



# Licensing Act 1964

## 1964 CHAPTER 26

### PART II

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

##### *Registered clubs*

#### **49 Sale of intoxicating liquor by registered clubs**

- (1) Notwithstanding anything in any enactment, where a club is registered in respect of any premises, and the rules of the club provide for the admission to the premises of persons other than members and their guests and for the sale of intoxicating liquor to them by or on behalf of the club for consumption on the premises, then subject to the following provisions of this section the authority of a licence shall not be required for such a sale, and intoxicating liquor may be supplied to those persons and their guests for consumption on the premises as it may to members and their guests.
- (2) In determining for the purposes of this Part of this Act whether a club is established and conducted in good faith as a club, a magistrates' court may, notwithstanding anything in subsection (4) of section 41 of this Act, have regard to any provision made by the rules for the sale of intoxicating liquor by or on behalf of the club, and to the use made or intended to be made of any such provision; and paragraphs (c) and (d)(ii) of subsection (2) of that section shall apply in relation to the sale of intoxicating liquor by or on behalf of a club as they apply in relation to its supply to members of the club.
- (3) Subject to subsection (4) of this section, a magistrates' court, on the issue or renewal of a registration certificate for any premises, may attach to the certificate such conditions restricting sales of intoxicating liquor on those premises as the court thinks reasonable (including conditions forbidding or restricting any alteration of the rules of the club so as to authorise sales not authorised at the time of the application to the court), and subsection (1) of this section shall not authorise a sale in breach of any such condition.
- (4) No condition shall be attached to a registration certificate under subsection (3) of this section so as to prevent the sale of intoxicating liquor to a person admitted to the premises as being a member of another club, if—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the other club is registered in respect of premises in the locality which are temporarily closed; or
  - (b) both clubs exist for learned, educational or political objects of a similar nature; or
  - (c) each of the clubs is primarily a club for persons who are qualified by service or past service, or by any particular service or past service, in Her Majesty's forces and are members of an organisation established by Royal Charter and consisting wholly or mainly of such persons; or
  - (d) each of the clubs is a working men's club (that is to say, a club which is, as regards its purposes, qualified for registration as a working men's club under the Friendly Societies Act 1896 and is a registered society within the meaning of that Act or of the Industrial and Provident Societies Act 1893).
- (5) A registration certificate may, at the time of its renewal, or on the application of the club, or on complaint in writing made against the club by the chief officer of police or the local authority, be varied by imposing, varying or revoking any conditions authorised by subsection (3) of this section.
- (6) At the hearing of an application for the issue or renewal of a registration certificate, or of an application by a club under subsection (5) of this section, the chief officer of police or the local authority shall be entitled, on giving written notice of intention to do so, to make representations as to the conditions which ought to be attached to the certificate under this section.
- (7) Where the rules of a club registered in respect of any premises are altered so as to authorise at those premises sales of intoxicating liquor not authorised by the rules at the time of the application or last application by the club for the issue or renewal of a registration certificate for those premises, the alteration shall not be effective for the purposes of subsection (1) of this section until notice of it has been given in accordance with section 48 of this Act.