

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

****

CAP. LXXXV.

An Act to amend an Act passed in the First Year of His present Majesty, to permit the general Sale of Beer and Cider by Retail in *England*.

[15th *August* 1834.]

WHEREAS much Evil has arisen from the Management and Conduct of Houses in which Beer and Cider is sold by Retail under the Provisions of an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act to permit the general Sale of Beer and Cider by Retail in* England, and it is expedient to amend the Provisions of the said Act in certain Particulars; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act it shall be lawful for the Commissioners of Excise, or other Persons duly authorized, to grant Licences for the Sale of Beer, Ale, Porter, Cider, or Perry, under the Provisions of the said recited Act, to any Person applying for the same, but that such Licence shall not authorize the Person obtaining it to sell Beer or Cider to be drank or consumed in the House or on the Premises specified in the same Licence, unless the same be granted upon the Certificate herein-after required.

1 W. 4. c. 64.

Licences to be granted for Sale of Beer, but not to authorize Consumption thereof on the Premises unless granted upon Certificate.

II. And

Every Person applying for a Licence to sell Beer to be drank on the Premises to deposit with the Commissioners of Excise a Certificate of good Character signed by Six rated Inhabitants of the Parish, &c. and certified by One of the Overseers.

II. And be it further enacted, That every Person applying for a Licence to sell Beer or Cider by Retail, intending the same to be drank in the House or on the Premises, shall, in addition to the Application setting forth the Particulars required by the said recited Act, annually produce to and deposit with the Commissioners of Excise, Collector, Supervisor, or other Person authorized to grant such Licence within the Parish, Township, or Place in which the Person so applying intends to sell Beer or Cider by Retail, a Certificate signed by Six Persons residing in and being and describing themselves to be Inhabitants of such Parish, Township, or Place, and respectively rated therein to the Poor at not less than Six Pounds, or occupying a House therein rated to the Poor at not less than Six Pounds, none of whom shall be Maltsters, Common Brewers, or Persons licensed to sell Spirituous Liquors or Beer or Cider by Retail, nor Owners or Proprietors of any House or Houses licensed to sell such Liquors or Beer or Cider by Retail, stating that the Person applying for the Licence is of good Character, and that at the Foot of such Certificate One of the Overseers of the Parish, Township, or Place shall certify (if the Fact be so) that such Six Persons are Inhabitants respectively rated as aforesaid; and such Certificate and Licence shall respectively be in the Forms of the Schedule annexed to this Act: Provided always, that in any Parish, Township, or District maintaining its own Poor in which there are not Ten Inhabitants rated to the Relief of the Poor to the Amount of Six Pounds each, or not occupying Houses respectively rated to the Poor at Six Pounds each, (not being Maltsters, Common Brewers, or Persons licensed to sell Spirituous Liquors or Beer or Cider by Retail,) the Certificate of the Majority of such Inhabitants of such Parish, Township, or District maintaining its own Poor, as are rated to the Amount of Six Pounds each, shall be deemed to be a sufficient Certificate for the Purposes of this Act.

If not Ten rated Inhabitants in the Place the Certificate of the Majority of them.

Penalty on Overseers refusing to certify as required.

III. And be it enacted, That if any Overseer of any Parish, Township, or Place shall, after Application made to him by or on behalf of the Person applying for the Licence required by this Act, refuse or neglect to certify, if the Fact be so, that the Persons who have signed such Certificate are Inhabitants rated respectively as aforesaid, he shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be recovered before any Justice of the Peace acting for the County in which such Parish, Township, or Place shall be situate, on Complaint of the Person by whom the Application shall have been made, unless such Overseer of the Poor shall show to the Satisfaction of such Justice reasonable Cause for such Neglect or Refusal.

Permitting drinking Beer in a neighbouring House or in any Shed, &c. with Intent to evade the Provisions of the Act, to

IV. And be it further enacted, That if any Person licensed to sell Beer or Cider not to be consumed upon the Premises shall, with Intent to evade the Provisions of this Act, take or carry, or authorize or employ or permit or suffer any Person to take or carry, any Beer or Cider out of or from the House or Premises of such licensed Person for the Purpose of being sold on his Account, or for his Benefit or Profit drunk or consumed in any other House, or in any

Tent, Shed, or other Building of any Kind whatever belonging to such licensed Person, or hired, used, or occupied by him, such Beer or Cider shall be deemed and taken to have been drunk or consumed upon the Premises, and the Person selling the same shall be subject to the like Forfeitures and Penalties as if such Beer or Cider had been actually drunk or consumed in any House or upon any Premises licensed only for the Sale thereof as aforesaid.

Beer or Cider to be deemed drinking on the Premises.

V. And be it further enacted, That the Provisions in respect of billetting Soldiers in Victualling Houses contained in any Act of Parliament for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, shall extend only to such Persons licensed under this and the said recited Act as shall be licensed to sell Beer or Cider to be drunk and consumed in the House or on the Premises, and shall not extend or be deemed or construed to extend to such Persons as shall be licensed to sell Beer or Cider not to be consumed on the Premises; any thing in the said recited Act or this Act to the contrary notwithstanding.

To what Persons Provisions for billetting Soldiers under Mutiny Acts shall extend.

VI. And be it further enacted, That it shall be lawful for the Justices of the Peace of every County, Riding, Division, Franchise, Liberty, City, Town, and Place, in Petty Sessions assembled, and they are hereby required, to fix once a Year, within Thirty Days after the passing of this Act in this Year, and in every future Year, in the Counties of *Middlesex* and *Surrey* within the first Ten Days of the Month of *March*, and in every other County on some Day between the Twentieth Day of *August* and the Fourteenth Day of *September* inclusive, the Hours at which Houses and Premises licensed to sell Beer under this Act shall be opened and closed: Provided always, that any Person thinking himself aggrieved by any such Order to be so made may appeal to the Justices of the Peace in Quarter Sessions assembled, at any Time within Four Calendar Months after the making of such Order, giving to the Justices by whom such Order shall have been made Fourteen Days Notice of his Intention to appeal, and the Decision of the said Justices so assembled in Quarter Sessions shall be final and conclusive: Provided also, that the Hour so to be fixed for opening any such House shall not in any Case be earlier than Five of the Clock in the Morning, nor for closing the same later than Eleven of the Clock at Night, or before One o'Clock in the Afternoon on *Sunday*, *Good Friday*, *Christmas Day*, or any Day appointed for a Public Fast or Thanksgiving; and the Hours so fixed from Time to Time by such Justices, with reference to the Districts and Places within their respective Jurisdictions, shall be deemed and taken to be the Hours to be observed and complied with under this Act as fully as if the same had been specially appointed by this Act.

Justices of the Peace to regulate the Times of opening and closing Houses.

Appeal.

Proviso as to the Hours to be fixed for opening and closing Houses.

VII. And be it further enacted, That it shall be lawful for all Constables and Officers of Police, and they are hereby authorized and empowered, to enter into all Houses which are or shall be licensed to sell Beer or Spirituous Liquors to be consumed upon the Premises when and so often as such Constables and Officers shall

Empowering Constables, &c. to visit licensed Houses.

shall think proper; and if any Person having such Licence as aforesaid, or any Servant or other Person in his Employ or by his Direction, shall refuse to admit or shall not admit such Constable or Officer of Police into such House or upon such Premises, such Person having such Licence shall for the First Offence forfeit and pay any Sum not exceeding Five Pounds, together with the Costs of the Conviction, to be recovered within Twenty Days next after that on which such Offence was committed before One or more Justices of the Peace; and it shall be lawful for any Two or more Justices before whom any such Person shall be convicted of such Offence for the Second Time to adjudge (if they shall so think fit) that such Offender shall be disqualified from selling Beer, Ale, Porter, Cider, or Perry by Retail for the Space of Two Years next after such Conviction, or for such shorter Space of Time as they may think proper.

Penalty for making or using false Certificates.

VIII. And be it further enacted, That if any Person shall, in any Certificate required by this Act, certify any Matter as true, knowing the same to be false, or shall make use of any Certificate for the Purposes of this Act, knowing such Certificate to be forged, or the Matters certified therein to be false, every such Person shall, on Conviction of such Offence before Two or more Justices of the Peace, forfeit and pay the Sum of Twenty Pounds; and every Licence for the Sale of Beer or Cider by Retail which shall be granted to any Person who shall have made use of any such Certificate in order to obtain the same, such Person knowing such Certificate to be forged, or the Matters certified therein to be false, shall be void to all Intents and Purposes; and any Person who shall have made use of such Certificate shall for ever hereafter be disqualified from obtaining a Licence to sell Beer or Cider by Retail under the Provisions of the said recited Act or this Act.

Licences obtained on false Certificates to be void.

No Licence for Beer to be drank on the Premises to be granted without a Certificate.

IX. And be it further enacted, That no Licence for the Sale of Beer or Cider by Retail to be consumed or drank in the House or on the Premises shall be granted, except upon the Certificate hereby required: Provided always, that in all Extra-parochial Places the Certificate required by this Act may be signed and given by Inhabitants rated to the Poor at Six Pounds in any adjoining Parish or Parishes.

Retailers compellable to produce their Licences on Requisition of Two Magistrates.

X. And be it enacted, That in case any Complaint shall be laid before Two Justices of the Peace against any Person licensed for any Offence against the Tenor of his Licence, or against this Act or the said recited Act, it shall be lawful for the said Justices (if they shall think fit) to require such Person to produce his Licence before them for their Examination; and if such Person shall wilfully neglect or refuse so to do he shall forfeit and pay for such Offence such Sum, not exceeding Five Pounds, as the said Justices shall think proper; and such Person shall and may be convicted, proceeded against, and dealt with for such Offence in all respects in the same Manner, *mutatis mutandis*, as is directed by the said recited Act with regard to Persons guilty of a First Offence against the said Act; and the Penalty imposed

imposed for such Offence shall be applied in the same Manner as a Penalty for a First Offence against the said Act is thereby directed to be applied.

The Powers, Provisions, and Penalties of 1 W. 4. c. 64. to apply to Persons licensed under this Act, and to their Sureties, &c.

XI. And be it enacted, That all the Powers, Regulations, Proceedings, Forms, Penalties, Forfeitures, and Provisions contained in the said recited Act with reference to Persons licensed under the said Act, and to the Offences committed by such Persons against the said Act, or against the Tenor of any Licence granted under the said Act, and also with reference to the Sureties of such Persons, and to Persons doing the Things thereby prohibited without the Licence required by the said Act, shall (except where they are altered by this Act or are repugnant thereto) be deemed and taken to be applicable to all Persons licensed under this Act, and to all Offences committed by such Persons of the same Description as the Offences mentioned in the said Act, and to the Sureties of all such Persons in respect of such Offences, and to all Persons doing, without the Licence required by this Act, Things of the same Description as the Things prohibited without the Licence required by the said Act, as fully and effectually as if all the said Powers, Regulations, Proceedings, Forms, Penalties, Forfeitures, and Provisions had been repeated and re-enacted in this Act, with reference to Persons licensed under this Act, and to the Sureties of such Persons, and to Persons acting without the Licence required by this Act; and also that all the Powers, Regulations, and Provisions in the said Act contained, authorizing any Party convicted to appeal to the General Session or Quarter Sessions of the Peace against any Conviction under the said Act, shall also extend and apply to any Convictions under this Act.

Recited Act to continue in force, except as hereby altered.

XII. And be it enacted, That all the Provisions of the said recited Act shall be deemed and taken to be in full Force, save and except where the same are altered by this Act; and that so much of the said Act as relates to the Interpretation of certain Words therein mentioned shall be applied to the Interpretation of the same Words where used in this Act.

Duties on Beer Licences under the 1 W. 4. c. 64. repealed, and new Duties granted in lieu thereof.

XIII. And be it further enacted, That from and after the passing of this Act the Duties payable on Excise Licences for the selling of Beer by Retail under the Provisions of the said recited Act shall cease and determine, and that in lieu of such Duties there shall be levied, collected, and paid upon the Licences hereby authorized to be granted the Duties following; (that is to say,)

For and upon every Licence to be taken out by any Person for the selling by Retail of Beer not to be drank or consumed in or upon the House or Premises where sold, the annual Sum of One Pound One Shilling:

For and upon every Licence to be taken out by any Person for the selling by Retail of Beer to be drank or consumed in or upon the House or Premises where sold, the annual Sum of Three Pounds Three Shillings.

Such Duties to be under the Management of Commissioners of Excise, and to be recovered and accounted for under the Provisions of recited Act.

XIV. And be it further enacted, That the said last-mentioned Duties shall be under the Management of the Commissioners of Excise, and shall be raised, levied, collected, and recovered, and accounted for and paid in the same Manner and by the same Means, and under the same Regulations and Provisions, Pains, Penalties, and Forfeitures, as are prescribed in the said recited Act with respect to the Duties hereby repealed; all which said Regulations and Provisions, Pains, Penalties, and Forfeitures, shall apply to the Duties hereby imposed, and shall be enforced in respect of the same as fully and effectually as if repeated and re-enacted in this Act.

Not to affect Duty on Licences to retail Cider and Perry; but such Licences to state Particulars.

XV. Provided always, and be it further enacted, That nothing herein contained shall affect, or be deemed or construed to affect, the Amount of Duty payable according to the Provisions of the said recited Act on Licences to retail Cider and Perry; but in every such Licence shall be specified whether the same is granted for the Sale of Cider and Perry by Retail to be drank or consumed not in or upon the House or Premises where sold, or for the Retail of Cider and Perry to be drank and consumed in or upon the House and Premises where sold.

Licences under this Act not to authorize Persons to hold Licences for Sale of Wine.

Penalty on Persons licensed under this Act permitting Wine or Spirits to be consumed on the Premises.

XVI. And be it further enacted, That no Licence to be granted under the said recited Act and this Act for the Sale of Beer or Cider shall authorize any Person to take out or hold any Licence for the Sale of Wine, Spirits, or Sweets or Made Wines, or Mead or Metheglin; and if any Person licensed under the said recited Act and this Act to sell Beer or Cider shall permit or suffer any Wine or Spirits, Sweets or Made Wines, Mead or Metheglin, to be brought into his House or Premises to be drunk or consumed there, or shall suffer any Wine, Spirits, Sweets, Mead or Metheglin, to be drunk or consumed in his House or Premises by any Person whomsoever, such Person shall, over and above any Excise Penalty or Penalties to which he may be subject, forfeit Twenty Pounds, to be recovered, levied, mitigated, and applied in the same Manner as other Penalties (not being Excise Penalties) are by this Act to be recovered, levied, mitigated, and applied.

Penalty on unlicensed Persons selling Beer and Cider by Retail to be drank off the Premises, 10*l.*; to be drank on the Premises, 20*l.*

XVII. And be it further enacted, That every Person not being duly licensed to sell Beer, Cider, and Perry as the Keeper of a common Inn, Alehouse, or Victualling House who shall sell any Beer or Cider or Perry by Retail not to be drank or consumed in or upon the House or Premises where sold, without having an Excise Retail Licence in force authorizing him so to do, shall forfeit Ten Pounds; and every Person not being duly licensed to sell Beer, Cider, and Perry as the Keeper of a common Inn, Alehouse, or Victualling House who shall sell any Beer, Cider, or Perry by Retail to be drank or consumed in or upon the House or Premises where sold, without having an Excise Retail Licence in force authorizing him so to do, whether such Person shall or shall not be licensed to sell Beer to be drank or consumed off the Premises where sold, shall forfeit Twenty Pounds; which said Penalties shall be sued for and recovered, mitigated and applied, by the same Means

and under the same Provisions as any other Penalty may be sued for and recovered, mitigated and applied, under any Law or Laws of Excise.

The Board over the Door to state "Not to be drunk on the Premises,' or "To be drunk on the Premises.'

XVIII. And be it further enacted, That every Person who shall be licensed to sell Beer or Cider or Perry by Retail, under the Authority of the said recited Act and this Act, shall, on the Board by the said Act required to be placed over the Door of every Person licensed under the same, paint or cause to be painted and kept thereon, after the Words "Licensed to sell Beer or Cider by Retail," the additional Words "Not to be drunk on the Premises," or "To be drunk on the Premises," as the Case may be, on pain of forfeiting the Penalty by the said Act imposed for not having such Board affixed and continued over the Door.

What is a retailing of Beer, Cider, or Perry.

XIX. And whereas Doubts are entertained as to what is a selling of Beer or Cider or Perry by Retail; be it therefore enacted, That every Sale of any Beer, or of any Cider or Perry, in any less Quantity than Four Gallons and a Half, shall be deemed and taken to be a selling by Retail.

Persons licensed to sell Beer or Cider under this Act liable to Penalties for selling Spirits or Wine without Licence.

XX. And whereas Doubts have been entertained whether Persons licensed to sell Beer or Cider under the said Act of the First Year of His Majesty's Reign, who shall sell Spirits or Wine, or Sweets or Made Wines, or Mead or Metheglin, without being licensed so to do, are liable to the Penalties imposed by the Laws of Excise for selling Spirits or Wine, or Sweets or Made Wines, or Mead or Metheglin without Licence; be it therefore declared and enacted, That all Persons licensed under the said recited Act and this Act, selling Wine or Spirits, or any Sweets or Made Wines, or Mead or Metheglin, shall be liable to and shall incur all the Penalties imposed by the Laws of Excise for selling Spirits or Wine, Sweets or Made Wines, Mead or Metheglin, without Licence.

Certificate not to be required for Houses in certain Situations if Population exceed 5,000.

XXI. Provided always, and be it further enacted, That such Certificate shall not be required as to any House situated within the Cities of *London* and *Westminster*, or within any Parish or Place within the Bills of Mortality, nor within any City or Town Corporate, nor within the Distance of One Mile from the Place used at the last Election as the Place of Election or Polling Place of any Town returning a Member or Members to Parliament, provided that the Population, to be determined according to the last Parliamentary Census that shall have been taken in such City, Town Corporate, or Town returning a Member or Members to Parliament, shall exceed Five thousand: Provided always, that no Licence for the Sale of Beer, Ale, Porter, Cider, or Perry by Retail on the Premises in the Cities of *London* and *Westminster*, or in any Parish or Place within the Bills of Mortality, or in any such City or Town Corporate, or Town returning a Member or Members to Parliament as herein-before mentioned, shall be granted from and after the Fifth Day of *April* One thousand eight hundred and thirty-six, unless the House or Premises required to be specified as the House or Premises in which Beer

Beer or Cider is intended to be sold shall be of the Value of Ten Pounds *per Annum*.

Service of Summons or Order.

XXII. Provided always, and be it further enacted, That no Summons or Order issued by any Justice of the Peace or other Magistrate shall be deemed to be legally served unless it shall be served by some Constable, Special Constable, Police or other Peace Officer.

Commencement of Act.

XXIII. And be it enacted, That this Act shall commence and take effect from and after the Tenth Day of *October* in the present Year.

SCHEDULE to which the foregoing Act refers.

Form of Certificate.

WE, the undersigned, being Inhabitants of the Parish [*or* Township, *as the Case may be*,] of and respectively rated to the Poor at not less than Six Pounds per Annum, and none of us being Maltsters, Common Brewers, or Persons licensed to sell Spirituous Liquors, or being licensed to sell Beer or Cider by Retail, do hereby certify, That *A. B.*, dwelling in Street [*here specify the Street, Lane, &c.*] in the said Parish [*or* Township, *&c.*] is a Person of good Character.

[*Here insert the Day of signing the Certificate.*]

(Signed) *E. F.*, *G. H.*, *I. K.*, *L. M.*, *N. O.*, *P. Q.* [*Here state the Residence of each of the Persons signing.*]

I do hereby certify, That all the above-mentioned Persons whose Names are subscribed to this Certificate are Inhabitants of the Parish [*or* Township, *&c.*] of rated to Six Pounds to the Relief of the Poor of the said Parish.

C. D.
[Overseer of the Parish *or* Township, *&c.*]
Date.

Form of Licence.

WE, the undersigned, being of the Commissioners of Excise [*or* I, the undersigned, being a Person authorized and employed by the Commissioners of Excise to grant Licences for selling Beer, Ale, and Porter [*or* Cider and Perry, *as the Case may require*,] by Retail, or being a Collector or Supervisor of Excise for the Collection or District of] do hereby authorize and empower *A. B.*, now being a Householder, and dwelling in a House in [*here specify Street, &c.*] in the Parish [*or* Township, *&c.*] of within the Limits of the Chief Office of Excise [*or* within the Limits of the said Collection or District], to sell Beer, Ale, and Porter [*or* Cider and Perry] by Retail, in order

that it may be consumed in the said Dwelling House of the said *A. B.* and in the Premises thereunto belonging, the said *A. B.* having duly entered into a Bond with *D. S.* of
and *E. S.* of as his [*or* her] Surety [*or* Sureties], and having deposited a Certificate, signed by Six Persons, videlicet, [*here set out the Names and Residences of the Persons signing the Certificate,*] and by *C. D.* the Overseer of the said Parish [*or* Township, *&c.*] according to the Statute in such Case made; provided and upon Condition that the said *A. B.* do not sell any Beer, Ale, or Porter made otherwise than from Malt and Hops [*omit these Words in Licences to retail Cider and Perry*], nor mix or cause to be mixed any Drugs or other pernicious Ingredients in any Beer, Ale, or Porter [*or* in any Cider or Perry], nor fraudulently dilute, deteriorate, or adulterate any Beer, Ale, or Porter [*or* any Cider or Perry], nor sell any Beer, Ale, or Porter [*or* any Cider or Perry], knowing the same to have been fraudulently diluted, deteriorated, or adulterated, nor use, in selling any Beer, Ale, or Porter [*or* any Cider or Perry], any Measures which are not of the legal Standard, or wilfully or knowingly permit any Drunkenness, or any violent or quarrelsome or other disorderly Conduct in his [*or* her] House or Premises, nor knowingly suffer any unlawful Games or any gaming whatsoever therein, nor knowingly permit or suffer Persons of notoriously bad Character to assemble and meet together therein, but do maintain good Order and Rule therein, nor have or keep his [*or* her] House or Premises open for the Sale of Beer, Ale, or Porter [*or* Cider or Perry], nor sell any Beer, Ale, or Porter [*or* Cider or Perry], nor suffer the same to be drunk or consumed in or at such House or Premises at any Time which, by any Order of the Justices of the Peace made in pursuance of an Act passed in the Fifth Year of His present Majesty's Reign, intituled *An Act to amend an Act passed in the First Year of His present Majesty, to permit the general Sale of Beer and Cider by Retail in* England, shall be declared to be unlawful, or at any Time before the Hour of One in the Afternoon, or between the Hours of Three and Five of the Clock in the Afternoon, or after the Hour of Ten of the Clock in the Evening, on any Sunday, Good Friday, Christmas Day, or any Day appointed for a Public Fast or Thanksgiving; and [*in Cases where the Licence shall be granted for Beer or Cider to be consumed on the Premises,*] all Provisions for billetting Officers and Soldiers in Victualling Houses contained in any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, are to extend and apply to the House and Premises mentioned in this Licence; and this Licence shall continue in force from the Day of next until the Day of then next ensuing, and no longer; provided and upon Condition that the said *A. B.* shall not in the meantime become a Sheriff's Officer or Officer for executing the Process of any Court of Justice; nor shall the said *A. B.* in the meantime cease to be rated to the Relief of the Poor in respect of the said House and Premises; and this Licence shall cease and determine and shall become void in case any of the Conditions or

Regulations contained therein shall be transgressed, or shall not be observed by the said *A. B.* Given under our Hands and Seals [*or* my Hand and Seal] this Day of One thousand eight hundred and at .

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1834.