CHAPTER 31.

An Act to amend the law as regards music and dancing licences in parts of certain Home Counties and in certain county boroughs adjacent thereto. [4th August 1926.]

BE it 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, as follows :—

Short title, application and commencement.

1. This Act may be cited as the Home Counties (Music and Dancing) Licensing Act, 1926, and shall apply within the areas set out in the First Schedule to this Act (in this Act referred to as the "scheduled areas"), and shall come into operation on the first day of January, one thousand nine hundred and twenty-eight.

Definition.

2. For the purposes of this Act, the expressions "county" and "county borough" mean respectively the administrative county or county borough in which the premises requiring a licence are situate, and the expression "council" means the council of such county or county borough, and the expression "licence" means a licence granted under this Act, and the expression "licensed" shall be construed accordingly.

Grant and conditions of licences.

3.—(1) After the commencement of this Act, a place within the scheduled areas shall not be kept for the purposes of public dancing, singing, music, or any other public entertainment of the like kind (in this Act referred to as "entertainment purposes") without a licence.

(2) The council may grant licences for any period, not exceeding thirteen months, to such persons as they think fit to keep or use places for entertainment purposes on such terms and conditions and subject to such restrictions as they think fit.

(3) The council may, if they think fit, make regulations prescribing generally the terms, conditions and restrictions on and subject to which licences are to be granted, and, where any such regulations are in force, every licence shall (without prejudice to the power of the council to grant a licence on and subject to any special terms,

conditions or restrictions) be deemed to be granted subject to the regulations.

Primâ facie evidence of any regulations so made may be given in any legal proceedings by the production of a copy purporting to be certified to be a true copy by the clerk or some other officer of the council authorised to give a certificate for the purposes of this provision, and no proof shall be required of the handwriting or official position or authority of any person giving such a certificate.

(4) The council may transfer any licence to any person whom they think fit.

(5) There shall on the grant of a licence be paid by the person applying therefor such fee, not exceeding twenty shillings, or in the case of a licence granted for the sole purpose of a charitable entertainment not exceeding five shillings, as the council may determine, and on the transfer of a licence such fee, not exceeding five shillings, as the council may determine.

(6) Save as hereinafter provided, no licence or transfer shall be granted unless the applicant has given twenty-one days' notice to the clerk of the council and to the superintendent of police, or to the chief constable of the borough, as the case may be, in which the place is situated of his intention to apply for the licence or transfer, and has for twenty-one days kept a copy of the notice posted in a conspicuous position on the exterior of the place to which the application relates, and on the consideration of the application by the council the police and any person living in the neighbourhood of the place whom the council deem to be concerned shall be entitled to be heard:

Provided that—

(*a*) the provisions of this subsection as to notice shall not apply in the case of an application by any person for the grant of a licence in respect of any place by way of renewal, on the same terms and conditions, of a licence held at the date of the application by that person in respect of that place; and

(*b*) a licence for a period not exceeding fourteen days may be granted notwithstanding that the provisions of this subsection as to notice

to the clerk of the council have not been complied with, and in the case of an application for such a licence the notice required to be given to the superintendent of police or the chief constable, as the case may be, shall be seven instead of twenty-one days.

(7) If any place is kept for entertainment purposes without a licence, the person so keeping the place and, unless he proves to the satisfaction of the court that the place is so kept without his consent or connivance, any person occupying or rated as occupier of the place shall be liable on summary conviction to a penalty not exceeding five pounds for every day on which the place is so kept.

(8) Except where the period for which the licence is in force does not exceed fourteen days, there shall be affixed and kept affixed in some conspicuous place, and so as to be easily legible, on or immediately over and on the outer side of the main entrance of every licensed place the words "Licensed in pursuance of Act of Parliament for . . . ," with the addition of words showing the purpose for which the place is licensed.

(9) A place notwithstanding that it is licensed shall not, except with the written permission of the council, be used for entertainment purposes at any time during the period beginning at midnight and ending at midday:

Provided that, if on any special occasion a special order of exemption has been granted under section fifty-seven of the Licensing (Consolidation) Act, 1910, in respect of any licensed place, no penalty shall be incurred on account of that place being used for any of the purposes aforesaid on that occasion from midnight until the hour specified in the special order of exemption as the hour for closing. 10 Edw. 7. c. 24.

(10) The affixing and keeping affixed of such an inscription as aforesaid, and the observance of the days and hours of opening and closing, shall be made a condition of every licence.

(11) If the holder of a licence acts in contravention of or fails to comply with any term, condition or restriction on or subject to which the licence was granted, he shall be liable on summary conviction to a penalty not exceeding twenty pounds, and in the case of a continuing

offence to a daily penalty not exceeding five pounds for each day on which the contravention continues after conviction therefor, and the licence of any person so convicted may be revoked by the council.

(12) Any constable authorised in that behalf by a warrant granted by a justice of the peace may enter any place in respect of which he has reason to suspect that an offence under this Act is being committed.

25 Geo. 2. c. 36.

(13) Section eight of the Disorderly Houses Act, 1751, (which provides that any persons appearing as masters of, or having the care of, certain places are to be deemed to be the keepers thereof), shall apply, for the purposes of proceedings under this Act, as it applies for the purposes of proceedings under that Act.

(14) Any sums received on account of fees under this section shall be carried to the credit of the county fund or borough fund, as the case may be:

Provided that, where any sums are so received by the council of an urban district acting in the exercise of powers delegated to the council under this Act, those sums shall be carried to the district fund.

Power to delegate.

4.—(1) A council may delegate all or any of its powers under this Act to a committee consisting wholly or partly of members of the council.

(2) A council being the council of a county may also delegate all or any of its powers under this Act, other than the power to make regulations, to the council of an urban district having a population, according to the last census, for the time being of not less than twenty thousand, so far as relates to places within that district.

Savings.

5. Nothing in this Act shall exempt any person or place from the provisions of any other enactment requiring the licensing for any purposes of that person or place or shall apply to any entertainment provided by a local authority in a park, garden or other place in the control of the local authority, or in any building thereon.

Repeal.

6.—(1) The enactments mentioned in the Second Schedule to this Act, so far as they apply to the scheduled areas, are hereby repealed to the extent mentioned in the third column of that Schedule.

(2) Nothing in this section shall affect the validity of any licence granted in respect of any place within the scheduled areas under any enactment repealed by this Act, and any such licence shall have effect as if it had been duly granted under this Act, and shall, subject to the provisions of this Act, continue in force until the expiration of the period for which it was granted.

SCHEDULES.

FIRST SCHEDULE.

Section 1.

So much of the administrative counties of—

Buckinghamshire,
Essex,
Hertfordshire,
Kent,

as lies within 20 miles of the City of London or the City of Westminster whichever may be the nearer to them.

The county boroughs of—

Croydon,
East Ham,
West Ham.

SECOND SCHEDULE.

Section 6.

Session and Chapter.	Enactment repealed.	Extent of repeal.
25 Geo. II., c. 36.	The Disorderly Houses Act, 1751.	Sections two and three.
38 & 39 Vict., c. 21.	The Public Entertainments Act, 1875.	The whole Act.
10 & 11 Geo. 5. c. clv.	The Erith Improvement Act, 1920.	Section eighty-one.