



Licensing Act 1964

1964 CHAPTER 26

PART III

PERMITTED HOURS

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, 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),

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and as an early-closing licence if the condition is as mentioned in paragraph (b) of that subsection.

- (3) On the renewal, transfer or removal of a six-day licence or early-closing licence, the licensing justices shall at the request of the person applying for the renewal, transfer or removal revoke the six-day or early-closing condition.

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 county or county borough in which this subsection does not apply.
- (2) Subsection (1) of this section does not, at the commencement of this Act, apply in any county or county borough in which, immediately before the commencement of this Act, section 111 of the Licensing Act 1953 did not apply.
- (3) If the local government electors for a 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 county or county borough; and if the local government electors for a 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 county or county borough.
- (4) There shall be no poll under this section for a county or county borough unless it is requisitioned by not less than five hundred local government electors for the 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 clerk of the county council or town clerk of the county borough within the two months following 3rd August 1968, 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 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 clerk of the county council or town clerk 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 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.

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 county or county borough at an ordinary election of county or county borough councillors; and
 - (b) all persons having any duties in connection with the conduct of such an election shall have the like duties in connection with the poll.
- (3) When the number of votes cast on either side has been ascertained for the whole of any county or county borough, the chairman of the county council or mayor shall declare the result of the poll, and shall deliver a certificate of the result, signed by him, to the clerk of the county council or town clerk.
- (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 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 Representation of the People Act 1949 shall apply as if the poll were a poll at an ordinary election of county or county borough councillors, that is to say—
 - (a) section 47, section 48 except subsections (1) and (4), and in section 52 subsection (1), except paragraph (a), and subsection (5) (which relate to personation, plural voting and other frauds in connection with voting);
 - (b) section 53 (which contains provision for preventing disclosure of the candidate for whom a person votes and generally for securing the secrecy of the ballot);
 - (c) sections 99 to 101 (which make bribery, treating and undue influence corrupt practices);
 - (d) sections 146 to 148 and 151, so far as they relate to offences under any provision mentioned in the foregoing paragraphs prosecuted on indictment or in a magistrates' court;but as if—
 - (i) in section 53 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

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- (ii) in section 99 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 sections 147 and 151 of the Representation of the People Act 1949 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 section 151.