

SCHEDULES.

SCHEDULE 7

Section 5.

MODIFICATIONS OF LICENSING ACT 1964 CONSEQUENTIAL
ON ABOLITION OF RETAILER'S LICENCES, ETC.

- 1 In section 1(3), for the words from " and " onwards there shall be substituted the words " and—
- (a) in the case of a justices' on-licence may authorise the sale—
 - (i) of intoxicating liquor of all descriptions; or
 - (ii) of beer, cider and wine only; or
 - (iii) of beer and cider only ; or
 - (iv) of cider only ; or
 - (v) of wine only ;
 - (b) in the case of a justices' off-licence, may authorise the sale—
 - (i) of intoxicating liquor of all descriptions; or
 - (ii) of beer, cider and wine only."
- 2 In section 17(3), for the words from " levied " onwards there shall be substituted the words " paid to the compensation authority on the granting of that renewal, transfer or removal and shall be recoverable by that authority from the holder of the licence summarily as a civil debt. "
- 3 In section 21, at the end there shall be added the following subsection—
- “(4) Where the holder of a justices' licence gives notice of appeal against a refusal by the licensing justices to renew that licence, the licensing justices or the quarter sessions having jurisdiction to hear the appeal may, on such conditions as they think fit, order that the licence shall continue in force until the determination of the appeal notwithstanding that the appeal is not determined until after the date when the licence would otherwise cease to have effect.”
- 4 In section 30, at the end there shall be added the following subsection—
- “(5) The clerk aforesaid shall, within eight days after the conclusion of each licensing sessions, send to the Collector of Customs and Excise for any collection which, or any part of which, is situated in his licensing district a list of any persons who have been granted licences (otherwise than by way of renewal), and of any persons holding licences due for renewal which have not been renewed, at the sessions in respect of premises situated within that district, and that list shall be in the same form and contain the same particulars as the register and shall be signed by the clerk; and the clerk—
- (a) shall on delivery of the list be entitled to' receive from the Collector a fee of eight shillings or, if the list contains more than twenty-five names, of eight shillings plus threepence for each name beyond twenty-five ; and

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- (b) if he fails to comply with this subsection shall be guilty of an offence and be liable to a fine not exceeding five pounds;
but proceedings by virtue of paragraph (b) of this subsection shall be taken only with the authority of the Commissioners.”
- 5 In section 109(1)(b) for the words " excise licence " there shall be substituted the words " justices' licence ".
- 6 In section 148(1), for the words from " to hold " onwards there shall be substituted the words " to sell for consumption in the canteen—
- (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."
- 7 In section 149(1), for the words from " a kind " onwards there shall be substituted the words " 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. "
- 8 In section 151(5), for the words from " kind " onwards there shall be substituted the words " description or descriptions of intoxicating liquor authorised to be sold. "
- 9 In section 152(1), for the words " the licences " and for the words " those licences " there shall in each case be substituted the words " the licence ".
- 10 In section 154(1)(c), for the words " authorise the kind of retailer's on-licence " there shall be substituted the words " grant such a licence authorising sale of intoxicating liquor of the description or descriptions ".
- 11 In section 154(1)(d), for the words " kind of retailer's on-licence " there shall be substituted the words " description or descriptions of intoxicating liquor the sale of which is ".
- 12 In section 160, in subsection (1)(b) and in subsection (6), after the words " justices' licence " there shall in each case be inserted the words " an occasional licence ".
- 13 In section 162, after the words " justices' licence " there shall be inserted the words " an occasional licence ".
- 14 In section 164 at the end there shall be added the following subsection—
- “(4) If the holder of a justices' off-licence sells any spirits or wine in an open vessel, he shall be liable on a first conviction to a fine not exceeding ten pounds and on a subsequent conviction to a fine not exceeding twenty pounds”.
- 15 (1) For subsection (1) of section 180 there shall be substituted the following subsection—
- “(1) Justices of the peace may, on the application of the holder of a justices' on-licence, grant him a licence (in this Act referred to as an " occasional licence ") authorising the sale by him of any intoxicating liquor to which his justice's on-licence extends at such place other than the premises in respect of which his justices' on-licence was granted, during such period not exceeding three weeks at one time, and between such hours, as may be specified in the

occasional licence, but an occasional licence shall not authorise the sale of intoxicating liquor thereunder—

- (a) in a county or county borough in Wales and Monmouth shire in which section 66(1) of this Act for the time being applies, on any Sunday; or
- (b) on Christmas Day, Good Friday, or any day appointed for public fast or thanksgiving.”

(2) In subsection (2) of section 180—

- (a) for the word " consent " in the first place where it occurs there shall be substituted the words " an occasional licence ";
- (b) for the words " the consent " in both places where they occur and for the words " the occasional licence " there shall in each case be substituted the word " it ".

(3) In subsection (3) of section 180, for the words " their consent " there shall be substituted the words " an occasional licence ".

(4) In subsection (6) of section 180, for the words from " consent under " to " the consent " there shall be substituted the words " an occasional licence to an applicant who holds only a residential licence ; and, if he holds only a restaurant licence or residential and restaurant licence, they shall not grant the occasional licence ".

(5) In subsection (7) of section 180, for the words " consent under this section " there shall be substituted the words " an occasional licence ".

(6) At the end of section 180, there shall be added the following subsection—

“(8) An occasional licence granted to the holder of a justices' on-licence in respect of any premises shall have effect as if granted to any person who is for the time being the holder of a justices' on-licence in respect of those premises and shall be of no effect at any time when no justices' licence is for the time being held in respect of those premises.”

16 For section 181 there shall be substituted the following section—

“**181** Notwithstanding anything in this Act, the holder of a dealer's licence under section 146 of the Customs and Excise Act 1952 in respect of spirits or of wine may, at the premises in respect of which his licence is held, sell by retail without a justices' licence any intoxicating liquor to which his dealer's licence extends if—

- (a) those premises are exclusively used for the sale of intoxicating liquor and mineral waters or other non-intoxicating drinks and have no internal communication with the premises of any person who is carrying on any other trade or business ; and
- (b) the sale by retail is—
 - (i) to a person lawfully carrying on a business of selling intoxicating liquor by retail; or
 - (ii) to a mess or registered club ; or
 - (iii) to a person engaged, at those premises or elsewhere, in any business carried on by the holder of the dealer's licence,
 or the sale is of intoxicating liquor for delivery outside Great Britain.”

17 In section 185—

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- (a) after the words " justices' licence " there shall be inserted the words " an occasional licence ";
 - (b) for the words " constable or officer of Customs and Excise " there shall be substituted the words " or constable ".
- 18 In section 196(3)—
- (a) after the word " premises " in the second place where it occurs there shall be inserted the words " or, as the case may be, other than the occupier of a licensed canteen or a servant employed in such a canteen ";
 - (b) after the words " the premises " there shall be inserted the words " or, as the case may be, canteen ";
 - (c) after the words " justices' licence " there shall be inserted the words " occasional licence or canteen licence, as the case may be, ".
- 19 In section 199, for paragraph (c) there shall be substituted the following—
- “(c) make unlawful the sale or exposure for sale by retail without a justices' licence of any intoxicating liquor at a theatre which is established by royal patent or which consists of premises duly licensed as a theatre by the Lord Chamberlain or other proper authority if the proprietor of the theatre has given to the clerk to the licensing justices notice in writing of the intention to sell such liquor by retail at that theatre and that notice has not been withdrawn;”.
- 20 In section 199, for paragraph (d) there shall be substituted the following—
- “(d) make unlawful the sale or exposure for sale by retail without a justices' licence to passengers in an aircraft, vessel or railway passenger vehicle of intoxicating liquor for consumption on board the aircraft, vessel or vehicle if the aircraft or vessel is employed for the carriage of passengers and is being flown or navigated from a place in the United Kingdom to another such place or from and to the same place in the United Kingdom on the same day or, as the case may be, if the vehicle is a vehicle in which passengers can be supplied with food;”.
- 21 In section 200(1), for the words from " is in force " to " under a licence " there shall be substituted the words " or occasional licence is in force and as including a reference to any theatre in respect of which a notice under section 199(c) of this Act is for the time being in force ".
- 22 In section 201(1)—
- (a) after the definition of " canteen licence " there shall be inserted the following definition—
 - “" cider " includes perry ;”
 - (b) for the definition of " intoxicating liquor " there shall be substituted the following—
 - “" intoxicating liquor " means spirits, wine, beer, cider, and any other fermented, distilled or spirituous liquor, but (apart from cider) does not include any liquor for the sale of which by wholesale no excise licence is required ;”
 - (c) for the definition of " occasional licence " there shall be substituted the following—
 - “" occasional licence " means a licence granted under section 180 of this Act;”

(d) at the end there shall be added the following definition—

“" wine " includes British wine within the meaning of the Customs and Excise Act 1952 ;”.

23 In Schedule 9, for paragraph 4(a) there shall be substituted the following—

“(a) intoxicating liquor, or”.

Transitional provision

24 Any justices' licence in force immediately before the time of the coming into force of this Schedule shall authorise the sale by retail by the licensee of any intoxicating liquor for the sale by retail of which the licence authorises him to hold a retailer's licence under the Customs and Excise Act 1952, and any consent in force at the said time under section 180 shall authorise any sale by the person to whom the consent was granted which would have been authorised by an occasional licence under section 151 of the said Act of 1952 granted in accordance with that consent.