CHAP. 88.

An Act to restrict during a limited time the grant by Justices of the Peace of new Licenses and Certificates for the Sale of Intoxicating Liquors by Retail; and for other purposes. A.D. 1871.

[17th August 1871.]

WHEREAS under The Intoxicating Liquors (Licensing) Act, 1828, and The Wine and Beerhouse Act, 1869, and The Wine and Beerhouse Act Amendment Act, 1870, justices of the peace grant licenses for and certificates authorising the grant of excise licenses for the sale of intoxicating liquors by retail: 9 G. 4. c. 61. 32 & 33 Vict. c. 27. 33 & 34 Vict. c. 29.

And whereas it is expedient to restrict the issue of new licenses and certificates until the Legislature has further dealt with the law relating to the sale by retail of intoxicating liquors:

Be it enacted by the Queen'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:

1. After the passing of this Act— Restriction on grant of new licenses.

(1.) The justices at the general annual licensing meeting or any special sessions shall not grant, otherwise than by way of renewal, or in pursuance of the provisions of section fourteen of The Intoxicating Liquors (Licensing) Act, 1828, any new license under that Act, or any new certificate under The Wine and Beerhouse Act, 1869, and the Acts amending the same respectively, except in accordance with the provisions of this Act:

(2.) The justices in any general or quarter sessions shall not grant, except by way of renewal, any new license for music or dancing under the Act of the twenty-fifth year of the reign of King George the Second, chapter thirty-six, intituled "An Act for the better preventing thefts and "robberies, and for regulating places of public entertain- "ment, and punishing persons keeping disorderly houses," to a house licensed for the sale of intoxicating liquors, except in accordance with the provisions of this Act.

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If it appears to the justices that the refusal to grant any such new license or certificate will cause inconvenience to the locality, or to the public, or injury to any person or body corporate, such justices may grant provisionally such license or certificate, and shall forthwith send to a Secretary of State a report in writing of such provisional grant, specifying the circumstances on account of which such grant is made.

It shall be lawful for the Secretary of State to confirm such provisional grant, and upon such confirmation the license or certificate shall be granted accordingly; but the said provisional grant, unless and until it is so confirmed, shall have no effect.

No person shall be authorised to appeal to general or quarter sessions against any act done by the justices in pursuance of this section.

Where, on an application to a court of quarter sessions or one of the superior courts of law at Westminster, with reference to the refusal of any justices before the passing of this Act to grant a license or certificate, it is decided (either before or after the passing of this Act) that such license or certificate ought to have been granted, such license or certificate shall, for the purposes of this section, be deemed to have been granted at the date of such refusal.

Removals of licenses.

2. The justices at the general annual licensing sessions may, at their discretion, remove a license or certificate from premises in their division, or in any adjoining division within the same county, to any other eligible premises in their division, if in their opinion the removal is necessary in order to meet the wants of the neighbourhood to which the removal is to be made, and if no objection is made by the occupier of the premises from which the removal is to be made, or by any other person appearing to the justices to have reasonable ground of objection to the removal; and they may, for the purposes of this section, require such proof and make such adjournments as they think fit.

If the justices refuse an application for any such removal of a license or certificate no appeal shall be allowed to the applicant, but in the event of the justices granting such application any person, whether he has appeared or not before the justices to oppose such application, may, if he is interested in the premises from which the removal is to be made, appeal to quarter sessions in manner prescribed by "The Intoxicating Liquors Licensing Act, 1828."

The like notices shall be given of every intended application for a removal as are by "The Wine and Beerhouse Act, 1869," and "The Wine and Beerhouse Act Amendment Act, 1870," required in the case of an application for a new certificate under the said Acts for premises not previously licensed.

The said notices shall not later than one week or earlier than one month before the general annual licensing sessions be advertised once in each of two successive weeks in some newspaper circulating in the division where the premises to which the removal is to be made are situated. When a removal is proposed to be made from one division to another, notices shall also be given and advertised in like manner in the division and in respect of the premises from which the removal is to be made, stating the intention to apply for a removal and the place and time at which the application is to be made; and no such removal shall be made from one division to another without the consent of the justices of the division from which such removal would take place.

For the purposes of this section the term "division" means a division or place within the meaning of "The Intoxicating Liquors (Licensing) Act, 1828."

Discretion of justices as to the refusal to grant certificates under 32 & 33 Vict. c. 27. and 33 & 34 Vict. c. 29.

3. Whereas under The Wine and Beerhouse Act, 1869, and The Wine and Beerhouse Act Amendment Act, 1870, justices are prohibited in the case of any house or shop with respect to which a license for the sale by retail therein of beer, cider, or wine was in force on the first day of May one thousand eight hundred and sixty-nine, from refusing an application for a certificate in respect of such house, except upon the grounds therein mentioned, and doubts have arisen whether such prohibition extends to the case of an application for a certificate with respect to any such house or shop, if the license which was in force on the first day of May one thousand eight hundred and sixty-nine, or any certificate since granted in respect of the said house or shop, has by forfeiture, lapse of time, or otherwise ceased to be in force; and it is expedient to remove such doubts: It is therefore hereby declared, that in the case of any such application the justices may, in their discretion, refuse the application upon any ground upon which they might refuse the application, if made for a certificate with respect to any house or shop with respect to which a license was not in force on the first day of May one thousand eight hundred and sixty-nine.

Retail licenses in Ireland.

4. And whereas it is also expedient that no increase shall be made in the number of licenses for the sale of spirits, beer, ale, porter, cider, perry, foreign wine, sweets or made wine (in this section referred to as intoxicating liquors) by retail in Ireland pending the amendment of the general law regulating the grant or issue of such licenses: Be it therefore enacted, that from and after the passing of this Act no new license or certificate shall be granted by the justices of the peace in quarter sessions or petty sessions for the sale of intoxicating liquors by retail, whether for consumption or non-consumption on the premises, to any person whomsoever in Ireland: Provided always, that the

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words "new license" shall not include any retail license granted by way of renewal or in exchange for any similar license existing at the passing of this Act: Provided also, that nothing in this Act contained shall be held to prohibit the transfer of retail licenses, so that the number thereof be not increased, or to limit or affect the power now vested by law in the recorder of any city or borough in Ireland, or in the chairman and justices of quarter sessions in Ireland, with respect to the granting or refusing applications for new retail licenses in case of the surrender or proposed surrender of any existing retail license.

If it appears that by reason of the foregoing provisions inconvenience will result to any locality or to the public, or that injury will be done or suffered to or by any person or body corporate, such retail license may, notwithstanding such provisions, be granted if application is made in that behalf in the manner in use prior to the passing of this Act, and, together with such application, a statement setting forth that such inconvenience or injury is likely to arise, and sufficient grounds for such statement are proved, and the person or persons granting the same shall forthwith send to the Chief Secretary to the Lord Lieutenant of Ireland a report in writing of such grant, specifying the circumstances on account of which such grant is made, it shall be lawful for such Chief Secretary to confirm such grant, and upon such confirmation such license shall be in force and have effect accordingly: Provided always, that no such license shall be of any force or validity until the same is confirmed in manner aforesaid.

Definitions.

5. In this Act,—

The term "Intoxicating Liquors (Licensing) Act, 1828," means the Act of the ninth year of the reign of King George the Fourth, chapter sixty-one, intituled "An Act to regulate the "granting of Licenses to keepers of Inns, Alehouses, and "Victualling-houses in England:"

The term "Secretary of State" means one of Her Majesty's Principal Secretaries of State.

Construction of Act.

6. This Act, so far as it relates to any license or certificate, shall be construed as one with the enactments under which such license or certificate would have been granted if this Act had not passed.

Short title.

7. This Act may be cited as "The Intoxicating Liquors (Licenses Suspension) Act, 1871."

Duration of Act.

8. This Act shall continue in force until the first day of September one thousand eight hundred and seventy-two, and no longer.

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