trust deed or other security executed or given in accordance with that agreement for the repayment of the Cunard loan, or on any instrument executed for the purpose of carrying out any provision of that agreement, nor shall any fees be payable under section three of the Merchant Shipping (Mercantile Marine Fund) Act, 1898, in respect of the mortgage or transfer of the mortgage of any ships for the purposes of the Cunard Agreement.

Short title.

3. This Act may be cited as the Cunard Agreement (Money) Act, 1904.

CHAPTER 23.

An Act to amend the Licensing Acts, 1828 to 1902, in respect to the extinction of Licences and the grant of new Licences. [15th August 1904.]

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:

Reference to quarter sessions of questions as to renewal of licences in certain cases.

1.—(1) The power to refuse the renewal of an existing on licence, on any ground other than the ground that the licensed premises have been ill-conducted or are structurally deficient or structurally unsuitable, or grounds connected with the character or fitness of the proposed holder of the licence, or the ground that the renewal would be void, shall be vested in quarter sessions instead of the justices of the licensing district, but shall only be exercised on a reference from those justices and on payment of compensation in accordance with this Act.

In every case of the refusal of the renewal of an existing on licence by the justices of a licensing district, they shall specify in writing to the applicant the grounds of their refusal.

(2) Where the justices of a licensing district, on the consideration by them, in accordance with the Licensing Acts, 1828 to 1902, of applications for the renewal of licences, are of opinion that the question of the renewal of any particular existing on licences requires consideration on grounds other than those on which the renewal of an existing on licence can be refused by them, they shall refer the matter to quarter sessions, together with their report thereon, and quarter sessions shall consider all reports so made to them and may, if they think it expedient, after giving the persons interested in the licensed premises and, unless it appears to quarter sessions unnecessary, any other persons appearing to them to be interested in the question of the renewal of the licence of those premises (including the justices of the licensing district), an opportunity of being heard and, subject to the payment of compensation under this Act, refuse the renewal of any licence to which any such report relates.

Payment of compensation on non-renewal of licence.

2.—(1) Where quarter sessions refuse the renewal of an existing on licence under this Act, a sum equal to the difference between the value of the licensed premises (calculated as if the licence were subject to the same conditions of renewal as were applicable immediately before the passing of this Act and including in that value the amount of any depreciation of trade fixtures arising by reason of the refusal to renew the licence) and the value which those premises would bear if they were not licensed premises, shall be paid as compensation to the persons interested in the licensed premises.

(2) The amount to be so paid shall, if an amount is agreed upon by the persons appearing to quarter sessions to be interested in the licensed premises and is approved by quarter sessions, be that amount, and in default of such agreement and approval shall be determined by the Commissioners of Inland Revenue in the same manner and subject to the like appeal to the High Court as on the valuation of an estate for the purpose of estate duty, and in any event the amount shall be divided amongst the persons interested in the licensed premises (including the holder of the licence) in such shares as may be determined by quarter sessions :

Provided that in the case of the licence holder regard shall be had not only to his legal interest in the premises or trade fixtures but also to his conduct and to the length of time during which he has been the holder of the licence, and the holder of a licence, if a tenant, shall (notwithstanding any agreement to the contrary) in no case receive a less amount than he would be entitled to as tenant from year to year of the licensed premises.

(3) If on the division of the amount to be paid as compensation any question arises which quarter sessions consider can be more conveniently determined by the county court, they may refer that question to the county court in accordance with rules of court to be made for the purpose.

(4) Any costs incurred by the Commissioners of Inland Revenue on an appeal from their decision to the High Court under this section shall, unless the High Court order those costs to be paid by some party to the appeal other than the Commissioners, be paid out of the amount to be paid as compensation.

Financial provisions.

3.—(1) Quarter sessions shall, in each year, unless they certify to the Secretary of State that it is unnecessary to do so in any year, for the purposes of this Act impose, in respect of all existing on licences renewed in respect of premises within their area, charges at rates not exceeding and graduated in the same proportion as the rates shown in the scale of maximum charges set out in the First Schedule to this Act.

(2) Charges payable under this section in respect of any licence shall be levied and paid together with and as part of the duties on the corresponding excise licence, but a separate account shall be kept by the Commissioners of Inland Revenue of the amount produced by those charges in the area of any quarter sessions, and that amount shall in each year be paid over to that quarter

sessions in accordance with rules made by the Treasury for the purpose.

(3) Such deductions from rent as are set out in the Second Schedule to this Act may, notwithstanding any agreement to the contrary, be made by any licence holder who pays a charge under this section and also by any person from whose rent a deduction is made in respect of the payment of such a charge.

(4) Any sums paid under this Act to quarter sessions in respect of the charges under this section, or received by quarter sessions from any other source for the payment of compensation under this Act, shall be paid by them to a separate account under their management, and the moneys standing to the credit of that account shall constitute the compensation fund.

(5) Any expenses incurred by quarter sessions in the payment of compensation under this Act, or otherwise in the exercise of their powers or the performance of their duties under this Act, and such expenses of the justices of the licensing district incurred under this Act as quarter sessions may allow, shall be paid out of the compensation fund, and quarter sessions, in the exercise of their powers under this Act, shall have regard to the funds available for the purpose.

Quarter sessions may, with the consent of a Secretary of State, borrow in accordance with rules made under this Act, on the security of the compensation fund, for the purpose of paying any compensation payable under this Act.

Provisions as to new licences.

4.—(1) The power of the County Licensing Committee to confirm new licences, and any other power of that committee shall be transferred to quarter sessions.

(2) The justices, on the grant of a new on licence, may attach to the grant of the licence such conditions, both as to the payments to be made and the tenure of the licence and as to any other matters, as they think proper in the interests of the public; subject as follows:—

(*a*) Such conditions shall in any case be attached as, having regard to proper provision for suitable premises and good management, the justices think best adapted for securing to the public any monopoly value which is represented by the difference between the value which the premises will bear, in the opinion of the justices, when licensed and the value of the same premises if they were not licensed: Provided that, in estimating the value as licensed premises of hotels or other premises where the profits are not wholly derived from the sale of intoxicating liquor, no increased value arising from profits not so derived shall be taken into consideration:

(*b*) The amount of any payments imposed under conditions attached in pursuance of this section shall not exceed the amount thus required to secure the monopoly value.

(3) The justices may, if they think fit, instead of granting a new on licence as an annual licence, grant the licence for a term

not exceeding seven years, and where a licence is so granted for a term—

(*a*) Any application for a re-grant of the licence on the expiration of the term shall be treated as an application for the grant of a new licence, not as an application for the renewal of a licence, and during the continuance of the term the licence shall not require renewal: and

(*b*) Any transfer of the licence shall, subject to any conditions attached thereto on the grant, have effect for the remainder of the term of the licence and may be granted at a general annual licensing meeting as well as at special sessions, and any reference to special sessions in any enactment relating to transfers or protection orders shall include a reference to the general annual licensing meeting.

(4) The amount of any payments made in pursuance of any conditions under this section shall be collected and dealt with in the same manner as the duties on local taxation licences within the meaning of section twenty of the Local Government Act, 1888.

(5) A licence granted for a term under this section may (without prejudice to any other provisions as to forfeiture) be forfeited, if any condition imposed under this section is not complied with, by order of a court of summary jurisdiction made on complaint, or, if the holder of the licence is convicted of any offence committed by him as such, by the court by whom he is convicted, but where a licence is so forfeited the owner of the licensed premises shall have all the rights conferred on owners by section fifteen of the Licensing Act, 1874. 37 & 38 Vict. c. 49.

(6) On the confirmation of a new on licence, the confirming authority may, with the consent of the justices authorised to grant the licence, vary any conditions attached to the licence under the provisions of this section.

Division of area and appointment of committees for purposes of Act.

5.—(1) Quarter sessions may, if they think fit, divide their area into districts for the purposes of this Act, and in that case this Act shall operate as if those districts were separate areas for the purposes of this Act under the same quarter sessions.

(2) Quarter sessions may delegate any of their powers and duties under this Act to a committee, appointed in accordance with rules made by them under this section, and, except in a county borough, shall so delegate their power of confirming the grant of a new licence and of determining any question as to the refusal of the renewal of a licence under this Act and matters consequential thereon, and county licensing committees shall cease to be appointed under the Licensing Act, 1872.

(3) Quarter sessions may make rules to be approved by a Secretary of State for the mode of appointment of committees under this section and for the number, the quorum and (so far as procedure is not otherwise provided for) the procedure of those committees.

(4) The justices of a licensing district being a county borough shall exercise their powers under the Licensing Acts, 1828 to 1902, as to the renewal of licences through the borough licensing

35 & 36 Vict. c. 94.

committee appointed under section thirty-eight of the Licensing Act, 1872, and such number as the whole body of justices acting in and for the borough determine shall be substituted for seven as the maximum number and seven shall be substituted for three as the minimum number of that committee.

(5) The justices of any borough, not being a county borough but having a separate commission of the peace, shall be entitled to appoint one of their number to act, with reference to the determination of any question as to the refusal of the renewal of a licence under this Act and any matters consequential thereon, on the committee appointed under this section by quarter sessions, and for those purposes any justice so appointed shall be deemed to be an additional member of the committee.

Rules.

6. A Secretary of State may make rules for carrying into effect this Act and may by those rules amongst other things—

(*a*) provide for the provisional renewal of licences which are included in reports of the justices of a licensing district under this Act, and for consultation with those justices as to their reports, and for the time and manner of the consideration of those reports and of the payment of compensation; and

(*b*) provide for the enforcement of any security given for money borrowed, and for the time, not exceeding fifteen years, within which money borrowed is to be replaced; and

(*c*) regulate the management and application of the compensation fund and the audit of the accounts of quarter sessions; and

(*d*) provide for constituting, where requisite, committees of quarter sessions standing committees, and for the employment of officers for the purposes of this Act; and

(*e*) regulate the procedure of quarter sessions on the consideration of the reports of justices of a licensing district under this Act and on any hearing under this Act with reference to the refusal of the renewal of on licences or the approval or division of the amount to be paid as compensation; and

(*f*) provide for the authentication of any documents on behalf of quarter sessions or their committees.

Returns to Secretary of.

7. Quarter sessions, with respect to their own action and that of the justices of licensing districts under this Act, and the confirming authority, with respect to new licences granted under this Act, shall in each year make such returns to the Secretary of State as the Secretary of State may require.

Authorities and areas.

8.—(1) The area of quarter sessions for a county shall for the purposes of this Act include any borough (not being a county borough) or any part thereof which is locally situated in that county.

(2) This Act shall apply to a county borough as if it were a county, with the substitution for quarter sessions of the whole body of justices acting in and for the borough.

(3) The City of London for the purposes of this Act shall be deemed to be a county borough.

Application of Act to special cases and interpretation.

9.—(1) The provisions of this Act shall apply to the transfer of an existing on licence as they apply to the renewal of an existing on licence, with the substitution of transfer for renewal.

(2) If the justices of a licensing district refuse to renew an existing on licence on the ground that the holder of the licence has persistently and unreasonably refused to supply suitable refreshment (other than intoxicating liquor) at a reasonable price, or on the ground that the holder of the licence has failed to fulfil any reasonable undertaking given to the justices on the grant or renewal of the licence, the justices shall be deemed to have refused the licence on the ground that the premises had been ill-conducted:

Provided that where the justices, on an application for the renewal of an existing on licence, ask the licence holder to give an undertaking as aforesaid, they shall adjourn the hearing of the application and cause notice of the required undertaking to be served upon the registered owner of the premises and give him an opportunity of being heard.

(3) Section nineteen of the Wine and Beerhouse Act, 1869, and section seven of the Wine and Beerhouse Amendment Act, 1870, are hereby repealed, and, in the application of this Act to licences to which the said section nineteen extends, the grounds mentioned in section eight of the Wine and Beerhouse Act, 1869, shall be substituted for the grounds mentioned in this Act as the grounds on which the power to refuse the renewal of an existing on licence is reserved to the justices of a licensing district.

32 & 33 Vict. c. 27.
33 & 34 Vict. c. 29.

(4) In this Act—

The expression "county" includes any riding, part or division of a county having a separate commission of the peace and a separate court of quarter sessions; and

The expression "quarter sessions" means, as respects a county, the court of quarter sessions for that county:

Provided that, where quarter sessions have customarily been held separately by adjournment or otherwise for any part of a county as defined by this Act, the Secretary of State may by order, on the application of the justices sitting at each such separate sessions, constitute for the purposes of this Act any part of the county, for which quarter sessions are for the time being so separately held, a separate county, and the justices usually sitting at such separate quarter sessions a separate quarter sessions, and make all necessary provisions for the administration of the Act in such a case:

The expression "on licence" means a licence for the sale of any intoxicating liquor (other than wine alone or sweets alone) for consumption on the premises, and the expression "new on licence" shall be construed accordingly; and the expression "existing on licence" means an on licence in force at the date of the passing of this Act and includes a licence granted by way of

renewal from time to time of a licence so in force, whether such licence continues to be held by the same person or has been or may be transferred to any other person or persons:

Provided that, where a provisional grant and order of confirmation of an on licence has been made before the passing of this Act under section twenty-two of the Licensing Act, 1874, and is subsequently declared to be final under that section, the licence shall, although not in force at the date of the passing of this Act, be deemed to be an existing on licence:

The expression "transfer" means a transfer under section four or section fourteen of the Alehouse Act, 1828.

9 Geo. 4. c. 61.

Short title, construction and commencement.

10.—(1) This Act may be cited as the Licensing Act, 1904, and may be cited and shall be construed as one with the Licensing Acts, 1828 to 1902.

(2) This Act shall come into operation on the first day of January nineteen hundred and five.

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

SCHEDULES.

SCHEDULE I.

Section 3.

SCALE OF MAXIMUM CHARGES.

Annual Value of Premises to be taken as for the purpose of the Publican's Licence Duty.		Maximum Rate of Charge.
£	£	£ s. d.
Under	15	1 0 0
15 and under	20	2 0 0
20 ,, ,,	25	3 0 0
25 ,, ,,	30	4 0 0
30 ,, ,,	40	6 0 0
40 ,, ,,	50	10 0 0
50 ,, ,,	100	15 0 0
100 ,, ,,	200	20 0 0
200 ,, ,,	300	30 0 0
300 ,, ,,	400	40 0 0
400 ,, ,,	500	50 0 0
500 ,, ,,	600	60 0 0
600 ,, ,,	700	70 0 0
700 ,, ,,	800	80 0 0
800 ,, ,,	900	90 0 0
900 and over		100 0 0

The rate of charge in the case of an hotel or other premises, to which subsection (4) of section forty-three of the Inland Revenue Act, 1880, applies, shall be one-third of that charged in other cases, and, in the case of any licensed premises which are certified by the justices of the licensing

43 & 44 Vict. c. 20.

district on the application of the holder of the licence to be used only as public gardens, picture galleries, exhibitions, places of public or private entertainment, railway refreshment rooms, bonâ fide restaurants or eating houses, or for any other purpose to which the holding of a licence is merely auxiliary, such rate, not less than one-third of that charged in other cases, as the justices think proper under the circumstances.

SCHEDULE II.

SCALE OF DEDUCTIONS. Section 3.

A person whose unexpired term does not exceed		1 year may deduct a sum equal to	100 per cent. of the charge.
		2 years	88 " "
		3 "	82 " "
		4 "	76 " "
		5 "	70 " "
		6 "	65 " "
		7 "	60 " "
		8 "	55 " "
		9 "	50 " "
		10 "	45 " "
		11 "	41 " "
		12 "	37 " "
		13 "	33 " "
		14 "	29 " "
		15 "	25 " "
		16 "	23 " "
		17 "	21 " "
		18 "	19 " "
		19 "	17 " "
		20 "	15 " "
		21 "	14 " "
		22 "	13 " "
		23 "	12 " "
		24 "	11 " "
		25 "	10 " "
Exceeds 25	but does not exceed	30 years	7 " "
30	"	35 "	6 " "
35	"	40 "	5 " "
40	"	45 "	4 " "
45	"	50 "	3 " "
50	"	55 "	2 " "
55	"	60 "	1 " "

But the amount deducted shall in no case exceed half the rent.

CHAPTER 24.

An Act to provide for the regulation of Wireless Telegraphy. [15th August 1904.]

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 :