

ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

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CAP. XLIV.

An Act for the Transfer of Licences and Regulation of Public Houses. [1st *July* 1842.]

WHEREAS it is expedient that greater Facilities should be given in the Transfer of Licences of Inns, Alehouses, and Victualling Houses, and likewise that some Regulations should be made, and for restraining the Sale of Spirituous Liquors on board Boats or other Vessels at anchor in the River *Thames:* Be it therefore 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, That from and after the passing of this Act, at any Petty Session of Justices of the Peace holden in and for any Division of every County and Riding, and in any Hundred of every County not being within such Division, and in every Liberty, City, Town, or Place within which any Inn, Alehouse, or Victualling House shall be situated, and for which the said Justices shall be acting, at any Time when no Special Session shall be holden for any such Division, Hundred, Liberty, City, Town, or Place, it shall be lawful, in those Cases where Justices of the Peace assembled at a Special Session are empowered, by an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to regulate the granting of Licences to Keepers of Inns, Alehouses, and Victualling Houses*

Empowering Transfer of Licences by Justices at Petty Sessions;

9 G. 4. c. 61.

Houses in England, to transfer or grant Licences, before the Expiration thereof, to sell exciseable Liquors by Retail in the same House or Premises in respect of which any Person had been theretofore duly licensed, for the Majority of the Justices then present, upon Application made to them at any such Petty Session, by Indorsement under their Hands and Seals on any Licence which shall have been granted pursuant to the Provisions of the said Act at any General Licensing Meeting, or at any Adjournment thereof, to authorize (if they shall deem it proper so to do, after examining upon Oath all necessary Parties,) any Person not disqualified by the said Act, to whom it shall be proposed at the Time of such Application to transfer or grant any such Licence, to use, exercise, and carry on the Business of a Licensed Victualler at the same House and on the same Premises, and there to sell such exciseable Liquors as might theretofore have been lawfully sold and retailed therein; and thereupon it shall be lawful for the Officer of Excise empowered to transfer Licences by Indorsement on the Excise Licences required to be transferred to give the like Authority to the Persons so authorized by the Magistrate or Justices; and the Authority so granted shall continue and be in force until the then next ensuing Special Session which shall be holden for the Division, Hundred, Liberty, City, Town, or Place within which such House and Premises shall be situated, and no longer; at which Special Session the Justices then and there assembled, upon Application made to them pursuant to the said Act, touching any Transfer or Grant of Licence to the Party or Parties to whom such Authority shall have been so given at Petty Sessions as aforesaid, shall hear and dispose of such Application according to the Provisions of the said Act: Provided always, that nothing herein contained shall be construed to empower any Justices at Petty Sessions to give any such Authority as aforesaid within any of the Divisions assigned or to be assigned to any of the Police Courts already established or to be established within the Metropolitan Police District, except in the Borough of *Southwark*; but that any such Application as is herein-before directed to be made at Petty Sessions shall, when the House and Premises in respect whereof any Licence shall have been obtained under the said Act shall be situated within any of the said Police Court Divisions, and not in the Borough of *Southwark*, be made to one of the Police Magistrates sitting at any of the said Courts, and such Magistrate shall in his Discretion grant such Authority in the Manner and for the Time herein-after mentioned: Provided also, that any Person or Persons who shall be authorized, under the Provisions of this Act, to continue to carry on the Business of a Licensed Victualler, shall, after the obtaining such Authority, and so long as the same shall continue in force, be subject to all the Powers, Regulations, Proceedings, Penalties, and Provisions declared by or contained in any Act or Acts in force touching the Regulation, Government, or Control of Licensed Keepers of Inns, Alehouses, and Victualling Houses, in like Manner as if the same had been repealed and re-enacted, and that all Penalties and Forfeitures imposed by any such Act or Acts shall be applied as directed by the same respectively.

Proviso as to the Metropolitan Police District.

II. And

When Licences are lost a Copy may be indorsed and considered valid.

II. And be it enacted, That whenever it shall be proved to the Satisfaction of any such Magistrate or Justices at Petty Session, upon any Application made as aforesaid, that any Licence granted pursuant to the said Act passed in the Ninth Year of the Reign of King *George* the Fourth has been lost or mislaid, it shall and may be lawful for the said Magistrate or Justices to receive a Copy of such Licence, certified to be a true Copy under the Hand of the Clerk to the Licensing Justices by whom the said Licence shall have been granted, and to make such Indorsement thereon as he or they might make under the Provisions of this Act upon the original Licence; and such Indorsement upon the Copy so certified shall be as valid and effectual as if the same had been made upon the said Licence.

Fee for indorsing the Copy.

III. And be it enacted, That for every such certified Copy and every such Indorsement a Fee of Two Shillings and Sixpence, and no more, shall and may be demanded and taken.

Disqualified Justices not to act at Petty Sessions.

IV. And be it enacted, That no Justice of the Peace shall act upon any Application which shall be so made at Petty Sessions as aforesaid who now is or shall be disqualified by Law from acting in or being present at any General Annual Licensing Meeting, or any Adjournment thereof, or at any Special Session for granting or transferring Licences to sell exciseable Liquors; and that every Justice who, being so disqualified, shall wilfully offend against this Provision, shall be liable to the same Penalty and Proceedings for the Recovery thereof as are specified and directed by the said Act of the Ninth Year of the Reign of King *George* the Fourth.

No Wines, &c. to be sold on board any Boats or Vessels moored or lying at anchor during the Time when prohibited to be sold at Public Houses.

V. And be it enacted, That no Wines, Spirits, or other exciseable Liquors shall be sold by Retail on board of any Boat, Steam Boat, or other Vessel which shall be moored or lying at anchor within the Metropolitan Police District, during the Hours and Times on *Sundays*, *Good Friday*, and *Christmas Day* on which Licensed Victuallers are by Law obliged to keep their Houses closed; and any Master, Steward, Mistress or Stewardess, or any other Person on board any such Boat, Steam Boat, or other Vessel, who shall during those Hours on *Sundays*, *Good Friday*, and *Christmas Day* in which the Houses of Licensed Victuallers shall be closed, sell any Wines, Spirits, or other exciseable Liquors, in and on board such Boat, Steam Boat, or other Vessel, within the said District, shall be liable to a Penalty not exceeding Five Pounds, which may be recovered before any Magistrate of the Metropolitan Police Courts, or if the Offence shall be committed beyond the Limits of any Metropolitan Police Court established or to be established, before any Two Justices of the Peace having Jurisdiction therein, or shall, in the Discretion of the Magistrate or Justices of the Peace before whom the Conviction shall take place, be imprisoned for any Time not longer than One Calendar Month in any Gaol or House of Correction within his Jurisdiction; and in every Case of the Adjudication of such pecuniary Penalty, and Nonpayment thereof, it shall be lawful for such Magistrate or Justices of the Peace to commit the Offender to such Gaol or House of Correction for a Term not exceeding One Calendar Month, the

the Imprisonment to cease on Payment of the Sum due; and such Penalty shall be paid to the Receiver of the Metropolitan Police, and be applied by him towards the Expences of the Police Courts established within the said District.

Act not to extend to Universities of Oxford and Cambridge.

VI. Provided always, and be it enacted, That nothing in this Act contained shall extend to alter or in any Manner to affect any of the Rights or Privileges of the Universities of *Oxford* or *Cambridge*, or the Powers of the Chancellors or Vice Chancellors of the same, as by Law possessed under the respective Charters of the said Universities or otherwise.

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