THE SIXTH SCHEDULE.

Forms of Certificates of Magistrates and Justices.

I.—ENGLAND.

I [*or* we] [*here insert description of the magistrate or justices*] do hereby certify that I [*or* we] do authorise the grant to *A.B.* of in the county of of a license to carry on the business of a Pawnbroker within the township of [*or* parish of *or other place as the case may be*].

Witness my hand [*or* our hands] this day of 18 .

II.—SCOTLAND.

At a general meeting for granting and renewing certificates for the sale of exciseable liquors held by Her Majesty's justices of the peace acting in and for the county [*or* of the magistrates of the burgh, *as the case may be*] of held at within the said county [*or* burgh], the day of 18 , Her Majesty's justices of the peace acting in and for the said county [*or* the magistrates of the said burgh] assembled at the said meeting [*if at another meeting, describe same*] did authorise and empower *A.B.*, now dwelling at , to carry on the business of a Pawnbroker within the parish of and county [*or* burgh] aforesaid [*or other place, as the case may be*], provided the said *A.B.* is licensed and empowered to carry on the business aforesaid under the authority and permission of any excise license to him in that behalf granted.

This certificate to continue in force from the day of until the day of 18 and no longer.

The above-written certificate is made out according to the deliverance in the book or register kept in terms of the Act of Parliament.

(Signed) *C.D., Clerk.*

CHAPTER 94.

An Act for Regulating the Sale of Intoxicating Liquors. [10th August 1872.]

WHEREAS it is expedient to amend the law for the sale by retail of intoxicating liquors, and the regulation of public-houses and other places in which intoxicating liquors are sold, and to make further provision in respect of the grant of new licenses for the sale of intoxicating liquors, and the better prevention of drunkenness:

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:

Preliminary.

1. This Act may be cited as "The Licensing Act, 1872." **Short title.**

2. This Act shall not extend to Scotland. **Extent of Act.**

Illicit Sales.

3. No person shall sell or expose for sale by retail any intoxicating liquor without being duly licensed to sell the same, or at any place where he is not authorised by his license to sell the same. Any person selling or exposing for sale by retail any intoxicating liquor which he is not licensed to sell by retail, or selling or exposing for sale any **Prohibition of sale of intoxicating liquors without license.**

intoxicating liquor at any place where he is not authorised by his license to sell the same, shall be subject to the following penalties; that is to say,

(1.) For the first offence he shall be liable to a penalty not exceeding fifty pounds, or to imprisonment with or without hard labour for a term not exceeding one month:

(2.) For the second offence he shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment with or without hard labour for a term not exceeding three months, and he may, by order of the court by which he is tried, be disqualified for any term not exceeding five years from holding any license for the sale of intoxicating liquors:

(3.) For the third and any subsequent offence he shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment with or without hard labour for any term not exceeding six months, and may by order of the court by which he is tried be disqualified for any term of years or for ever from holding any license for the sale of intoxicating liquors:

In addition to any other penalty imposed by this section any person convicted of a second or any subsequent offence under this section shall, if he be the holder of a license forfeit such license, and in the case of a conviction for any offence under this section, the court may, if it thinks expedient so to do, declare all intoxicating liquor found in the possession of any such person as last aforesaid, and the vessels containing such liquor, to be forfeited.

No penalty shall be incurred under this section by the heirs, executors, administrators, or assigns of any licensed person who dies before the expiration of his license, or by the trustee of any licensed person who is adjudged a bankrupt, or whose affairs are liquidated by arrangement before the expiration of his license in respect of the sale or exposure for sale of any intoxicating liquor, so that such sale or exposure for sale be made on the premises specified in such license, and take place prior to the special section then next ensuing, or (if such special session be holden within fourteen days next after the death of the said person or the appointment of a trustee in the case of his bankruptcy, or the liquidation of his affairs by arrangement) take place prior to the special session holden next after such special session as last aforesaid.

Occupier of unlicensed premises liable for sale of liquor.

4. The occupier of any unlicensed premises on which any intoxicating liquor is sold, or if such premises are occupied by more than one person, every occupier thereof, shall, if it be proved that he was privy or consenting to the sale, be subject to the penalties imposed upon persons for the sale of intoxicating liquors without license.

Seller liable for drinking on premises contrary to license.

5. If any purchaser of any intoxicating liquor from a person who is not licensed to sell the same to be drunk on the premises drinks such liquor on the premises where the same is sold, or on any highway adjoining or near such premises, the seller of such liquor shall, if it shall appear that such drinking was with his privity or consent, be subject to the following penalties; (that is to say,)

For the first offence he shall be liable to a penalty not exceeding ten pounds:

For the second and any subsequent offence he shall be liable to a penalty not exceeding twenty pounds.

For the purposes of this section the expression "premises where the same is sold" shall include any premises adjoining or near the premises where the liquor is sold, if belonging to the seller of the liquor or under his control, or used by his permission.

Any conviction for an offence under this section shall be recorded on the license of the person convicted.

Evasion of law as to drinking on premises contrary to license.

6. If any person having a license to sell intoxicating liquors not to be drunk on the premises, himself takes or carries, or employs or suffers any other person to take or carry, any intoxicating liquor out of or from the premises of such licensed person for the purpose of being sold on his account, or for his benefit or profit, and of being 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, or on or in any place, whether enclosed or not, and whether or not a public thoroughfare, such intoxicating

liquor shall be deemed to have been consumed by the purchasers thereof on the premises of such licensed person, with his privity and consent, and such licensed person shall be punished accordingly in manner provided by this Act.

Any conviction for an offence under this section shall be recorded on the license of the person convicted.

In any proceeding under this section it shall not be necessary to prove that the premises or place or places to which such liquor is taken to be drunk belonged to, or were hired, used, or occupied by the seller, if proof be given to the satisfaction of the court hearing the case that such liquor was taken to be consumed thereon or therein with intent to evade the conditions of his license.

Sale of spirits to children.

7. Every holder of a license who sells or allows any person to sell, to be consumed on the premises, any description of spirits to any person apparently under the age of sixteen years, shall be liable to a penalty not exceeding twenty shillings for the first offence, and not exceeding forty shillings for the second and any subsequent offence.

Sale to be by standard measure.

8. Every person shall sell all intoxicating liquor which is sold by retail and not in cask or bottle, and is not sold in a quantity less than half a pint, in measures marked according to the imperial standards.

Every person who acts or suffers any person under his control or in his employment to act in contravention of this section shall be liable to a penalty not exceeding, for the first offence ten pounds, and not exceeding for any subsequent offence twenty pounds, and shall also be liable to forfeit the illegal measure in which the liquor was sold.

Penalty on internal communication between licensed premises and house of public resort.

9. Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises and any unlicensed premises which are used for public entertainment or resort, or as a refreshment house, shall be liable to a penalty not exceeding ten pounds for every day during which such communication remains open.

In addition to any penalty imposed by this section any person convicted of an offence under this section shall, if he be the holder of a license, forfeit such license.

Penalty on illicit storing of liquor.

10. If any licensed person has in his possession on the premises in respect of which his license is granted, any description of intoxicating liquor which he is not authorised to sell, unless he shall account for the possession of the same to the satisfaction of the court by which he is tried, he shall forfeit such liquor and the vessels containing the same, and shall be liable to a penalty not exceeding for the first offence ten pounds, and not exceeding for any subsequent offence twenty pounds.

Names of licensed persons to be affixed to premises.

11. Every licensed person shall cause to be painted or fixed, and shall keep painted or fixed on the premises in respect of which his license is granted, in a conspicuous place and in such form and manner as the Commissioners of Inland Revenue may from time to time direct, his name, with the addition after the name of the word "licensed," and of words sufficient, in the opinion of the said commissioners to express the business for which his license has been granted, and in particular of words expressing whether the license authorises the sale of intoxicating liquor to be consumed on or off the premises only, as the case may be; and no person shall have any words or letters on his premises importing that he is authorised as a licensed person to sell any intoxicating liquor which he is not in fact duly authorised to sell. Every person who acts in contravention of the provisions of this section shall be liable to a penalty not exceeding for the first offence ten pounds, and not exceeding for the second and any subsequent offence twenty pounds.

Offences against Public Order.

Penalty on persons found drunk.

12. Every person found drunk in any highway or other public place, whether a building or not, or on any licensed premises, shall be liable to a penalty not exceeding ten shillings, and on a second conviction within a period of twelve months shall be liable to a penalty not exceeding twenty shillings, and on a third or subsequent conviction within such period of twelve months be liable to a penalty not exceeding forty shillings.

Every person who in any highway or other public place, whether a building or not, is guilty while drunk of riotous or disorderly behaviour, or who is drunk while in charge on any highway or other public place of any carriage, horse, cattle, or steam engine, or who is drunk when in possession of any loaded fire-arms, may be apprehended, and shall be liable to a penalty not exceeding forty shillings, or in the discretion of the court to imprisonment with or without hard labour for any term not exceeding one month.

Where the court commits any person to prison for nonpayment of any penalty under this section, the court may order him to be imprisoned with hard labour.

Penalty for permitting drunkenness.

13. If any licensed person permits drunkenness or any violent, quarrelsome, or riotous conduct to take place on his premises, or sells any intoxicating liquor to any drunken person, he shall be liable to a penalty not exceeding for the first offence ten pounds, and not exceeding for the second and any subsequent offence twenty pounds.

Any conviction for an offence under this section shall be recorded on the license of the person convicted, unless the convicting magistrate or justices shall otherwise direct.

Penalty for keeping disorderly house.

14. If any licensed person knowingly permits his premises to be the habitual resort of or place of meeting of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution, he shall, if he allow them to remain thereon longer than is necessary for the purpose of obtaining reasonable refreshment, be liable to a penalty not exceeding for the first offence ten pounds, and not exceeding for the second and any subsequent offence twenty pounds.

Any conviction for an offence under this section shall, unless the convicting magistrate or justices shall otherwise direct, be recorded on the license of the person convicted.

Penalty for permitting premises to be a brothel.

15. If any licensed person is convicted of permitting his premises to be a brothel, he shall be liable to a penalty not exceeding twenty pounds, and shall forfeit his license, and he shall be disqualified for ever from holding any license for the sale of intoxicating liquors.

Penalty for harbouring constable.

16. If any licensed person—

(1.) Knowingly harbours or knowingly suffers to remain on his premises any constable during any part of the time appointed for such constable being on duty, unless for the purpose of keeping or restoring order or in execution of his duty; or

(2.) Supplies any liquor or refreshment, whether by way of gift or sale, to any constable on duty unless by authority of some superior officer of such constable; or

(3.) Bribes or attempts to bribe any constable,

he shall be liable to a penalty not exceeding, for the first offence ten pounds, and not exceeding for the second or any subsequent offence twenty pounds. Any conviction for an offence under this section shall, unless the convicting magistrate or justices shall otherwise direct, be recorded on the license of the person convicted.

Penalty for permitting gaming.

17. If any licensed person—

(1.) Suffers any gaming or any unlawful game to be carried on on his premises; or

(2.) Opens, keeps, or uses, or suffers his house to be opened, kept, or used in contravention of the Act of the session of the sixteenth and seventeenth years of the reign of Her present Majesty, chapter one hundred and nineteen, intituled "An Act for the suppression of betting houses,"

he shall be liable to a penalty not exceeding for the first offence ten pounds, and not exceeding for the second and any subsequent offence twenty pounds.

Any conviction for an offence under this section shall, unless the convicting magistrates shall otherwise direct, be recorded on the license of the person convicted.

Power to exclude drunkards from licensed premises.

18. Any licensed person may refuse to admit to and may turn out of the premises in respect of which his license is granted any person who is drunken, violent, quarrelsome, or disorderly, and any person whose presence on his premises would subject him to a penalty under this Act.

Any such person who upon being requested in pursuance of this section by such licensed person, or his agent or servant, or any constable, to quit such premises, refuses or

fails so to do, shall be liable to a penalty not exceeding five pounds, and all constables are required on the demand of such licensed person, agent, or servant, to expel or assist in expelling every such person from such premises, and may use such force as may be required for that purpose.

The court committing any person to prison for nonpayment of any penalty under this section may order him to be imprisoned with hard labour.

Adulteration.

19.

(1.) Every person who mixes or causes to be mixed with any intoxicating liquor sold or exposed for sale by him any deleterious ingredient, that is to say, any of the ingredients specified in the First Schedule to this Act, or added to such schedule by any Order in Council made under this Act, or any ingredient deleterious to health; and

Penalty on adulteration of intoxicating liquor.

(2.) Every person who knowingly sells or keeps or exposes for sale any intoxicating liquor mixed with any deleterious ingredient (in this Act referred to as adulterated liquor),

shall be liable for the first offence to a penalty not exceeding twenty pounds, or to imprisonment for a term not exceeding one month, with or without hard labour; and for the second and any subsequent offence to a penalty not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, with or without hard labour, and to be declared to be a disqualified person for a period of not less than two years nor exceeding ten years, and shall also in the case of the first as well as any subsequent offence forfeit all adulterated liquor in his possession, with the vessels containing the same.

Where the person so convicted is a licensed person, he shall further, in the case of a second or any subsequent offence, be liable to forfeit his license, and the premises in respect of which such license is granted shall be liable to be declared to be disqualified premises for a period of not less than two years nor exceeding five years.

In the case of a first offence and any subsequent offence until the license is forfeited, the conviction shall be recorded on the license of the person convicted.

Where a licensed person is convicted of any offence under this section and his license is not forfeited for such offence, the police authority of the district shall cause a placard stating such conviction to be affixed to the premises. Such placard shall be of such size and form, and shall be printed with such letters, and shall contain such particulars, and shall be affixed to such part of the licensed premises as the police authority may think fit, and such licensed person shall keep the same affixed during two weeks after the same is first affixed; and if he fails to comply with the provisions of this section with respect to keeping affixed such placard, or defaces or allows such placard to be defaced, or if the same is defaced and he fails forthwith to renew the same, he shall be liable to a penalty not exceeding forty shillings for every day on which the same is not so undefaced, and any constable may affix or re-affix such placard during the said two weeks, or such further time as may be directed by a court of summary jurisdiction.

20. Every licensed person who has in his possession or in any part of his premises any adulterated liquor knowing it to be adulterated, or any deleterious ingredient, specified in the First Schedule hereto or added to such schedule by Order of Her Majesty in Council, for the possession of which he is unable to account to the satisfaction of the court, shall be deemed knowingly to have exposed for sale adulterated liquor on such premises.

Possession of adulterated liquor or deleterious ingredients.

21. It shall be lawful for Her Majesty by Order in Council from time to time to add to the First Schedule to this Act any ingredient which appears to Her Majesty in Council to be deleterious to health, and to remove any ingredient from the said schedule, and to revoke or alter any order previously made.

Schedule of deleterious ingredients.

Every such order shall be published in the London Gazette, and shall take effect at the expiration of seven days from the date of such publication or at any later date mentioned in the order, and shall have effect as if it were enacted in this Act.

Every such order shall be laid before both Houses of Parliament within three weeks after it is made, or if Parliament be not then sitting within three weeks after the commencement of the then next session of Parliament.

Analysis of intoxicating liquor.

22. Any of the following officers, that is to say, any superintendent of police or other constable authorised in writing by the police authority so to do, and any officer of Inland Revenue, may procure samples of any intoxicating liquor from any person selling or keeping or exposing the same for sale (in this section referred to as the vendor); he may procure such samples either by purchasing the same, or by requiring the vendor to show him and allow him to inspect all or any of the vessels in which any intoxicating liquor in the possession of the vendor is stored, and the place of the storage thereof, and to give him samples of such intoxicating liquor on payment or tender of the value of such samples.

If the vendor or his agent or servant, when required in pursuance of this section, refuses or fails to admit the officer, or refuses or wilfully omits to show all or any of the vessels in which intoxicating liquor is stored, or the place of the storage thereof, or to permit the officer to inspect the same, or to give any samples thereof, or to furnish the officer with such light or assistance as he may require, he shall be liable to the same penalty, forfeiture, and disqualification as if he knowingly sold or exposed for sale adulterated liquor.

When the officer has by either of the means aforesaid procured samples of intoxicating liquor, he shall cause the same to be analysed, at such convenient place and time and by such person as the Commissioners of Inland Revenue may appoint; provided always, that a reasonable notice shall have been given by such officer to the vendor by whom such sample was furnished, to enable such vendor, if he think fit, to attend at the time when such sample is open for analysis; and if it appear to the person so analysing that the said samples of intoxicating liquor are adulterated liquor within the meaning of this Act, he shall certify such fact, and the certificate so given shall be receivable as evidence in any proceedings that may be taken against any person in pursuance of this Act, subject to the right of any person against whom proceedings are taken to require the attendance of the person making the analysis for the purpose of cross-examination.

The vendor may require the officer, in his presence, to annex to every vessel containing any samples for analysis the name and address of the vendor, and to secure with a seal or seals belonging to the vendor the vessel containing such samples, and the name and address annexed thereto, in such manner that the vessel cannot be opened, or the name and address taken off, without breaking such seals; and a corresponding sample sealed by such officer with his own seal shall, if required, be left with the vendor for reference in case of disputes as to the correctness of the analysis or otherwise; and the certificate of the person who analyses such samples shall state the name and address of the vendor, and that the vessels were not open, and that the seals securing to the vessels the name and address of the vendor were not broken until such time as he opened the vessels for the purpose of making his analysis; and in such case as aforesaid no certificate shall be receivable in evidence unless there is contained therein such statement as above, or to the like effect.

Any expenses incurred in analysing any intoxicating liquor of a vendor in pursuance of this section shall, if such vendor be convicted of selling or keeping, or exposing for sale, or having in his possession adulterated liquor in contravention of this Act, be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly. In any other event such expenses shall be paid as part of the expenses of the officer who procured the sample.

Closing Licensed Premises in case of Riot.

Power of justices to close licensed premises in case of riot.

23. Any two justices of the peace acting for any county or place where any riot or tumult happens or is expected to happen may order every licensed person in or near the place where such riot or tumult happens or is expected to happen to close his premises during any time which the justices may order; and any person who keeps open his

premises for the sale of intoxicating liquors during any time at which the justices have ordered them to be closed shall be liable to a penalty not exceeding fifty pounds; and it shall be lawful for any person acting by order of any justices to use such force as may be necessary for the purpose of closing such premises.

Closing of Premises.

Times of closing.

24. Subject as herein-after mentioned all premises on which intoxicating liquors are sold or exposed for sale by retail shall be closed as follows; that is to say,

(1.) If such premises are situated within the city of London or the liberties thereof, or any parish or place subject to the jurisdiction of the Metropolitan Board of Works, or within the four mile radius from Charing Cross, on Sunday, Christmas Day, and Good Friday during the whole day before one of the clock in the afternoon, and between the hours of three and six of the clock in the afternoon, and after the hour of eleven of the clock at night; and on all other days before five of the clock on the following morning:

(2.) If situated beyond the city of London and the liberties thereof, and the parishes or places subject to the jurisdiction of the Metropolitan Board of Works, or beyond the four mile radius from Charing Cross, on Sunday, Christmas Day, and Good Friday during the whole day before the hour of half-past twelve (or, if the licensing justices direct, one) in the afternoon, and between the hours of half-past two (or, if one be the hour of opening, then three) and six in the afternoon, and after the hour of ten (or, if the licensing justices direct, any hour not earlier than nine and not later than eleven) at night, and on all other days before the hour of six (or, if the licensing justices direct, any hour not earlier than five and not later than seven) in the morning, and after the hour of eleven (or, if the licensing justices direct, any hour not earlier than ten and not later than twelve) at night.

Any person who sells or exposes for sale, or opens or keeps open any premises for the sale of intoxicating liquors during the time that such premises are directed to be closed by or in pursuance of this section, or during such time as aforesaid allows any intoxicating liquors to be consumed on such premises, shall for the first offence be liable to a penalty not exceeding ten pounds, and for any subsequent offence to a penalty not exceeding twenty pounds.

Any conviction for an offence against this section shall be recorded on the license of the person convicted, unless the convicting magistrate or justices shall otherwise direct.

None of the provisions contained in this section shall preclude a person licensed to sell any intoxicating liquor to be consumed on the premises from selling such liquor to bonâ fide travellers or to persons lodging in his house.

Nothing in this section contained shall preclude the sale at any time, at a railway station, of intoxicating liquors to persons arriving at or departing from such station by railroad.

An order for the alteration of the closing hours in pursuance of sub-section two of this section may be made by the licensing justices at any general annual licensing meeting, or any adjournment thereof, held in pursuance of the Act of the ninth year of George the Fourth, chapter sixty-one; and also in Middlesex or Surrey at any time before the next general annual licensing meeting at any special sessions summoned for the purpose; provided that, twenty-one days at the least before any such meeting or adjournment, notice be given, in the same manner as is prescribed by the last-mentioned Act for the holding of such meeting or adjournment, that the alteration of the closing hours will then be considered: Provided that no order allowing licensed premises to remain open after the hour of ten at night on Sunday, Christmas Day, or Good Friday, or after the hour of eleven at night on other days, shall, as to such allowance, apply to premises in respect of which a certificate is in force under "The Wine and Beerhouse Acts, 1869 and 1870."

Provided further, that premises in respect of which such certificate is in force, if situated in a town containing less than two thousand five hundred inhabitants, and

beyond the city of London and the liberties thereof and the parishes or places subject to the jurisdiction of the Metropolitan Board of Works or beyond the four mile radius from Charing Cross, shall not on any day be open after the hour of ten at night.

Any order made by the licensing justices for the alteration of closing hours, shall not come into operation until the expiration of one month after the date thereof, and in the meantime shall be advertised in such manner as the licensing justices shall direct.

Penalty on person found on premises during closing hours.

25. If, during any period during which any premises are required under the provisions of this Act to be closed any person is found on such premises, he shall, unless he satisfies the court that he was an inmate, servant, or a lodger on such premises, or a bonâ fide traveller, or that otherwise his presence on such premises was not in contravention of the provisions of this Act with respect to the closing of licensed premises, be liable to a penalty not exceeding forty shillings.

Any constable may demand the name and address of any person found on any premises during the period during which they are required by the provisions of this Act to be closed, and if he has reasonable ground to suppose that the name or address given is false, may require evidence of the correctness of such name and address, and may, if such person fail upon such demand to give his name or address, or such evidence, apprehend him without warrant, and carry him, as soon as practicable, before a justice of the peace.

Any person required by a constable under this section to give his name and address who fails to give the same, or gives a false name or address, or gives false evidence with respect to such name and address, shall be liable to a penalty not exceeding five pounds.

Every person who by falsely representing himself to be a traveller or a lodger buys or obtains or attempts to buy or obtain at any premises any intoxicating liquor during the period during which such premises are closed in pursuance of this Act shall be liable to a penalty not exceeding five pounds.

Exemption from closing by order of local authority in respect of certain trades.

26. The local authority of any licensing district, upon the production of such evidence as such authority may deem sufficient to show that it is necessary or desirable so to do for the accommodation of any considerable number of persons attending any public market, or following any lawful trade or calling, or attending any theatre, may grant, if such authority think fit, to any licensed victualler or licensed keeper of a refreshment house, in respect of premises in the immediate neighbourhood of such market, or of the place where the persons follow such lawful trade or calling, or of any such theatre, an order exempting such person from the provisions of this Act with respect to the closing of his premises on such days and during such time, except between the hours of one and two of the clock in the morning, as may be specified in such order.

The holder of an order under this section shall not be liable to any penalty for not closing his premises on such days and during such time as may be specified in such order; but he shall not be exempt from any other penalty under this or any other Act or otherwise.

A notice in such form as may be prescribed by the local authority, stating the days and hours during which the premises are permitted to be open under such order of exemption shall be affixed and kept affixed in a conspicuous position outside the premises; and if the holder of the order of exemption make default in affixing or in keeping affixed such notice in manner aforesaid, during any part of the time for which his exemption is granted, he shall be liable to pay a penalty not exceeding five pounds.

Every person who keeps affixed to his premises any such notice when he does not hold an order under this section, shall be liable to a penalty not exceeding ten pounds.

Any such local authority as aforesaid may at any time, if it seem fit to them, withdraw an order under this section, or alter the same by way of extension or restriction, as such authority may deem necessary or expedient, so however as not to render any person liable to any penalty for anything done under such order before the holder was informed of such withdrawal or alteration.

The following persons and bodies of persons shall be deemed to be local authorities of licensing districts for the purposes of this Act; that is to say,

(1.) In the metropolitan police district, the commissioner of police for the metropolis, subject to the approbation of one of Her Majesty's Principal Secretaries of State:

(2.) In the city of London and the liberties thereof, so far as they are not included in the metropolitan police district, the commissioner of city police, subject to the approbation of the Lord May or of the said city:

(3.) In any other place, two justices of the peace in petty sessions assembled.

Intoxicating liquors not to be drunk at refreshment house during the hours when the house would be closed if it were an inn.

27. No intoxicating liquor shall be consumed upon premises licensed as a refreshment house but not for the sale of any intoxicating liquor during the hours during which the same premises would, if they were the licensed premises of licensed victuallers, be closed by law for the sale and consumption of intoxicating liquor.

If any person licensed to keep such refreshment house allows any intoxicating liquor to be consumed on the premises in contravention of this section, he shall be liable for the first offence to a penalty not exceeding ten pounds, and for any subsequent offence to a penalty not exceeding twenty pounds.

Amendment of law as to refreshment houses.

28. Every refreshment house in respect of which a license is granted for the sale therein by retail of foreign wine, upon which license an abatement of duty has been allowed under section nine of the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-one, intituled "An Act to amend "the laws relating to the Inland Revenue," shall be closed every night at ten of the clock, and where other licensed premises in the same place are required by or in pursuance of this Act to close at nine o'clock at night, at nine of the clock; and if any person keeping any such refreshment house as is mentioned in this section sells or exposes for sale in such refreshment house, or opens or keeps open any such refreshment house for the sale of intoxicating liquors during the time that such house is directed to be closed by this section, or during such time as aforesaid allows any intoxicating liquor to be consumed on such premises, he shall for the first offence be liable to a penalty not exceeding ten pounds, and for any subsequent offence to a penalty not exceeding twenty pounds.

Any conviction for an offence against this section shall be recorded on the license of the person convicted, unless the convicting magistrate or justices shall otherwise direct.

Local authority may grant occasional licenses exempting from provisions relating to closing during certain hours.

29. If any licensed victualler or keeper of a refreshment house in which intoxicating liquors are sold applies to the local authority of a licensing district for a license exempting him from the provisions of this Act relating to closing of premises on any special occasion or occasions, it shall be lawful for such local authority, if in his discretion he thinks fit so to do, to grant to the applicant an occasional license exempting him from the provisions of this Act relating to closing of premises during certain hours, and on the special occasion or occasions to be specified in the license; and no licensed victualler or keeper of a refreshment house to whom an occasional license has been granted under this section shall be subject to any penalty for the contravention of the provisions of this Act relating to the closing of premises during the time to which his occasional license extends, but he shall not be exempted by such occasional license from any penalty to which he may be subject by any other provision of this or any other Act of Parliament.

Repeated Convictions.

Forfeiture of license on repeated convictions.

30. If any licensed person on whose license two convictions for offences committed by him against this Act have been recorded is convicted of any offence which is directed by this Act to be recorded on his license, the following consequences shall ensue; that is to say,

(1.) The license of such licensed person shall be forfeited, and he shall be disqualified for a term of five years from the date of such third conviction from holding any license; and

(2.) The premises in respect of which his license was granted shall, unless the court having cognizance of the case in its discretion thinks fit otherwise to order, be disqualified from receiving any license for a term of two years from the date of such third conviction:

Provided that nothing in this section contained shall prevent the infliction by the court of any pecuniary penalty or any term of imprisonment to which such licensed person would otherwise be liable, or shall preclude the court from exercising any power given by any other section of this Act of disqualifying such licensed person or such premises for a longer period than the term mentioned in this section.

Disqualification of premises.

31. The following additional provisions shall be enacted with respect only to convictions of persons who may hereafter become licensed in respect of premises, and shall not apply to a conviction of any person licensed for any premises at the passing of this Act so long as he is licensed in respect of the same premises; viz.,

1. The second and every subsequent conviction recorded on the license of any one such person shall also be recorded in the register of licenses against the premises:
2. When four convictions (whether of the same or of different licensed persons) have within five years been so recorded against premises, those premises shall during one year be disqualified for the purposes of this Act:
3. If the licenses of two such persons licensed in respect of the same premises are forfeited within any period of two years, the premises shall be disqualified for one year from the date of the last forfeiture:

Provided that where any premises are disqualified under this section notice of such disqualification shall be served upon the owner of the premises in like manner as an order of disqualification is required to be served under this Act, and the regulations for the protection of the owner of premises in case of an order of disqualification shall, so far as the same are applicable, extend to the case of disqualification under this section.

Conviction after five years not to increase penalty.

32. A conviction for any offence under this Act shall not after five years from the date of such conviction be receivable in evidence against any person for the purpose of subjecting him to an increased penalty or to any forfeiture.

Omission to record conviction on license.

33. Where a conviction for an offence is by this Act directed to be recorded on the license of any person, the fact of no such record having been made shall not, if such conviction be otherwise proved to the satisfaction of the court having cognizance of any case under this Act, exempt such person or the premises occupied by him from any penalty to which such person or premises would have been subject if such record had been duly made. And on such proof being given the omitted conviction may be recorded accordingly, and shall be deemed to have been duly recorded in accordance with this Act.

Penalty for defacing record of conviction on license.

34. If any person defaces or obliterates, or attempts to deface or obliterate, any record of a conviction on his license, he shall be liable to a penalty not exceeding five pounds.

Entry on Premises.

Entry on premises by constables.

35. A constable may at all times enter on any licensed premises, he may also examine every room and part of such premises, and take an account of all intoxicating liquor stored therein.

Any justice of the peace, if satisfied by information on oath that there is reasonable ground to believe that any intoxicating liquor is sold by retail or exposed or kept for sale by retail at any place within his jurisdiction, whether a building or not in which such liquor is not authorised to be sold by retail, may in his discretion grant a warrant under his hand, by virtue whereof it shall be lawful for any constable named in such warrant, at any time or times within one month from the date thereof, to enter, and, if need be, by force, the place named in the warrant, and every part thereof, and examine the same and search for intoxicating liquor therein, and seize and remove any intoxicating liquor found therein, which there is reasonable ground to suppose is in such place for the purpose of unlawful sale at that or any other place, and the vessels containing such liquor.

Every person who, by himself, or by any person in his employ or acting by his direction or with his consent, refuses or fails to admit any constable demanding to enter in pursuance of this section into any premises or place occupied by or under the control of such person, or who having admitted such constable refuses or fails to allow him to take an account of any intoxicating liquor found therein, or to furnish him with such light or assistance as he may require, shall be liable to a penalty not exceeding for the first offence five pounds, and for the second and every subsequent offence ten pounds.

Any conviction for an offence under this section shall, in the case of a licensed person, be recorded on the license of the person convicted.

Registers.

Register of licenses to be kept in licensing district.

36. There shall be kept in every licensing district by the clerk of the licensing justices of that district a register, to be called the register of licenses, in such form as may be prescribed by such justices, containing the particulars of all licenses granted in the district, the premises in respect of which they were granted, the names of the owners of such premises, and the names of the holders for the time being of such licenses. There shall also be entered on the register all forfeitures of licenses, disqualifications of premises, records of convictions, and other matters relating to the licenses on the register.

Every person applying for a new license, or the renewal of a license, shall state the name of the owner of the premises in respect of which such license is granted or renewed, and such name shall be endorsed on the license, and the person whose name is so stated shall, subject as herein-after mentioned, be deemed for the purposes of this Act to be the owner of the premises.

A court of summary jurisdiction may, on the application of any person who proves to the court that he is entitled to be entered as owner of any premises in place of the person appearing on the register to be the owner, make an order substituting the name of the applicant, and such order shall be obeyed by the clerk of the licensing justices, and a corresponding correction may be directed to be made on the license granted in respect of the premises of which such applicant claims to be the owner.

Any ratepayer, any owner of premises to which a license is attached, and any holder of a license within a licensing district, shall, upon payment of a fee of one shilling, and any officer of police, and any officer of inland revenue in such district, without payment, shall be entitled at any reasonable time to inspect and take copies of or extracts from any register kept in pursuance of this section for such district; and the clerk of the licensing justices and every other person who prevents the inspection or taking copies of or extracts from the same, or demands any unauthorised fee therefor, shall be liable to a penalty not exceeding five pounds for each offence.

The licensing justices may, if they think fit, cause the register kept in pursuance of this section to be divided into parts and assign a part to any portion of the licensing district; and there shall be paid by each licensed person to the clerk in respect of such registration the sum or fee of one shilling for every license granted or renewed.

Amendment of Law as to grant of Licenses.

Licensing committee of justices in counties.

37. In counties a grant of a new license shall not be valid unless it is confirmed by a standing committee of the county justices, in this Act called the county licensing committee.

The justices in quarter sessions assembled for every county shall annually appoint from among themselves for the purposes of this Act a county licensing committee, or they may appoint more than one such committee, and assign to any such committee such area of jurisdiction as they may think expedient.

A county licensing committee shall consist of not less than three nor more than twelve members.

The quorum of a county licensing committee shall be three members.

Any vacancies arising in any such committee from death, resignation, or other causes, may be from time to time filled up by the justices in quarter sessions by whom the committee is appointed.

A county licensing committee shall be deemed to be a standing committee of the quarter sessions by whom they are appointed for the year succeeding their appointment, and their jurisdiction and proceedings shall not be affected by the termination of the sessions at which they were appointed. The members of a committee retiring at the end of the year may be re-appointed; and if from any cause members have not been appointed in any year to succeed the retiring members, such retiring members may continue to act as the committee until their successors are appointed.

The justices in quarter sessions shall make such regulations with respect to the meetings of any such committee and the transaction of business thereat as they may think fit.

The clerk of the peace of the county shall by himself or his deputy be the clerk of the county licensing committee or committees, and shall perform all such duties in relation to any such committee or committees as he is required by law to perform in relation to the justices in quarter sessions assembled.

Provided that so far as respects any new licenses to be granted in any county at any general annual licensing meeting, or any adjournment thereof held between the twentieth of August and the end of September in the year one thousand eight hundred and seventy-two, the justices of such county may, at any adjourned quarter sessions or general sessions (if they think fit to hold a general sessions), at any time before the first day of October one thousand eight hundred and seventy-two, appoint a county licensing committee, but if no such licensing committee be appointed before such date as last aforesaid the justices of the county in quarter sessions assembled shall be deemed to be the county licensing committee for the purpose of any new license granted at such annual licensing meeting; and any such new license, if confirmed by the county licensing committee or by the said justices in quarter sessions, shall be in force from the day of the confirmation thereof until the eleventh day of October one thousand eight hundred and seventy-three.

Licensing committee of justices in boroughs.

38. In boroughs in which at the commencement of the time appointed for the annual appointment of a licensing committee in this section mentioned there are ten justices acting in and for such borough or upwards, new licenses shall be granted by a committee, who shall for the purpose of such new licenses perform all the duties and be subject to the obligations of licensing justices.

In every such borough as aforesaid the justices acting in and for such borough shall annually in the fortnight preceding the commencement of the period during which the general annual licensing meeting for such borough may be held appoint from among themselves for the purposes of this Act a committee of not less than three nor more than seven in number, but no justice shall be appointed a member of such committee unless he is qualified to act under this Act.

Any vacancies arising in such committee (in this Act referred to as the borough licensing committee) from death, resignation, or other causes, may be from time to time filled up by the justices by whom the committee is appointed.

The quorum of a borough licensing committee shall be three members.

The members of the borough licensing committee retiring at the end of the year may be re-appointed; and if from any cause members have not been appointed in any year to succeed the retiring members, such retiring members may continue to act as the borough licensing committee until their successors are appointed.

The grant of a new license by a borough licensing committee shall not be valid unless it is confirmed by the whole body of borough justices, who would, if this Act had not passed, have been authorised to grant licenses, or by a majority of such body present at any meeting assembled for the purpose of confirming such licenses.

In boroughs in which there are not ten justices acting in and for such borough at such time as aforesaid, new licenses shall be granted by the qualified borough justices, but the grant of a new license by such justices shall not be valid unless it is confirmed

by a joint committee appointed in respect of such borough in manner herein-after mentioned.

A joint committee for any such borough as last aforesaid shall consist of three justices of the county in which such borough is situate and three justices of the borough, but no justice shall be appointed a member of such committee unless he is qualified to act under this Act. The three county justices on a joint committee shall be appointed by the county licensing committee. The same county justices may be appointed members of more than one joint committee under this section. The borough justices on a joint committee shall be appointed by the justices of the borough for which they act, or by the majority of such justices assembled at any meeting held for that purpose. Any casual vacancy arising in the joint committee from death, resignation, or other cause, may from time to time be filled up by the justices by whom the person creating such vacancy was appointed. The quorum of the joint committee shall be five members. The senior magistrate on the joint committee present at any meeting shall be its chairman; and in the event of an equal division of the committee the chairman shall have a second vote:

Provided that so far as respects any new licenses to be granted in any borough at any general annual licensing meeting, or any adjournment thereof, held between the twentieth of August and the end of September in the year one thousand eight hundred and seventy-two, the following enactments shall take effect:

1. If no licensing committee has been appointed in the county in which a borough is situate for which a joint committee is required to be appointed by this Act, the county members of the joint committee shall be appointed by the justices in quarter sessions assembled, and in any such borough as last aforesaid any new license, if confirmed by the joint committee, shall be in force from the date of the confirmation thereof until the eleventh day of October one thousand eight hundred and seventy-three:
2. All notices and ministerial acts given or done in relation to the grant of such licenses shall be valid, notwithstanding such notices may be given or acts be done before the appointment of a borough licensing committee, and the borough justices may apopint a time at which the borough licensing committee will be prepared to grant new licenses.

No objection shall be made to any licenses granted or confirmed in pursuance of this section on the ground that the justices or committee of justices who granted or confirmed the same were not qualified to make such grant or confirmation.

From and after the passing of this Act, the justices of a county shall not for licensing purposes, save in so far as respects the power of appointing members of a joint committee, have any jurisdiction in a borough in which the borough justices have for such purposes concurrent jurisdiction.

Stipendiary magistrates may act as licensing justices.

39. Beyond the limits of the jurisdiction of the metropolitan police courts a metropolitan police or stipendiary magistrate may act as one of the justices empowered to grant or confirm licenses so far as regards any licensing district wholly or partly within his jurisdiction.

Regulations as to new licenses and transfer of licenses.

40. Every person intending to apply for a new license, or to apply for the transfer of a license, shall publish notice of such application as follows; that is to say,

(1.) In the case of a new license, he shall cause notice thereof to be given and to be affixed and maintained in manner directed by section seven of "The Wine and Beerhouse Act, 1869," and any enactment amending the same, and shall advertise such notice in some paper circulating in the place in which the premises to which the notice relates are situate, on some day not more than four and not less than two weeks before the proposed application, and on such day or days, if any, as may be from time to time fixed by the licensing justices:

(2.) In the case of the transfer of a license he shall, fourteen days prior to one of the special sessions appointed by the justices for granting transfers of such licenses, serve a notice of his intention to transfer the same upon one of the overseers of the parish, township, or place in which the premises in respect of which his application is to be made are situate, and on the superintendent of police of the district. This notice shall be signed by the applicant or by his authorised agent, and shall set forth the name of the person to whom it is intended that such license shall be transferred, together with the place of his residence, and his trade or calling during the six months preceding the time of serving such notice:

(3.) Any license may be authenticated in manner in which a certificate may be authenticated in pursuance of sub-section two of section four of "The Wine and Beerhouse Act Amendment Act, 1870," and the provisions of the said sub-section shall apply accordingly.

Provided that notwithstanding anything in this Act contained, notices in respect of all applications for new licenses to be granted at any general annual licensing meeting or adjournment thereof held between the twentieth of August and the end of September in the year one thousand eight hundred and seventy-two shall be given as if this Act had not passed. The provisions of this section as to notices shall extend to all cases where, under the Intoxicating Liquors Act, 1828, notices are required to be served in a like form to or in the same manner as notices for new licenses.

Amendment of 5 & 6 Vict. c. 44., with respect to licenses wilfully withheld.

41. Whereas by the second section of the Act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter forty-four, the magistrates or justices in petty sessions are empowered in the event of a license being lost or mislaid to receive a copy of such license, and to deal therewith in manner in the said section mentioned: And whereas it is expedient to extend the power of such magistrates or justices to the reception of a copy of a license in the event of a license being wilfully withheld by the holder thereof: Be it enacted, that such section be construed as if after the words "lost or mislaid," there were inserted the words "or if the application is for the grant of a "license, has been wilfully withheld by the holder thereof."

Provisions as to renewal of licenses.

42. Where a licensed person applies for the renewal of his license the following provisions shall have effect:

(1.) He need not attend in person at the general annual licensing meeting, unless he is required by the licensing justices so to attend:

(2.) The justices shall not entertain any objection to the renewal of such license, or take any evidence with respect to the renewal thereof, unless written notice of an intention to oppose the renewal of such license has been served on such holder not less than seven days before the commencement of the general annual licensing meeting: Provided that the licensing justices may, notwithstanding that no notice has been given, on an objection being made, adjourn the granting of any license to a future day, and require the attendance of the holder of the license on such day, when the case will be heard and the objection considered, as if the notice herein-before prescribed had been given:

(3.) The justices shall not receive any evidence with respect to the renewal of such license which is not given on oath.

Subject as aforesaid, licenses shall be renewed and the powers and discretion of justices relative to such renewal shall be exercised as heretofore.

Confirmation of licenses.

43. Any person who appears before the licensing justices and opposes the grant of a new license, and no other person, may appear and oppose the confirmation of such grant by the confirming authority in counties or boroughs; and the confirming authority may award such costs as they shall deem just to the party who shall succeed in the proceedings before them. In a county the justices in quarter sessions assembled, and in a borough the borough justices, shall make rules as to the proceedings to be adopted for confirmation of

new licenses and the costs to be incurred in any such proceedings, and the person by whom such costs are to be paid.

Disqualifications for licenses.

44. No license shall be granted under the Intoxicating Liquor Licensing Acts to any person or in respect of any premises declared by or in pursuance of any of the Intoxicating Liquor Licensing Acts or this Act to be disqualified persons or disqualified premises during the continuance of such disqualification. Any license held by any person so disqualified, or attached to premises so disqualified, shall be void.

Qualification of premises for licenses.

45. Premises to which at the time of the passing of this Act no license under the Acts recited in the Wine and Beerhouse Act, 1869, authorising the sale of beer or wine for consumption thereupon is attached, shall not be subject to any of the provisions now in force prescribing a certain rent or value or rating as a qualification for receiving any such license.

Premises not at the time of the passing of this Act licensed for the sale of any intoxicating liquor for consumption thereupon shall not be qualified to receive a license authorising such sale unless the following conditions are satisfied:

(*a.*) The premises, unless such premises are a railway refreshment room, shall be of not less than the following annual value:

If situated within the city of London or the liberties thereof, or any parish or place subject to the jurisdiction of the Metropolitan Board of Works, or within the four mile radius from Charing Cross, or within the limits of a town containing a population of not less than one hundred thousand inhabitants, fifty pounds per annum; or if the license do not authorise the sale of spirits, thirty pounds per annum:

If situated elsewhere and within the limits of a town containing a population of not less than ten thousand inhabitants, thirty pounds per annum; or if the license do not authorise the sale of spirits, twenty pounds per annum:

If situated elsewhere and not within any such town as above mentioned, fifteen pounds per annum; or if the license do not authorise the sale of spirits, twelve pounds per annum:

(*b.*) The premises shall be, in the opinion of the licensing authority, structurally adapted to the class of license for which a certificate is sought: Provided that no house, not licensed at the time of the passing of this Act for the sale of any intoxicating liquor for consumption on the premises, shall be qualified to have a license attached thereto authorising such sale, unless such house shall contain, exclusive of the rooms occupied by the inmates of such house, if the license authorise the sale of spirits, two rooms, and if the license do not authorise the sale of spirits, one room, for the accommodation of the public.

Annual value necessary for obtaining grant of license.

46. Whereas in certain cases a license under the Wine and Beerhouse Acts, 1869 and 1870, is not to be granted unless the house and premises in respect of which such license is granted are of such rent and value or are rated to the poor rate on a rent or annual value of such amount as is respectively in that behalf stated in the Acts recited in the Wine and Beerhouse Act, 1869; and it is expedient to substitute in such cases "annual value" for the said rent, value, or rating, and to provide for the ascertaining the annual value of such house and premises: Be it therefore enacted that in cases not provided for by the last preceding section—

A license under the Wine and Beerhouse Acts, 1869 and 1870, shall not be granted in respect of any premises which are not, in the opinion of the licensing justices who grant such license, of such annual value as is mentioned in that behalf in the Acts recited by the Wine and Beerhouse Act, 1869; and those Acts shall be construed as if "annual value" were therein substituted for "rent," "value," "rated on a rent or annual value," and other like expressions.

If at the first general annual licensing meeting after the passing of this Act the licensing justices are of opinion that any premises which are licensed for the sale of intoxicating liquors at the passing of this Act are not of such annual value as authorises the grant of a license for such premises, they may, notwithstanding, renew such license upon the

condition, to be expressed in the license, that the holder thereof, before the next general annual licensing meeting, improves the premises so as to make them of sufficient annual value, and if the holder fail to comply with such condition the license shall not be renewed at such next general annual licensing meeting.

Mode of ascertaining annual value.

47. The licensing justices shall take such means as may seem to them best for ascertaining the annual value of any premises for the purposes of this Act, and may, if they think fit, order a valuation to be made of such premises by a competent person appointed by them for the purpose, and may order the costs of such valuation to be paid by the applicant for a license.

The annual value of premises for the purposes of this Act shall be the annual rent which a tenant might be reasonably expected, taking one year with another, to pay for the same, if he undertook to pay all tenant's rates and taxes, and tithe commutation rentcharge (if any), and if the landlord undertook to bear the cost of the repairs and insurance and other expenses (if any) necessary to maintain the premises in a state to command the said rent, and if no license were granted in respect thereof; but no land shall be included in such premises other than any pleasure grounds or flower or kitchen garden, yard, or curtilage usually held and occupied and used by the persons residing in and frequenting the house.

Regulations as to form of licenses.

48. The following regulations shall be made with respect to licenses:

(1.) Every license granted after the commencement of this Act shall be in such form as may from time to time be prescribed by a Secretary of State: Provided that licenses granted at any general annual licensing meeting or adjournment thereof between the twentieth of August and the end of September one thousand eight hundred and seventy-two shall be in the forms heretofore in use, but any conditions contained in any license so granted which are contrary to the provisions of this Act shall be of no effect:

(2.) A renewal of a license may be made by an endorsement on the license, or by the issue of a copy of the old license, but in the latter case there shall be endorsed on such copy all convictions made within the previous five years which are endorsed on the old license.

The Commissioners of Inland Revenue may alter the form of any license granted by them for the sale of intoxicating liquors, in such manner as they may think expedient, for the purposes of bringing such form into conformity with the law for the time being in force.

Provisions as to six-day licenses.

49. Where on the occasion of an application for a new license or transfer or renewal of a license which authorises the sale of any intoxicating liquor for consumption on the premises, the applicant, at the time of his application, applies to the licensing justices to insert in his license a condition that he shall keep the premises in respect of which such license is or is to be granted closed during the whole of Sunday, the justices shall insert the said condition in such license.

The holder of a license in which such condition is inserted (in this Act referred to as a six-day license) shall keep his premises closed during the whole of Sunday, and the provisions of this Act with respect to the closing of licensed premises during certain hours on Sunday shall apply to the premises in respect of which a six-day license is granted as if the whole of Sunday were mentioned in those provisions instead of certain hours only.

The holder of a six-day license may obtain from the Commissioners of Inland Revenue any license granted by such commissioners, which he is entitled to obtain in pursuance of such six-day license, upon payment of six seventh parts of the duty which would otherwise be payable by him for a similar license not limited to six days; and if he sell any intoxicating liquor on Sunday he shall be deemed to be selling intoxicating liquor without a license.

The notice which a licensed person is required to keep painted or fixed on his premises shall, in the case of a license under this section, contain words indicating that such license is for six days only. In calculating the amount to be paid for a six-day license any fraction of a penny shall be disregarded.

Licenses may be removed from one part of a district to another, &c.

50. Licenses may be removed[1] from one part of a licensing district to another part of the same district, or from one licensing district to another licensing district within the same county, in manner following:

The application for an order sanctioning removal shall be made by the person desiring to be the holder of the license when removed, and shall be made at a general annual licensing meeting, or any adjournment thereof, to the justices authorised to grant new licenses in the licensing district in which the premises are situated to which the license is to be removed.

Notice of the intended application shall be given in the same manner as notice is given of an application for the grant of a new license.

A copy of the notice shall be personally served upon or sent by registered letter to the owner of the premises from which the license is to be removed, and the holder of the license, unless he is also the applicant.

The justices to whom the application is made shall not make an order sanctioning such removal unless they are satisfied that no objection to such removal is made by the owner of the premises to which the license is attached, or by the holder of the license or by any other person whom such justices shall determine to have a right to object to the removal.

Subject as aforesaid, such justices shall have the same power to make an order sanctioning such removal as they have to grant new licenses; but no such order shall be valid unless confirmed by the confirming authority of the licensing district.

Legal Proceedings.

Summary proceedings for offences under this Act, &c.

51. Except as in this Act otherwise expressly provided, every offence under this Act may be prosecuted, and every penalty and forfeiture may be recovered and enforced, in manner provided by the Summary Jurisdiction Act, 1848, subject to the following provisions:

(1.) The court of summary jurisdiction, when hearing and determining an information or complaint, other than in a case where the offence charged is that of being found drunk in any highway or other public place, or any licensed premises, shall be constituted either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of a stipendiary magistrate, or some other officer for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace, and sitting alone or with others at some court or other place appointed for the administration of justice:

(2.) Where the court of summary jurisdiction orders that a distress shall be made in default of payment of any penal sum exceeding five pounds, including under that expression costs actually adjudged in respect of an offence, the court may order that in default of the said sum being paid as directed, the person liable to pay the same shall be imprisoned for any term not exceeding the period specified in the following scale:

For any sum exceeding five pounds but not exceeding ten pounds, three months;

For any sum exceeding ten pounds but not exceeding thirty pounds, four months;

For any sum exceeding thirty pounds but not exceeding fifty pounds, six months;

For any sum exceeding fifty pounds, one year:

(3.) The description of any offence under this Act in the words of such Act, or in similar words, shall be sufficient in law:

(4.) Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or

negatived shall be required on the part of the informant or complainant ; and in all cases of summary proceedings under this Act, the defendant and his wife shall be competent to give evidence:

(5.) All forfeitures shall be sold or otherwise disposed of in such manner as the court may direct, and the proceeds of such sale or disposal (if any) shall be applied in the like manner as penalties, but the court may direct that such proceeds may be applied in the first instance in paying the expenses of and incidental to any search and seizure which resulted in such forfeiture:

(6.) Penalties and forfeitures under this Act shall not, for the purpose of any Act respecting the application of such penalties, or the costs, charges, and expenses attending proceedings for recovery of such penalties or of forfeitures, be deemed to be penalties or forfeitures under any Act relating to the Inland Revenue.

Any officer appointed by the Commissioners of Inland Revenue may sue for any penalties under this Act, and when so sued for any penalties which may be recovered shall be applied in the manner in which excise penalties are for the time being applicable by law.

Where under this Act any sum for costs (other than costs upon a conviction or order of dismissal of an information) or for compensation, or both, is ordered or awarded to be paid by any person, the amount thereof shall be recovered in manner directed by "The Summary Jurisdiction Act, 1848," for the recovery of costs awarded upon the dismissal of an information or complaint.

Appeal to quarter sessions.

52. If any person feels aggrieved by any order or conviction made by a court of summary jurisdiction, the person so aggrieved may appeal therefrom, subject to the conditions and regulations following:

(1.) The appeal shall be made to the next court of quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than fifteen days after the decision of the court from which the appeal is made:

(2.) The appellant shall, within seven days after the cause of appeal has arisen, give notice to the other party and to the court of summary jurisdiction of his intention to appeal, and of the ground thereof:

(3.) The appellant, immediately after such notice, shall enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or shall give such other security by deposit of money or otherwise as the justice may allow:

(4.) Where the appellant is in custody the justice may, if he think fit, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody:

(5.) The court of appeal may adjourn the appeal, and upon the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just.

Continuance of license during pendency of appeal against justices refusal to renew.

53. Where the justices refuse to renew a license, and an appeal against such refusal is duly made, and such license expires before the appeal is determined, the Commissioners of Inland Revenue may, by order, permit the person whose license is refused to carry on his business during the pendency of the appeal upon such conditions as they think just; and, subject to such conditions, any person so permitted may, during the continuance of such order, carry on his business in the same manner as if the renewal of the license had not been refused.

Where a license is forfeited on or in pursuance of a conviction for an offence, and an appeal is duly made against such conviction, the court by whom the conviction was made, may by order, grant a temporary license to be in force during the pendency of the appeal upon such conditions as they think just.

Conviction, &c. not to be quashed for want of form, or removed by certiorari.

54. No conviction or order made in pursuance of this Act, originally or on appeal, relative to any offence, penalty, forfeiture, or summary order, shall be quashed for want of form, or, if made by a court of summary jurisdiction be removed by certiorari or otherwise, either at the instance of the Crown, or of any private party into any superior court. Moreover, no warrant of commitment in any such matter shall be held void by reason of any defect therein, provided that there is a valid conviction to maintain such warrant, and it is alleged in the warrant that the party has been convicted.

As to record of convictions of licensed persons for offences under Act.

55. With respect to the record of convictions of licensed persons for offences under this Act committed by them as such, the following provisions shall have effect in cases where this Act requires the conviction to be recorded on the license; that is to say,

(1.) The court before whom any licensed person is accused shall require such person to produce and deliver to the clerk of the court the license under which such person carries on business, and the summons shall state that such production will be required:

(2.) If such person is convicted, the court shall cause the short particulars of such conviction, and the penalty imposed, to be endorsed on his license before it is returned to the offender:

(3.) The clerk to the licensing justices shall enter the particulars respecting such conviction, or such of them as the case may require, in the register of licenses, kept by him under this Act:

(4.) If the clerk to the court be not the clerk to the licensing justices, he shall send forthwith to the last-mentioned clerk notice of such conviction, and of the particulars thereof:

(5.) Where the conviction of any such person has the effect of forfeiting the license, or of disqualifying any person or premises for the purposes of this Act, the license shall be retained by the clerk of the court, and notice of such forfeiture and disqualification shall be sent to the licensing officer of the district, and if the clerk to the court is not the clerk to the licensing justices to such last-mentioned clerk, together with the forfeited license.

For protection of owners of licensed premises in cases of offences committed by tenants.

56. Where any tenant of any licensed premises is convicted of an offence against this Act, and such offence is one the repetition of which may render the premises liable to be disqualified from receiving a license for any period, it shall be the duty of the clerk of the licensing justices to serve, in manner provided by this Act, notice of every such conviction on the owner of the premises.

Where any order of a court of summary jurisdiction declaring any licensed premises to be disqualified from receiving a license for any period has been made, the court shall cause such order to be served on the owner of such premises, where the owner is not the occupier, with the addition of a statement that the court will hold a petty sessions at a time and place therein specified, at which the owner may appear and appeal against such order on all or any of the following grounds, but on no other grounds:

(*a.*) That notice, as required by this Act, has not been served on the owner of a prior offence which on repetition renders the premises liable to be disqualified from receiving a license at any period; or

(*b.*) That the tenant by whom the offence was committed held under a contract made prior to the commencement of this Act, and that the owner could not legally have evicted the tenant in the interval between the commission of the offence, in respect of which the disqualifying order was made, and the receipt by him of the notice of the immediately preceding offence which on repetition renders the premises liable to be disqualified from receiving a license at any period; or

(*c.*) That the offence in respect of which the disqualifying order was made occurred so soon after the receipt of such last-mentioned notice that the owner, notwithstanding he had legal power to evict the tenant, could not with reasonable diligence have exercised that power in the interval which occurred between the said notice and the second offence.

If the owner appear at the time and place specified, and at such sessions, or any adjournment thereof, satisfy the court that he is entitled to have the order cancelled on any of the grounds aforesaid, the court shall thereupon direct such order to be cancelled, and the same shall be void.

In a county the justices in quarter sessions assembled, and in a borough the borough justices, shall make rules in pursuance of which any person other than the owner interested in any licensed premises as mortgagee or otherwise shall be entitled on payment of such sum as may be specified in such rules to receive from the clerk to the licensing justices a similar notice to that which an owner of such premises is entitled to receive under this Act.

As to conviction of licensed persons of more than one offence on same day.

57. Where a licensed person is convicted of more offences than one committed on the same day, the convictions for which are by this Act directed to be recorded on his license, the court by whom he is convicted may, in their discretion, order that one or some only of such convictions shall be so recorded.

Evidence of endorsements and register.

58. The registers of licenses kept in pursuance of this Act shall be receivable in evidence of the matters required by this Act to be entered therein. Every endorsement upon a license, and every copy of an entry made in the registers of licenses in pursuance of this Act, purporting to be signed by the clerk to the licensing justices and (in the case of a copy) to be certified to be a true copy, shall be evidence of the matters stated in such endorsement and entry, without proof of the signature or authority of the person signing the same.

Saving for indictments, &c. under other Acts.

59. Nothing in this Act shall prevent any person from being liable to be indicted or punished under any other Act, or otherwise, so that he be not punished twice for the same offence.

Miscellaneous.

Disqualification of justices to act under this Act.

60. No justice shall act for any purpose under this Act, or under any of the Intoxicating Liquor Licensing Acts, except in cases where the offence charged is that of being found drunk in any highway or other public place, whether a building or not, or on any licensed premises, or of being guilty while drunk of riotous or disorderly conduct, or of being drunk while in charge, on any highway or other public place, of any carriage, horse, cattle, or steam engine, or of being drunk when in possession of loaded fire-arms, who is or is in partnership with or holds any share in any company which is a common brewer, distiller, maker of malt for sale, or retailer of malt or of any intoxicating liquor in the licensing district or in the district or districts adjoining to that in which such justice usually acts; and no justice shall act for any purpose under this Act, or under any of the Intoxicating Liquor Acts, in respect of any premises in the profits to which such justice is interested, or of which he is wholly or partly the owner, lessee, or occupier, or for the owner, lessee, or occupier of which he is manager or agent.

Any justice hereby declared not to be qualified to act under this Act who knowingly acts as a justice for any of the purposes of this Act shall for every such offence be liable to a penalty not exceeding one hundred pounds, to be recovered by action in one of Her Majesty's Superior Courts at Westminster:

Provided that—

(1.) No justice shall be disqualified under this section to act in respect of any premises by reason of his having vested in him a legal interest only, and not a beneficial interest, in such premises or the profits thereof:

(2.) No justice shall be liable to a penalty for more than one offence committed by him under this section before the institution of any proceedings for the recovery of such penalty:

(3.) No act done by any justice disqualified by this section shall by reason only of such disqualification be invalid.

Extension of jurisdiction of justices over

61. For all the purposes of this Act any pier, quay, jetty, mole, or work extending from any place within the jurisdiction of any licensing justices or court of summary juris-

diction into or over any part of the sea, or any part of a river within the ebb and flow of the tide, shall be deemed to be within the jurisdiction of such justices and court. river or water, &c.

For the purpose of jurisdiction in any proceeding under this Act, any river or water which runs between or forms the boundary of two or more licensing districts, or of the jurisdiction of two or more courts of summary jurisdiction, shall be deemed to be wholly within each such licensing district and the jurisdiction of each of such courts.

62. In proving the sale or consumption of intoxicating liquor for the purpose of any proceeding relative to any offence under this Act, it shall not be necessary to show that any money actually passed or any intoxicating liquor was actually consumed, if the court hearing the case be satisfied that a transaction in the nature of a sale actually took place, or that any consumption of intoxicating liquor was about to take place; and proof of consumption or intended consumption of intoxicating liquor on premises to which a license under this Act is attached, by some person other than the occupier of or a servant in such premises, shall be evidence that such liquor was sold to the person consuming, or being about to consume, or carrying away the same by or on behalf of the holder of such license. Evidence of sale or consumption of intoxicating liquor.

63. Where a license is forfeited in pursuance of this Act, or becomes void under any of the provisions of this Act, any license for the sale of intoxicating liquors granted by the Commissioners of Inland Revenue to the holder of such license shall be void. Avoidance of excise license on forfeiture of license.

64. Every holder of a license, or of an order of exemption made by a local authority in pursuance of this Act, shall, by himself, his agent, or servant, produce such license or order within a reasonable time after the production thereof is demanded by a justice of the peace, constable, or officer of inland revenue, and deliver the same to be read and examined by him. Any person who acts in contravention of this section shall be liable to a penalty not exceeding ten pounds. Production of license by holder, and penalty on non-production.

65. The population of any area for the purposes of this Act shall be ascertained according to the last published census for the time being. Population to be according to last census.

66. Any part not exceeding a moiety of any penalty recovered under this Act may, if the Court shall so direct, be paid to the superannuation fund of the police establishment within whose jurisdiction the offence in respect of which such penalties are imposed shall have occurred. Moiety of penalties may be awarded to police superannuation fund.

67. When any person holding a license under this Act is convicted of any offence against this Act, or against any of the Acts recited or mentioned in this Act, it shall not be lawful for the justices before whom he is convicted to mitigate or reduce the penalty for such offence to a less sum than twenty shillings: Provided that nothing herein contained shall extend to authorise the mitigation or reduction of any penalty, whether of excise or police, to a less sum than the minimum to which the same may under the provisions of any other Acts be mitigated or reduced. Limit of mitigation of penalties.

68. No person shall sell by retail liqueurs or spirits under the authority of any retail license which such person shall have obtained as a wholesale spirit dealer from the Commissioners of Inland Revenue, except in premises occupied and used exclusively for the sale therein of intoxicating liquor, and which premises have no communication with the premises of, nor are in any way occupied by a person who is carrying on any other trade or business, unless such person shall have first obtained from the licensing justices a license authorising such sale in premises not exclusively so occupied and used. Regulations as to retail licenses of wholesale dealers.

69. A license for the sale of liqueurs or spirits by retail not to be consumed on the premises may, where such license is required by this Act, be granted in the same manner in all respects in which a license for selling wine not to be consumed on the premises may by law be granted, and an application for such a license shall not be refused except upon one or more of the grounds on which a certificate in respect of a license to sell by retail beer, cider, or wine not to be consumed on the premises may be refused: Provided that in respect of any such license for liqueurs or spirits to be granted at any general annual licensing meeting, or adjournment thereof, held between the twentieth of August Licenses for sale of liqueurs, &c. by retail not to be consumed on the premises.

and the end of September in the year one thousand eight hundred and seventy-two, such notices only shall be required to be given, not exceeding seven days notice, as may be prescribed by the licensing justices.

Provided also, that nothing in this Act contained as to the requirement of a justice's license shall affect the sale of liqueurs or spirits or sweets under any excise license granted before the passing of this Act during the continuance of such excise license.

Notices may be served by post.

70. All notices and documents required by this Act to be served or sent may, unless otherwise expressly provided, be served and sent by post, and, until the contrary is proved, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that the letter containing the notice or document was prepaid, and properly addressed.

Where any officer or other person interested in any licensed premises is entitled to receive notice of a conviction under this Act, he shall supply his address to the clerk or other person required to send such notice, and any notice sent to such address shall be deemed to be duly served; and where no notice is supplied in pursuance of this section, all notices shall be deemed to be duly served if sent to any address which such clerk or other person in the exercise of his discretion believes to be the address of the person to whom the notice was so sent.

Provided that any notice of any offence required by this Act to be sent to the owner of licensed premises shall be either served personally or sent by registered letter.

Schedules to be part of Act.

71. The schedules to this Act shall be construed and have effect as part of this Act.

Saving Clauses.

Saving of certain privileges, rights, &c.

72. Nothing in this Act shall affect or apply to—

1. The privileges at the date of the passing of this Act enjoyed by any university in England, or the respective chancellors or scholars of the same, or their sucessors:
2. The privileges at the date of the passing of this Act enjoyed by the mayor or burgesses of the borough of St. Alban's in the county of Hertford, or their successors, or the exemption from the obligation to take out a license as defined by this Act, or a license from the Commissioners of Inland Revenue enjoyed by the company of the master, wardens, and commonalty of vintners of the city of London:
3. The sale of spruce or black beer:
4. The sale of intoxicating liquor by proprietors of theatres, in pursuance of the Acts in that behalf:
5. The sale of intoxicating liquor in packet boats, in pursuance of the Acts in that behalf:
6. The sale of intoxicating liquor on special occasions in pursuance of the provisions in that behalf enacted:
7. The sale of spirits in canteens, in pursuance of any Act regulating the same:
8. The sale of medicated or methylated spirits, or spirits made up in medicine and sold by medical practitioners or chemists and druggists:
9. The sale of intoxicating liquor by wholesale:
10. Any penalties recoverable by or on behalf of the Commissioners of Inland Revenue, or any laws relating to the Excise.

License as defined by this Act not required for certain retail sales.

73. A license as defined by this Act shall not be required for—

1. The sale of wine by retail, not to be consumed on the premises, by a wine merchant in pursuance of a wine dealer's license granted by the Commissioners of Inland Revenue; or
2. The sale of liqueurs or spirits by retail, not to be consumed on the premises, by a wholesale spirit dealer whose premises are exclusively used for the sale of intoxicating liquors, in pursuance of a retail license granted by the Commissioners of Inland Revenue, under the provisions of the twenty-fourth and twenty-fifth of Her present Majesty, chapter twenty-one, intituled "An Act for granting to Her "Majesty certain duties of excise and stamps."

Definitions

74. In this Act, if not inconsistent with the context, the following expressions have the meanings herein-after respectively assigned to them; that is to say, Interpretation of terms, &c.

"Intoxicating Liquor 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 "granting of licenses to keepers of inns, alehouses, and victualling houses in "England," and includes the Acts amending the same:

"Wine and Beerhouse Acts" means the Wine and Beerhouse Act, 1869, and the Wine and Beerhouse Act Amendment Act, 1870:

"Intoxicating Liquors Licensing Acts" means the Intoxicating Liquor Licensing Act, 1828, and the Wine and Beerhouse Acts:

"Intoxicating liquor" means spirits, wine, beer, porter, cider, perry, and sweets, and any fermented, distilled, or spirituous liquor which cannot, according to any law for the time being in force, be legally sold without a license from the Commissioners of Inland Revenue:

"License" means a license for the sale of intoxicating liquors granted by justices in pursuance of the Intoxicating Liquor Licensing Act, 1828, including a certificate of justices granted under the Wine and Beerhouse Acts, and including a license for the sale of sweets which is hereby authorised to be granted in the same manner as if sweets were wine, and including a license for the retail of spirits granted to a wholesale spirit dealer by the justices in pursuance of this Act:

"A new license" means a license granted at a general annual licensing meeting in respect of premises not theretofore licensed for the sale of intoxicating liquors:

"The renewal of a license" means a license granted at a general annual licensing meeting by way of renewal:

"The transfer of a license" means a transfer made in special sessions in exercise of the power granted to justices by the fourth section of the said Act of the ninth year of the reign of King George the Fourth, chapter sixty-one, intituled "An Act to "regulate granting of licenses to keepers of inns, alehouses, and victualling houses "in England:"

"Licensed person" means a person holding a license as defined by this Act:

"Licensed premises" means premises in respect of which a license as defined by this Act has been granted and is in force:

"Unlicensed premises" means premises in respect of which a license as defined by this Act has not been granted or is not in force:

"Owner of licensed premises" means the person for the time being entitled to receive, either on his own account or as mortgagee or other incumbrancer in possession, the rackrent of such premises:

"Licensing district" means the area for which a general annual licensing meeting is held in pursuance of the Intoxicating Liquor Licensing Act, 1828:

"Licensing justices" means the justices having jurisdiction in respect of the grant of new licenses in a licensing district under the last-mentioned Act as amended by this Act:

"Licensing officer" means any officer appointed by the Commissioners of Inland Revenue to issue or superintend the issue of licenses under this Act in any place:

"Sale by retail" in respect of any intoxicating liquor means the sale of that liquor in such quantities as is declared to be sale by retail by any Acts relating to the sale of intoxicating liquors:

"County" does not include a county of a city or a county of a town, but means any county, riding, parts, division or liberty of a county having a separate commission of the peace and a separate court of quarter sessions:

"Borough" means a county of a city, county of a town, city, municipal borough, cinque port and its liberties, town corporate or other place in which a general annual licensing meeting is held in pursuance of the Intoxicating Liquors (Licensing) Act, 1828, exclusive of a petty sessional division of a county:

Where a liberty of a county, as defined by this Act, is not divided into petty sessional divisions, such liberty shall, so far as respects the provisions of this Act with respect to the grant of new licenses, stand in the same position as if it were a petty sessional division of the county in which it is geographically situate or with which it has the longest common boundary:

"Clerk of the licensing justices" means, where the licensing district is a county or a petty sessional division of a county, the clerk of the petty sessions for such division; and where the licensing district is a county of a city, county of town, city, municipal borough, town corporate, or other place not a county or a petty sessional division of a county, means the clerk to the justices of such county of a city, county of a town, city, borough, town corporate, or place, or other person performing analogous duties to such clerk; and where there are more persons than one in any county, petty sessional division, or other place filling the office of clerk of the licensing justices as herein-before defined, the licensing justices shall determine by which of such persons the register of licenses shall be kept:

"Town" means any parliamentary or municipal borough, Improvement Act district, local government district, or other place having a known legal boundary, and wherever two or more of the above-mentioned places occupy portions of the same area, "town" shall be taken to mean such one of such places as is the largest in area; and any premises situate in more than one town shall, for the purposes of this Act, be deemed to be in such one of the towns as is the largest in area:

"Local government district" means any area subject to the jurisdiction of a local board constituted in pursuance of the Local Government Act, 1858:

"Improvement Act district" means any area for the time being subject to the jurisdiction of any commissioners, trustees, or other persons intrusted by any Local Act, not being a Turnpike Act or Highway Act, with powers of improving, cleansing, or paving any part of such district:

"Court of summary jurisdiction" means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the "peace out of sessions within England and Wales with respect to summary "convictions and orders," in this Act referred to as "The Summary Jurisdiction "Act, 1848," and any Acts amending the same:

"Quarter sessions" includes general sessions:

"Police district" means,—

1. The city of London and the liberties thereof;
2. The Metropolitan Police District;
3. Any county, riding, part, division, or liberty of a county, borough, city, town, place, or union or combination of places maintaining a separate police force; and all the police under one chief constable shall be deemed to constitute one force for the purposes of this definition:

"Police authority" means,—

1. In the city of London and the liberties thereof, the commissioner of city police;
2. In the Metropolitan Police District, the commissioner of police of the metropolis;
3. Elsewhere, the chief constable, or head constable, or other officer, by whatever name called, having the chief command of the police in the police district in reference to which such expression occurs:

Any act or thing by this Act authorised to be done by the police authority may be done by any person authorised by him in that behalf:

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

Repeal.

75. The several Acts set forth in the second schedule hereto shall be repealed to the extent to which such Acts are therein expressed to be repealed, and in particular there shall be repealed so much of the Wine and Beerhouses Acts as makes such Acts temporary in their duration, and the said Acts shall henceforth be perpetual. Repeal of Acts mentioned in second schedule.

Provided that the repeal enacted in this Act shall not affect—

(1.) Any security given before this Act comes into operation:

(2.) Anything duly done before this Act comes into operation:

(3.) Any right acquired or liability accrued before this Act comes into operation:

(4.) Any removal of a license or certificate in pursuance of the second section of "Intoxicating Liquor Licensing Suspension Act, 1871:"

(5.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this Act comes into operation:

(6.) The institution of any legal proceeding or any other remedy for ascertaining, enforcing, or recovering any such liability, penalty, forfeiture, or punishment as aforesaid.

Provided also, that in the case of persons intending to apply for billiard licenses under the Act of the eighth and ninth years of the reign of Her present Majesty, chapter one hundred and nine, intituled "An Act to amend the law concerning games and wagers," or for the transfer of such licenses, the same notices shall be given as are by this Act required in the case of licenses as defined by this Act, or as near thereto as circumstances admit; and any person convicted of an offence against the tenor of a billiard license, or of any offence declared by the last-mentioned Act to be an offence against the tenor of a license as defined by this Act, shall be punished under this Act in the same manner in all respects as a licensed person within the meaning of this Act is punishable under this Act for suffering any gaming or any unlawful game to be carried on on his premises; and in construing the last-mentioned Act any reference to the Intoxicating Liquor Licensing Act, 1828, shall be construed to refer to that Act as amended by this Act.

Application of certain of the preceding Provisions of this Act to Ireland.

76. A reference to the words forming a heading to any of the provisions of this Act shall be deemed to be a reference to all the provisions under such heading, unless otherwise specially provided. Mode of reference to particular provisions of Act.

77. The preceding provisions of this Act with respect to— Application to Ireland of certain provisions of the Act with modifications.

1. Illicit sales;
2. Offences against public order;
3. Adulteration;
4. Repeated convictions;
5. Entry on premises;
6. Six day licenses;
7. Legal proceedings;
8. Miscellaneous; and
9. Saving clauses,

shall extend to Ireland, with the modifications following:—

"Intoxicating liquor" shall mean spirits, wine, beer, porter, cyder, perry, and sweets, and any fermented, distilled, or spirituous liquor which cannot, according to any law for the time being in force, be legally sold without a license from the Commissioners of Inland Revenue:

"License" shall mean a certificate of justices under the provisions of the Act passed in the session of Parliament held in the third and fourth years of the reign of His late Majesty King William the Fourth, chapter sixty-eight, or of the Act passed in the session of Parliament held in the seventeenth and eighteenth years of the reign of Her present Majesty, chapter eighty-nine, and any Act amending the same, and shall include a certificate under "The Beerhouses (Ireland) Act, 1864," as amended by "The Beerhouses (Ireland) Act, 1864, Amendment Act, 1871," and any Act amending the same:

"Intoxicating Liquor Licensing Acts" shall include the Acts authorising the grant of a license as defined by this section, and of an excise license as herein-after in this Act defined, and any Act or Acts amending the same:

"Licensing justices" shall mean the justices or authority having jurisdiction in respect of the grant of a license as defined by this section:

"Licensed person" shall mean a person holding a license as defined in this section, which license is in force:

"Premises" shall include house or place as defined by section twelve of the Act passed in the session of Parliament held in the seventeenth and eighteenth years of the reign of Her present Majesty, chapter eighty-nine:

"Licensed premises" shall mean premises in respect of which a license as defined by this section has been granted and is in force:

"Unlicensed premises" shall mean premises in respect of which a license as defined by this section has not been granted or is not in force:

"Sale by retail" in respect of any intoxicating liquor means the sale of that liquor in such quantity as is declared to be sale by retail by any Acts relating to the sale of intoxicating liquors:

"Owner of licensed premises" shall mean the person for the time being entitled to receive on his own account, either as mortgagee or other incumbrancer, in possession of the rackrent of such premises:

"Order in Council" or "Order of Her Majesty in Council" shall mean any order made by the Lord Lieutenant of Ireland or the lords justices or other chief governor or governors of Ireland for the time being, by and with the advice of Her Majesty's Privy Council in Ireland:

The powers which may be exercised by Her Majesty may be exercised as to Ireland by the Lord Lieutenant or the lords justices or other chief governor or governors of Ireland for the time being:

The term "Dublin Gazette" shall be substituted for the term "London Gazette:"

The term "county" shall extend to and include county of a city, county of a town, county of a town and city, city, and county:

The term "register of licenses," except in the police district of Dublin metropolis, shall mean the list or register directed to be kept by section eleven of the Act passed in the session of Parliament held in the third and fourth years of the reign of His late Majesty King William the Fourth, chapter sixty-eight; and in the police district of Dublin metropolis a list or register to be formed by such person as may be directed by the chief magistrate of the said district in like manner in every respect, and containing the like particulars in relation to the said district and the persons licensed therein, as the list or register directed to be kept elsewhere by the said section of the said Act; and all the provisions of the said section shall, so far as the same are applicable, apply to such list or register within the said district, and the same shall be kept at the head police office of such district:

The term "clerk to the licensing justices" in relation to the police district of Dublin metropolis shall mean the person who keeps the register of licenses in such district, and elsewhere in any county or borough shall mean the clerk of the peace for such county or borough:

The term "police authority" shall mean,—

In the police district of Dublin metropolis either of the commissioners of police for the said district, and

Elsewhere in Ireland, in any other police district, the sub-inspector of the Royal Irish Constabulary:

The term "superintendent of police" shall mean,—

In the police district of Dublin metropolis any superintendent, inspector, acting inspector, or serjeant of Dublin metropolitan police, and

Elsewhere in Ireland, in any other police district, any sub-inspector or head constable of the Royal Irish Constabulary:

The term "constable"—

In the police district of Dublin metropolis shall mean constable of the Dublin metropolitan police, and

Elsewhere in Ireland, any constable or sub-constable of the Royal Irish Constabulary:

The term "special session" shall mean "petty sessions:"

The term "Summary Jurisdiction Act, 1848," shall mean, as regards the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, and elsewhere in Ireland the Act passed in the session holden in the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, chapter ninety-three, intituled "An Act to consolidate and "amend the Acts regulating the proceedings of petty sessions, and the duties of "justices of the peace out of quarter sessions, in Ireland," and any Acts amending the same:

The term "court of summary jurisdiction" shall mean any justice or justices of the peace or other magistrate to whom jurisdiction is given by the Summary Jurisdiction Act, 1848; and when hearing and determining any information or complaint under this Act, the said court shall be constituted in manner prescribed by the said first-mentioned Act:

The expression "court of quarter sessions for the county or place in which the cause of appeal has arisen" shall mean the court of quarter sessions of the division of the county or the court of the recorder of the borough (if there be a recorder in such borough) in which the cause of appeal has arisen, and if the cause of appeal has arisen within the police district of Dublin metropolis the court of the recorder of the city of Dublin:

The term "one of Her Majesty's Superior Courts at Dublin" shall be substituted for the term "one of Her Majesty's Superior Courts at Westminster."

Provided always, that a license, as defined by this section, shall not be required for the sale of intoxicating liquor by retail in pursuance of a retail license granted by the Commissioners of Inland Revenue, in any case which, previous to the passing of this Act, such first-mentioned license was not required.

Closing of premises at certain hours on Sunday, Christmas Day, Good Friday, &c.

78. Notwithstanding the provisions of section forty-three of the Act passed in the session of Parliament held in the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and seven, it shall not be lawful for any person to sell or expose for sale, or to open or to keep open any premises for the sale of, intoxicating liquors on Sunday, Christmas Day, Good Friday, or any day appointed for a public fast or thanksgiving after nine o'clock at night within any city or town the population of which according to the last parliamentary census shall exceed five thousand, nor elsewhere after seven o'clock at night on such days, and on other days after ten o'clock at night.

The provisions of all Acts relating to the sale of intoxicating liquors by retail, authorising or forbidding the doing of any act, matter, or thing at any times during which the sale of intoxicating liquors is by the said Acts prohibited, shall be construed as if the times during which the sale of intoxicating liquors is prohibited by this section were substituted respectively in the said Acts for the times therein mentioned.

Any person who sells or exposes for sale, or opens or keeps open any premises for the sale of, intoxicating liquors at any other times than those limited for such purpose by section forty-three of the Act passed in the session of Parliament held in the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and seven, as the same is amended by this section, or during such times as aforesaid allows any intoxicating liquors to be consumed on such premises, shall for the first offence be liable to a penalty not exceeding ten pounds, and for any subsequent offence to a penalty not exceeding twenty pounds.

Any conviction for an offence against this section shall be recorded on the license of the person convicted, unless the convicting magistrate or justices shall otherwise direct.

None of the provisions contained in this section shall preclude a person licensed to sell any intoxicating liquor to be consumed on the premises from selling such liquor to bonâ fide travellers or to persons lodging in his house.

Nothing in this section contained shall preclude the sale at any time at a railway station of intoxicating liquors to persons arriving at or departing from such station by railroad.

Recovery and application of penalties.

79. All penalties and forfeitures in respect of offences under the preceding provisions of this Act, as applied to Ireland, shall be in substitution for and not in addition to penalties and forfeitures (other than penalties recoverable by or on behalf of the Commissioners of Inland Revenue, or any laws relating to the Excise) incurred in respect of like offences under any other Act or Acts, and all penalties recovered under the said provisions of this Act shall be applied in manner directed by "The Fines Act (Ireland), 1851," and any Act amending the same.

Repeal of section 4 of 34 & 35 Vict. c. 88.

80. Section four of "The Intoxicating Liquors (Licenses Suspension) Act, 1871," shall be and the same is hereby repealed.

Interpretation of "spirit grocer," "excise license," &c. as applying to Ireland.

81. The following provisions shall apply to Ireland only:

The term "spirit grocer" in the following provisions of this Act means any person dealing in or selling tea, cocoa-nuts, chocolate, or pepper, and having an excise license to sell spirits by retail in any quantity not exceeding two quarts at any one time to be consumed elsewhere than on the premises where sold, under the provisions of the Act passed in the session of Parliament held in the eighth and ninth years of the reign of Her present Majesty, chapter sixty-four, which license is in the following provisions referred to as an "excise license," and, save as aforesaid, terms used in the following provisions of this Act shall have the same meanings respectively as they have in the preceding provisions of this Act as applied to Ireland.

No renewal of license to be granted to spirit grocers without certificate of justices.

82. It shall not be lawful for any officer of Excise in Ireland to grant a new excise license to any person who at any time during the then next preceding two years has been a spirit grocer, or who during such period as aforesaid has held a certificate under "The Beerhouses (Ireland) Act, 1864," or "The Beerhouses (Ireland) Act (1864) Amendment Act, 1871," or to grant to any spirit grocer upon the expiration of his excise license a renewal of such excise license, unless such person or spirit grocer produces a certificate signed by two or more justices of the peace presiding at the petty sessions of the district in which such person or spirit grocer resides, or if in the Dublin metropolitan police district by a divisional justice of the district in which such person or spirit grocer resides, to the good character of such person, and to the peaceable and orderly manner in which his business was conducted during the year next preceding the expiration of his former excise license or certificate, or, in case of a renewal, during the past year.

All applications for such certificates shall be made in the manner and subject to the like conditions as to appeals against the same and otherwise (so far as the same are applicable) as are prescribed by "The Beerhouses (Ireland) Act, 1864," in relation to applications for certificates under the said Act.

Penalty on spirit grocer if liquor drunk on or near to the premises.

83. If any purchaser of any intoxicating liquor from a spirit grocer drinks such liquor on the premises where the same is sold, or on any highway adjoining or near such premises, such spirit grocer shall, if it shall appear that such drinking was with his privity or consent, be subject to the following penalties; (that is to say,)

For the first offence he shall be liable to a penalty not exceeding ten pounds:

For the second and any subsequent offence he shall be liable to a penalty not exceeding twenty pounds:

For the purposes of this section the expression "premises where the same is sold," shall include any premises adjoining or near the premises where the liquor is sold, if belonging to such spirit grocer, or under his control, or used by his permission.

Any conviction for an offence under this section shall be recorded on the excise license of the spirit grocer convicted.

Penalty on evasion of law as to drinking on premises of spirit grocer.

84. If any spirit grocer himself takes or carries, or employs or suffers any other person to take or carry, any intoxicating liquor out of or from the premises of such spirit grocer for the purpose of being sold on his account, or for his benefit or profit, and of being drunk or consumed in any other house, or in any tent, shed, or other building of any kind whatever, belonging to such spirit grocer, or hired, used, or occupied by him, or on or in any place, whether enclosed or not, and whether or not a public thoroughfare, such intoxicating liquor shall be deemed to have been consumed by the purchasers thereof on the premises of such spirit grocer, with his privity and consent; and such spirit grocer shall be punished accordingly in manner provided by the next preceding section.

Any conviction for an offence under this section shall be recorded on the excise license of the spirit grocer convicted.

In any proceeding under this section it shall not be necessary to prove that the premises or place or places to which such liquor is taken to be drunk belonged to, or were hired, used, or occupied by, such spirit grocer, if proof be given to the satisfaction of the court hearing the case that such liquor was taken to be consumed thereon or therein with intent to evade the conditions of his excise license.

Penalty on internal communication between premises of spirit grocer and house of public resort.

85. Every person who makes or uses, or allows to be made or used, any internal communication between the premises of any spirit grocer and any other premises which are used for public entertainment or resort, or as a refreshment house, shall be liable to a penalty not exceeding ten pounds for every day during which such communication remains open.

In addition to any penalty imposed by this section, any person convicted of an offence under this section shall, if he be the holder of an excise license, forfeit such license.

Limitation of hours during which spirit grocers may sell intoxicating liquors.

86. No spirit grocer shall have or keep his premises open, nor shall he sell any intoxicating liquor in any such premises at any other times than those limited for the sale of intoxicating liquors by retail to be drunk or consumed on the premises by section forty-three of the Act passed in the session of Parliament held in the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and seven, as the same is amended by this Act, and any spirit grocer acting in contravention of the provisions of this section shall be liable to all and the same penalties and consequences to which under the preceding provisions of this Act any person who sells or exposes for sale, or opens or keeps open any premises for the sale of intoxicating liquors at any other time than those limited by the said section forty-three of the said Act, as the same is amended by this Act, is liable.

Justices and constables may enter premises of spirit grocer during prohibited hours.

87. It shall be lawful for any justice of the peace, or any superintendent of police, or any constable duly authorised for such purpose by any such justice or superintendent within the limits of his jurisdiction, to enter into any premises kept by a spirit grocer for selling intoxicating liquors, at any time or hour during which the sale of such liquors by such spirit grocer is prohibited by this Act, and to remove from and put out of such premises any person who shall be so found within such prohibited hours in such house or place (not being a lodger in or an inmate of such premises), and who shall appear to be or to have recently been drinking, tippling, or gaming therein; and if any such person shall not, when thereto required by such justice of the peace, superintendent of police, or constable, remove from and quit such premises, or shall forcibly resist such justice, superintendent, or constable, or shall be found drunk therein, it shall and may be lawful for any superintendent of police or for any constable to apprehend and take into custody any such person so offending, and to carry and convey, or cause to be carried and conveyed, every and any such person so apprehended before any justice of the peace within whose jurisdiction such premises shall be situate, to be dealt with according to law; and every such person who shall so neglect or refuse to remove from or quit such premises, or shall so forcibly resist such justice, superintendent, or constable, being duly convicted of such offence, shall thereupon for every such offence forfeit any sum not exceeding twenty

shillings nor less than five shillings; and if any offender so convicted shall not forthwith pay the sum so forfeited, such offender shall be imprisoned for any time not exceeding one week.

Provisions as to repeated convictions to apply to spirit grocers, &c.

88. The preceding provisions of this Act relating to repeated convictions, except so much thereof as relate to the disqualification of premises, shall apply to spirit grocers, and for the purpose of such application the terms "spirit grocer" and "excise license" shall respectively be therein substituted for the terms licensed person and license.

Application of provisions as to legal proceedings, penalties, &c.

89. The preceding provisions of this Act relating to legal proceedings as the same are applied to Ireland, and to the application of penalties in Ireland, shall apply to all legal proceedings in respect of any of the special provisions of this Act relating to Ireland, and to the application of all penalties recovered in pursuance thereof.

No license to be granted to disqualified persons or for disqualified premises.

90. In Ireland no license or excise license, as respectively defined in the preceding provisions of this Act in relation to Ireland, shall be granted under the Intoxicating Liquor Licensing Acts to any person or in respect of any premises declared by or in pursuance of any of the Intoxicating Liquor Licensing Acts or this Act to be disqualified persons or disqualified premises during the continuance of such disqualification. Any license or excise license held by any person so disqualified or attached to premises so disqualified shall be void.

SCHEDULES to which this Act refers.

FIRST SCHEDULE.

DELETERIOUS INGREDIENTS.

Cocculus indicus, chloride of sodium otherwise common salt, copperas, opium, Indian hemp, strychnine, tobacco, darnel seed, extract of logwood, salts of zinc or lead, alum, and any extract or compound of any of the above ingredients.

SECOND SCHEDULE.

Session and Chapter.	Title.	Extent of Repeal.
21 James 1. c. 7.	An Act for the better repressing of drunkenness, and restraining the inordinate haunting of inns, alehouses, and other victualling houses.	So much as is unrepealed.
9 Geo. 4. c. 61. -	An Act to regulate the granting of licenses to keepers of inns, alehouses, and victualling houses in England.	Section six; section ten; section eleven; so much of section thirteen as relates to the form of license; sections eighteen and nineteen; section twenty; section twenty-one; section twenty-two; section twenty-three; section twenty-five; section twenty-six; also section twenty-seven; section twenty-eight; section twenty-nine, except in so far as the three last-mentioned sections relate to the renewal of licenses or to the transfer of licenses under sections four and fourteen of the same Act; also section thirty-one; section thirty-two; section thirty-three; section thirty-four.

Session and Chapter.	Title.	Extent of Repeal.
11 Geo. 4. & 1 W. 4. c. 64.	An Act to permit the general sale of beer and cyder by retail in England.	Section six; section eleven; section twelve; section thirteen; section fifteen; section sixteen; section seventeen; section eighteen; section nineteen; section twenty; section twenty-one; section twenty-two; section twenty-five; section twenty-six; section twenty-seven; so much of section thirty as incorporates or applies any repealed enactment.
4 & 5 Will. 4. c. 85.	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.	Section four; section seven; section ten; so much of section eleven as incorporates or applies any repealed enactment; section eighteen; section twenty-two.
2 & 3 Vict. c. 47.	An Act for further improving the police in and near the metropolis.	Section forty-one, from "and in the case of any "offence" to end of section. Section forty-two; section forty-three.
3 & 4 Vict. c. 61.	An Act to amend the Acts relating to the general sale of beer and cider by retail in England.	Section ten; section thirteen; section fifteen; section sixteen; section seventeen; section nineteen; also so much of section twenty-one as incorporates or applies any repealed enactment.
11 & 12 Vict. c. 49.	An Act for regulating the sale of beer and other liquors on the Lord's Day.	The whole Act so far as it relates to England.
18 & 19 Vict. c. 118.	An Act to repeal the Act of the seventeenth and eighteenth years of the reign of Her present Majesty for further regulating the sale of beer and other liquors on the Lord's Day, and to substitute other provisions in lieu thereof.	The whole Act.
23 & 24 Vict. c. 27.	An Act for granting to Her Majesty certain duties on wine licenses and refreshment houses, and for regulating the licensing of refreshment houses and the granting of wine licenses.	Section five; section seventeen; section twenty; section twenty-six; section twenty-seven; section twenty-eight; section twenty-nine; section thirty-one; also sections eighteen, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, forty-one, and forty-two, so far as such sections relate to the sale of intoxicating liquors or any offences connected therewith; also section thirty-nine; section forty.
23 & 24 Vict. c. 113.	An Act to grant duties of excise on chicory and on licenses to dealers in sweets or made wines, also to reduce the excise duty on hops and the period of credit allowed for payment of the duty on malt and hops respectively; to repeal the exemption from license duty of persons dealing in foreign wine and spirits in bond, and to amend the laws relating to the excise.	Section forty-one.
27 & 28 Vict. c. 64.	An Act for further regulating the closing of public houses and refreshment houses within the metropolitan police district, the city of London, certain corporate boroughs, and other places.	The whole Act, except in so far as it relates to refreshment houses in which intoxicating liquors are not sold.
28 & 29 Vict. c. 77.	An Act to amend the Act 27 & 28 Vict. c. 64, commonly called "The Public House Closing Act, 1864."	The whole Act, except in so far as it relates to refreshment houses in which intoxicating liquors are not sold.
32 & 33 Vict. c. 27.	An Act to amend the law for licensing beerhouses, and to make certain alterations with respect to the sale by retail of beer, cider, and wine.	So much of section six as relates to the form of certificate; section twelve; section thirteen; section fourteen; section fifteen; section sixteen; section seventeen; section eighteen; so much of section nineteen as relates to offences; section twenty-two.

Session and Chapter.	Title.	Extent of Repeal.
33 & 34 Vict. c. 29.	An Act to amend and continue "The Wine and Beerhouse Act Amendment Act, 1869."	Section five; section six; section seven, from "the second and third provisoes" to the end of section; section eight; section nine; section twelve; section thirteen; section fifteen; section seventeen.
34 & 35 Vict. c. 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.	The whole Act.

CHAPTER 95.

An Act to enlarge the powers of the Epping Forest Commissioners; and for other purposes. [10th August 1872.]

WHEREAS by the Epping Forest Act, 1871, the Epping Forest Commissioners thereby constituted, and in this Act called the Commissioners, were directed amongst other things to inquire as to certain inclosures alleged to have been illegally made in that part of the forest of Waltham known as Epping Forest, and after the conclusion of such inquiries to prepare and settle a scheme for the disafforesting of Epping Forest, and for the preservation and management of the waste lands thereof:

And whereas numerous legal proceedings have been instituted and are pending in divers courts in respect of the said inclosures, between the several parties claiming to be interested in the lands so inclosed, and it is expedient that the Commissioners should be empowered to suspend legal proceedings respecting forestal and common rights in the said forest, and to suspend any encroachments thereon, until Parliament shall be enabled to legislate upon the report to be made by the Commissioners under the said Act, and that for that purpose the powers of the said Epping Forest Commissioners should be enlarged:

May it therefore please Your Majesty that it may be enacted; and 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:

Short title.

1. This Act may be cited as "The Epping Forest Amendment Act, 1872," and shall be deemed to be incorporated with and form part of the Epping Forest Act, 1871, and of the Act of the twelfth and thirteenth years of Her present Majesty incorporated therewith.

Stay of pending proceedings.

2. Any legal proceedings which at the passing of this Act may be pending in or under appeal from any court of law or equity in England, including any forest court, in respect of any matter or thing into which the Commissioners are directed or authorised to inquire under the Epping Forest Act, 1871, shall be stayed until the expiration of the session of Parliament next after the Commissioners have made their final report under the Epping Forest Act, 1871, unless the Commissioners otherwise direct: Provided that this section shall not affect the suit now pending in the Court of Chancery between the Commissioners of Sewers of the City of London, plaintiffs, and William Bulkeley Glasse and others, defendants.

Prohibition of future proceedings.

3. No new legal proceeding, except such supplemental or amended Bills as may be filed by the Commissioners of Sewers for the purpose of making the said suit effectual, shall, after the passing of this Act and until the expiration of the session of Parliament next after the Commissioners have made their final report under the Epping Forest Act,