



Licensing Act 1902

1902 CHAPTER 28

PART III

REGISTRATION OF CLUBS

24 Registration of clubs

- (1) The secretary of every club which occupies a house or part of a house or other premises which are habitually used for the purposes of a club, and in which any intoxicating liquor is supplied to members or their guests, shall cause the club to be registered in manner provided by this Act.
- (2) The registration of a club under this Act shall not constitute the club premises licensed premises, or authorise any sale of intoxicating liquor therein which would otherwise be illegal.

25 Mode of registration

- (1) The clerk to the justices of every petty sessional division shall keep a register of all such clubs within the division.
- (2) The register shall be in a form prescribed by the Secretary of State, and shall contain—
 - (a) the name and objects of the club ;
 - (b) the address of the club ;
 - (c) the name of the secretary;
 - (d) the number of members ;
 - (e) the rules of the club relating to—
 - (i) the election of members and the admission of temporary and honorary members and of guests;
 - (ii) the terms of subscription and entrance fee, if any;
 - (iii) the cessation of membership;
 - (iv) the hours of opening and closing; and
 - (v) the mode of altering the rules.

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- (3) The secretary of every such club shall, in the month of January nineteen hundred and three, and in the month of January in each succeeding year, furnish to the clerk to the justices a return, signed by the secretary, giving the above-mentioned particulars, together with a signed statement that there is kept upon the club premises a register of the names and addresses of the club members, and a record of the latest payment of their subscriptions.
- (4) Where after the commencement of this Act a new club requiring registration is about to be opened the secretary shall, before the opening of the club, furnish a return, signed by him, to the clerk to the justices giving the above-mentioned particulars.
- (5) The clerk to the justices shall keep the register of clubs corrected up to date in accordance with the returns furnished by the secretaries, and the register shall, at all reasonable hours, be open to the inspection of an inspector or superintendent of police, or an officer of the inland revenue, without fee, and of any person on payment of a fee not exceeding one shilling.
- (6) A fee of five shillings shall be payable to the clerk to the justices on each return made by the secretary of a club.
- (7) In the application of this section to Oxford, the Registrar of the Court of the Chancellor of the University shall be substituted for the clerk to the justices in the case of any club mainly composed of members past or present of the University.

26 Penalty for supplying or keeping liquor in unregistered club

- (1) If any intoxicating liquor is supplied or sold to any member or guest on the premises of an unregistered club, the person supplying or selling such liquor, and every person authorising the supply or sale of such liquor, shall be liable on summary conviction to imprisonment, with or without hard labour, for a term not exceeding one month, or to a fine not exceeding fifty pounds, or to both.
- (2) If any intoxicating liquor is kept for supply or sale on the premises of an unregistered club every officer and member of the club shall be liable on summary conviction to a fine not exceeding five pounds, unless he proves to the satisfaction of the court that such liquor was so kept without his knowledge or against his consent.

27 Supply of liquor for consumption off the premises

Intoxicating liquor shall not be supplied in a club for consumption off the premises except to a member on the premises ; and if any person supplies or obtains any intoxicating liquor in contravention of the provisions of this section, he shall be liable, on summary conviction, to a fine not exceeding ten pounds.

28 Striking off register

- (1) "Where a club has been registered in pursuance of this Act a court of summary jurisdiction on complaint in writing by any person may, if it thinks fit, make an order directing the club to be struck off the register on all or any of the following grounds, namely—
 - (a) that the club has ceased to exist, or that the number of members is less than twenty-five ; or

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- (b) that it is not conducted in good faith/as a club, or that it is kept or habitually used for any unlawful purpose ; or
 - (c) that there is frequent drunkenness on the club premises ; or
 - (d) that illegal sales of intoxicating liquor have taken place on the club premises; or
 - (e) that persons who are not members are habitually admitted to the club merely for the purpose of obtaining intoxicating liquor; or
 - (f) that the club occupies premises in respect of which, within twelve months next preceding the formation of the club, a licence has been forfeited or the renewal of a licence has been refused, or in respect of which an order has been made that they shall not be used for the purposes of a club; or
 - (g) that persons are habitually admitted as members without an interval of at least forty-eight hours between their nomination and admission; or
 - (h) that the supply of intoxicating liquor to the club is not under the control of the members or the committee appointed by the members.
- (2) For the purpose of determining whether a club is conducted in good faith as a club, the court shall have regard to the nature of the premises occupied by the club.
- (3) If the court grants a summons on the complaint, the summons shall be served on the secretary and on such other person, if any, as the court may direct.
- (4) Where the court makes an order striking a club off the register the court may, if it thinks fit, by that order further direct that the premises occupied by the club shall not be used for the purposes of any club which requires registration under this Act for a specified period, which may extend to twelve months in case of a first order or in case of a second or subsequent order to five years ; provided that any such direction may, for good cause shown, be subsequently cancelled or varied by the court.
- (5) In the application of this section to Oxford, the court of summary jurisdiction shall be the Court of the Chancellor of the "University sitting and acting under the Oxford University (Justices) Act, 1886, in the case of any club mainly composed of members past or present of the University; provided that that court shall not have power to make an order that premises occupied by any such club shall not be used for the purposes of a club.

29 Search warrant

- (1) If a justice of the peace is satisfied by information on oath that there is reasonable ground for supposing that any registered club is so managed or carried on as to constitute a ground for striking it off the register, or that any intoxicating liquor is sold or supplied, or kept for sale or supply, on the premises of an unregistered club, he may grant a search warrant to any constable named therein.
- (2) A search warrant granted under this section shall authorise the constable named therein to enter the club, if need be by force, and to inspect the premises of the club, to take the names and addresses of any persons found therein, and to seize any books and papers relating to the business of the club.

30 Penalty for false returns, &c

- (1) If the secretary of any registered club or any club which requires to be registered omits to make any return required by this Act he shall be liable on summary conviction to a

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fine not exceeding twenty pounds, and in the case of a second or subsequent offence to imprisonment, with or without hard labour, for a term not exceeding one month, or to a fine not exceeding fifty pounds, or to both.

- (2) If the secretary of any such club knowingly makes a return which is false in any material particular, he shall be liable on summary conviction to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding fifty pounds, or to both.

31 Application to London

In the application of this Part of this Act to London, the clerk to a metropolitan police court shall be substituted for the clerk to the justices as regards any place within the jurisdiction of a metropolitan police court, and as regards the City of London the clerk of Special Sessions shall be so substituted.

32 Definitions

For the purposes of this Part—

The expression " secretary " includes any officer of a club or other person performing the duties of a secretary, and in the case of a proprietary club where there is no secretary, the proprietor of the club; and

The expression " unregistered club " means a club which requires under this Act to be registered but is not registered, or which has been struck off the register.