SCHEDULE (B.)—PART 16.

SCHED. (B.) PART 16. Revenue Departments, &c.

REVENUE DEPARTMENTS, &c.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several REVENUE DEPARTMENTS, &c. herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1903; viz.:—

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
1.	For salaries and expenses of the Customs Department (including a supplementary sum of 12,000*l.*)	904,500	53,500
2.	For salaries and expenses of the Inland Revenue Department	2,146,770	15,000
3.	For salaries and expenses of the Post Office services, the expenses of Post Office savings banks and Government annuities and insurances, and the collection of the Post Office revenue	9,761,815	151,060
4.	For the expenses of the Post Office packet service	778,915	183,435
5.	For salaries and working expenses of the Post Office telegraph service	4,211,250	56,750
	TOTAL REVENUE DEPARTMENTS - £	17,803,250	459,745

CHAPTER 28.

An Act to amend the Law relating to the Sale of Intoxicating Liquors and to Drunkenness, and to provide for the Registration of Clubs.

[8th August 1902.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

AMENDMENT OF LAW AS TO DRUNKENNESS.

Apprehension of person found drunk and incapable in public place.

1. If a person is found drunk in any highway or other public place, whether a building or not, or on any licensed premises, and appears to be incapable of taking care of himself, he may be apprehended and dealt with according to law

Penalty for being drunk while in charge of child.

2.—(1) If any person is found drunk in any highway or other public place, whether a building or not, or on any licensed premises, while having the charge of a child apparently under

the age of seven years, he may be apprehended, and shall, if the child is under that age, be liable, on summary conviction, to a fine not exceeding forty shillings, or to imprisonment, with or without hard labour, for any period not exceeding one month.

(2) If the child appears to the court to be under the age of seven, the child shall, for the purposes of this section, be deemed to be under that age unless the contrary is proved.

61 & 62 Vict. c. 60. 35 & 36 Vict. c. 94.

(3) The offence under this section shall be included in the list of offences mentioned in the First Schedule to the Inebriates Act, 1898, and in section sixty of the Licensing Act, 1872.

Power to require person convicted of drunkenness to give security for good behaviour.

3. Where a person is convicted of any offence mentioned in the list of offences contained in the First Schedule to the Inebriates Act, 1898, as amended by this Act, the court may, either in addition to or in substitution for any other penalty, order the offender to enter into a recognizance, with or without sureties, to be of good behaviour.

Burden of proof in case of drunkenness on licensed premises.

4. Where a licensed person is charged with permitting drunkenness on his premises, and it is proved that any person was drunk on his premises, it shall lie on the licensed person to prove that he and the persons employed by him took all reasonable steps for preventing drunkenness on the premises.

Protection for wife or husband of habitual drunkard. 42 & 43 Vict. c. 19. 58 & 59 Vict. c. 39.

5.—(1) Where the husband of a married woman is a habitual drunkard, as defined by section three of the Habitual Drunkards Act, 1879, the married woman shall be entitled to apply for an order under the Summary Jurisdiction (Married Women) Act, 1895, and that Act shall apply accordingly.

(2.) Where the wife of a married man is a habitual drunkard, as defined by section three of the Habitual Drunkards Act, 1879, the married man shall be entitled to apply to a court of summary jurisdiction for an order under this subsection, and on any such application the court may make one or more orders containing all or any of the following particulars:—

(*a*) A provision that the applicant be no longer bound to cohabit with his wife (which provision, while in force, shall have the effect, in all respects, of a decree of judicial separation on the ground of cruelty);

(*b*) A provision for the legal custody of any children of the marriage;

(*c*) A provision that the applicant shall pay to his wife personally, or for her use to any officer of the court or other person on her behalf, such weekly sum, not exceeding two pounds, as the court, having regard to the means both of the applicant and his wife, consider reasonable;

(*d*) A provision for payment by the applicant or his wife, or both of them, of the costs of the court, and such reasonable costs of the parties, or either of them, as the court may think fit.

Subject to the foregoing provisions, the Summary Jurisdiction (Married Women) Act, 1895, shall apply to an application and order under this subsection in like manner as it applies to an

application and order under that Act, except that, for references to a married woman and her husband, shall be substituted references to a married man and his wife.

Provided that, instead of making an order in pursuance of paragraph (*a*) of this subsection, the court may, with the consent of the wife, order her to be committed to, and detained in, any retreat licensed under the Inebriates Acts, 1879 to 1900, the licensee of which is willing to receive her; and such order shall have effect as if she had been admitted to the retreat under section ten of the Habitual Drunkards Act, 1879, as amended by any subsequent enactment, and the court may order an officer of the court or a constable to remove her to the retreat accordingly.

Prohibition of sale of liquor to persons declared to be habitual drunkards. 61 & 62 Vict. c. 60. 53 & 54 Vict. c. 45.

6.—(1) Where, upon the conviction of an offender, the court is satisfied that an order of detention could be made under section one or section two of the Inebriates Act, 1898, then, whether an order of detention is made or not, the court shall order that notice of the conviction, with such particulars as may be prescribed by a Secretary of State, be sent to the police authority (within the meaning of the Police Act, 1890) for the police area in which the court is situate.

(2) Where a court, in pursuance of this Act, orders notice of a conviction to be sent to a police authority, the court shall inform the convicted person that the notice is to be so sent; and

(*a*) if the convicted person, within three years after the date of the conviction, purchases or obtains, or attempts to purchase or obtain, any intoxicating liquor at any premises licensed for the sale of intoxicating liquor by retail, or at the premises of any club registered in pursuance of the provisions of Part III. of this Act, he shall be liable, on summary conviction, to a fine not exceeding, for the first offence, twenty shillings, and, for any subsequent offence, forty shillings; and

(*b*) if the holder of any licence authorising the sale of intoxicating liquor by retail, whether for consumption on or off the premises, or any person selling, supplying or distributing intoxicating liquor, or authorising such sale, supply or distribution, on the premises of a club registered in conformity with the provisions of Part III. of this Act, within that period knowingly sells, supplies or distributes, or allows any person to sell, supply or distribute, intoxicating liquor to, or for the consumption of, any such person, he shall be liable, on summary conviction, for the first offence, to a fine not exceeding ten pounds, and, for any subsequent offence in respect of the same person, to a fine not exceeding twenty pounds.

(3) Regulations shall be made by the police authority for the purpose of securing the giving of information to licensed persons, and secretaries of clubs registered under Part III. of this Act, of orders made under this section, and for assisting in the identification of the convicted persons.

Penalty for procuring drink for drunken person.

7. Any person who, being on any premises licensed for the sale of any intoxicating liquor, whether for consumption on or off such premises, shall procure, or attempt to procure, any intoxicating

liquor for consumption by any drunken person, or who shall aid and abet any drunken person in obtaining or consuming any intoxicating liquor on any premises so licensed as aforesaid, shall be liable, on summary conviction, to a fine not exceeding forty shillings, or to imprisonment, with or without hard labour, for any period not exceeding one month.

Interpretation of "public place."

8. For the purposes of section twelve of the Licensing Act, 1872, and of sections one and two of this Act, the expression "public place" shall include any place to which the public have access, whether on payment or otherwise.

PART II.

AMENDMENT OF LICENSING LAW.

Record of conviction of licensed person.

9.—(1) Where a licensed person is convicted before any court of any offence committed by him as such, it shall be the duty of the clerk of the licensing justices to enter notice of every such conviction, in the form prescribed by the Secretary of State, in the register of licences kept by him, and, if the clerk of the court is not the clerk of the licensing justices, he shall forthwith send notice of the conviction to the clerk of the licensing justices.

(2) On any application for the grant, renewal or transfer of a licence, the licensing justices shall have regard to any entries in the register of licences relating either to the person by whom, or to the premises in respect of which, the licence is to be held.

(3) When a conviction relating to any premises is entered in the register of licences, it shall be the duty of the clerk of the licensing justices to serve, in manner provided by the Licensing Act, 1872, notice of the conviction on the owner of the premises.

(4) After the commencement of this Act, no conviction shall be recorded on a licence.

Powers of justices as to retail off-licences.

10.—(1) Notwithstanding anything contained in section seventy-three of the Licensing Act, 1872, a justices' licence shall be required in the case of every excise licence under which intoxicating liquor may be sold by retail to be consumed off the premises.

Provided that this subsection shall not apply to any excise licence taken out by a spirit dealer or wine dealer for premises which are exclusively used for the sale of intoxicating liquors, or of intoxicating liquors and mineral waters, or other non-intoxicating drinks, and which have no internal communication with the premises of any person who is carrying on any other trade or business.

32 & 33 Vict. c. 27.

(2) Notwithstanding anything contained in section eight of the Wine and Beerhouse Act, 1869, and in sections sixty-nine and seventy-four of the Licensing Act, 1872, the licensing justices shall be at liberty, in their free and unqualified discretion, except as herein-after provided, either to refuse a licence for the sale of beer, wine, spirits, liqueurs, sweets or cider by retail to be consumed off the premises, on any grounds appearing to them

sufficient, or to grant a licence to such persons as they deem fit and proper.

(3) Any application for the grant of a licence to which this section applies, in respect of any premises on which the applicant was, at the commencement of this Act, authorised to sell beer, wine, spirits, liqueurs, sweets or cider by retail to be consumed off the premises, shall be deemed to be an application for the renewal of a licence, and shall be subject to the provisions of the Licensing Acts relating to the renewal of licences.

(4) Provided that, where a licence for the sale of wine, spirits, liqueurs, sweets or cider, not to be consumed on the premises, was in force on the twenty-fifth day of June nineteen hundred and two, an application for the renewal of such licence, or of any licence granted by way of renewal thereof from time to time, shall not be refused to the person who held such licence on the twenty-fifth day of June nineteen hundred and two, except on one or more of the grounds on which it might have been refused if this Act had not passed, or on the ground that the licensee has sold surreptitiously under such licence, or has assisted in concealing or misrepresenting the nature of goods sold under such licence, or has in any other way, in the opinion of the licensing justices, been guilty of misconduct in the management of his business under such licence.

Control of justices over structure of licensed premises.

11.—(1) Where a person is intending to apply for a new licence for the sale of intoxicating liquors by retail to be consumed on the premises, he shall, not less than twenty-one days before the annual licensing meeting, deposit with the clerk to the licensing justices a plan of the premises in respect of which the application is to be made.

(2) Any alteration in any licensed premises for the sale by retail of intoxicating liquors to be consumed thereon, which gives increased facilities for drinking, or conceals from observation any part of the premises used for drinking, or which affects the communication between the part of the premises where intoxicating liquor is sold and any other part of the premises or any street or other public way, shall not be made without the consent of the licensing justices assembled either at the general annual licensing meeting, or at special sessions under section four of the Alehouse Act, 1828, and the licensing justices may, before giving their consent, require plans of the proposed alterations to be deposited with their clerk at such time as they may determine; and, if any such alteration is made, save under the order of some lawful authority, without such consent as aforesaid, a court of summary jurisdiction, on complaint, may by order declare the licence to be forfeited, or direct that, within a time fixed by the order, the premises shall be restored to their original condition.

9 Geo. 4. c. 61.

(3) Where a licence is forfeited under this section, the owner of the premises shall have all the rights conferred on owners by section fifteen of the Licensing Act, 1874.

37 & 38 Vict. c. 49.

(4) On any application for the renewal of a licence for the sale by retail of intoxicating liquors to be consumed on the premises, the licensing justices may require a plan of the premises to be produced before them and to be deposited with their clerk, and,

on renewing any such licence, they may by order direct that, within a time fixed by the order, such alterations as they think reasonably necessary to secure the proper conduct of the business shall be made in that part of the premises where intoxicating liquor is sold or consumed, but any such order shall be subject to an appeal to a court of quarter sessions, as provided by the Alehouse Act, 1828, and, if any such order for structural alteration is made and complied with, no further requisition for the structural alteration of the premises shall be made within the next five years. If the licensed person makes default in complying with any such order, he shall, on summary conviction, be liable to a fine not exceeding twenty shillings for every day during which the default continues.

(5) Notice of any order under this section shall be forthwith given by the clerk to the owner of the premises in respect of which the order is made.

Removal of disqualification of justices interested in railways.

12. A justice shall not be disqualified to act for any purpose under the Licensing Acts, 1828 to 1886, or this Act, by reason only of his being interested in a railway company which is a retailer of intoxicating liquor.

Disqualifications of justices' clerks.

13. No solicitor or other person, being a clerk of licensing justices, shall, by himself, his partner or clerk, as solicitor or agent for any person, conduct or act in any application for or in respect of a licence, or any other proceedings whatsoever under the Licensing Acts, at any licensing or petty sessions held for the district for which he is the clerk, except so far as relates to the preparation of notices or forms; and, if any person contravenes this provision, he shall be liable, on summary conviction, to a fine not exceeding one hundred pounds.

Date of annual licensing meeting.

14.—(1) The general annual licensing meeting in every licensing district shall be held within the first fourteen days of the month of February in each year, and every adjournment thereof shall be held within one month of the date of the general annual licensing meeting.

(2) The general annual licensing meeting which would, but for this Act, be held between the twentieth day of August and the fourteenth day of September one thousand nine hundred and two shall not be held.

(3) In every licensing district where the general annual licensing meeting would, but for this Act, be held between the twentieth day of August and the fourteenth day of September inclusive, all licences within the meaning of the Licensing Acts, 1828 to 1886, and all billiard licences granted by the justices of the peace acting in and for any such district, which are in force on the tenth day of October one thousand nine hundred and two, shall, notwithstanding anything in such licences or in the Licensing Acts, 1828 to 1886, to the contrary, upon production of such licence to the clerk of the licensing justices and upon payment to him of half of the fees which would have been payable if that licence had been renewed at a general annual licensing meeting held in August or September one thousand nine hundred and two, be and remain in force until

the fifth day of April nineteen hundred and three, unless previously forfeited, or unless the person to whom or the premises in respect of which the licence was granted is or become disqualified. Upon payment of the said fees, the clerk to the licensing justices shall endorse a note of the payment on the licence.

(4) The Commissioners of Inland Revenue may renew any excise licence granted to any person holding a licence granted by the justices of the peace, acting in and for any such licensing district, which was in force on the tenth day of October one thousand nine hundred and two, upon production of that licence, in the same manner as if that licence had been renewed at a general annual licensing meeting held in August or September nineteen hundred and two.

(5) The justices of the peace, acting in and for any such licensing district, shall, on some day within the month of October nineteen hundred and two, hold a special meeting, and shall at that meeting appoint not less than two nor more than four special sessions to be holden in the division during the period between the date of that meeting and the first day of February nineteen hundred and three, at periods as near as may be equally distant, and at any such special sessions the justices shall have the same powers and jurisdiction as if the said days had been appointed at a general annual licensing meeting, in accordance with the provisions of section four of the Alehouse Act, 1828; and the Licensing Acts, 1828 to 1886, shall have effect accordingly, and any licence granted at any such special sessions shall be in force until the fifth day of April one thousand nine hundred and three, and no longer.

(6) This section shall not affect the power of the licensing justices, under section eleven of the Wine and Beerhouse Act, 1870, to postpone to an adjourned meeting (whether held within one month of the date of the annual meeting or not) the consideration of an application for the grant or renewal of a licence; and the said section shall apply to all licences in like manner as it applies to licences under the Wine and Beerhouse Acts. 33 & 34 Vict. c. 29.

(7) This section shall come into operation on the passing of this Act.

Restriction on protection orders.

15. Notwithstanding any enactment to the contrary, it shall not be lawful for a petty sessional court to authorise the sale of intoxicating liquor on any licensed premises until the holding of the next special sessions for the licensing district in which the premises are situate, unless the person making the application has, one week at least before the holding of the court, served on the superintendent of police for the district the like notice as is required in the case of an application for the transfer of a licence.

Provided that, in any case of urgency, the aforesaid notice to the police may be dispensed with if, in the opinion of the court, such notice to the police has been given as is reasonable under the circumstances of the particular case.

Provisions as to transfer.

16.—(1) In the case of an application for a licence under section four or section fourteen of the Alehouse Act, 1828, the person holding the licence and the person who it is proposed shall become the holder of the licence shall attend at the special sessions at

which the application is heard, and the agreement or other assurance, if any, under which the licence is to be transferred and held shall be produced to the licensing justices; and, for the purpose of compelling the attendance of any such person, or any witness, the licensing justices shall have all the powers of a court of summary jurisdiction.

Provided that the licensing justices may, for good cause shown in any particular case, dispense with the attendance of either of such persons, or both.

(2) For the purpose of preventing repeated applications, the licensing justices may, at the general annual licensing meeting, make regulations determining the time which must elapse after the hearing of one application for a licence, under section four or section fourteen of the Alehouse Act, 1828, before another application, under the said sections or either of them, may be made in respect of the same premises. Provided that the justices may, in their discretion, for good cause shown, dispense with the observance of these regulations in any particular case.

(3) The provisions of subsection two of section forty of the Licensing Act, 1872, as to notices of intention to transfer, shall apply to all cases of applications under section four or section fourteen of the Alehouse Act, 1828.

(4) The provisions of subsection four of section four of the Wine and Beerhouse Act, 1870, with respect to the adjournment of an application for a transfer, shall apply to all licences in cases arising under section four or section fourteen of the Alehouse Act, 1828; and, where any such application is adjourned, and there is in force an authority, granted under the Licensing Act, 1842, to sell intoxicating liquor on the licensed premises, such authority shall continue in force till the hearing of the adjourned application, and the proper officer of Inland Revenue may give the like authority by indorsement on the excise licence.

5 & 6 Vict. c. 44.

Occasional licences.

17.—(1) An occasional licence shall not be granted, except with the consent of a petty sessional court, and unless, twenty-four hours at least before applying for that consent, the applicant has served on the superintendent of police for the district notice of his intention to apply for the consent, setting out his name and address, the place and occasion in respect of which the licence is required, the period for which the licence is to be in force, and the hours to be specified in the consent of the justices. Provided that, where there is no sitting of a petty sessional court within three days before the time when the licence is required, and it is shown to the satisfaction of the justices herein-after mentioned that it was not practicable to make an application to a petty sessional court, the consent may be given by any two justices acting for the division and sitting together, of which consent notice shall be sent to the superintendent of the police.

25 & 26 Vict. c. 22.
26 & 27 Vict. c. 33.
27 & 28 Vict. c. 18.

(2) In section thirteen of the Revenue Act, 1862, section twenty of the Revenue Act, 1863, section five of the Revenue Act, 1864 and section nineteen of the Licensing Act, 1874, the consent required by this section shall be substituted for the consent in those sections mentioned.

(3) Nothing in this section shall affect the provisions of section twenty-nine of the Licensing Act, 1872, which empower the local authority to extend the hours of closing on special occasions.

Additional notice of application for new licence.

18. In addition to the notices required by the Licensing Acts, 1828 to 1886, to be given by a person intending to apply for a new licence, that person shall, twenty-one days at least before the date of the general annual licensing meeting, serve on the clerk of the licensing justices notice of his intention, setting forth his name and address and a description of the licence or licences for which he intends to apply and of the situation of the premises in respect of which the application is to be made.

Confirmation of licences.

19.—(1) An application for the confirmation of the grant of a licence shall not be heard until twenty-one days at least have expired since the date of the grant of the licence.

(2) A justices' licence to sell any intoxicating liquor for consumption only off the premises shall require confirmation in like manner as other licences.

Costs of justice whose decision is appealed against to be paid out of the county or borough funds.

20. In every case of appeal against the decision of any licensing justice, the court to which such appeal is made shall adjudge and order that the treasurer of the county or place, in and for which such justice, whose decision is appealed against, shall have acted on the occasion when he gave such decision, shall pay to such justice such sum as, in the opinion of the court, shall be sufficient to indemnify such justice from all costs and charges whatsoever to which such justice may have been so put, and which cannot be recovered from any other person; and the said treasurer is hereby authorised to pay the same, which shall be allowed to him in his accounts. The order of the appellate court may be made either at the sessions when the appeal is heard or at the next ensuing sessions, and the costs may be taxed either in or out of sessions.

Sessions not to be held in licensed premises.

21. From and after the thirty-first day of March one thousand nine hundred and seven, no meeting of justices in petty or special sessions shall be held in premises licensed for the sale of intoxicating liquors, or in any room, whether licensed or not, in any building licensed for the sale of intoxicating liquors; nor shall any coroner's inquest be held on such licensed premises, where other suitable premises have been provided for such inquest.

Restaurant keepers' licences.

22.—(1) Notwithstanding anything contained in the Beerhouse Acts, no person, being a keeper of a restaurant or eating-house, shall be disqualified for receiving a licence under those Acts, by reason only of the premises in respect of which he applies to be licensed not being a dwelling-house or of his not being the real resident holder and occupier thereof.

(2) In this section the expression "the Beerhouse Acts" means the Beerhouse Act, 1834, the Beerhouse Act, 1840, and any enactment amending those Acts. 4 & 5 Will. 4. c. 85. 3 & 4 Vict. c. 61.

Naval and military canteens.

23. Notwithstanding any enactment to the contrary, it shall not be necessary for a person holding a canteen, under the authority

of a Secretary of State or of the Admiralty, to obtain a justices' licence or certificate to enable him to obtain or hold any excise licence for the sale of any intoxicating liquor; and an excise licence may be granted to any such person accordingly.

PART III.

REGISTRATION OF CLUBS.

Registration of clubs.

24.—(1) The secretary of every club which occupies a house or part of a house or other premises which are habitually used for the purposes of a club, and in which any intoxicating liquor is supplied to members or their guests, shall cause the club to be registered in manner provided by this Act.

(2) The registration of a club under this Act shall not constitute the club premises licensed premises, or authorise any sale of intoxicating liquor therein which would otherwise be illegal.

Mode of registration.

25.—(1) The clerk to the justices of every petty sessional division shall keep a register of all such clubs within the division.

(2) The register shall be in a form prescribed by the Secretary of State, and shall contain—

(*a*) the name and objects of the club;
(*b*) the address of the club;
(*c*) the name of the secretary;
(*d*) the number of members;
(*e*) the rules of the club relating to—
  (i) the election of members and the admission of temporary and honorary members and of guests;
  (ii) the terms of subscription and entrance fee, if any;
  (iii) the cessation of membership;
  (iv) the hours of opening and closing; and
  (v) the mode of altering the rules.

(3) The secretary of every such club shall, in the month of January nineteen hundred and three, and in the month of January in each succeeding year, furnish to the clerk to the justices a return, signed by the secretary, giving the above-mentioned particulars, together with a signed statement that there is kept upon the club premises a register of the names and addresses of the club members, and a record of the latest payment of their subscriptions.

(4) Where, after the commencement of this Act, a new club requiring registration is about to be opened, the secretary shall, before the opening of the club, furnish a return, signed by him, to the clerk to the justices, giving the above-mentioned particulars.

(5) The clerk to the justices shall keep the register of clubs corrected up to date, in accordance with the returns furnished by the secretaries, and the register shall, at all reasonable hours, be open to the inspection of an inspector or superintendent of police, or an officer of the inland revenue, without fee, and of any person on payment of a fee not exceeding one shilling.

(6) A fee of five shillings shall be payable to the clerk to the justices on each return made by the secretary of a club.

(7) In the application of this section to Oxford, the Registrar of the Court of the Chancellor of the University shall be substituted for the clerk to the justices in the case of any club mainly composed of members past or present of the University.

Penalty for supplying or keeping liquor in unregistered club.

26.—(1) If any intoxicating liquor is supplied or sold to any member or guest on the premises of an unregistered club, the person supplying or selling such liquor, and every person authorising the supply or sale of such liquor, shall be liable, on summary conviction to imprisonment, with or without hard labour, for a term not exceeding one month, or to a fine not exceeding fifty pounds, or to both.

(2) If any intoxicating liquor is kept for supply or sale on the premises of an unregistered club, every officer and member of the club shall be liable, on summary conviction, to a fine not exceeding five pounds, unless he proves, to the satisfaction of the court, that such liquor was so kept without his knowledge or against his consent.

Supply of liquor for consumption off the premises.

27. Intoxicating liquor shall not be supplied in a club for consumption off the premises, except to a member on the premises; and, if any person supplies or obtains any intoxicating liquor in contravention of the provisions of this section, he shall be liable, on summary conviction, to a fine not exceeding ten pounds.

Striking off register.

28.—(1) Where a club has been registered in pursuance of this Act, a court of summary jurisdiction, on complaint in writing by any person, may if it thinks fit, make an order directing the club to be struck off the register on all or any of the following grounds, namely—

(*a*) that the club has ceased to exist, or that the number of members is less than twenty-five; or

(*b*) that it is not conducted in good faith as a club, or that it is kept, or habitually used, for any unlawful purpose; or

(*c*) that there is frequent drunkenness on the club premises; or

(*d*) that illegal sales of intoxicating liquor have taken place on the club premises; or

(*e*) that persons who are not members are habitually admitted to the club merely for the purpose of obtaining intoxicating liquor; or

(*f*) that the club occupies premises in respect of which, within twelve months next preceding the formation of the club, a licence has been forfeited or the renewal of a licence has been refused, or in respect of which an order has been made that they shall not be used for the purposes of a club; or

(*g*) that persons are habitually admitted as members without an interval of at least forty-eight hours between their nomination and admission; or

(*h*) that the supply of intoxicating liquor to the club is not under the control of the members or the committee appointed by the members,

(2) For the purpose of determining whether a club is conducted in good faith as a club, the court shall have regard to the nature of the premises occupied by the club.

(3) If the court grants a summons on the complaint, the summons shall be served on the secretary and on such other person, if any, as the court may direct.

(4) Where the court makes an order striking a club off the register, the court may, if it thinks fit, by that order further direct that the premises occupied by the club shall not be used for the purposes of any club which requires registration under this Act for a specified period, which may extend to twelve months in case of a first order or, in case of a second or subsequent order, to five years; provided that any such direction may, for good cause shown, be subsequently cancelled or varied by the court.

(5) In the application of this section to Oxford, the court of summary jurisdiction shall be the Court of the Chancellor of the University sitting and acting under the Oxford University (Justices) Act, 1886, in the case of any club mainly composed of members past or present of the University; provided that that court shall not have power to make an order that premises occupied by any such club shall not be used for the purposes of a club.

49 & 50 Vict. c. 31.

Search warrant.

29.—(1) If a justice of the peace is satisfied, by information on oath, that there is reasonable ground for supposing that any registered club is so managed or carried on as to constitute a ground for striking it off the register, or that any intoxicating liquor is sold or supplied, or kept for sale or supply, on the premises of an unregistered club, he may grant a search warrant to any constable named therein.

(2) A search warrant granted under this section shall authorise the constable named therein to enter the club, if need be by force, and to inspect the premises of the club, to take the names and addresses of any persons found therein, and to seize any books and papers relating to the business of the club.

Penalty for false returns, &c.

30.—(1) If the secretary of any registered club or any club which requires to be registered omits to make any return required by this Act, he shall be liable, on summary conviction, to a fine not exceeding twenty pounds, and, in the case of a second or subsequent offence, to imprisonment, with or without hard labour, for a term not exceeding one month, or to a fine not exceeding fifty pounds, or to both.

(2) If the secretary of any such club knowingly makes a return which is false in any material particular, he shall be liable, on summary conviction, to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding fifty pounds, or to both.

Application to London.

31. In the application of this Part of this Act to London, the clerk to a metropolitan police court shall be substituted for the clerk to the justices, as regards any place within the jurisdiction of a metropolitan police court, and, as regards the City of London, the clerk of Special Sessions shall be so substituted.

32. For the purposes of this Part— Definitions.

The expression "secretary" includes any officer of a club or other person performing the duties of a secretary, and, in the case of a proprietary club where there is no secretary, the proprietor of the club; and

The expression "unregistered club" means a club which requires, under this Act, to be registered but is not registered, or which has been struck off the register.

PART IV.

SUPPLEMENTAL.

33. The enactments specified in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule. Repeal.

34.—(1) This Act may be cited as the Licensing Act, 1902, and may be cited, and shall be construed, as one with the Licensing Acts, 1828 to 1886. Short title, construction, extent, and commencement.

(2) This Act shall not extend to Scotland or Ireland.

(3) This Act, save as otherwise expressly provided, shall come into operation on the first day of January nineteen hundred and three.

SCHEDULE.

ENACTMENTS REPEALED AS TO ENGLAND. Section 33.

Session and Chapter.	Short Title.	Extent of Repeal.
9 Geo. 4. c. 61.	The Alehouse Act, 1828.	In section one, the words from "and "such meetings" to "September "inclusive." In section three, from "and that every "adjournment" to the end of the section. In section thirteen, the words "in "the counties of Middlesex and "Surrey," the words "and else-"where from the tenth day of "October," and the word "re-"spectively." In section fourteen, the words "or the "tenth day of October," and the words "as the case may be."
35 & 36 Vict. c. 94.	The Licensing Act, 1872.	Section thirty. Paragraphs (1) and (2) of section thirty-one. Sections thirty-three and thirty-four. In section forty-eight, the words "but "in the latter case there shall be "endorsed on such copy all con-"victions made within the previous "five years which are endorsed on "the old licence." Sections fifty-five and fifty-seven. In section fifty-eight, the words "every "endorsement upon a licence, and," and the words "endorsement and."

Session and Chapter.	Short Title.	Extent of Repeal.
37 & 38 Vict. c. 49.	The Licensing Act, 1874.	Section thirteen. Section fourteen, from "and may be "directed" to the end of the section. Section twenty-four.
43 Vict. c. 6. -	The Beer Dealers Retail Licences Act, 1880.	The whole Act.
44 & 45 Vict. c. 58.	The Army Act -	Section one hundred and seventy-four.
45 & 46 Vict. c. 34.	The Beer Dealers Retail Licences Amendment Act, 1882.	The whole Act.

CHAPTER 29.

An Act for the better protection of Freshwater Fish in Scotland. [8th August 1902.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Close time for trout.

1. From and after the passing of this Act, between the fifteenth day of October in any year and the twenty-eighth day of February in the year following, both inclusive, there shall be an annual close time for trout in Scotland, during which it shall not be lawful, except as herein-after specified, for any person to—

(*a*) fish for or take common trout (salmo fario) in any river, water or loch in Scotland, by net, rod, line or otherwise; or

(*b*) have possession of common trout; or

(*c*) expose common trout for sale:

And any person who shall so fish for or take or possess or expose for sale such trout, at any time within the said dates, shall forfeit and pay a sum not exceeding five pounds for every such offence.

Exception in favour of stews and artificial hatcheries.

Except as herein-after provided, the provisions of this section shall not apply to the owner, occupier or lessee of any water where trout are kept in captivity or artificially reared and fed, or to any person employed by them for the rearing or feeding of trout, or to any person to whom such trout may be consigned by them for sale or otherwise, for the purposes of stocking ponds, rivers or other waters.