any premises, or for the renewal of a registration certificate in respect of different, additional or enlarged premises, shall give public notice of the application (identifying those premises and giving the name and address of the club) either—
  - (a) by displaying the notice on or near the premises, in a place where it can conveniently be read by the public, for the seven days beginning with the date of the application; or
  - (b) by advertisement on one at least of those days in a newspaper circulating in the place where the premises are situated.

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*Objections, etc.*

- 6 (1) Subject to sub-paragraph (2) of this paragraph, an objection to an application for the issue or renewal of a registration certificate shall be made by lodging with the clerk to the justices two copies in writing of the objection not later than twenty-eight days after the making of the application or, if the application is amended, after the making of the amended application.
- (2) If a magistrates' court extends the time allowed under section 45 of this Act to the chief officer of police, fire authority or local authority for inspecting premises to which the application relates, that court shall also extend the time in which the chief officer or authority may make objections to the application.
- 7 On receipt of an objection to an application for the issue or renewal of a registration certificate the clerk to the justices shall forthwith send a copy to the person signing the application at any address furnished by him for communications relating to the application or, in default of such an address, at the address given in the application as that of the club.
- 8 Paragraphs 6 and 7 of this Schedule shall apply in relation to any notice of intention, on an application for the issue, renewal or variation of a registration certificate, to make representations as to conditions relating to the sale of intoxicating liquor as they apply to objections to an application for the issue or renewal of a registration certificate (with the substitution of references to giving the notice for references to making the objection).
- 9 Where any such objection is made or any such notice is given, the magistrates' court may make such order as it thinks just and reasonable for the payment of costs to the club by the person making the objection or giving the notice or by the club to that person; and for purposes of enforcement the order shall be treated as an order for the payment of a sum enforceable as a civil debt.
- 10 Where a club applies for a renewal of a registration certificate and the magistrates' court under paragraph 6(2) of this Schedule extends the time for any person to make objection to the application, the court may order that the certificate to be renewed shall not continue in force by virtue of section 40(5) of this Act beyond a date specified in the order.
- 11 (1) Subject to sub-paragraph (2) of this paragraph, an objection to an application for the issue or renewal of a registration certificate shall specify the ground of objection with such particulars as are sufficient to indicate the matters relied on to make it out.
- (2) Where objection is made to an application for the issue or renewal of a registration certificate on the ground that the application does not give the information required by this Act, or the information is incomplete or inaccurate, or the application is otherwise not in conformity with this Act, it shall be sufficient for the objection to state the ground as a matter of suspicion, and to indicate the reasons for the suspicion.
- 12 Where, on an objection to an application for the issue or renewal of a registration certificate, there appears to the court to be good reason to suspect that the application does not give the information required by this Act, or that the information is incomplete or inaccurate, or the application is otherwise not in conformity with this Act, it shall be for the applicant to satisfy the court that

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the ground of objection cannot be made out, unless the applicant desires and is permitted to amend the application so as to remove the ground of objection.

## PART II **E+W**

### COMPLAINT FOR CANCELLATION OR VARIATION OF REGISTRATION CERTIFICATE

- 13 (1) A summons issued on a complaint made against a club for the cancellation or variation of a registration certificate shall be served on the chairman or secretary of the club or the person who signed the last application for the issue or renewal of the certificate, and that service shall be treated as service on the club.
- (2) Any such summons shall, in addition to being served on the club, be served on such persons, if any, as the justices issuing the summons may direct.
- 14 Where it appears to a magistrates' court having jurisdiction to deal with any such complaint that the summons cannot be served on the club in accordance with paragraph 13 of this Schedule, or not without undue difficulty or delay, the court may order that service on the club may be effected by serving the summons on a person named in the order, being a person who appears to the court to have, or to have had, an interest in the club, or to be, or to have been, an officer of the club.
- 15 A complaint may be made against a club for the cancellation of a registration certificate on the ground that the club has not twenty-five members, notwithstanding that the complainant's case is that the club does not exist.

## PART III **E+W**

### GENERAL

- 16 (1) A magistrates' court may deal with an application by a club for the issue, variation or renewal of a registration certificate without hearing the club, but—
- (a) before refusing such an application, or renewing a registration certificate for a shorter time than is requested in the application, shall give the club an opportunity to be heard; and
  - (b) before renewing a registration certificate for a longer period than one year, may invite any chief officer of police or local authority concerned to make representations.
- (2) In relation to any such application [<sup>F345</sup>subsections (1) and (3) of section 97 and section 121 of the <sup>M57</sup>Magistrates' Courts Act 1980] shall apply as they apply in relation to a complaint.

#### Textual Amendments

**F345** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, [Sch. 7 para. 50\(a\)](#)

#### Marginal Citations

**M57** [1980 c. 43 \(82\)](#).

- 17 On any application or complaint made to a magistrates' court by or against a club under Part II of this Act, and on any appeal by a club under section 50 of this Act,

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the club, if not represented by counsel or a solicitor, shall be heard by the chairman or secretary, by any member of the committee having the general management of the affairs of the club or by any officer of the club duly authorised.

- 18 This Schedule, in so far as it relates to matters about which there is power to make rules under <sup>F346</sup>section 144 of the Magistrates' Courts Act 1980, shall have effect subject to any rules so made and to any rules made under section 15 of the Justices of the <sup>M58</sup>Peace Act 1949 (which was re-enacted in the said section 144) after 3rd August 1961].

#### Textual Amendments

**F346** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, [Sch. 7 para. 50\(b\)](#)

#### Marginal Citations

**M58** [1949 c. 101 \(82\)](#).

## SCHEDULE 7 E+W

### PROVISIONS AS TO CLUB RULES

#### *Management of club*

- 1 The affairs of the club, in matters not reserved for the club in general meeting or otherwise for the decision of the general body of members, must, under the rules, be managed by one or more elective committees; and one committee must be a general committee, charged with the general management of those affairs in matters not assigned to special committees.

#### *General meetings*

- 2 (1) There must, under the rules, be a general meeting of the club at least once in every year, and fifteen months must not elapse without a general meeting.
- (2) The general committee must be capable of summoning a general meeting at any time on reasonable notice.
- (3) Any members entitled to attend and vote at a general meeting must be capable of summoning one or requiring one to be summoned at any time on reasonable notice, if a specified number of them join to do so; and the number required must not be more than thirty nor more than one-fifth of the total number of the members so entitled.
- (4) At a general meeting the voting must be confined to members, and all members entitled to use the club premises must be entitled to vote, and must have equal voting rights, except that—
- (a) the rules may exclude from voting, either generally or on particular matters, members below a specified age (not greater than twenty-one), women if the club is primarily a men's club, and men if the club is primarily a women's club, and
  - (b) if the club is primarily a club for persons qualified by service or past service, or by any particular service or past service, in Her Majesty's forces, the

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rules may exclude persons not qualified from voting, either generally or on particular matters; and

- (c) if the rules make special provision for family membership or family subscriptions or any similar provision, the rules may exclude from voting, either generally or on particular matters, all or any of the persons taking the benefit of that provision as being members of a person's family, other than that person.

#### *Membership*

- 3 (1) Ordinary members must, under the rules, be elected either by the club in general meeting or by an elective committee, or by an elective committee with other members of the club added to it for the purpose; and the name and address of any person proposed for election must, for not less than two days before the election, be prominently displayed in the club premises or principal club premises in a part frequented by the members.
- (2) The rules must not make any such provision for the admission of persons to membership otherwise than as ordinary members (or in accordance with the rules required for ordinary members by sub-paragraph (1) of this paragraph) as is likely to result in the number of members so admitted being significant in proportion to the total membership.

#### *Meaning of "elective committee"*

- 4 (1) In this Schedule "elective committee" means, subject to the following provisions of this paragraph, a committee consisting of members of the club who are elected to the committee by the club in accordance with sub-paragraph (2) of this paragraph for a period of not less than one year nor more than five years; and paragraph 2(4) of this Schedule shall apply to voting at the election as it applies to voting at general meetings.
- (2) Elections to the committee must be held annually, and if all the elected members do not go out of office in every year, there must be fixed rules for determining those that are to; and all members of the club entitled to vote at the election and of not less than two years' standing, must be equally capable of being elected (subject only to any provision made for nomination by members of the club and to any provision prohibiting or restricting re-election) and, if nomination is required, must have equal rights to nominate persons for election.
- (3) Except in the case of a committee with less than four members, or of a committee concerned with the purchase for the club or with the supply by the club of intoxicating liquor, a committee of which not less than two-thirds of the members are members of the club elected to the committee in accordance with sub-paragraphs (1) and (2) of this paragraph shall be treated as an elective committee.
- (4) A sub-committee of an elective committee shall also be treated as an elective committee if its members are appointed by the committee and not less than two-thirds of them (or, in the case of a sub-committee having less than four members, or concerned with the purchase for the club or with the supply by the club of intoxicating liquor, all of them) are members of the committee elected to the committee in accordance with sub-paragraphs (1) and (2) of this paragraph who go out of office in the sub-committee on ceasing to be members of the committee.

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- (5) For the purposes of this paragraph a person who on a casual vacancy is appointed to fill the place of a member of an elective committee for the remainder of his term and no longer shall, however appointed, be treated as elected in accordance with subparagraphs (1) and (2) of this paragraph if the person whose place he fills was so elected or is to be treated as having been so elected.

SCHEDULE 8 **E+W**

POLLS IN WALES AND MONMOUTHSHIRE

[<sup>F347</sup>1 Subject to paragraph 3 below, the rules made by the Secretary of State under [<sup>F348</sup>section 36 of the Representation of the <sup>M59</sup>People Act 1983] for the conduct of elections of councillors for local government areas shall have effect in their application to polls under section 66 of this Act subject to such adaptations, alterations and exceptions as seem appropriate to the Secretary of State.]

**Textual Amendments**  
**F347** Paras. 1—3 substituted by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **Sch. 25 para. 8(1)**  
**F348** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), **Sch. 8 para. 10(a)**

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**Marginal Citations**  
**M59** [1983 c. 2 \(42\)](#).

2 Subsections (1) and (3) of section 243 of the <sup>M60</sup>Local Government Act 1972 shall apply to the day fixed for the poll under section 66 of this Act as they have effect by virtue of paragraph 1 above and to the day or last day on which anything is required or permitted to be done by this Schedule as they apply to the day or the last day on which anything is required or permitted to be done by any provision to which the said subsection (1) applies, and references in subsections (4) and (5) of that section to any rules mentioned in subsection (2) of that section shall be construed as including references to any such rules as they have effect by virtue of paragraph 1 above.

**Marginal Citations**  
**M60** [1972 c. 70 \(81:1\)](#).

3 The adaptations and alterations made by the Secretary of State under paragraph 1 above shall provide for the use, subject to any variations which in the circumstances appear to the Secretary of State to be appropriate, of the forms B to E in the Appendix to this Schedule, or of forms substantially to the like effect, in place of any corresponding forms required by the rules referred to in paragraph 1 above.

4 ..... <sup>F349</sup>

**Textual Amendments**  
**F349** Sch. 8 para. 4 repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **Sch. 30**



*Status:* Point in time view as at 01/01/1995. This version of this Act contains provisions that are not valid for this point in time.

*Changes to legislation:* There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

- 5 (1) Regulations made under [F350 section 53 of the Representation of the M61 People Act 1983] may, so far as they relate to voting by proxy or by post or to matters connected therewith, make special provision in connection with polls under section 66 of this Act; but subject to any such provision the regulations shall apply—
- (a) with the omission of any passage relating to candidates or their agents or to other matters not relevant to such a poll; and
  - (b) with the substitution for any reference to the last day for the delivery of nomination papers of a reference to the last day for delivery of requisition papers under section 66 of this Act; and
  - (c) as if any provision requiring [F350 section 66(4) of the Representation of the M62 People Act 1983] to be read to [F351 or by] a person making a declaration of secrecy required it to be read with the modification provided for by section 67(5)(i) of this Act;
- and any form prescribed by any such regulations in connection with voting by proxy or by post shall be used with such modifications (if any) as may be approved by the Secretary of State as necessary to adapt it for the purposes of a poll under section 66 of this Act.
- (2) If the date for the poll is altered after any postal ballot papers have been issued, then—
- (a) on any later issue the covering envelopes enclosed for the return of declarations of identity and ballot papers shall be readily distinguishable from those enclosed on the previous issue (that is to say, the issue before the alteration of the date), and there shall be enclosed a notice calling attention to the change of date and stating that documents sent out on the previous issue are not to be used;
  - (b) any covering envelopes of the previous issue sent to the returning officer shall on receipt be dealt with in the same way as covering envelopes of later issues, but, on the opening of the ballot boxes provided for covering envelopes, those of the previous issue shall be marked “rejected”, shall be set aside unopened, and thereafter shall be dealt with in the same way as other rejected votes;
  - (c) save as aforesaid, the previous issue shall be disregarded for all purposes.

**Textual Amendments**

**F350** Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), Sch. 8 para. 10(b)

**F351** Words inserted by Representation of the People Act 1969 (c. 15), s. 24(2) and saved by Representation of the People Act 1983 (c. 2, SIF 42), Sch. 7 para. 4

**Marginal Citations**

**M61** 1983 c. 2 (42).

**M62** 1983 c. 2 (42).

- 6.—(1) . . . . . F352 the [F353 district] returning officer, . . . F352 may make arrangements for the votes to be counted not by electoral areas, but for the [F353 district] . . . F352 as a whole or by such divisions of it as he thinks most convenient, and where arrangements are so made, the counting for the [F353 district] . . . F352 as a whole or for each division of it, as the case may be, shall be carried out as it would be if that were the electoral area for which an election were being held, . . . F352 .

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- (2) Where the votes are counted otherwise than for the [F353 district] . . . F352 as a whole, then on the completion of the counting or any recount for an electoral area or other division the person acting as returning officer for the purpose (if he is not the [F353 district] returning officer . . . F352 shall forthwith notify the county returning officer . . . F352 of the number of votes counted on either side, but no other step shall be taken (except proper steps for the security of the ballot papers and other documents) unless or until it is ascertained that there is not to be a recount or further recount.
- (3) Where it appears to the [F353 district] returning officer . . . F352 on the completion of the counting for the whole [F353 district] . . . F352 that the number of votes counted does not show a majority of more than one hundred for either side, he shall cause the votes to be re-counted and, if the decision on the poll according to the recount would differ from the decision according to the original count, to be again re-counted, and the recount or, if there is one, second recount shall be treated as determining the number of votes cast on either side.
- (4) The number of votes cast on either side shall in a [F353 district] be notified by the [F353 district] returning officer to the chairman of the [F353 district] council.

#### Textual Amendments

**F352** Words repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 30](#)

**F353** Words substituted by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 25 para. 8\(3\)](#)

- 7 (1) At a poll in a [F354 district] . . . F355 any local government elector for the [F354 district] . . . F355 may claim to attend the counting of the votes as an observer, by giving to the [F354 district] returning officer . . . F355 within seven days of the end of the period allowed for delivering requisition papers a written notice signed by the elector and stating his address, and subject to sub-paragraph (2) of this paragraph he shall then have the same rights and obligations and be in all respects in the same position (as nearly as may be) in relation to the counting as a counting agent appointed by a candidate at an election of a councillor for the [F354 district] . . . F355 except that his agreement shall not be required to any interruption of the counting.
- (2) There shall not be allowed to attend the counting of the votes at any place a greater number of observers under this paragraph than the number of clerks employed there in the counting, or any observer not duly notified of the time and place of counting; and the persons to be allowed to attend as observers in any case shall be designated by the [F354 district] returning officer . . . F355
- (3) Where on any poll a greater number of persons claim to attend the counting as observers than is allowed under sub-paragraph (2) of this paragraph, the [F354 district] returning officer . . . F355 in choosing between them shall have regard to their opinions about Sunday opening (if known to him) with the aim of designating, as far as he can, those for and those against Sunday opening in equal numbers.
- (4) A local government elector may in like manner claim to attend the proceedings on the issue and receipt of postal ballot papers, as well as or instead of the counting of the votes, and the foregoing sub-paragraphs shall apply with the necessary modifications of the references to the counting or to a counting agent; but the number to be allowed

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to attend on any occasion shall be restricted to such number as the [<sup>F354</sup>district] returning officer . . . <sup>F355</sup> may decide to be reasonable in the circumstances.

**Textual Amendments**

**F354** Words substituted by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 25 para. 8\(3\)](#)

**F355** Words repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 30](#)

VALID FROM 01/04/1996

(<sup>F356</sup>7A) In paragraphs 6 and 7 above “returning officer”, in relation to a county or county borough, means the returning officer for elections of councillors of the county or county borough.]

**Textual Amendments**

**F356** Sch. 8 para. (7A) inserted (1.4.1996) by [1994 c. 19, s. 66\(6\)](#), [Sch. 16 para. 22\(9\)](#)(with ss. 55(5)(7), 55(5)); [S.I. 1996/396, art. 4](#), [Sch. 2](#)

APPENDIX OF FORMS

A. **E+W**

*FORM OF REQUISITION PAPER*

We, the subscribers hereto, being local government electors for the [<sup>F357</sup>district of]] do hereby demand a poll under section 66 of the <sup>M63</sup>Licensing Act 1964 on the question whether licensed premises in the [<sup>F357</sup>district] should open on Sundays for the sale of intoxicating liquor.

**Textual Amendments**

**F357** Words substituted by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 25 para. 9\(1\)](#)

**Marginal Citations**

**M63** [1964 c. 26 \(68A:1\)](#).

Signature	Name in full	Qualifying address on register of local government electors	No. on register (including distinctive letter of parliamentary polling district)
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## B. E+W

### FORM OF, AND DIRECTIONS FOR PRINTING, BALLOT PAPER

(a)

#### Front of ballot paper

Are you for or against the opening of licensed premises in the [[<sup>F358</sup>district of]] on Sundays for the sale of intoxicating liquor?

#### Textual Amendments

**F358** Words substituted by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 25 para. 9\(1\)](#)

FOR Sunday opening

AGAINST Sunday opening

(b)

#### Back of ballot paper

No.

Ballot on Sunday opening of licensed premises in the [[<sup>F359</sup>district of]] the day of , 19 .

#### Textual Amendments

**F359** Words substituted by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 25 para. 9\(1\)](#)

(c)

#### Directions for printing ballot paper

- 1 Nothing is to be printed on the ballot paper except in accordance with these directions, and in so far as practicable—
  - (a) no word shall be printed on the face, except as provided by the form given above;
  - (b) no rule shall be printed on the face except the rules separating from one another the words “FOR Sunday opening”, the words “AGAINST Sunday opening” and the corresponding spaces for the vote to be marked.
- 2 The number on the back of the ballot paper is to correspond with that on the counterfoil, and shall be printed in small characters.

C.

#### Form of directions for the guidance of voters in voting

- 1 The voter should see that the ballot paper, before it is handed to him, is stamped with the official mark.

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- 2 The voter will go into one of the compartments and, with the pencil provided in the compartment, place a cross X on the right-hand side either in the space opposite the words "FOR Sunday opening", if he wishes to vote that way, or in the space opposite the words "AGAINST Sunday opening", if he wishes to vote that way.
- 3 The voter will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the ballot box, and forthwith leave the polling station.
- 4 If the voter inadvertently spoils a ballot paper he can return it to the officer who will, if satisfied of such inadvertence, give him another paper.
- 5 If the voter places any mark on the paper by which he may afterwards be identified, his ballot paper will be void and will not be counted.
- 6 If the voter fraudulently takes a ballot paper out of a polling station or fraudulently puts into the ballot box any paper other than the one given to him by the officer, he will be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding twenty pounds or to both such imprisonment and such fine.

#### D. E+W

##### FORM OF DECLARATION TO BE MADE BY THE COMPANION OF A BLIND PERSON

I, A.B., of , having been requested to assist C.D. (in the case of a blind person voting as proxy add "voting as proxy for M.N.") who is numbered on the register of local government electors for the . . . <sup>F360</sup> [ ward of the [<sup>F361</sup>district] ] to record his vote at the poll now being held under the <sup>M64</sup>Licensing Act 1964 in the said [<sup>F361</sup>district], do hereby declare that [I am entitled to vote as an elector at this poll] [I am the (state relationship) of the said voter and have attained the age of [<sup>F362</sup>eighteen]], and that I have not previously assisted any blind person [except E.F., of ], to vote at this poll.

#### Textual Amendments

**F360** Words repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 30](#)

**F361** Words substituted by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 25 para. 9\(2\)](#)

**F362** Words inserted by [Representation of the People Act 1969 \(c. 15\)](#), [s. 24\(2\)](#) and saved by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), [Sch. 7 para. 4](#)

#### Marginal Citations

**M64** [1964 c. 26](#).

(Signed), A.B.

day of , 19 .

I, the undersigned, being the presiding officer for the polling station for the . . . <sup>F360</sup> [ ward of the [<sup>F361</sup>district] of ], do hereby certify that the above declaration, having been first read to the above named declarant, was signed by the declarant in my presence.

(Signed), G.H.

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day of , 19 .

at minutes past o'clock.

[a.m.] [p.m.]

Note.—If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.

### E. **E+W**

#### *QUESTIONS WHICH MAY BE PUT TO VOTERS*

(a) In the case of a person applying for a ballot paper as an elector—

(i) are you the person registered in the register of local government electors now in force as follows (read the whole entry from the register)?

(ii) have you already voted at the present poll here or elsewhere in the [[<sup>F363</sup>district of]], otherwise than as proxy for some other person?

#### **Textual Amendments**

**F363** Words substituted by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **Sch. 25 para. 9(1)**

(b) In the case of a person applying for a ballot paper as proxy—

(i) are you the person whose name appears as A.B. in the list of proxies for this poll as entitled to vote as proxy on behalf of C.D.?

(ii) have you already voted at the present poll here or elsewhere in the [[<sup>F363</sup>district of]] as proxy on behalf of C.D.

### [[<sup>F364</sup>SCHEDULE 8A **E+W**

Sections 67A and 67C.

#### PROCEDURE FOR MAKING, VARYING OR REVOKING RESTRICTION ORDERS

#### **Textual Amendments**

**F364** [Sch. 8A](#) inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), **s. 3(4)**

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**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

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## PART I **E+W**

### APPLICATIONS TO LICENSING JUSTICES

#### *Notice of application*

- 1 (1) A person intending to apply to licensing justices for the making, variation or revocation of a restriction order with respect to any premises or part of any premises shall give notice of his intention to the clerk to the licensing justices and—
- (a) in the case of an application for the making of an order, to the appropriate person in relation to the premises; and
  - (b) in the case of an application for the variation or revocation of an order—
    - (i) to the chief office of police; and
    - (ii) subject to sub-paragraph (3) below, to the person or, if more than one, each of the persons on whose application the order was made.
- (2) The reference in sub-paragraph (1) above to the person or persons on whose application a restriction order was made is, in relation to any person who applied by virtue of a position held by him, a reference to the holder for the time being of that position.
- (3) Notice under this paragraph in the case of an application for the variation or revocation of a restriction order is not required to be given to a person on whose application the order was made if that person is no longer entitled to apply for the making of a restriction order with respect to the premises or, if he applied by virtue of a position held by him, it is not a position which is any longer held in the neighbourhood; and the obligation to give a person notice is discharged by giving it to him at his last known address.
- (4) Notice under this paragraph shall be in writing and specify in general terms the grounds of the application.
- (5) Notice under this paragraph shall be given not later than 21 days before the commencement of the licensing sessions at which the application is to be made.
- (6) Licensing justices shall not hear an application for the making, variation or revocation of a restriction order unless notice under this paragraph has been duly given.
- (7) For the purposes of this paragraph, the following person is the appropriate person in relation to the following premises—
- (a) in the case of a theatre, the proprietor;
  - (b) in the case of any other licensed premises, the holder of the justices' licence; and
  - (c) in the case of premises for which a canteen licence is in force, the holder of the canteen licence.

#### *Objections to applications for variation or revocation*

- 2 (1) A person intending to oppose an application to licensing justices for the variation or revocation of a restriction order shall give notice of his intention to the applicant.



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- (2) Notice under this paragraph shall be in writing and specify in general terms the grounds of the opposition.
- (3) Notice under this paragraph shall be given not later than 7 days before the commencement of the licensing sessions at which the application is to be made.
- (4) Except as provided by sub-paragraph (5) below, licensing justices shall not entertain an objection unless notice under this paragraph has been duly given.
- (5) Where an objection of which notice under this paragraph has not been duly given is made to an application, the justices may adjourn consideration of the application to a day which they shall notify to the applicant and the objector and on that day the justices shall hear the application and the objection as if notice under this paragraph had been duly given.

#### *Evidence*

- 3 Evidence given on an application to licensing justices for the making, variation or revocation of a restriction order shall be given on oath.

## **PART II E+W**

### APPLICATIONS TO MAGISTRATES' COURTS

#### *Notice of application*

- 4 (1) A magistrates' court shall not hear an application for the making, variation or revocation of a restriction order with respect to any premises unless satisfied that the applicant has given at least 21 days' notice of his intention to the following persons in accordance with this paragraph.
- (2) The persons referred to are the clerk to the justices and—
  - (a) in the case of an application for the making of an order, the secretary of the club which is registered in respect of the premises to which the application relates; and
  - (b) in the case of an application for the variation or revocation of an order—
    - (i) the chief officer of police; and
    - (ii) subject to sub-paragraph (4) below, the person or, if more than one, each of the persons on whose application the order was made.
- (3) The reference in sub-paragraph (2) above to the person or persons on whose application a restriction order was made is, in relation to any person who applied by virtue of a position held by him, a reference to the holder for the time being of that position.
- (4) Notice under this paragraph in the case of an application for the variation or revocation of a restriction order is not required to be given to a person on whose application the order was made if that person is no longer entitled to apply for the making of a restriction order with respect to the premises or, if he applied by virtue of a position held by him, it is not a position which is any longer held in the

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neighbourhood; and the obligation to give a person notice is discharged by giving it to him at his last known address.

- (5) Notice under this paragraph shall be in writing and specify in general terms the grounds of the application.

*Objections to applications for variation or revocation*

- 5 (1) A person intending to oppose an application to a magistrates' court for the variation or revocation of a restriction order shall give at least 7 days' notice of his intention to the applicant.
- (2) Notice under this paragraph shall be in writing and specify in general terms the grounds of the opposition.
- (3) Except as provided by sub-paragraph (4) below, a magistrates' court shall not entertain an objection unless notice under this paragraph has been duly given.
- (4) Where an objection of which notice under this paragraph has not been duly given is made to an application, the magistrates' court may adjourn consideration of the application to a day which it shall notify to the applicant and the objector and shall on that day hear the application and the objection as if notice of the objection had been duly given.]

VALID FROM 29/07/1999

[<sup>F365</sup>SCHEDULE  
8B **E+W**]

Section 83A]

MILLENNIUM LICENSING HOURS

**Textual Amendments**

**F365** Sch. 8B inserted (29.7.1999) by S.I. 1999/2137, art. 3

SCHEDULE 9 **E+W**

...  
F366

**Textual Amendments**

**F366** Sch. 9 repealed by S.I. 1979/977, art. 2 Sch.

*Status: Point in time view as at 01/01/1995. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

## SCHEDULE 10 E+W

### COMMITTEE FOR NEW TOWN

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

**C53** Sch. 10: functions transferred (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)

- 1 (1) Subject to sub-paragraph (2) of this paragraph, a committee appointed under section 108 of this Act shall consist of—
- (a) a chairman appointed by the Secretary of State as being an independent person;
  - (b) members appointed by the development corporation for the new town for which the committee is constituted, or, if the committee is constituted for two new towns, by the development corporations for those new towns in such proportions as the Secretary of State may by order specify;
  - (c) members appointed from among their number by the licensing justices for the licensing district in which is situated the area for which the committee is constituted, or, if that area is situated in more than one licensing district, by the licensing justices for those districts in such proportions as the Secretary of State may by order specify.
- (2) Where the area for which a committee is constituted comprises part only of a licensing district, and it appears to the Secretary of State that, by reason of the small extent of that part of the district and having regard to its nature, the licensing justices have insufficient interest in the working of the committee to justify their representation on it, it shall not be necessary for the committee to include any licensing justice for that district.
- [<sup>F367</sup>(1A) Sub-paragraph (1) above shall have effect, in a case where the Development Board for Rural Wales is responsible under the <sup>M65</sup>Development of Rural Wales Act 1976 for the development of the new town or (where the committee is constituted for two new towns) for the development of one or both of the new towns, in accordance with the following provisions, that is to say—
- (a) where the committee is constituted for one new town for which the Board is responsible, sub-paragraph (1)(b) above shall apply as if the Board were the development corporation for that town;
  - (b) where the committee is constituted for two new towns for both of which the Board is responsible, sub-paragraph (1)(b) above shall apply as if the two towns were one town and the Board were the development corporation for that town;
  - (c) where the committee is constituted for two new towns for one of which the Board is responsible, sub-paragraph (1)(b) above shall apply as if the Board were the development corporation for that town.]

#### Textual Amendments

**F367** Para. (1A) inserted by [Development of Rural Wales Act 1976 \(c. 75, SIF 64\), Sch. 7 para. 3](#)

**Status:** Point in time view as at 01/01/1995. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

#### Marginal Citations

**M65** 1976 c. 75 (64).

- 2 The members of a committee appointed under sub-paragraphs (b) and (c) of paragraph 1 of this Schedule shall be equal in number; but subject thereto the number of members shall be determined by order of the Secretary of State.
- 3 The appointment of a member of any such committee shall be for such term, not exceeding three years, as may be determined by or under an order of the Secretary of State, with or without eligibility for reappointment, as may be so determined, and shall be subject to such conditions as may be so determined.
- 4 The quorum of any such committee shall be such as the Secretary of State may by order determine.
- 5 If the votes are equal on any question the chairman shall have a casting vote; but subject thereto the chairman shall not vote.
- 6 Subject to paragraphs 4 and 5 of this Schedule, the procedure of any such committee shall be such as the committee may determine.
- 7 The proceedings of any such committee shall not be invalidated by reason of any vacancy in the committee or any defect in the appointment of a member of the committee.

## SCHEDULE 11 **E+W**

### LICENSING PLANNING COMMITTEES

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

- C54** References to administrative county of London to be construed as references to Metropolis and references to county of London or London as references to inner London area: [Administration of Justice Act 1964 \(c. 42\), Sch. 3 Pt. II para. 31\(5\)](#)
- C55** [Sch. 11](#): functions transferred (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)

#### *General provisions*

- 1 A licensing planning committee shall consist of—
  - (a) a chairman appointed by the Secretary of State;
  - (b) members appointed from among their number by the licensing justices having jurisdiction in the area;
  - (c) members appointed by the local planning authorities having jurisdiction in the area.
- 2 (1) The members of a licensing planning committee appointed under sub-paragraphs (b) and (c) of paragraph 1 of this Schedule shall be equal in number; but subject thereto the number of members of any such committee shall be determined by the order constituting the area.  
(2) Where there is more than one body of licensing justices or more than one local planning authority having jurisdiction in a licensing planning area, the order

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constituting the area shall specify how many members are to be appointed by each body of justices or local planning authority.

3 The appointment of a member of a licensing planning committee shall be for a term of three years, and shall be subject to such conditions as the Secretary of State may determine, except that a member appointed to fill a casual vacancy shall hold office only until the end of the term of office of the person in whose place he was appointed.

4 The provisions of paragraph 3 of this Schedule shall be subject to the termination of the appointment . . . <sup>F368</sup>, by the variation under section 120 of this Act of the licensing planning area or by the revocation under that section of the order constituting the area.

**Textual Amendments**  
**F368** Words repealed by [Expiring Laws Continuance Act 1970 \(c. 58\), s. 1\(2\)](#)

5 If the votes are equal on any question the chairman shall have a casting vote; but subject thereto the chairman shall not vote.

6 The proceedings of a licensing planning committee shall not be invalidated by reason of any vacancy in the committee or any defect in the appointment of a member of the committee.

7 The clerk to the licensing justices for the licensing district constituting or including the area, or, where the area includes the whole or part of two or more licensing districts, the clerk to the licensing justices for such one of those licensing districts as may be specified in the order, shall, by virtue of his office, be the secretary of the committee.

8 An order constituting a licensing planning area may provide—  
(a) for the appointment of sub-committees of the licensing planning committee for the area;  
(b) for authorising or requiring such matters as the order may specify to be referred by the committee to those sub-committees.

9 Where an order under section 120 of this Act adds a licensing district or part of a licensing district to a licensing planning area, and the order provides for the appointment of additional members of the licensing planning committee by the licensing justices or a local planning authority having jurisdiction in the added district or part, the order may vary the provisions of the original order constituting the district so as to limit the right of the additional members to vote as members of the licensing planning committee to such matters relating to the added district or part of a district as the order may specify.

10 So far as any order makes any provision authorised by paragraph 8 or 9 of this Schedule, it may be varied or revoked by a subsequent order of the Secretary of State made after consultation with the licensing planning committee for the area in question.

11—16. . . . . <sup>F369</sup>

**Status:** Point in time view as at 01/01/1995. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

### Textual Amendments

**F369** Sch. 11 paras. 11–16 repealed by [Greater London Council \(General Powers\) Act 1984 \(c. xxvii\), s. 42, Sch. 4 Pt. I](#)

## SCHEDULE 12 E+W

### APPLICATIONS FOR GRANT AND TRANSFER OF CANTEEN LICENCES

#### *Applications for grant of licences*

- 1 (1) A person proposing to apply for the grant of a canteen licence shall—
  - (a) not less than twenty-one days before the hearing of the application, give notice in writing of the application to the clerk to the licensing justices and the chief officer of police, and serve both of them with a copy of—
    - (i) the certificate of the Minister of Transport; and
    - (ii) the draft rules which it is proposed to make as respects the persons entitled to use the canteen; and
    - (iii) a plan of the canteen and particulars of the means of access to the canteen and of the sanitary accommodation for persons using the canteen;
  - (b) not more than twenty-eight days before the hearing of the application, cause notice of the application to be kept affixed, between ten in the morning and five in the afternoon on two consecutive Sundays, to a conspicuous part of the premises comprising the canteen;
  - (c) not more than twenty-eight days nor less than fourteen days before the hearing of the application (and, if the licensing justices so require, on some day or days outside that period but within such other period as they may require) advertise notice of the application in a newspaper circulating in the area where the canteen is situated.
- (2) In the case of an application for the grant of a provisional licence—
  - (a) the references in paragraph (a) of sub-paragraph (1) of this paragraph to the canteen shall be taken as references to the proposed canteen after the construction or conversion has been carried out; and
  - (b) the notice to be affixed in pursuance of paragraph (b) of that sub-paragraph shall be affixed to the premises on the land where the canteen is to be.
- 2 A notice under paragraph 1 of this Schedule shall state the kind of retailer's on-licence which is desired, the situation of the canteen and, except in the case of an application for a provisional licence, the name and address of the person who is to be the holder of the licence.

*Status: Point in time view as at 01/01/1995. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

*Applications for transfers and confirmation of transfers*

- 3            A person proposing to apply to the licensing justices for the transfer or confirmation of the transfer of a canteen licence shall, not less than fourteen days before the hearing of the application, give notice in writing to the chief officer of police and the clerk to the licensing justices.
- 4            A person proposing to apply to justices of the peace for the transfer of a canteen licence shall, not less than seven days before the hearing of the application, give notice in writing to the chief officer of police.
- 5            A notice under paragraph 3 or paragraph 4 of this Schedule shall state the name and address of the person to whom the licence is proposed to be transferred and his trade or calling during the six months preceding the giving of the notice.

*General*

- 6            Where an applicant for the grant of a canteen licence or for the transfer or confirmation of the transfer of such a licence has, through inadvertence or misadventure, failed to comply with the requirements of the preceding paragraphs of this Schedule, the justices may, upon such terms as they think fit, postpone consideration of his application; and, if on the postponed consideration they are satisfied that any terms so imposed have been complied with, they may deal with the application as if the applicant had complied with the requirements of this Schedule.

VALID FROM 03/01/1995

<sup>F370</sup>SCHEDULE  
 12A E+W

CHILDREN’S CERTIFICATES: SUPPLEMENTARY PROVISIONS

**Textual Amendments**  
**F370** Sch. 12A inserted (3.1.1995) by 1994 c. 40, s. 19(3), Sch. 7: S.I. 1994/3188, art. 3

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SCHEDULE 13 E+W

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 F371

**Textual Amendments**  
**F371** Sch. 13 repealed by Finance Act 1967 (c. 54), Sch. 16 Pt. I



**Status:** Point in time view as at 01/01/1995. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

## SCHEDULE 14 **E+W**

### TRANSITIONAL PROVISIONS

- 1 Any reference in any enactment or document, whether expressed or implied, to any enactment repealed by this Act or to any provision contained in any such enactment, or having effect as such a reference, shall be construed as a reference to this Act or, as the case may be, to the corresponding provision of this Act.
- 2 Any regulation, order, rule, licence, appointment, direction, certificate or notice made or given, or other thing done, or having effect as being made, given or done under any provision contained in an enactment repealed by this Act shall have effect as if it had been made, given or done under the corresponding provision of this Act.
- 3 A conviction of an offence under an enactment repealed by this Act or by an enactment so repealed shall be treated, for the purposes of this Act . . . <sup>F372</sup>, as a conviction of an offence under the corresponding provision of this Act.

#### Textual Amendments

**F372** Words repealed by [Refreshment Houses Act 1964 \(c. 88, SIF 69A:1\)](#), [Sch. para. 2\(2\)](#)

- 4 Without prejudice to paragraph 3 of this Schedule, for the purposes of section 169(8) of this Act a conviction of an offence under section 21 of the <sup>M66</sup>Licensing Act 1961, section 128 or subsection (1), (4) or (5) of section 129 of the <sup>M67</sup>Licensing Act 1953 (or under any of those enactments as applied by the <sup>M68</sup>Licensing (Seamen’s Canteens) Act 1954 or by the <sup>M69</sup>Occasional Licences and Young Persons Act 1956) shall be taken into account in the same way as a conviction of an offence under section 169 of this Act other than an offence under subsection (2) of that section.

#### Marginal Citations

**M66** 1961 c. 61.  
**M67** 1953 c. 46.  
**M68** 1954 c. 11.  
**M69** 1956 c. 42.

- 5 . . . . . <sup>F373</sup>

#### Textual Amendments

**F373** [Sch. 14 paras. 5, 7](#) repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), [Sch. 1 Pt. XVII](#)

- 6 (1) Where at the commencement of this Act a justices’ licence granted for a term other than twelve months is in force or in suspense, the following provisions of this paragraph shall apply.  
(2) Any licence granted by way of transfer (directly or indirectly) of the licence shall be granted to have effect for a period ending with the term for which the licence was granted.

**Status:** Point in time view as at 01/01/1995. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

- (3) An application for the regrant of the licence shall be treated as an application for a new licence and not as an application for the renewal of the licence, but section 123(1) of this Act shall not apply to the regrant.
- (4) The circumstances in which the licence may be forfeited shall include the following, that is to say, it may be forfeited—
- (a) by an order of a magistrates' court made on complaint, where the court is satisfied that a condition attached, under a previous enactment corresponding to section 4(1) of this Act, to the grant of the licence has not been complied with;
  - (b) by order of any court by or before which the holder of the licence is convicted of any offence committed by him as such.
- (5) A person aggrieved by an order of a magistrates' court under sub-paragraph (4) of this paragraph may appeal to a court of quarter sessions.
- (6) Section 10(3) of this Act shall have effect, in relation to the licence, as if the cases mentioned therein as enabling justices of the peace to grant a protection order included any forfeiture of the licence under this Act.
- (7) In relation to the licence sections 133(3) and 142(3) of this Act shall have effect as if the 5th April mentioned therein were the 5th April next following the first day of the general licensing meeting after a period beginning on the last day of the term for which the licence was granted and equal to the time during which the licence was in suspense (whether by virtue of section 132 of this Act or a corresponding enactment previously in force or by virtue of section 141 of this Act or a corresponding enactment previously in force or partly by virtue of the one and partly by virtue of the other).

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F374

#### Textual Amendments

**F374** Sch. 14 paras. 5, 7 repealed by Statute Law (Repeals) Act 1978 (c. 45), Sch. 1 Pt. XVII

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The mention of particular matters in this Schedule shall be without prejudice to the general application of [<sup>F375</sup>sections 16(1) and 17(2)(a) of the <sup>M70</sup>Interpretation Act 1978] (which relates to the effect of repeals).

#### Textual Amendments

**F375** Words substituted by virtue of Interpretation Act 1978 (c. 30, SIF 115:1), s. 25(2)

#### Marginal Citations

**M70** 1978 c. 30 (115:1).

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**Status:** Point in time view as at 01/01/1995. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)

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## SCHEDULE 15 E+W

F376

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### Textual Amendments

**F376** Sch. 15 repealed by Statute Law (Repeals) Act 1974 (c. 22)

**Status:**

Point in time view as at 01/01/1995. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Licensing Act 1964 (repealed).