



# Licensing Act 1964 (repealed)

## 1964 CHAPTER 26

### PART III

#### PERMITTED HOURS

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

- C1** 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.**

- (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>F1</sup>level 3 on the standard scale].
- (3) This section does not apply in relation to intoxicating liquor sold under an occasional licence.

##### Textual Amendments

- F1** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)

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

- C2** [S. 59](#) excluded (14.10.1994) by [S.I. 1994/2478](#), [art. 4](#)

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*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed), Part III.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

- C3** S. 59(1)(a) excluded by [Sporting Events \(Control of Alcohol etc.\) Act 1985 \(c. 57, SIF 39:2\)](#), **ss. 3(10), 9(6)**
- C4** 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.

- (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>F2</sup>eleven] in the evening, . . . <sup>F3</sup>; and
  - [<sup>F4</sup>(b) on Sundays, other than Christmas Day, and on Good Friday, the hours from twelve noon to half past ten in the evening; and
  - (c) on Christmas Day, the hours from twelve noon to half past ten in the evening, with a break of four hours beginning at three in the afternoon.]
- (2) . . . . . <sup>F5</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>F6</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 [<sup>F7</sup>(a) to (c)] of subsection (1) of this section, with any modification applying in the district by virtue of [<sup>F8</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 <sup>F9</sup> . . . , shall begin at . . . <sup>F10</sup> eight in the morning . . . <sup>F11</sup> [<sup>F12</sup>and the permitted hours on Sundays, other than Christmas Day, shall begin at ten in the morning]
- (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

- F2** Word substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), **s. 1(1)(a)**
- F3** Words repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), **ss. 1(1)(b), 19, Sch. 4**
- F4** [S. 60\(1\)\(b\)\(c\)](#) substituted for [s. 60\(1\)\(b\)](#) (6.8.1995) by [1995 c. 33, s. 1\(2\); S.I. 1995/1930, art. 2](#)
- F5** [S. 60\(2\)\(3\)](#) repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), **s. 19, Sch. 4**
- F6** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), **s. 1(3)**
- F7** Words in [s. 60\(5\)](#) substituted (6.8.1995) by [1995 c. 33, s. 4\(1\)](#), **Sch. 1 para. 3; S.I. 1995/1930, art. 2**
- F8** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), **s. 1(7), Sch. 1 para. 2**
- F9** Words in [s. 60\(6\)](#) repealed (6.8.1995) by [1995 c. 33, ss. 1\(3\), 4\(2\)](#), **Sch. 2; S.I. 1995/1930, art. 2**
- F10** Words repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), **ss. 1(4), 19, Sch. 4**
- F11** Words repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), **s. 19, Sch. 4**
- F12** Words in [s. 60\(6\)](#) inserted (6.8.1995) by [1995 c. 33, s. 1\(3\); S.I. 1995/1930, art. 2](#)

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## 61 Orders varying permitted hours.

- (1) The power of licensing justices to make orders under [F13 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 [F14 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 [F14 that subsection] shall include power to vary or revoke an order so made by a subsequent order.
- (4) An order made under [F14 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 [F14 that subsection] and to be issued by them shall be received in evidence.

### Textual Amendments

F13 Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\), ss. 1\(7\), Sch. 1 para. 3\(a\)](#)

F14 Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\), s. 1\(7\), Sch. 1 para. 3\(b\)](#)

## 62 Permitted hours in clubs.

- [F15(1) The permitted hours in premises in respect of which a club is registered shall be—
- [F16(a) on days other than Christmas Day, the general licensing hours;]
  - (b) on [F17 Christmas Day,], 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 [F18 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) ..... F19
- (3) Written notice (signed by the chairman or secretary of the club) of the hours [F20 on Christmas Day] 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 shall be effective until notice is so given, but the hours previously fixed and notified, if any, shall continue to apply.

### Textual Amendments

F15 S. 62(1) substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\), s. 1\(5\)](#)

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- F16** S. 62(1)(a) substituted (6.8.1995) by 1995 c. 33, s. 2(1)(a); S.I. 1995/1930, art. 2  
**F17** Words in s. 62(1)(b) substituted (6.8.1995) by 1995 c. 33, s. 2(1)(b); S.I. 1995/1930, art. 2  
**F18** Word substituted by Licensing (Amendment) Act 1989 (c. 20, SIF 68A:1), s. 1  
**F19** S. 62(2) repealed by Licensing Act 1988 (c. 17, SIF 68A:1), s. 19, Sch. 4  
**F20** Words in s. 62(3) substituted (6.8.1995) by 1995 c. 33, s. 2(2); S.I. 1995/1930, art. 2

### Exceptions

#### 63 Exceptions from prohibition of sale, etc. of intoxicating liquor outside permitted hours.

- (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>F21</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.

#### Textual Amendments

- F21** Words substituted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 2

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

- C5 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 licences.**

- (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.**

- (1) Licensing justices shall, at the request of the person applying for the grant of a justices' on-licence [<sup>F22</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>F23</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**

- F22 Words inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 3 para. 7\(a\)](#)  
F23 S. 65(3) substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 3 para. 7\(b\)](#)

**66 Sunday closing in Wales and Monmouthshire.**

- (1) There shall be no permitted hours on any Sunday in licensed premises in Wales and Monmouthshire, except in a [<sup>F24</sup>county or county borough] in which this subsection does not apply.

<sup>F25</sup>(2) .....

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- (3) If the local government electors for a [<sup>F26</sup>county or county borough] 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 [<sup>F26</sup>county or, as the case may be, county borough]; and if the local government electors for a [<sup>F26</sup>county or county borough] 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 [<sup>F26</sup>county or, as the case may be, county borough].
- (4) There shall be no poll under this section for a [<sup>F27</sup>county or county borough], unless it is requisitioned by not less than five hundred local government electors for the [<sup>F27</sup>county or county borough], 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 [<sup>F28</sup>proper officer of the [<sup>F29</sup>county council or, as the case may be, county borough council]] within the two months following 3rd August [<sup>F30</sup>1996], 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 [<sup>F31</sup>counties and county boroughs] 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 [<sup>F28</sup>proper officer of the [<sup>F32</sup>county council or county borough 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 [<sup>F32</sup>county or county borough] 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

- F24** Words in s. 66(1) substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 22(2)(a)**(with ss. 54(5)(7), 55(5)); **S.I. 1996/396, art. 4, Sch. 2**
- F25** S. 66(2) repealed (1.4.1996) by 1994 c. 19, ss. 66(6)(8), **Sch. 16 para. 22(2)(b), Sch. 18**(with ss. 54(5)(7), 55(5)); **S.I. 1996/396, art. 4, Sch. 2**
- F26** Words in s. 66(3) substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 22(2)(c)**(with ss. 54(5)(7), 55(5)); **S.I. 1996/396, art. 4 Sch. 2**
- F27** Words in s. 66(4) substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 22(2)(d)(ii)**(with ss. 54(5)(7), 55(5)); **S.I. 1996/396, art. 4 Sch. 2**

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- F28** Words substituted by the Local Government Act 1972 (c. 70, SIF 81:1) Sch. 25, para. 3
- F29** Words in s. 66(4) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 22(d)(i)**(with ss. 54(5)(7), 55(5)); **S.I. 1996/396, art. 4 Sch. 2**
- F30** Words in s. 66(4) substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 22(2)(d)(iii)**(with ss. 54(5)(7), 55(5)); **S.I. 1996/396, art. 4, Sch. 2**
- F31** Words in s. 66(5) substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 22(2)(e)**(with ss. 54(5)(7), 55(5)); **S.I. 1996/396, art. 4 Sch. 2**
- F32** Words in s. 66(7) substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 22(2)(f)**(with ss. 54(5)(7), 55(5)); **S.I. 1996/396, art. 4, Sch. 2**

## 67 Supplementary provisions for Welsh Sunday polls.

- (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 [<sup>F33</sup>county or county borough] at an ordinary election of [<sup>F33</sup>councillors of the county or (as the case may be) county borough]; 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 [<sup>F34</sup>county or county borough], the [<sup>F35</sup>chairman of the [<sup>F34</sup>county council or (as the case may be) county borough council]] shall declare the result of the poll, and shall deliver a certificate of the result, signed by him, to the [<sup>F35</sup>proper officer of the [<sup>F34</sup>county council or (as the case may be) county borough 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 [<sup>F36</sup>county or county borough] 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 [<sup>F37</sup>Representation of the <sup>M1</sup>People Act 1983] shall apply as if the poll were a poll at an ordinary election of [<sup>F38</sup>councillors of the county or county borough], that is to say—
  - (a) [<sup>F37</sup>section 60, section 61] except subsections (1) and (4), and in [<sup>F37</sup>section 65] subsection (1), except paragraph (a), and subsection (5) (which relate to personation, plural voting and other frauds in connection with voting);
  - (b) [<sup>F37</sup>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) [<sup>F37</sup>sections 113 to 115] (which make bribery, treating and undue influence corrupt practices);
  - (d) [<sup>F37</sup>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;

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but as if—

- (i) in [F37 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 [F37 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.
- (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 [F39 sections 169 and 173 of the Representation of the M2People 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 [F39 section 173].

#### Textual Amendments

- F33** Words in s. 67(2)(a) substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 22(3)(a)**(with ss. 54(5)(7), 55(5)); **S.I. 1996/396, art. 4, Sch. 2**
- F34** Words in s. 67(3) substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 22(3)(b)**(with ss. 54(5)(7), 55(5)); **S.I. 1996/396, art. 4, Sch. 2**
- F35** Words substituted by **Local Government Act 1972 (c. 70, SIF 81:1), Sch. 25 para. 4**
- F36** Words in s.67(4) substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 22(3)(c)**(with ss. 54(5)(7), 55(5)); **S.I. 1996/396, art. 4, Sch. 2**
- F37** Words substituted by **Representation of the People Act 1983 (c. 2, SIF 42), Sch. 8 para. 8**
- F38** Words in s. 67(5) substituted (1.4.1996) by 1994 c. 19, s. 67(3)(d)(with ss. 54(5)(7), 55(5)); **S.I. 1996/396, art. 4, Sch. 2**
- F39** Words substituted by **Representation of the People Act 1983 (c. 2, SIF 42), Sch. 8 para. 9**

#### Marginal Citations

- M1** 1983 c. 2 (42).
- M2** 1983 c. 2 (42).

[F40 *Restriction orders with respect to licensed premises and clubs*]

#### Textual Amendments

- F40** Ss. 67A-67D inserted by **Licensing Act 1988 (c. 17, SIF 68A:1), s. 3(1)**

### 67A [F41 **Restriction orders.**]

- (1) An order under this section may be made with respect to—
- (a) 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
  - (b) any premises in respect of which a club is registered.



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- (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
  - [<sup>F42</sup>(a) specify any time between half past two and half past five in the afternoon on weekdays other than Good Friday, and between three and seven in the afternoon on Sundays and Good Friday, and
  - (b) 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—
  - (a) with respect to licensed premises, by licensing justices, and
  - (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.

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- (10) Schedule 8A to this Act shall have effect as respects the procedure for the making of restriction orders.

#### Textual Amendments

**F41** Ss. 67A–67D inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), **s. 3(1)**

**F42** Words in [s. 67A\(4\)](#) substituted (6.8.1995) by [1995 c. 33, s. 3](#); [S.I. 1995/1930, art. 2](#)

#### [<sup>F43</sup>67B Restriction orders: appeals

- (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.
- (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

**F43** Ss. 67A–67D inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), **s. 3(1)**

#### [<sup>F44</sup>67C Revocation or variation of restriction orders.

- (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.]

**Status:** Point in time view as at 03/04/1997. This version of this part 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), Part III. (See end of Document for details)

#### Textual Amendments

**F44** Ss. 67A–67D inserted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 3(1)

#### [<sup>F45</sup>67D Duty to post notice of restriction order on premises.

- (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

**F45** Ss. 67A–67D inserted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 3(1)

#### *Extension of permitted hours in licensed premises and clubs*

#### 68 Extension of permitted hours in restaurants, etc.

- (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 [<sup>F46</sup>, on [<sup>F47</sup>Christmas Day,] 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.

*Status: Point in time view as at 03/04/1997. This version of this part 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), Part III. (See end of Document for details)*

### Textual Amendments

**F46** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 1, [Sch. 1 para. 5](#)

**F47** Words in [s. 68\(1\)\(a\)](#) substituted (6.8.1995) by [1995 c. 33, s. 4\(1\)](#), [Sch. 1 para. 4](#); [S.I. 1995/1930, art. 2](#)

## 69 Application of paragraph (a) or (b) of s. 68(1).

- (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.

## 70 Extended hours in restaurants, etc. providing entertainment.

- (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>F48</sup>, extend until one o'clock in the morning following, . . . <sup>F48</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.

*Status:* Point in time view as at 03/04/1997. This version of this part 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), Part III. (See end of Document for details)

- (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

**F48** Words repealed by [Licensing \(Amendment\) Act 1985 \(c. 40, SIF 68A:1\)](#), **s. 1(2)**

### 71 Orders of licensing justices under s. 70.

- (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>F49</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>F50</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>F51</sup>level 1 on the standard scale].

#### Textual Amendments

**F49** [S. 71\(2\)\(a\)\(b\)](#) substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), **s. 4(1)(a)**

**F50** Words repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), **ss. 4(1)(b), 19, Sch. 4**

**F51** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

*Status: Point in time view as at 03/04/1997. This version of this part 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), Part III. (See end of Document for details)*

## 72 Orders of magistrates' court under s. 70.

- (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>F52</sup>without being renewed], but may be . . . <sup>F53</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>F54</sup>level 1 on the standard scale].

### Textual Amendments

**F52** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\), s. 4\(2\)](#)

**F53** Words repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\), ss. 4\(2\), 19, Sch. 4](#)

**F54** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#)

## 73 Supplementary provisions as to orders under s. 70.

- (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>F55</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

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- (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

**F55** Words repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 4](#)

### 74 Exemption orders.

- (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,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>F56</sup>subsection (4) of] this section shall have effect as if for [<sup>F57</sup>the reference] to justices of the peace there were substituted—
  - (a) if the premises are in the City of London, [<sup>F57</sup>a reference] to the Commissioner of Police for the City of London acting with the approval of the Lord Mayor;

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- (b) if the premises are in the metropolitan police district, [<sup>F57</sup>a reference] to the Commissioner of Police for the Metropolis acting with the approval of the Secretary of State
- [<sup>F58</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

**F56** Words inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\), s. 7\(a\)](#)

**F57** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\), s. 7\(b\)](#)

**F58** Words added by [Licensing Act 1988 \(c. 17, SIF 68A:1\), s. 6\(1\)](#)

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

- (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>F59</sup>the <sup>M3</sup>Magistrates' Courts Act 1980] for the hearing of a complaint.
- (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—
- 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
  - 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
  - the clerk, on receipt of any such notice of objection or notice withdrawing an objection, shall send a copy to the applicant.

#### Textual Amendments

**F59** Words substituted by virtue of [Magistrates' Courts Act 1980 \(c. 43, SIF 82\), Sch. 8 para. 5](#)

#### Marginal Citations

**M3** [1980 c. 43 \(82\)](#).

### *Special hours certificates*

### 76 Permitted hours where special hours certificate in force.

- (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—



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- (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>F60</sup> in any premises or part of premises to which this section applies shall [<sup>F61</sup>extend until] two o'clock in the morning following, except that—
- (a) the permitted hours shall end at midnight . . .<sup>F62</sup> on any day on which music and dancing is not [<sup>F63</sup>or, in the case of casino premises, gaming facilities are not] provided after midnight; and
  - (b) on any day that music and dancing end [<sup>F64</sup>or, in the case of casino premises, gaming ends] between midnight and two o'clock in the morning, the permitted hours shall end when the music and dancing end [<sup>F65</sup>or, as the case may be, when the gaming ends][<sup>F66</sup>; and
  - <sup>F67</sup>(c) [ 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.]]
- <sup>F68</sup>(2A) In relation to the morning on which summer time begins, subsection (2) of this section shall have effect—
- (a) with the substitution of references to three o'clock in the morning for references to two o'clock in the morning; and
  - (b) where the permitted hours in any premises or part of premises extend to a time between one o'clock and two o'clock in the morning by virtue of a limitation in the special hours certificate imposed pursuant to section 78A or 81A of this Act, as if the permitted hours extended to one hour after that 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 Secretary of State, subsection (2) of this section shall have effect
- <sup>F69</sup>(a) except in relation to the morning on which summer time begins,] with the substitution of references to three o'clock in the morning for the references to two o'clock in the morning [<sup>F70</sup>, and
- (b) in relation to that morning, with the substitution of references to four 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>F71</sup>twenty] minutes and paragraph (b) thereof were omitted.
- (5) . . . . .<sup>F72</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.

*Status: Point in time view as at 03/04/1997. This version of this part 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), Part III. (See end of Document for details)*

[<sup>F73</sup>(8) In this section, references to summer time are to the period of summer time for the purposes of the <sup>M4</sup>Summer Time Act 1972.]

#### Textual Amendments

- F60** Words repealed by [Licensing \(Amendment\) Act 1985](#) (c. 40, SIF 68A:1), **s. 1(3)**
- F61** Words substituted by [Licensing Act 1988](#) (c. 17, SIF 68A:1), **s. 1(6)**
- F62** Words repealed by [Licensing \(Amendment\) Act 1985](#) (c. 40, SIF 68A:1), **s. 1(3)**
- F63** Words in [s. 76\(2\)\(a\)](#) inserted (3.4.1997) by S.I. 1997/950, **art. 4(2)(a)**
- F64** Words in [s. 76\(2\)\(b\)](#) inserted (3.4.1997) by S.I. 1997/950, **art. 4(2)(b)**
- F65** Words in [s. 76\(2\)\(b\)](#) inserted (3.4.1997) by S.I. 1997/950, **art. 4(2)(c)**
- F66** Word inserted by [Licensing \(Amendment\) Act 1980](#) (c. 40, SIF 68A:1), **s. 2**
- F67** [S. 76\(2\)\(c\)](#) substituted by [Licensing Act 1988](#) (c. 17, SIF 68A:1), s. 19, **Sch. 3 para. 8**
- F68** [S. 76\(2A\)](#) inserted (1.5.1996) by S.I. 1996/977, **art. 2(2)**
- F69** Words in [s. 76\(3\)](#) inserted (1.5.1996) by S.I. 1996/977, **art. 2(3)(a)**
- F70** Words in [s. 76\(3\)](#) inserted (1.5.1996) by S.I. 1996/977, **art. 2(3)(b)**
- F71** Word substituted by [Licensing Act 1988](#) (c. 17, SIF 68A:1), s. 19, **Sch. 3 para. 8(b)**
- F72** [S. 76\(5\)](#) repealed by [Licensing \(Amendment\) Act 1976](#) (c. 18, SIF 68A:1), **s. 1**
- F73** [S. 76\(8\)](#) inserted (1.5.1996) by S.I. 1996/977, **art. 2(4)**

#### Marginal Citations

- M4** [1972 c.6](#)

## 77 Special hours certificates for licensed premises.

If, on an application made to the licensing justices with respect to licensed premises . . .  
<sup>F74</sup> the justices are satisfied—

- [<sup>F75</sup>(a) that the premises are—
  - (i) casino premises, or
  - (ii) premises for which a music and dancing licence is in force, 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—
  - (i) in the case of casino premises, gaming facilities and substantial refreshment, and
  - (ii) in the case of any other premises, music and dancing and substantial refreshment,

to which the sale of intoxicating liquor is ancillary,]

the licensing justices [<sup>F76</sup>may] grant [<sup>F77</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

- F74** Words repealed by [Local Government \(Miscellaneous Provisions\) Act 1982](#) (c. 30, SIF 81:1), **Sch. 7 Pt. I**
- F75** [S. 77\(a\)\(b\)](#) substituted (3.4.1997) by S.I. 1997/950, **art. 2**
- F76** Word substituted by [Licensing Act 1988](#) (c. 17, SIF 68A:1), **s. 5(1)(a)**

*Status: Point in time view as at 03/04/1997. This version of this part 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), Part III. (See end of Document for details)*

**F77** Words inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\), s. 5\(1\)\(b\)](#)

**[<sup>F78</sup>77A Provisional grant of special hours certificates by licensing justices**

(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—

[ that the premises are—

<sup>F79</sup>(a) (i) casino premises, or

(ii) premises for which a music and dancing licence is in force,]

(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,

[ in the case of casino premises, gaming facilities and substantial  
<sup>F80</sup>(i) refreshment, and

(ii) in the case of any other 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;

[ that they are, or are part of—

<sup>F81</sup>(b) (i) casino premises, or

(ii) premises for which a music and dancing licence is in force;]

(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,

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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>F82</sup> of this Act—
- (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

- F78** S. 77A inserted (1.5.1996) by S.I. 1996/977, art. 3
- F79** S. 77A(1)(a) substituted (3.4.1997) by S.I. 1997/950, art. 3(2)
- F80** Words in s. 77A(1)(b) substituted (3.4.1997) by S.I. 1997/950, art. 3(3)
- F81** S. 77A(3)(b) substituted (3.4.1997) by S.I. 1997/950, art. 3(4)
- F82** Inserted by the Licensing Act 1988 (c.17).

## 78 Special hours certificates for clubs.

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>F83</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>F84</sup>may] grant [<sup>F85</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

- F83** Words repealed by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), Sch. 7 Pt. 1
- F84** Word substituted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 5(1)(a)
- F85** Words inserted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 5(1)(b)

## [<sup>F86</sup>78ZA] Provisional grant of Special Hours Certificates by Magistrates’ Court

- (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

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(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,

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

**F86** S. 78ZA inserted (1.5.1996) by 1996/977, art. 4

#### [<sup>F87</sup>78A Limitations on special hours certificates.

(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 [<sup>F88</sup>, 77A, 78 or 78ZA] 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;

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- (c) to particular periods of the year.
- (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

**F87** S. 78A inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), [s. 5\(2\)](#)

**F88** Words in [s. 78A](#) substituted (1.5.1996) by [S.I. 1996/977](#), [art. 5\(2\)](#)

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

- (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>F89</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

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being heard, after considering the report of the person appointed to hear the secretary, revoke the certificate.

[<sup>F90</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**

**F89** Words substituted by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), **Sch. 2, para. 5**

**F90** 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)**

**C6** 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.**

(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 [<sup>F91</sup>,77A, 78 or 78ZA] of this Act.

[<sup>F92</sup>(1A) Where a special hours certificate is granted for any premises or part of premises which —

- (a) are, or are part of, casino premises; and
- (b) are used or intended to be used only on particular weekdays for the provision of gaming facilities 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 that gaming facilities and refreshment are, or are intended to be, provided as required by section 77 or 77A of this Act.]

(2) ..... <sup>F93</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>F94</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 [<sup>F95</sup>or, as the case may be, 77A] of this Act.

**Textual Amendments**

**F91** Words in s. 80(1) substituted (1.5.1996) by S.I. 1996/977, **art. 5(3)(a)**

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- F92** S. 80(1A) inserted (3.4.1997) by S.I. 1997/950, **art. 4(3)**
- F93** S. 80(2) repealed by Licensing Act 1988 (c. 17, SIF 68A:1), ss. 5(3)(a), 19, **Sch. 4**
- F94** Words substituted by Licensing Act 1988 (c. 17, SIF 68A:1), **s. 5(3)(b)**
- F95** Words in s. 80(4) inserted (1.5.1996) by S.I. 1996/977, **art. 5(3)(b)**

## 81 Revocation of special hours certificates.

- (1) If at any time while a special hours certificate is in force [<sup>F96</sup>there is not also in force for the premises to which or part of which the certificate relates—
- (a) where the special hours certificate is granted by virtue of section 77(a)(i) or 77A(3)(b)(i) of this Act, a licence under the Gaming Act 1968, and
  - (b) where the special hours certificate is granted by virtue of section 77(a)(ii) or 77A(3)(b)(ii) of this Act, a music and dancing licence or, as the case may be, a certificate under section 79 of this Act,

the special hours certificate shall thereby be revoked.]

- (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 [<sup>F97</sup>or 78ZA] 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 [<sup>F98</sup>, 77A, 78 or, as the case may be, 78ZA] 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 [<sup>F99</sup>an appropriate purpose]; and if the licensing justices or magistrates' court are satisfied that the ground of the application is made out they may revoke the certificate.

- [<sup>F100</sup>(2A) For the purposes of subsection (2) of this section, the following are appropriate purposes—

- (a) in the case of casino premises, gaming and the obtaining of refreshments other than intoxicating liquor,
- (b) in the case of any other premises, dancing and the obtaining of such refreshments]

- (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>F101</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 [<sup>F102</sup>or 78ZA] 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



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the case may be, are satisfied that the ground of the application is made out, they shall revoke the certificate.]

#### Textual Amendments

- F96** Words in s. 81(1) substituted (3.4.1997) by S.I. 1997/950, **art. 4(4)(a)**  
**F97** Words in s. 81(1) substituted (1.5.1996) by S.I. 1996/977, **art. 5(4)(a)(i)**  
**F98** Words in s. 81(2)(a) substituted (1.5.1996) by S.I. 1996/977, **art. 5(4)(a)(ii)**  
**F99** Words in s. 81(2) substituted (3.4.1997) by S.I. 1997/950, **art. 4(4)(b)**  
**F100** S. 81(2A) inserted (3.4.1997) by S.I. 1997/950, **art. 4(4)(c)**  
**F101** S. 81(4) substituted by Licensing (Amendment) Act 1981 (c. 40, SIF 68A:1), **s. 1**  
**F102** Words in s. 81(4) inserted (1.5.1996) by S.I. 1996/977, **art. 5(4)(b)**

#### [<sup>F103</sup>81A Special hours certificates: further powers to impose limitations as to hours.

- (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 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

- F103** S. 81A substituted by Licensing Act 1988 (c. 17, SIF 68A:1), **s. 5(4)**

VALID FROM 19/03/2001

#### [<sup>F104</sup>81A Special hours certificates: exclusion of Sundays in case of disturbance etc.

- (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>F105</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—

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- (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

**F104** S. 81AA inserted (19.3.2001) by S.I. 2001/920, art. 2, Sch. para. 10

**F105** Section 78ZA was inserted by S.I. 1996/977.

#### [<sup>F106</sup>81B Special hours certificates: appeals

- (1) Subject to subsection (2) of this section, any person aggrieved by a decision of licensing justices or a magistrates' court—
- <sup>F107</sup>(a) [ not to grant a special hours certificate under section 77 [<sup>F108</sup>, 77A, 78 or 78ZA] of this Act;]
  - <sup>F109</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>F110</sup>(b) [ to attach or not to attach limitations under section 78A of this Act, <sup>F111</sup> . . . ]
  - (c) to attach or not to attach limitations under section 81A of this Act,]
  - <sup>F112</sup>(d) [ to refuse to declare the provisional grant of a special hours certificate final, or
  - (e) to refuse to give consent, on the application of the person who applied for the certificate, to any modification of the deposited plans.]

may appeal to the Crown Court against that decision.

[ Only the chief officer of police may appeal against a decision not to revoke a certificate <sup>F113</sup>(2) 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.

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- (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>F114</sup>section 109 of the <sup>M5</sup>Magistrates' Courts Act 1980] on the abandonment of an appeal to which that section relates.]

#### Textual Amendments

- F106** S. 81B inserted by Licensing (Amendment) Act 1980 (c. 40, SIF 68A:1), s. 3  
**F107** S. 81B(1)(a) inserted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 5(5)  
**F108** Words in s. 81B(1)(a) substituted (1.5.1996) by S.I. 1996/977, art. 5(5)(a)  
**F109** S. 81B(1) para. (a) renumbered as para. (aa) as provided by Licensing Act 1988 (c. 17, SIF 68A:1), s. 5(5)  
**F110** S. 81B(1)(b)(c) substituted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 19, Sch. 3 para. 9(b)  
**F111** Word in s. 81B(1)(b) repealed (1.5.1996) by S.I. 1996/977, art. 5(5)(b)  
**F112** S. 81B(1)(d)(e) inserted (1.5.1996) by S.I. 1996/977, art. 5(5)(c)  
**F113** S. 81B(2) substituted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 19, Sch. 3 para. 9(b)  
**F114** Words substituted by virtue of Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 8 para. 5

#### Marginal Citations

- M5** 1980 c. 43(82)

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

- (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.

## 83 Supplementary provisions as to special hours certificates.

- (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 <sup>F115</sup>or, as the case may be, gaming facilities 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.
- <sup>F116</sup>(3) References in those sections to gaming are to gaming within the meaning of the Gaming Act 1968, otherwise than by means of any machine to which Part III of that Act applies.

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- (4) For the purposes of those sections, premises are casino premises if a licence under the Gaming Act 1968 is in force in relation to them and they are not premises to which section 20 of that Act applies (bingo club premises).]

#### Textual Amendments

**F115** Words in s. 83(2) inserted (3.4.1997) by S.I. 1997/950, art. 4(5)

**F116** S. 83(3)(4) inserted (3.4.1997) by S.I. 1997/950, art. 4(6)

VALID FROM 29/07/1999

#### *[<sup>F117</sup>Millennium licensing hours]*

#### Textual Amendments

**F117** Crossheading and s. 83A inserted (29.7.1999) by S.I. 1999/2137, art. 2(1)

#### *[<sup>F118</sup>83A Millennium licensing hours*

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

**F118** 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.**

- (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.
- (2) If any person—
  - (a) supplies intoxicating liquor in contravention of subsection (1) of this section, or

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- (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)**

- C7 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.)

**85 Supplemental provisions as to parties organised for gain.**

- (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

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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>F119</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.
- [<sup>F120</sup>(4) In subsection (1) above “county”, in relation to Wales, means a preserved county (as defined by section 64 of the Local Government (Wales) Act 1994).]

#### Textual Amendments

**F119** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)

**F120** [S. 85\(4\)](#) inserted (1.4.1996) by [1994 c. 19, s. 1\(3\)](#), [Sch. 2 para. 2\(1\)](#)(with [ss. 54\(5\)\(7\)](#), [55\(5\)](#)); [S.I. 1995/3198, art. 3](#), [Sch. 1](#)

[S. 85\(4\)](#) repealed (W.) (1.4.1996) by [S.I. 1996/675, art. 2](#), [Sch. Pt. II para. 4](#)

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

**C8** [S. 85\(1\)](#) modified (E.)(1.4.1996) by [S.I. 1996/674, reg. 2](#), [Sch. Pt. II para. 5\(2\)\(m\)](#)

[S. 85\(1\)](#) modified (W.)(1.4.1996) by [S.I. 1996/675, art. 2](#), [Sch. Pt. II para. 7\(2\)\(m\)](#)

### Miscellaneous

#### 86 Permitted hours in off-sales department of on-licensed premises.

- (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—
- the licence is subject to the condition; and
  - 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.

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## [<sup>F121</sup>86A International ports.

- (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.
- (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>M6</sup>Excise Management Act 1979.]

### Textual Amendments

**F121** S. 86A inserted (3.11.1994) by 1994 c. 40, ss. 18(1), 82(3)

### Marginal Citations

**M6** 1979 c. 2.

## 87 International airports.

- (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>F122</sup>section 22 of the <sup>M7</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>M8</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.

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### Textual Amendments

**F122** Words substituted by [Customs and Excise Management Act 1979 \(c. 2\)](#), [Sch. 4 para. 12](#) Table Pt. I

### Modifications etc. (not altering text)

**C9** [S. 87](#) brought into operation at certain additional airports by S.I.s 1985/653, 1730, 1986/525, 971, 1987/1982, 1990/1043

**C10** [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

**M7** [1979 c. 2 \(40:1\)](#).

**M8** [1956 c. 37](#).

## [<sup>F123</sup>87A Power to vary permitted hours in on-licensed vineyard premises.

- (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 [<sup>F124</sup>, other than Christmas Day, or on] 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 [<sup>F125</sup>nine] and a half hours on any day.
- [ In making an order under this section with respect to the permitted hours on Christmas <sup>F126</sup>(4A) Day, 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.]
- (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



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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

- F123** S. 87A inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 8
- F124** Words in s. 87A(4) substituted (6.8.1995) by 1995 c. 33, s. 4(1), [Sch. 1 para. 5\(a\)\(i\)](#); S.I. 1995/1930, [art. 2](#)
- F125** Word in s. 87A(4)(b) substituted (6.8.1995) by 1995 c. 33, s. 4(1), [Sch. 1 para. 5\(a\)\(ii\)](#); S.I. 1995/1930, [art. 2](#)
- F126** S. 87A(4A) inserted (6.8.1995) by 1995 c. 33, s. 4(1), [Sch. 1 para. 5\(b\)](#); S.I. 1995/1930, [art. 2](#)

### 88 Saving as to Sunday observance.

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>M9</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

- M9** [1780 c. 49 \(45A\)](#).

#### *Supplementary provisions*

### 89 Duty of licensee to post notice where permitted hours modified.

- (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>F127</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>F128</sup> level 1 on the standard scale].

#### Textual Amendments

- F127** Words inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 3 para. 10](#)
- F128** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)

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## 90 Opening during permitted hours not obligatory.

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.

The Secretary of State may make rules prescribing the procedure on applications to licensing justices under section 77 [<sup>F129</sup>, [<sup>F130</sup>77A,] 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.

### Textual Amendments

**F129** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 3 para. 11](#)

**F130** Words in s. 91 inserted (1.5.1996) by [S.I. 1996/977](#), [art. 5\(6\)](#)

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

- (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 [<sup>F131</sup>or 78ZA] 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>F132</sup>

### Textual Amendments

**F131** Words in s. 92(2)(c) inserted (1.5.1996) by [S.I. 1996/977](#), [art. 5\(7\)](#)

**F132** Words repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 4](#)

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