



Licensing Act 1964 (repealed)

1964 CHAPTER 26

PART X

SEAMEN'S CANTEENS

Modifications etc. (not altering text)

- C1** Functions of Minister of Transport under Pt. X now exercisable by Secretary of State concurrently with Board of Trade: [S.I. 1965/145](#), art. 2, [Sch. 1](#), and 1970/1537, art. 2(1)(a)

Canteen licences

148 Licences for seamen's canteens authorising the holding of retailer's on-licences.

- (1) If a body approved by the Minister of Transport have provided or propose to provide a seamen's canteen the need for which has been certified by that Minister, after consultation with the Merchant Navy Welfare Board, the licensing justices may grant a licence under this Part of this Act (in this Act referred to as a "canteen licence") authorising the person who is the manager of the canteen [^{F1}to sell for consumption in
- (a) intoxicating liquor of all descriptions; or
 - (b) beer, cider and wine only; or
 - (c) beer and cider only; or
 - (d) cider only; or
 - (e) wine only.]
- (2) In this Part of this Act, "canteen" includes a part of a hostel where food or drink is supplied, whether or not the food or drink is separately paid for.

Textual Amendments

- F1** Words substituted by [Finance Act 1967 \(c. 54, SIF 68A:1\)](#), [Sch. 7 para. 6](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed), Part X. (See end of Document for details)

149 Grant of canteen licences.

- (1) The licensing justices shall not refuse to grant a canteen licence except under subsection (2) of this section or on one or more of the following grounds, that is to say—
- (a) that the applicant is disqualified by this or any other Act for holding a justices’ licence or is in other respects not a fit and proper person to hold a canteen licence; or
 - (b) that the premises are not fit and convenient for the purposes of the canteen; or
 - (c) in a case where objection has been made to the situation of the canteen, on the ground specified in the objection; or
 - (d) that the applicant or body providing the canteen has entered into an agreement limiting the sources from which the intoxicating liquor or the mineral waters to be sold in the canteen may be obtained,
- but nothing in this subsection shall prevent the licensing justices from specifying in a canteen licence [^{F2}as the description or descriptions of intoxicating liquor authorised to be sold a description or descriptions other than that or those requested by the applicant.]
- (2) Before application is made for the grant of a canteen licence draft rules as to the persons entitled to use the canteen shall be prepared for submission with the application and the licensing justices shall refuse to grant the licence unless the body providing the canteen undertake to make rules for the canteen in the form of the draft, with the modifications, if any, required by the licensing justices, and not to vary those rules without their consent.
- (3) A canteen licence shall provide that at all times at which intoxicating liquor is sold food and beverages other than those of an intoxicating character shall also be provided for sale.
- (4) An applicant for the grant of a canteen licence shall give the notices and serve the documents required in that behalf by Schedule 12 to this Act.

Textual Amendments

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

150 Provisional canteen licences.

- (1) In a case where it is proposed to construct or convert premises for a seamen’s canteen, a canteen licence may be a provisional licence to be made final after the proposal has been carried out.
- (2) In the application of section 149 of this Act to a provisional canteen licence—
- (a) paragraph (a) of subsection (1) shall be omitted; and
 - (b) the reference in paragraph (b) of that subsection to the premises shall be taken as a reference to those premises after the proposed construction or conversion has been carried out.
- (3) On an application by the holder of a provisional canteen licence, the licensing justices may consent to any modification of the plan served on the clerk to the licensing justices where, in their opinion, the premises, if completed in accordance with the modified plan, will be fit and convenient for the purposes of the canteen.

Status: Point in time view as at 01/02/1991.

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

- (4) Licensing justices shall not refuse an application to make a provisional canteen licence final except on either or both of the following grounds, that is to say—
- (a) that the canteen has not been constructed or converted in accordance with the plan served on the clerk to the licensing justices or in accordance with that plan with modifications consented to under the preceding subsection;
 - (b) that the person who is to hold the licence is disqualified by this or any other Act for holding a justices’ licence or is in other respects not a fit and proper person to hold a canteen licence;
- and until a provisional licence has been made final it shall not come into force.
- (5) An applicant for a provisional canteen licence to be made final shall give such notices as the licensing justices may require.

[^{F3}150A Variation of description of intoxicating liquor authorised to be sold.

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

Textual Amendments

F3 S. 150A inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, [Sch. 3 para. 13](#)

151 Renewal of canteen licences.

- (1) A canteen licence shall, unless renewed under this section,
- [^{F4}(a) If it comes into force before 5th April 1989, expire on 4th April 1989; and
 - (b) if it comes into force after 4th April 1989, expire at the end of the licensing period which is current when it comes into force.]
- (2) If the Minister of Transport has, in the calendar year in which the licence would otherwise expire, certified that the canteen is still needed, the licensing justices may renew the licence for a further period of [^{F5}three years].
- (3) The power of licensing justices to renew a canteen licence shall be exercisable only at [^{F6}the general annual licensing meeting immediately preceding the expiry of the licensing period for which the licence was granted].
- (4) Licensing justices shall not refuse an application for the renewal of a canteen licence except under section 153(1) of this Act or on one or more of the following grounds, that is to say,—
- (a) that the manager is disqualified by this or any other Act for holding a justices’ licence or is on other respects not a fit and proper person to hold a canteen licence; or
 - (b) that the rules as to the persons entitled to use the canteen have not been observed or that the canteen has in other respects been improperly conducted; or
 - (c) that the manager or the body providing the canteen has entered into an agreement of the kind mentioned in paragraph (d) of section 149(1) of this Act.
- (5) ^{F7}

Status: Point in time view as at 01/02/1991.

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

- (6) A person intending to oppose an application for the renewal of a canteen licence shall, not later than five days before the hearing of the application, give notice in writing to the holder of the licence [^{F8}and to the clerk to the licensing justices] specifying the ground of his objection.

Textual Amendments

- F4** S. 151(1)(a)(b) substituted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 11(2)(a)
F5 Words substituted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 11(2)(b)
F6 Words substituted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 19, Sch. 3 para. 14(a)
F7 S. 151(5) repealed by Licensing Act 1988 (c. 17, SIF 68A:1), s. 19, Sch. 4
F8 Words inserted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 19, Sch. 3 para. 14(b)

152 Transfer of canteen licences.

- (1) ^{F9} where the holder of a canteen licence. ^{F9} ceases to be the manager of the canteen, the person for the time being in charge of the canteen may, during the period of fourteen days from the date on which the holder of [^{F10}the licence] ceased to be the manager, sell intoxicating liquor in the canteen as if [^{F10}the licence] had been transferred to him.
- (2) A canteen licence may be transferred either by the licensing justices or by justices of the peace for the petty sessions area in which the canteen is situated.
- (3) A licence transferred under this section by justices of the peace shall become void at the expiry of three months from the date on which the transfer takes effect, unless—
- (a) within that period the transfer has been confirmed by the licensing justices, or a further transfer has been made under this section; or
 - (b) the transfer is to a person resuming the management of the canteen after an interval not exceeding four weeks.
- (4) A transfer of a canteen licence and the confirmation of such a transfer shall not be refused except on the ground that the applicant is disqualified by this or any other Act for holding a justices' licence or is in other respects not a fit and proper person to hold a canteen licence.
- (5) An applicant for the transfer or confirmation of the transfer of a canteen licence shall give the notices required in that behalf by Schedule 12 to this Act.
- (6) The power of justices of the peace to transfer a canteen licence shall be exercisable by the number of justices, and in the place, required by [^{F11}the ^{M1}Magistrates' Courts Act 1950] for the hearing of a complaint.

Textual Amendments

- F9** Words repealed by Finance Act 1967 (c. 54, SIF 63:2), Sch. 16 Pt. I
F10 Words substituted by Finance Act 1967 (c. 54, SIF 68A:1), Sch. 7 para. 9
F11 Words substituted by virtue of Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 8 para. 5

Marginal Citations

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

Status: Point in time view as at 01/02/1991.

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

153 Alterations to canteen premises.

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

[^{F12}153A Revocation of canteen licences.

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

Textual Amendments

F12 S. 153A inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 12(2)

154 Rights of appeal.

- (1) Where licensing justices—
 - (a) refuse to grant, renew or transfer a canteen licence, or
 - (b) refuse to make a provisional canteen licence final or to give consent, on the application of the holder of such a licence, to a modification of the plan served on the clerk to the licensing justices, or
 - (c) on an application for the grant of a canteen licence do not [^{F13}grant such a licence authorising sale of intoxicating liquor of the description or descriptions] duly requested by the applicant, or

Status: Point in time view as at 01/02/1991.

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

- (d) [^{F14}do not comply with a] request duly made for a change in the [^{F15}description or descriptions of intoxicating liquor the sale of which is] to be authorised, or
- (e) require modifications in the rules proposed to be made as to the persons entitled to use the canteen, or withhold their consent to a variation of those rules, or
- [^{F16}(ee) revoke a canteen licence under section 153A of this Act; or]
- (f) make an order under section 153(1) of this Act, or
- (g) refuse to give a consent required under section 20 of this Act as applied by section 153(3) of this Act,
- any person aggrieved may appeal to [^{F17}the Crown Court]
- (2) ^{F18}
- (3) Sections 22 to 25 of this Act shall, with the necessary modifications, apply in relation to appeals under this section and, in the case of an appeal under paragraph (a), (c), (d) or (e) of subsection (1) of this section, subsections (3) and (5) of section 22 shall so apply as they apply in the case of a refusal to grant a licence.

Textual Amendments

- F13** Words substituted by Finance Act 1967 (c. 54, SIF 68A:1), Sch. 7 para. 10
- F14** Words substituted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 19, Sch. 3 para. 15(a)
- F15** Words substituted by Finance Act 1967 (c. 54, SIF 68A:1), Sch. 7 para. 11
- F16** S. 154(ee) inserted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 19, Sch. 3 para. 15(b)
- F17** Words substituted by virtue of Courts Act 1971 (c. 23, SIF 37), s. 56(2), Sch. 9 Pt. 1
- F18** S. 154(2) repealed by Courts Act 1971 (c. 23, SIF 37), Sch. 11 Pt. IV

Sale and supply of intoxicating liquor in licensed canteens

155 Prohibition of sale, etc. of intoxicating liquor in canteens outside permitted hours.

- (1) Subject to subsection (2) of this section, no person shall, except during the permitted hours,—
- (a) himself or by his servant or agent sell or supply intoxicating liquor to any person in a licensed canteen; or
- (b) consume intoxicating liquor in a licensed canteen.
- (2) Where any intoxicating liquor is supplied in a licensed canteen during the permitted hours, subsection (1) of this section does not prohibit or restrict—
- (a) the consumption of the liquor during the first ten minutes after the end of any period forming part of those hours;
- (b) the consumption of the liquor during the first half hour after the end of such a period by persons taking meals on the premises, if the liquor was supplied for consumption as an ancillary to their meals.
- (3) If any person contravenes subsection (1) of this section he shall be liable to a fine not exceeding [^{F19}level 3 on the standard scale].

Status: Point in time view as at 01/02/1991.

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

Textual Amendments

F19 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

156 Permitted hours in licensed canteen.

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

[^{F20}156A Restriction orders.

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

Textual Amendments

F20 [S. 156A](#) inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), **ss. 3(2), 20(3)**

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

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

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

he shall be liable to a fine not exceeding [^{F21}level 2 on the standard scale].

Textual Amendments

F21 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

Supplementary

158 Exemption of licensed canteens from restrictions under s. 214 of Merchant Shipping Act 1894.

A hostel which includes a licensed canteen shall be exempt from any byelaws made under section 214 of the ^{M2}Merchant Shipping Act 1894 and from any Order in Council

Status: Point in time view as at 01/02/1991.

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

under that section requiring that only persons duly licensed under such byelaws shall keep seamen’s lodging houses or let lodgings to seamen.

Marginal Citations

M2 1894 c. 60 (111).

159 **F22**

Textual Amendments

F22 S. 159 repealed by Forgery and Counterfeiting Act 1981 (c. 45, SIF 39:7), **Sch. Pt. I**

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

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