



# Licensing Act 1964 (repealed)

## 1964 CHAPTER 26

### PART I

#### THE GENERAL LICENSING SYSTEM

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

#### **1 Justices' licenses.**

- (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—
  - (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.]

*Status: Point in time view as at 23/01/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed), Part I. (See end of Document for details)*

#### Textual Amendments

- F1** Words repealed by [Finance Act 1967 \(c. 54, SIF 63:2\)](#), [Sch. 16 Pt. I](#)  
**F2** Words substituted by [Finance Act 1967 \(c. 54, SIF 68A:1\)](#), [Sch. 7 para. 1](#)

## 2 Licensing justices and districts.

[<sup>F3</sup>(1) The licensing districts for the purposes of this Act shall be the petty sessions areas  
<sup>F4</sup> . . .]

[<sup>F5</sup>(2) The licensing justices for any petty sessions area shall be a committee (which shall be known as the area licensing committee) of the justices acting for that area.]

(2A) <sup>F4</sup> . . .

(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>F6</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.

(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 in s. 2(1), and s. 2(2A) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3), [Sch. 15](#), Pt. V (1) (with Sch. 14 para. 7(2))  
**F5** S. 2(2) substituted (27.9.1999) by 1999 c. 22, ss. 76, 108(3), [Sch. 10](#), paras. 23, 24 (with Sch. 14 para. 7(2))  
**F6** Words repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), ss. 14(1), 19, [Sch. 4](#)

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

- C1** S. 2 modified by [S.I. 1985/1383](#), [art. 4\(4\)](#)  
**C2** S. 2 extended by [Licensing \(Occasional Permissions\) Act 1983 \(c.24, SIF 68A:1\)](#), [s. 4\(2\)\(a\)](#)

### *Grant of justices' licence*

## 3 Grant of justices' licence.

(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.

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- (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—
  - (a) renewing a justices' licence means granting a justices' licence for any premises to the holder of a similar licence in force for those premises;
  - (b) removing a justices' licence means taking it from the premises for which it was granted and granting it for other premises;
  - (c) 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.**

- (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>F7</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.
- (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**

**F7** Words repealed by [Finance Act 1967 \(c. 54, SIF 63:2\)](#), [Sch. 16 Pt. I](#)

#### **5 Removals.**

- (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,

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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.**

- (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.

- (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;

F8

[<sup>F9</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.

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

**Textual Amendments**

- F8** Words repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 4](#)
- F9** [S. 6\(4A\)–\(4C\)](#) inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 9

**7 Renewals.**

- (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>F10</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>F11</sup>
- (3) . . . . . <sup>F12</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

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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

- F10** Words inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 3 para. 1\(a\)](#)  
**F11** Words repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 4](#)  
**F12** [S. 7\(3\)](#) repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Schs. 3 para. 1\(b\)](#), 4

## 8 Transfers.

- (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;
  - <sup>F13</sup>(c) where the holder of the licence has been adjudged bankrupt, or a <sup>F14</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>M1</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>F14</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.

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- (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

- F13** 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\(1\)\(2\)](#)
- F14** Words substituted by [Insolvency Act 1986 \(c. 45, SIF 66\)](#), s. 439(2), [Sch. 14](#)

#### Marginal Citations

- M1** 1914 c.47(11:1).

### [<sup>F15</sup>8A Approval of prospective licensees.

- (1) If, on an application made to licensing justices with respect to any licensed premises, the justices are satisfied that the applicant—
- is a fit and proper person, and
  - 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—
- to the clerk to the licensing justices, and
  - 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

- F15** S. 8A inserted (1.2.1998) by 1998/114, art. 2

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

- (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, 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>F16</sup>the <sup>M2</sup>Highways Act 1980], except that “special road” includes a trunk road to which by virtue of [<sup>F16</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>F17</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>F18</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>F19</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

- F16** Words substituted by [Highways Act 1980 \(c. 66, SIF 59\)](#), [Sch. 24 para. 12\(a\)](#)
- F17** Words substituted by [Highways Act 1980 \(c. 66, SIF 59\)](#), [Sch. 24 para. 12\(b\)](#)
- F18** [S. 9\(4A\)\(4B\)](#) inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), [s. 10](#)
- F19** Words repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), [s. 19](#), [Sch. 3 para. 2](#), [Sch. 4](#)



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#### Marginal Citations

M2 1980 c. 66 (59).

### <sup>F20</sup>Interim authorities

#### Textual Amendments

F20 Cross heading inserted (1.2.1998) by 1998/114, art. 3(1)

#### <sup>F21</sup>9A Interim authorities.

- (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.
- (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

F21 SS. 9A and 9B inserted (1.2.1998) by S.I. 1998/114, art. 3(1)

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**F22 9B Supplementary provisions relating to interim authorities.**

- (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—
  - (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**

**F22** Ss. 9A and 9B inserted (1.2.1998) by S.I. 1998/114, art. 3(1)

*Protection orders*

**10 Protection orders.**

- (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>F23</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

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- (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 [F24 169H(2)] 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 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.

- [F25 (5) Where the holder of a justices' licence has died or has been adjudged bankrupt, or a [F26 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 [F26 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

- F23** Words repealed by [Finance Act 1967 \(c. 54, SIF 63:2\)](#), [Sch. 16 Pt. I](#)
- F24** Words in [s. 10\(3\)\(c\)](#) substituted (23.1.2001) by [2000 c. 30, ss. 2\(1\), 3\(2\)](#)
- F25** [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\(1\)\(3\)](#)
- F26** Words substituted by [Insolvency Act 1986 \(c. 45, SIF 66\)](#), [s. 439\(2\)](#), [Sch. 14](#)

## 11 Supplementary provisions relating to protection orders.

- (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.

*Status: Point in time view as at 23/01/2001.*

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

- (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>F27</sup>
- (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>F28</sup>the <sup>M3</sup>Magistrates' Courts Act 1980] for the hearing of a complaint.

#### Textual Amendments

**F27** S. 11(6) repealed by Finance Act 1967 (c. 54), Sch. 16 Pt. I

**F28** Words substituted by virtue of Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 8 para. 5

#### Marginal Citations

**M3** 1980 c. 43 (82).

### *Old on-licences*

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

- (1) In this Act—

“old on-licence” means a justices' on-licence, other than one for the sale of wine alone . . .<sup>F29</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>M4</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.

*Status: Point in time view as at 23/01/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed), Part 1. (See end of Document for details)*

- (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—
- (a) in the case of an old beerhouse licence, those specified in subsection (3) of this section;
  - (b) 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>F30</sup>section 168(7) of the Representation of the <sup>M5</sup>People Act 1983].
- (3) The renewal of an old beerhouse licence may be refused on the ground—
- (a) that the applicant has failed to produce satisfactory evidence of good character; or
  - (b) 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
  - (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

**F29** Words repealed by [Finance Act 1967 \(c. 54, SIF 63:2\)](#), [Sch. 16 Pt. 1](#)

**F30** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), [Sch. 8 para. 7](#)

*Status: Point in time view as at 23/01/2001.*

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

#### Marginal Citations

- M4** 1874 c. 49.  
**M5** 1983 c. 2 (42).

### 13, 14. .... <sup>F31</sup>

#### Textual Amendments

- F31** 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**

### 15 Special removals of old on-licences.

- (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—
- (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>F32</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>F33</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

- F32** Words repealed with saving by Licensing (Alcohol Education and Research) Act 1981 (c. 28, SIF 68A:1), s. 11, **Sch. 2 Pt. I**
- F33** 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**

*Status: Point in time view as at 23/01/2001.*

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

16— ..... F34  
18.

**Textual Amendments**

**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**

*Control of licensing justices over structure of licensed premises*

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

- (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.
- (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>F35</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**

**F35** 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.**

- (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



*Status: Point in time view as at 23/01/2001.*

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

- (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>F36</sup>the Crown Court].
- (6) In this section—
- (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

**F36** Words substituted by virtue of [Courts Act 1971 \(c. 23, SIF 37\)](#), s. 56(2), [Sch. 9 Pt. I](#)

#### *[ Revocation of justices licenses ]*

#### **[20A** <sup>F37</sup> **Revocation.**

- (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.



*Status: Point in time view as at 23/01/2001.*

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

- (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

**F37** S. 20A inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), [s.12\(1\)](#)

### Appeals

## 21 Appeals.

- (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;
  - (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>F38</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>F39</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>F40</sup>

<sup>F41</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>F42</sup>or a decision by the licensing justices to revoke it], the licensing justices or <sup>F39</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

**F38** S. 21(1) para.(ee) substituted for word "or" by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), [s. 19](#), [Sch. 3 para. 3\(a\)](#)

**F39** Words substituted by virtue of [Courts Act 1971 \(c. 23, SIF 37\)](#), [s. 56\(2\)](#), [Sch. 9 Pt. I](#)

**F40** Ss. 21(3), 23(1)(2) repealed by [Courts Act 1971 \(c. 23, SIF 37\)](#), [Sch. 11 Pt. IV](#)

**F41** S. 21(4) added by [Finance Act 1967 \(c. 54, SIF 68A:1\)](#), [Sch. 7 para. 3](#)

*Status: Point in time view as at 23/01/2001.*

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

**F42** Words inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 3 para. 3\(b\)](#)

## 22 Procedural provisions as to appeals.

- (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>F43</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>F44</sup>
- [<sup>F45</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.]
- (4) On any appeal under section 21 of this Act the clerk to the licensing justices shall transmit the notice of appeal to [<sup>F46</sup>the appropriate officer of the Crown Court], and the appeal shall be entered and notice thereof given by [<sup>F46</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>F47</sup>section 109(1) of the <sup>M6</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>F48</sup>the Crown Court], [<sup>F48</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>F48</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

- F43** Words substituted by virtue of [S.I. 1982/1109](#), [Sch. 3 Pt. II para. 3](#)
- F44** Words repealed by [S.I. 1971/1292](#), [Sch. 3](#)
- F45** [S. 22\(3A\)](#) inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 3 para. 4](#)
- F46** Words substituted by virtue of [Courts Act 1971 \(c. 23, SIF 37\)](#), [Sch. 8 Pt. I](#)
- F47** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, [Sch. 7 para. 45](#)
- F48** Words substituted by virtue of [Courts Act 1971 \(c. 23, SIF 37\)](#), s. 56(2), [Sch. 9 Pt. I](#)

*Status: Point in time view as at 23/01/2001.*

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

**Marginal Citations**

**M6** 1980 c. 43 (82).

**23 Powers of quarter sessions on appeals.**

(1) ..... <sup>F49</sup>

(3) The judgment of [<sup>F50</sup>the Crown Court] on any such appeal shall be final.

[<sup>F51</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**

**F49** Ss. 21(3), 23(1)(2) repealed by Courts Act 1971 (c. 23, SIF 37), **Sch. 11 Pt. IV**

**F50** Words substituted by virtue of Courts Act 1971 (c. 23, SIF 37), s. 56(2), **Sch. 9 Pt. I**

**F51** S. 23(4) inserted by Licensing Act 1988 (c. 17, SIF 68A:1), ss. 19, 20(3), **Sch. 3 para. 5**

**24** ..... <sup>F52</sup>

**Textual Amendments**

**F52** S. 24 repealed by S.I. 1971/1292, **Sch. 3**

**25 Award of costs of licensing justices out of local funds.**

(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>F53</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>F54</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>F55</sup>

**Textual Amendments**

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

**F54** Words substituted by Courts Act 1971 (c. 23, SIF 37), **Sch. 6 para. 7**

**F55** S. 25(2)—(4) repealed by Courts Act 1971 (c. 23, SIF 37), **Sch. 11 Pt. III**

*Status: Point in time view as at 23/01/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed), Part 1. (See end of Document for details)*

### *Duration of Licences*

#### **26 Duration of licences.**

- (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>F56</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 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>F57</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**

- F56** 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)
- F57** 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.**

- (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,—

*Status: Point in time view as at 23/01/2001.*

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

- (a) the licence granted shall not come into force;
  - (b) 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>F58</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—
- (a) he may within seven days of that day give notice in writing to [<sup>F59</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;
  - (b) whether or not he gives such a notice, [<sup>F58</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;
  - (c) if [<sup>F58</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—
    - (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

**F58** Words substituted by virtue of [Courts Act 1971 \(c. 23, SIF 37\)](#), s. 56(2), [Sch. 9 Pt. I](#)

**F59** 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.**

- (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>F60</sup>Section 141(2) of the <sup>M7</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.

*Status: Point in time view as at 23/01/2001.*

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

- (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>F61</sup>or the Crown Court] in proceedings under this Act, the <sup>M8</sup>Licensing Act 1872, or the <sup>M9</sup>Licensing Act 1902;
- and any person who contravenes this subsection shall be liable to a fine not exceeding [<sup>F62</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

- F60** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154, **Sch. 7 para. 46**
- F61** Words inserted by Courts Act 1971 (c. 23, SIF 37), **Sch. 8 Pt. II para. 42(1)**
- F62** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46**

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

- C3** S. 28(3) amended (01.01.1992) by S.I. 1991/2684, arts. 2, 4, **Sch.1**

#### Marginal Citations

- M7** 1980 c. 43 (82).
- M8** 1872 c. 94 (68A:1).
- M9** 1902 c. 28 (68A:1).

## 29 Fees chargeable in licensing matters.

- (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 [<sup>F63</sup>court of a District Judge (Magistrates' Courts)], 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

- F63** Words in s. 29(2) substituted (31.8.2000) by 1999 c. 22, s. 78, **Sch. 11 para. 17** (with Sch. 14 para. 7(2)); S.I. 2000/1920, **art. 3(a)**
- F64** Words substituted by virtue of Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 8 para. 5**

*Status: Point in time view as at 23/01/2001.*

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

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

**C4** 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.**

- (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>

**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.**

- (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.**

- (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



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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.

- (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 M10 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 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

M10 [1978 c. 30\(115:1\)](#).

### 34 Inspection of register.

- (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.



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*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed), Part 1. (See end of Document for details)*

- (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.**

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.**

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

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

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

(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

**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>

**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](#)

**Status:**

Point in time view as at 23/01/2001.

**Changes to legislation:**

There are currently no known outstanding effects for the Licensing Act 1964 (repealed), Part I.