CHAPTER 46

Licensing Act, 1953

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An Act to consolidate certain enactments relating to justices' licences for the sale by retail of intoxicating liquor and to the registration of clubs and to matters connected therewith with corrections and improvements made under the Consolidation of Enactments (Procedure) Act, 1949. [31st July 1953.]

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:—

PART I

THE GENERAL LICENSING SYSTEM

Justices' licence

Justices' licence.

1.—(1) For the purposes of the Customs and Excise Act, 1952, and this Act, the expression " justices' licence " means a licence granted by licensing justices under this Act.

(2) A justices' licence may be for the sale of intoxicating liquor for consumption either on or off the premises for which the licence is granted (in this Act referred to as a " justices' on-licence "), or for the sale of intoxicating liquor for consumption off the said premises only (in this Act referred to as a " justices' off-licence ").

(3) A justices' licence shall be in such form as the Secretary of State may prescribe, and may authorise the person to whom it is granted to take out as many excise licences as the justices' licence may specify.

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Licensing justices

Licensing justices and districts.

2.—(1) Each of the following areas shall be a licensing district for the purposes of this Act, that is to say, a borough having a separate commission of the peace, a county, exclusive of any such borough, not divided into petty sessional divisions and a petty sessional division of a county.

(2) For a county licensing district the licensing justices shall be a committee of the justices acting for the petty sessions area forming the district known as the "divisional licensing committee".

(3) For a borough licensing district the licensing justices shall be a committee of the borough justices known as the "borough licensing committee".

(4) Licensing committees shall be constituted, and their procedure shall be regulated, in accordance with Part I of the First Schedule to this Act.

General annual licensing meeting.

3. For the purpose of granting justices' licences, the licensing justices for each licensing district shall every year hold a general annual licensing meeting in accordance with the provisions of Part I of the Second Schedule to this Act.

Power of licensing justices to grant licences.

4. Subject to the provisions of this Act, licensing justices may at their general annual licensing meeting grant a justices' licence to any such person, not disqualified under this or any other Act for holding a justices' licence, as they think fit and proper:

Provided that the justices may grant a licence by way of transfer or special removal at transfer sessions as well as at their general annual licensing meeting.

New licence

Grant of new licence.

5.—(1) An applicant for a new justices' licence shall give the notices, and deposit the plans, required by Part I of the Third Schedule to this Act.

(2) Subject to sections fifty-nine and seventy-one of this Act, the grant of a new justices' licence by the licensing justices shall not be valid unless it is confirmed by the confirming authority.

Grant of new on-licence. Special provisions. Monopoly value.

6.—(1) Subject to the provisions of the next following section, licensing justices shall attach to the grant of a new justices' on-licence such conditions as, having regard to proper provision for suitable premises and good management, they think best adapted for securing to the public any monopoly

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value that is represented by the difference between the value that the premises will in their opinion bear when licensed and the value of the premises unlicensed:

Provided that, in estimating the value as licensed premises of hotels and 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.

(2) The licensing justices may attach to the grant of a new justices' on-licence such conditions governing the tenure of the licence and any other matters as they think proper in the interests of the public:

Provided that no payment shall be required in pursuance of a condition attached under this subsection.

(3) Subject to section seventy-two of this Act, licensing justices shall not grant a new on-licence for premises unless the premises are in their opinion structurally adapted to the class of licence required.

(4) The licensing justices may, if they think fit, instead of granting a new justices' on-licence for twelve months as provided by section forty-five of this Act, grant it for any other term not exceeding seven years.

(5) Where under the last preceding subsection a licence is granted for a term other than twelve months, the licence shall not require renewal during the term, and any application for a regrant of the licence on the expiration of the term shall be treated as an application for a new justices' licence, and not as an application for the renewal of the licence.

(6) Payments made in pursuance of any condition attached to a licence under subsection (1) of this section shall be collected in the same way as the duties on local taxation licences within the meaning of the Local Government Act, 1888, and shall be paid into the Exchequer.

(7) Without prejudice to the provisions of this or any other Act enabling a justices' licence to be forfeited, a new justices' on-licence granted for a term other than twelve months under subsection (4) of this section may be forfeited—

(*a*) by an order of a magistrates' court made on complaint, where the court is satisfied that a condition imposed under this section has not been complied with;

(*b*) by order of any court by or before which the holder of the licence is convicted of any offence committed by him as such.

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(8) A person aggrieved by an order of a magistrates' court under the last preceding subsection may appeal to a court of quarter sessions.

(9) On confirming the grant of a new justices' on-licence, the confirming authority may, with the consent of the licensing justices, vary any conditions attached to the grant of the licence under this section.

(10) This section, except subsection (3), does not apply to a new justices' on-licence for the sale of wine alone or sweets alone.

(11) On an application for the grant of a new justices' on-licence to which this section applies the justices shall hear on the question of the payments to be imposed under subsection (1) of this section any person authorised in that behalf by the Commissioners.

Monopoly value where current on-licence surrendered.

7.—(1) The condition to be attached under subsection (1) of the last preceding section shall, where the requirements of the next following subsection are satisfied, provide for reducing the amount to be paid if, on or before the grant of an excise licence in pursuance of the new justices' licence, there is surrendered another justices' on-licence, being either—

(*a*) a licence for the same premises as the new one, or a licence in suspense under this Act that was last in force for those premises, or

(*b*) a licence for other premises in the same licensing district or the same licensing planning area, or the same area for which a committee is constituted under section sixty-eight of this Act, or a licence in suspense under this Act that was last in force for other premises there.

(2) The preceding subsection shall not apply unless—

(*a*) the justices are satisfied that the surrender will not reduce the amount payable on some other grant, and

(*b*) where the licence to be surrendered is a licence for, or last in force for, other premises than those for which the new licence is granted—

(i) the other premises are specified in the notice of application for the new licence, and

(ii) a copy of the notice of the application is served on any person, other than the applicant, who is the registered owner of the other premises or who is the holder of the licence to be surrendered, and

(iii) the justices are satisfied that no objection is made by any such person as aforesaid or by any other person whom they may determine to have the right to object.

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(3) A copy of a notice, if served under the last preceding subsection by post, shall be served by registered post.

(4) The amount of the reduction to be provided for shall be the amount, or, if more than one licence is surrendered, aggregate amount, of the monopoly value given up by the surrender.

(5) The amount of the monopoly value given up by the surrender of a licence for, or last in force for, any premises shall be determined by the licensing justices for the district where the premises are or were ; and—

(*a*) an application to have the said amount determined may be made at the general annual licensing meeting or at a transfer sessions and may be made before the application for the new licence ; and

(*b*) where the two applications are made separately, then in the proceedings relating to the determination of the said amount any person authorised by the Commissioners shall have the like right to be heard as if the proceedings related to the grant of the new licence.

(6) Subject to the next following subsection, the said amount shall be that represented by the difference between the value that the premises would, in the opinion of the justices, bear if the licence to be surrendered were to remain in force and the value of the same premises unlicensed :

Provided that, in estimating the value with the licence to be surrendered—

(*a*) any outstanding liability under the condition imposed for securing monopoly value on the grant of that licence shall be taken into consideration, and

(*b*) if the premises are an hotel 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.

(7) If the licence to be surrendered is in suspense or is in force for temporary premises, the amount of the monopoly value given up shall be such as the justices may in their discretion determine.

(8) In this section, the expression " on-licence " does not include a licence for the sale of wine alone or sweets alone.

Confirming authority.

8.—(1) The confirming authority for the purposes of this Act shall—

(*a*) for a county licensing district, be a committee of quarter sessions known as the " county confirming and compensation committee " ;

(*b*) for a borough licensing district, be a committee of the borough justices known as the " borough confirming and compensation committee ".

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(2) Notwithstanding paragraph (*b*) of subsection (1) of this section, if and so long as it appears to the justices for any borough mentioned in Part III of the Third Schedule to the Justices of the Peace Act, 1949, or in an order of the Lord Chancellor made under section ten of that Act expedient having regard to the small number of borough justices available to act as members of a confirming authority constituted as provided in the said paragraph, the confirming authority for that borough shall be a joint committee of the borough justices and the county justices.

(3) Confirming and compensation committees and joint committees shall be constituted, and their procedure shall be regulated, in accordance with Part II of the First Schedule to this Act.

(4) This section and Part II of the First Schedule to this Act shall, in their application to non-county boroughs, have effect with the substitution for references to the confirming and compensation committee of references to the confirming committee.

Confirmation of new justices' licence.

9.—(1) The confirming authority shall not hear an application for the confirmation of the grant of a new justices' licence until twenty-one days at least have elapsed since the date of the grant.

(2) Any person who appeared before the licensing justices and opposed the grant may appear and oppose the confirmation of the grant by the confirming authority; and, on proceedings for the confirmation of a new justices' on-licence to which section six of this Act applies, any person authorised by the Commissioners shall be entitled to be heard by the confirming authority on the question of the payments to be imposed for the purpose of securing monopoly value to the public.

(3) Except as provided in the last preceding subsection, the confirming authority shall not hear any person in opposition to the confirmation of the grant.

(4) The confirming authority may award such costs as they think just; and any costs so awarded shall be recoverable summarily as a civil debt.

Provisional grant of licence for building not yet constructed.

10.—(1) Where licensing justices are satisfied, on application made by a person interested in any premises about to be constructed or in the course of construction for the purposes of being used as a house for the sale of intoxicating liquor for consumption on the premises, that the premises would, if completed in accordance with the plans deposited under this Act, be such that the justices would have granted a justices' on-licence for the premises, the justices may make a provisional grant of a justices' on-licence for those premises.

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(2) The provisional grant of a justices' on-licence as confirmed by the confirming authority shall not be valid until the licensing justices have declared it final; and until the grant is declared final the licence shall not require renewal.

(3) Licensing justices shall, at their general annual licensing meeting or transfer sessions, declare the provisional grant final on being satisfied—

(*a*) that the premises have been completed in accordance with the plans deposited, and

(*b*) that the holder of the provisional licence is not disqualified by this or any other Act for holding a justices' licence and is in all other respects a fit and proper person to hold a justices' licence.

(4) The licensing justices shall not make the declaration until such notice has been given as they may require.

Renewal of licence

Renewal of licence.

11.—(1) For the purposes of this Act, the renewal of a justices' licence means the grant of a justices' licence by way of renewal of a similar licence that is in force for the premises at the date of the application:

Provided that, on an application for the grant of a justices' licence for premises for which a similar licence is not in force at the date of the application, but was in force at the date appointed for the general annual licensing meeting in the preceding year, the justices shall, if satisfied that the applicant had reasonable cause for not applying for renewal at that meeting, treat his application as an application for renewal; and the grant of any licence in pursuance of the application shall be treated as a renewal of the licence.

(2) On any application for the renewal of a justices' on-licence the licensing justices may require a plan of the premises to be produced to them and deposited with their clerk.

(3) A person intending to oppose an application by the holder of a justices' licence for the renewal of his licence shall give notice in writing of his intention to the applicant, specifying in general terms the grounds of the opposition, not later than seven days before the commencement of the general annual licensing meeting; and unless notice has been so given the licensing justices shall not entertain the objection:

Provided that, on objection being made to the renewal, the justices may, notwithstanding that notice of intention to oppose

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has not been given, adjourn consideration of the application to a day of which they shall give notice to the applicant and the objector, and shall on that day hear the application and the objection as if notice of intention to oppose had been given.

(4) Where the holder of an old on-licence applies for the renewal of his licence, and the licensing justices ask him to give any undertaking, they shall adjourn the hearing of the application and cause notice of the undertaking for which they ask to be served on the registered owner of the premises and give him an opportunity of being heard.

(5) Evidence given on an application for the renewal of a justices' licence shall be given on oath.

Power to require structural alterations on renewal of on-licence.

12.—(1) On renewing a justices' on-licence the licensing justices may order that, within a time fixed by the order, such structural alterations shall be made in the part of the premises where intoxicating liquor is sold or consumed as they think reasonably necessary to secure the proper conduct of the business.

(2) The clerk to the licensing justices shall serve on the registered owner of the premises notice of any order made under this section.

(3) Where any order under this section is complied with, licensing justices shall not make a further order under this section within the five years following the first-mentioned order.

(4) If the holder of the licence makes default in complying with an order under this section he shall be guilty of an offence; and he shall be guilty of a further offence for every day on which the default continues after the expiration of the time fixed by the order.

(5) A person guilty of an offence under this section shall be liable to a fine not exceeding twenty shillings.

Restricted power of licensing justices to refuse renewal of old off-licence.

13.—(1) In this Act the expression "old off-licence" means a justices' off-licence for the sale of wine, spirits, liqueurs, sweets or cider granted by way of renewal from time to time of a licence held by the holder of the licence on the twenty-fifth day of June, nineteen hundred and two.

(2) Subject to any disqualification of the applicant or of the premises to which the application relates, licensing justices shall not refuse an application to renew an old off-licence except on one or more of the following grounds, that is to say—

(*a*) that the applicant has failed to produce satisfactory evidence of good character;

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(*b*) that the house or shop to which the application relates, or any adjacent house or shop owned or occupied by him, is of a disorderly character, or frequented by thieves, prostitutes or persons of bad character;

(*c*) that a licence previously held by the applicant for the sale of wine, spirits, beer or cider has been forfeited for his misconduct; or that he has previously been adjudged for his misconduct disqualified for receiving such a licence or for selling wine, spirits, beer or cider;

(*d*) that the applicant has sold surreptitiously under the licence or has assisted in concealing or misrepresenting the nature of goods sold under the licence;

(*e*) that the applicant has, in any other way, been guilty in the opinion of the justices of misconduct in the management of his business under the licence.

Restricted power of licensing justices to refuse renewal of old on-licence.

14.—(1) In this Act the expression " old on-licence " means a justices' on-licence granted by way of renewal from time to time of a licence in force on the fifteenth day of August, nineteen hundred and four, or of a licence that before that day had been provisionally granted and confirmed under section twenty-two of the Licensing Act, 1874, where the grant and confirmation have been subsequently declared final, whether the licence continues to be held by the person who held it on the fifteenth day of August, nineteen hundred and four, or has been or may be transferred to another person:

Provided that the expression does not include a licence for the sale of wine alone or sweets alone.

(2) In this Act the expression " old beerhouse licence " means an old on-licence for the sale of beer or cider, with or without wine, granted by way of renewal from time to time of a licence granted for premises for which a corresponding excise licence was in force on the first day of May, eighteen hundred and sixty-nine, whether the licence continues to be held by the person who held that excise licence, or has been or may be transferred to another person.

(3) Subject to any disqualification of the applicant or of the premises to which the application relates, licensing justices shall not refuse an application to renew an old beerhouse licence except on one or more of the grounds specified in paragraphs (*a*) to (*c*) of subsection (2) of the last preceding section or on the ground of the entry in the register of licences of a conviction of bribery or treating made in pursuance of subsection (6) of section one hundred and forty-six of the Representation of the People Act, 1949.

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(4) Licensing justices shall not refuse an application to renew an old on-licence other than an old beerhouse licence except on one or more of the following grounds, that is to say—

(*a*) that the licensed premises have been ill-conducted or are structurally deficient or structurally unsuitable;

(*b*) that the applicant is not a fit and proper person to hold the licence;

(*c*) that the renewal of the licence would be void;

(*d*) that there has been entered in the register of licences a conviction of bribery or treating made in pursuance of subsection (6) of section one hundred and forty-six of the Representation of the People Act, 1949.

(5) For the purposes of the last preceding subsection the premises shall be deemed to have been ill-conducted if, among other things, the holder of the licence has persistently and unreasonably refused to supply suitable refreshment, other than intoxicating liquor, at a reasonable price, or has failed to fulfil any reasonable undertaking given to the justices on the grant of the licence.

(6) Licensing justices refusing to renew an old on-licence shall specify to the applicant in writing the grounds of their refusal.

Reference of application for renewal to compensation authority.

15.—(1) Subject to section sixty of this Act, where the licensing justices, on consideration in accordance with this Act of an application for the renewal of an old on-licence, are of opinion that the question of renewal requires consideration on grounds other than those on which they can refuse it, they shall refer the matter to the compensation authority together with their report thereon.

(2) The compensation authority shall consider all reports made to them under this section and may refuse the renewal of any licence to which any such report relates:

Provided that they shall not refuse renewal without giving—

(*a*) the persons interested in the licensed premises, and

(*b*) unless it appears to the compensation authority unnecessary, any other persons appearing to them to be interested in the question of the renewal, including the licensing justices,

an opportunity of being heard.

Proposal for surrender not to be considered.

16. In considering whether a justices' on-licence ought to be renewed, the licensing justices and, if the case is referred to them, the compensation authority shall not take into consideration the fact that a proposal for its surrender, if renewed, has been or is to be made for the purposes of section seven of this Act.

PART I —*cont.*

Compensation on non-renewal of old on-licence.

17.—(1) If the compensation authority refuse to renew an old on-licence, they shall pay as compensation to the persons interested in the licensed premises the difference between the value of those premises as licensed and their value as unlicensed.

(2) For the purposes of the preceding subsection the licence shall be assumed to be subject to the same conditions of renewal as were applicable immediately before the fifteenth day of August, nineteen hundred and four; and there shall be assumed to be included in the value of the licensed premises the amount of the depreciation of the trade fixtures arising by reason of the refusal to renew the licence.

(3) The amount to be paid as compensation shall, in default of agreement between the several persons appearing to the compensation authority to be interested in the licensed premises and the authority, be determined by the Commissioners of Inland Revenue in the same manner, and subject to the same appeal under section ten of the Finance Act, 1894, to the High Court, as on the valuation of an estate for the purpose of estate duty; and the amount of compensation shall be divided among the persons interested in the licensed premises, including the holder of the licence, in such shares as the compensation authority may determine.

(4) For the purposes of the last preceding subsection regard shall be had not only to the legal interest of the holder of the licence in the premises or trade fixtures, but also to his conduct and the length of time that he has held the licence; and, notwithstanding any agreement to the contrary, a tenant who is the holder of a justices' licence shall not receive less than he would be entitled to as tenant from year to year of the licensed premises.

(5) The compensation authority may refer to the county court any question arising on the division of the compensation that the authority consider can be more conveniently determined by that court.

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

Compensation authority and compensation fund.

18.—(1) The compensation authority for the purposes of this Act shall—

(*a*) for a county licensing district be the county confirming and compensation committee;

(*b*) for a borough licensing district, being a county borough, be the borough confirming and compensation committee;

PART I —*cont.*

(*c*) for a borough licensing district, being a non-county borough, be the county confirming and compensation committee for the county in which the borough is situated.

(2) A compensation authority shall in each year fix a sum, not exceeding one hundred pounds, as the maximum charge to be imposed on the renewal of old on-licences in their area; and, subject to section sixty of this Act, the authority shall impose on renewing an old on-licence in their area such percentage of the sum so fixed as is specified in Part I of the Fourth Schedule to this Act:

Provided that, if the authority consider that the imposition of the charges in any year is unnecessary, they may, after certifying their opinion to the Secretary of State, omit to impose them.

(3) Charges payable under this section on renewal of any licence shall be levied and paid together with, and as part of the duties on, the corresponding excise licence; and the Commissioners shall keep a separate account of the amount produced by the charges in the area of any compensation authority and pay the amount over in each year to the authority in accordance with rules made by the Treasury.

(4) The holder of a licence paying a charge under this section may, notwithstanding any agreement to the contrary, make such deductions from rent as are authorised by Part II of the Fourth Schedule to this Act; and a person receiving rent from which a deduction has been made under this subsection may make the same deduction from rent payable by him.

(5) The compensation authority shall pay the moneys received by them on account of charges under this section, or received by them from any other source for the payment of compensation under this Act, into a separate account under their management, in this Act referred to as the " compensation fund ".

(6) The compensation authority shall pay out of the compensation fund—

(*a*) the expenses of the authority in paying compensation under this Act or incurred otherwise by them in the exercise of their functions as compensation authority;

(*b*) such expenses of the licensing justices incurred in referring to the authority any question of the renewal or transfer or special removal of old on-licences as the compensation authority may allow;

(*c*) such expenses of the licensing justices incurred in the grant of new justices' on-licences as the compensation authority may allow;

and the compensation authority in the exercise of their powers shall have regard to the funds available for the purpose.

PART I —*cont.*

(7) The compensation authority may, with the consent of the Secretary of State, borrow on the security of the compensation fund for the purpose of paying any compensation under this Act.

Purchase under Part III of 26 Geo. 5. & 1 Edw. 8. c. 51, or Part IV of 10 & 11 Geo. 6. c. 51, of premises to which an old on-licence is attached with a view to non-renewal or surrender.

19.—(1) Subject to subsection (3) of section sixty of this Act, where land purchased under Part III of the Housing Act, 1936, or Part IV of the Town and Country Planning Act, 1947, comprises premises for which an old on-licence is in force, the following provisions shall have effect:—

(*a*) a purchasing authority, before purchasing the premises, may undertake that if renewal of the licence is refused they will pay to the compensation authority towards the compensation payable on the refusal under this Part of this Act such contribution as may be specified in the undertaking; and any sum payable by the purchasing authority in pursuance of such an undertaking shall be treated as part of their expenses in purchasing the land;

(*b*) if, after purchasing or contracting to purchase the premises, the purchasing authority intimate to the licensing justices that they are willing to surrender the licence, the licensing justices may refer the matter to the compensation authority; and that authority, on being satisfied that they might properly under section fifteen of this Act have refused to renew the licence, if not surrendered, shall contribute out of the compensation fund towards the compensation paid by the purchasing authority for the purchase of the premises a sum not exceeding the compensation that would have been payable under this Part of this Act on refusal to renew the licence.

(2) In this section "purchasing authority" means a local authority purchasing under Part III of the Housing Act, 1936, or a Minister, the Central Land Board, a local authority or any statutory undertakers purchasing under Part IV of the Town and Country Planning Act, 1947.

Transfer and removal of licences
Protection orders

Transfer sessions.

20.—(1) Licensing justices at their general annual licensing meeting in every year shall appoint the times and places for not less than four nor more than eight transfer sessions to be held for their district in the year beginning with the first day of the general annual licensing meeting.

(2) The days appointed for the holding of transfer sessions shall be at as nearly regular intervals as may be.

(3) Notice of transfer sessions shall be given as required by Part II of the Second Schedule to this Act. PART I —*cont.*

Transfer of licence.

21.—(1) For the purposes of this Act, the transfer of a justices' licence means the grant of a justices' licence for premises to a person in substitution for another person who holds or has held a licence for those premises.

(2) The person applying for the transfer of a justices' licence shall give notice of his application as required by Part II of the Third Schedule to this Act.

(3) Any of the licensing justices having jurisdiction to hear an application for the transfer of a justices' licence shall have the same power to compel any witness, including the applicant and the holder of the licence, to attend the hearing of the application and to give evidence or produce documents as if the hearing of the application were a hearing of a complaint by a magistrates' court acting for the petty-sessions area constituting the licensing district.

(4) Subject to sections eighty-nine and ninety-seven of this Act, licensing justices shall not grant an application to transfer a justices' licence except in the following cases and to the following persons, that is to say—

(*a*) where the holder of the licence has died, to his representatives or the new tenant or occupier of the premises;

(*b*) where the holder of the licence is incapable through illness or other infirmity of carrying on business under the licence, to his assigns or the new tenant or occupier of the premises;

(*c*) where the holder of the licence is adjudged bankrupt, or a trustee is appointed in pursuance of a composition scheme within the meaning of the Bankruptcy Act, 1914, to administer the property or manage the business of the holder of the licence, or a trustee is appointed under a deed of arrangement within the meaning of the Deeds of Arrangement Act, 1914, for the benefit of the creditors of the holder of the licence, to his trustee or the new tenant or occupier of the premises;

(*d*) where the holder of the licence has, or his representatives have, given up occupation of the premises, to the new tenant or occupier of the premises or the person to whom the representatives or assigns have, for sale or otherwise, *bonâ fide* conveyed or made over the interest in the premises;

PART I —*cont.*

(*e*) where the occupier of the premises, being about to quit them, has wilfully omitted or neglected to apply for renewal of the licence, to the new tenant or occupier of the premises;

(*f*) where the owner of licensed premises or some person on his behalf has been granted a protection order under subsection (3) of section twenty-three of this Act until the next general annual licensing meeting or transfer sessions, and applies for a transfer at that meeting or those sessions, to the owner or person applying on his behalf.

(5) In a case arising under paragraph (*f*) of the last preceding subsection, the licence may be transferred notwithstanding that it has been forfeited as if it were still valid.

(6) Licensing justices shall not grant an application to transfer a justices' licence unless the transfer is to a person who is in their opinion fit and proper.

(7) Subject to the last preceding subsection, subsection (4) of section eleven and sections fourteen, fifteen and seventeen of this Act shall apply to the transfer of an old on-licence as they apply to the renewal of such a licence:

Provided that in its application to a transfer the said subsection (4) shall have effect as if for the reference to the holder of the licence there were substituted a reference to the applicant for the transfer.

Power to carry on business after death, bankruptcy etc. of licence holder.

22.—(1) Where the holder of a justices' licence dies, or is adjudged bankrupt, or a trustee is appointed in pursuance of a composition or scheme within the meaning of the Bankruptcy Act, 1914, to administer the property or manage the business of the holder of a justices' licence, or a trustee is appointed under a deed of arrangement within the meaning of the Deeds of Arrangement Act, 1914, for the benefit of the creditors of the holder of a justices' licence, section one hundred and twenty of this Act shall not prohibit the sale or exposure for sale of intoxicating liquor by the personal representatives or the trustee, as the case may be, during a period ending with the next transfer sessions, or, if the next transfer sessions are held within fourteen days after the death, adjudication or appointment, the next transfer sessions but one:

Provided that this section shall not exempt from the prohibition imposed by the said section one hundred and twenty a sale or exposure for sale that would not have been authorised if the licence had been transferred to the representatives or the trustee.

(2) Where application is made at the said transfer sessions for a transfer of the licence, and the licensing justices adjourn consideration of the application, references in the preceding subsection to a period ending with those sessions shall be construed as references to a period ending with the hearing of the application.

(3) This section shall have effect as if the general annual licensing meeting were a transfer sessions.

Protection order.

23.—(1) Where a person proposes to apply for the transfer of a justices' licence, justices of the peace acting for the petty sessions area in which the premises to which the licence relates are situated may, on the application of that person, if they are satisfied that the applicant is a person to whom the licensing justices could grant a transfer of the licence, grant him authority to sell on the premises any intoxicating liquors that may be sold under an excise licence authorised by the justices' licence.

(2) An authority granted under this section is in this Act referred to as a " protection order ".

(3) Where—

(*a*) a justices' licence for any premises is forfeited for the first time—

(i) by virtue of a conviction under section one hundred and thirty-three of this Act, or

(ii) by virtue of a second or subsequent conviction under section one hundred and twenty of this Act,

(*b*) a justices' licence is forfeited by order of a magistrates' court made on complaint under subsection (3) of section one hundred and thirty-four of this Act,

(*c*) a justices' on-licence granted for a term other than twelve months under subsection (4) of section six of this Act is forfeited under any provision of this Act, or

(*d*) the holder of a justices' licence for any premises becomes disqualified for the first time for holding such a licence by virtue of his conviction in pursuance of section thirty of this Act,

justices of the peace may grant a protection order to any owner of the premises or any other person authorised by an owner of the premises, notwithstanding the forfeiture or the previous licence-holder's disqualification.

(4) The provisions of this Act relating to the regulation, government or control of persons holding a justices' licence shall, while a protection order is in force, apply to the person to whom the order has been granted as they apply to the holder of a justices' licence.

PART I —*cont.*

(5) A protection order shall remain in force until the next transfer sessions, or, if the next transfer sessions are held within fourteen days of the making of the order, until the next transfer sessions but one.

(6) Where application is made at the said transfer sessions for a transfer of the licence, and the licensing justices adjourn consideration of the application, references in the last preceding subsection to those sessions shall be construed as references to the hearing of the application.

(7) This section shall have effect as if the general annual licensing meeting were a transfer sessions.

(8) Justices of the peace to whom application is made for a protection order may examine on oath the applicant or any person giving evidence before them.

(9) Justices of the peace shall not grant a protection order unless the applicant has, not less than seven days before the application, given notice in writing to the chief officer of police, signed by the applicant or his authorised agent, and stating his name and address and his trade or calling during the six months preceding the giving of the notice; or, in an urgent case, unless the applicant has given such notice to the police as the justices think reasonable.

(10) Justices of the peace granting a protection order shall cause a memorandum of the order to be indorsed on the licence, or, where a copy of the licence is admissible in evidence, on a copy of the licence; and a majority of the justices shall sign the memorandum or the justices shall cause the clerk to the justices to seal or stamp it with the official seal or stamp of the magistrates' court of which he is clerk and to verify the seal or stamp by his signature.

(11) A fee of two shillings and sixpence shall be chargeable by the clerk to the justices for the indorsement.

(12) Where a protection order has been granted to any person, the proper officer of Customs and Excise shall indorse a memorandum of the order on the excise licence.

(13) The power conferred by this section on justices of the peace shall be exercisable by the number of justices, and in the place, required by the Magistrates' Courts Act, 1952, for the hearing of a complaint.

Removal of licence.

24.—(1) For the purposes of this Act, the removal of a justices' licence means taking the licence from the premises for which it is in force and granting it for other premises.

PART I —*cont.*

(2) An ordinary removal may be granted on any ground.

(3) A special removal may be granted on the ground either—

(*a*) that the premises for which the licence was granted are or are about to be pulled down or occupied under any Act for the improvement of highways, or for any other public purpose, or

(*b*) that the premises for which the licence was granted have been rendered unfit for use for the business carried on there under the licence by fire, tempest or other unforeseen and unavoidable calamity.

(4) Licensing justices may grant an ordinary removal to any premises in their licensing district from any premises in that district or in the county of which that district forms part.

(5) Licensing justices may grant a special removal to any premises in the same licensing district as the premises from which removal is sought if the new premises seem to them fit and convenient for the purpose.

(6) Licensing justices shall not grant a removal of a justices' on-licence to any premises unless in their opinion the premises are structurally adapted to the licence.

Ordinary removal.

25.—(1) An application for the ordinary removal of a justices' licence shall be made to the licensing justices in whose district the premises to which it is sought to remove the licence are situated.

(2) The application shall be made by the person wishing to hold the licence after removal.

(3) The applicant shall give notice of his application as required by Part III of the Third Schedule to this Act.

(4) The justices shall not grant an ordinary removal unless they are satisfied that no objection to the removal is made—

(*a*) where the licence is a justices' on-licence, by the owner of the premises from which it is sought to remove the licence or the holder of the licence;

(*b*) where the licence is a justices' off-licence, by the holder of the licence,

or by any person other than the owner of the said premises and the holder of the licence, or, as the case may be, other than the holder of the licence, whom the justices consider to have a right to object to the removal.

PART I —*cont.*

(5) Subject to the preceding provisions of this section, licensing justices shall have the same power to grant an ordinary removal as they have to grant a new justices' licence.

(6) Subject to section seventy-one of this Act, the grant of an ordinary removal shall not be valid unless it is confirmed by the confirming authority; and section nine of this Act except so far as relates to the hearing of persons on the question of monopoly value shall apply to the confirmation of such a grant as it applies to the confirmation of the grant of a new licence.

Special removal.

26.—(1) The person applying for a special removal shall give notice of his application as required by Part IV of the Third Schedule to this Act.

(2) Any of the licensing justices having jurisdiction to hear an application for a special removal shall have the same power to compel any witness, including the applicant, to attend the hearing of the application to give evidence or produce documents as if the hearing of the application were the hearing of a complaint by a magistrates' court acting for the petty-sessions area constituting the licensing district.

(3) Subsection (4) of section eleven and sections fourteen, fifteen and seventeen of this Act shall apply to a special removal of an old on-licence as they apply to the renewal of such a licence:

Provided that for the purposes of such application those provisions shall have effect as if for references therein to the premises whose licence it is sought to renew there were substituted—

(*a*) in subsection (4) of section fourteen so far as it relates to the ill-conducting of any premises, and in subsection (5) of that section, references to the premises from which it is sought to remove the licence;

(*b*) elsewhere, and in subsection (4) of section fourteen so far as it relates to the structural deficiency or unsuitability of the premises, references to the premises to which it is sought to remove the licence.

Provisional grant of ordinary removal to premises not yet completed.

27. Licensing justices may make a provisional grant of an ordinary removal of an on-licence to premises about to be constructed or in the course of construction; and section ten of this Act shall apply to such a provisional grant as it applies to the provisional grant of a new on-licence.

PART I —*cont.*

Power of licensing justices to restrict repeated applications for transfer or special removal.

28.—(1) Licensing justices may, at their general annual licensing meeting, make regulations determining the time that must elapse after the hearing of an application for transfer or special removal before another such application may be made in respect of the same premises.

(2) Licensing justices may in any particular case dispense with the observance of regulations made under this section.

General provisions

Power on application for licence to dispense with preliminary requirements.

29. Where the applicant for the grant of a justices' licence has, through inadvertence or misadventure, failed to comply with the requirements of the Third Schedule to this Act, the licensing justices may, upon such terms as they think fit, postpone consideration of his application and, if on any such postponed consideration they are satisfied that any terms so imposed have been complied with, may deal with the application as if the said requirements had been complied with.

Persons and premises disqualified for licence

Persons disqualified for holding licence.

30. Without prejudice to the provisions of this or any other Act whereby a person may be disqualified for holding a justices' licence, the following persons shall be so disqualified, that is to say—

(*a*) a sheriff's officer or officer executing the legal process of any court;

(*b*) a person convicted, whether under this Act or otherwise, of forging a justices' licence or making use of a forged justices' licence knowing it to have been forged;

(*c*) a person convicted, whether under this Act or otherwise, of permitting to be a brothel premises for which at the time of the conviction he held a justices' licence.

Premises disqualified for receiving any licence.

31. Where within a period of two years two persons severally holding a justices' licence for any premises forfeit their licences, the premises shall be disqualified for receiving a justices' licence for a period of twelve months following the second forfeiture.

Premises disqualified for receiving on-licence.

32.—(1) Subject to the following provisions of this section, premises shall be disqualified for receiving a justices' on-licence—

(*a*) if they do not contain, in addition to the rooms occupied by the inmates, at least two rooms for the accommodation of the public, or

PART I —*cont.*

(*b*) if the premises are of an annual value below that set out in Part I of the Fifth Schedule to this Act:

Provided that if the premises—

(i) contain, in addition to the rooms occupied by the inmates, at least one room for the accommodation of the public, and

(ii) are of an annual value not below that set out in Part II of the Fifth Schedule to this Act,

they shall not be disqualified for receiving a justices' on-licence that does not authorise the sale of spirits.

(2) The preceding subsection shall not apply to premises for which a justices' on-licence was held on the tenth day of August, eighteen hundred and seventy-two.

(3) Refreshment-houses for which a justices' on-licence was held on the tenth day of August, eighteen hundred and seventy-two, to sell wine by retail shall be disqualified for receiving a justices' on-licence if they are of an annual value below that set out in Part III of the Fifth Schedule to this Act.

(4) Railway refreshment-rooms shall not be disqualified under this section by reason of their annual value.

Ascertainment of annual value.

33.—(1) The annual value of premises for the purposes of this Act shall be the rent at which the premises might reasonably be expected to let from year to year if the tenant undertook to pay all usual tenant's rates and taxes, and if the landlord undertook to bear the costs of repairs and insurance and the other expenses, if any, necessary to maintain the premises in a state to command that rent:

Provided that—

(*a*) licensed premises shall be valued as if they were not licensed, and

(*b*) no land shall be included in the premises for the purposes of the valuation except any pleasure grounds or flower or kitchen garden, or curtilage usually held and occupied and used by the persons residing in and frequenting the house.

(2) Where the premises are separately valued in the valuation list, the gross value specified in that list shall be the annual value of the premises for the purposes of this Act subject to any deduction from the gross value required by paragraph (*a*) of the proviso to the preceding subsection.

PART I —*cont.*

(3) Subject to the preceding provision of this section, the annual value of premises for the purposes of this Act shall be such as the licensing justices may determine; and justices may appoint a competent valuer for the purpose and order the costs of the valuation to be paid by the applicant for the licence.

(4) Any costs ordered to be paid under the last preceding subsection shall be recoverable summarily as a civil debt.

Disqualification of persons and premises. Additional provisions.

34.—(1) The provisions of the last three preceding sections shall be without prejudice to the disqualification under any other Act of premises for receiving a justices' licence.

(2) A justices' licence purporting to be held by a person disqualified for holding a licence, or attached to premises disqualified for receiving the licence, shall be void.

Appeal to quarter sessions from licensing justices

Appeal to quarter sessions against refusal of renewal, transfer or special removal etc.

35.—(1) Where licensing justices, having jurisdiction to do so, refuse the renewal, transfer or special removal of a justices' licence, or where licensing justices make an order under section twelve of this Act, any person aggrieved by the refusal or the making of the order may appeal against it to the quarter sessions for the county in which the premises are situated:

Provided that if the appeal is against any order made under the said section twelve, and the premises to which the order relates are situated in a borough having a separate court of quarter sessions, he may appeal to those quarter sessions or to the quarter sessions for the county in which the premises are situated.

(2) For the purposes of the preceding subsection, the expression "county" means an administrative county together with any county borough situated or deemed to be situated in the county.

(3) The appeal shall be commenced by the appellant's giving notice of appeal to the clerk to the licensing justices within fourteen days after the refusal, and not less than fourteen days before the sessions at which the appeal is to be heard.

(4) Quarter sessions may by their order confirm the refusal or order as the case may be, or grant the renewal, transfer or special removal in the same way as the licensing justices could have granted it, or, as the case may be, make any such order as the licensing justices might have made under the said section twelve.

(5) The judgment of quarter sessions on an appeal under this section shall be final.

PART I —*cont.*

(6) A justice shall not act in the hearing or determination of an appeal under this section from any decision in which he took part.

Award of costs in appeal against party.

36.—(1) On determining an appeal under section thirty-five of this Act, the court of quarter sessions may make such order for costs as it thinks fit:

Provided that if the appeal is dismissed the court shall order the appellant to pay to the justices against whose decision he has appealed, or such person as those justices may appoint, such sum by way of costs as is in the opinion of the court sufficient to indemnify the justices from all costs and charges whatever to which they have been put in consequence of his having served notice of appeal.

(2) Where a court of quarter sessions is satisfied that the appellant, after giving notice of appeal to the court, has failed to prosecute the appeal, the court shall make an order under the preceding subsection as if the appeal had been dismissed.

(3) Costs ordered to be paid under this section shall be recoverable summarily as a civil debt.

Award of costs of licensing justices on appeal out of local funds.

37.—(1) Where—

(*a*) an appeal under section thirty-five of this Act is allowed, or

(*b*) quarter sessions have awarded costs under the last preceding section against the appellant and are satisfied that the licensing justices cannot recover those costs from him,

the court shall order payment out of local funds of such sums as appear to the court sufficient to indemnify the licensing justices from all costs and charges whatever to which they have been put in consequence of the appellant's having served notice of appeal.

(2) Costs payable out of local funds under this section shall be paid—

(*a*) if the licensing district for which the licensing justices acted consists of a borough having a separate court of quarter sessions, out of the general rate fund of the borough;

(*b*) in any other case, out of the county fund of the county in which the licensing district is situated.

(3) Subsection (1) of section eight and subsection (1) of section eleven of the Costs in Criminal Cases Act, 1952 (which make provision for the payment out of local funds of costs ordered to be paid under that Act), shall apply to costs ordered to be

PART I —*cont.*

paid under this section as if any reference therein to a county borough were a reference to a borough having a separate court of quarter sessions.

(4) An order of a court of quarter sessions under this section may be made either at the sessions at which the appeal is heard, or at which it would have been heard if the appeal had been prosecuted, or at the next following sessions; and the costs may be taxed either in or out of sessions.

Clerk to licensing justices

Clerk to licensing justices

38.—(1) The clerk to the justices acting for a petty sessions area shall be clerk to the licensing justices for the licensing district consisting of that area.

(2) Subsection (2) of section one hundred and eighteen of the Magistrates' Courts Act, 1952 (which provides for the case where there is more than one clerk to the justices for a petty sessions area), shall apply for the purposes of this section as it applies for the purposes of that Act.

Clerk to licensing justices not to act professionally in licensing matters.

39.—(1) A clerk to licensing justices shall not himself or by his partner or clerk act as solicitor to, or agent for, any person—

(*a*) at any general annual licensing meeting or transfer sessions;

(*b*) before justices of the peace in proceedings under this Act or the Licensing Acts, 1828 to 1906.

(2) Where the clerk was appointed before the first day of April, nineteen hundred and fifty-three, nothing in the preceding subsection shall prohibit him from acting at a general annual licensing meeting or transfer sessions for a licensing district other than that for which he is clerk, or before justices acting for a petty sessions area other than that constituting the licensing district for which he is clerk, or from preparing notices or forms.

(3) If any person contravenes this section, he shall be liable to a fine not exceeding one hundred pounds.

Register of Licences. Registered owner

Register of licences to be kept in licensing district.

40.—(1) The clerk to the licensing justices for a licensing district shall keep a register of licences, in such form as those justices may prescribe, containing particulars of all justices' licences granted in the district, the premises for which they were granted, the names of the owners of those premises, and the names of the holders of the licences.

(2) The clerk to the licensing justices shall enter in the register of licences, in such form as may be prescribed by the Secretary of State, notice of any conviction of the holder of a justices'

PART I —*cont.*

licence of an offence committed by him as such, including any offence against the provisions of any Act relating to the adulteration of drink; and the clerk of the court before whom the holder of a justices' licence is so convicted, if the clerk is not the clerk to the licensing justices, shall forthwith send notice of the conviction to the clerk to the licensing justices.

(3) The clerk to the licensing justices shall enter in the register of licences any forfeiture of a justices' licence granted in the licensing district, disqualification of premises under section thirty-one of this Act or under any enactment not contained in this Act, and any other matter relating to the licences in the register.

(4) The provisions of this section shall be in addition to those of any other enactment requiring entries to be made in the register of licences.

(5) If in any licensing district there are more persons than one holding the office of clerk to the licensing justices, the licensing justices shall determine which of them shall keep the register of licences.

(6) Licensing justices may cause the register of licences to be divided into parts and assign a part of the register to any part of their licensing district.

Registration of owner. Registered owner indorsed on licence.

41.—(1) Every person applying for a new justices' licence, or the renewal of a justices' licence, shall state the name of the person for the time being entitled to receive, either on his own account or as mortgagee or other incumbrancer in possession, the rack-rent of the premises for which the licence is granted or renewed; and the clerk to the licensing justices shall enter that name in the register of licences as the name of an owner of the premises, and indorse the name on the licence.

(2) The clerk to the licensing justices shall also, on the application of any person whose name is not entered under the preceding subsection, and who has an estate or interest in the premises, whether as owner, lessee or mortgagee, prior or paramount to that of the occupier, enter that person's name in the register of licences as an owner of the premises on payment of the fee chargeable under section fifty-one of this Act:

Provided that, where any such estate or interest is vested in two or more persons jointly, one only of those persons shall be registered as representing that estate or interest.

(3) Any reference in this Act to the registered owner of the premises shall be construed as a reference to any person whose name is for the time being entered in the register of licences under this section.

PART I —*cont.*

Register to be evidence.

42.—(1) A register of licences shall be received in evidence of the matters required by this or any other Act to be entered in it.

(2) Any document purporting to be certified by the clerk to any licensing justices to be a true copy of an entry in the register of licences kept by him shall be received as evidence of the matters contained in the entry.

Duty of licensing justices to have regard to entries in register of licences.

43. On any application for the grant of a justices' licence the licensing justices shall have regard to any entries in the register of licences relating to the person by whom, or the premises for which, the licence is to be held.

Inspection of register.

44.—(1) The following persons shall be entitled at any reasonable time to inspect the register of licences for a licensing district on payment of the fee chargeable under section fifty-one of this Act, that is to say—

(*a*) any person rated in respect of a hereditament in the district;

(*b*) any owner of licensed premises situated in the district;

(*c*) any holder of a justices' licence granted in the district.

(2) Any constable or any officer of Customs and Excise shall, without payment, be entitled at any reasonable time to inspect the register of licences.

(3) If the clerk to the licensing justices or any other person refuses inspection of the register of licences under this section or obstructs any person attempting to inspect the register under this section, or receives or demands any unauthorised charge for permitting the register to be inspected under this section, he shall be liable to a fine not exceeding five pounds.

Justices' licences and protection orders

Supplemental provisions

Duration of licence.

45.—(1) A new justices' licence shall be in force for a period of twelve months or, if it is granted for any other term under subsection (4) of section six of this Act, for that term.

(2) The said twelve months or other term shall begin to run on the fifth day of April following the first day of the general annual licensing meeting at which the licence is granted.

(3) The renewal of a justices' licence shall continue the currency of the licence until the expiration of twelve months beginning with the fifth day of April following the first day of the general annual licensing meeting at which the renewal is granted.

(4) Any transfer or removal of a justices' licence shall have effect during the currency of the licence.

PART I —*cont.*

(5) Where the provisional grant of a justices' on-licence is declared final, the licence shall be in force from the day of the declaration.

(6) Where the provisional grant of a justices' on-licence is declared final at the general annual licensing meeting, the licence shall cease to be in force at the time when it would have ceased to be in force if the grant had not been provisional and had been made at that meeting.

(7) Where the provisional grant of a justices' on-licence is declared final at a transfer sessions, the licence shall cease to be in force at the time when it would have ceased to be in force if the grant had not been provisional and had been made at the general annual licensing meeting the first day of which immediately preceded the declaration.

(8) This section shall have effect subject to subsection (9) of section seventy-one, subsection (4) of section eighty-four and subsection (4) of section ninety-four of this Act and to any forfeiture or avoidance of the licence.

Forgery of licence.

46.—(1) If any person forges a justices' licence or tenders a justices' licence knowing it to have been forged, he shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding twenty pounds.

(2) Any excise licence granted in pursuance of a forged justices' licence shall be void.

Proof of licences and protection orders.

47.—(1) Any document purporting to be a justices' licence and—

(*a*) to be signed by the majority of the justices present when the licence was granted, or

(*b*) to be sealed or stamped with an official seal or stamp affixed or impressed under the authority of the licensing justices and to contain a certificate signed by the clerk to the licensing justices verifying that authority,

shall be received in evidence.

(2) Any document purporting to be a copy of a justices' licence certified under the hand of the clerk to the licensing justices by whom the licence was granted to be a true copy shall be received in evidence—

(*a*) by licensing justices on an application for the renewal, transfer or removal of the licence;

(*b*) by justices of the peace on an application for a protection order,

if the justices are satisfied by evidence that the original has been lost or unlawfully withheld.

PART I —*cont.*

(3) Any memorandum purporting to be made under subsection (10) of section twenty-three of this Act shall be received in evidence.

Disqualification of justices.

48.—(1) No justice shall act for any purpose under this Act in any county, county borough or borough having a separate commission of the peace, or be capable of being appointed or being a member of any committee therein for any such purpose, who is, or is in partnership with, a brewer, distiller, maker of malt for sale or retailer of malt or of any intoxicating liquor, in that county or borough.

(2) No justice who holds any share or stock in a company which is such a brewer, distiller, maker of malt or retailer as aforesaid in any county, county borough or borough having a separate commission of the peace shall be capable of being appointed or being a member of the licensing committee or confirming or compensation authority for that county or borough unless before his appointment as a member thereof he has disclosed to the justices appointing him the fact that he holds the share or stock:

Provided that a member of any such committee or authority disqualified for being a member thereof by acquiring any such share or stock may be re-appointed if before his re-appointment he has disclosed to the justices re-appointing him the fact that he has acquired the share or stock.

(3) A person who is the beneficial owner of any such share or stock as aforesaid held by him (whether his beneficial ownership extends to the whole holding or to a part of it or an interest in it only) shall not be appointed or re-appointed a member of any such committee or authority as aforesaid unless the justices appointing or re-appointing him are satisfied that the extent to which the company in question carries on or is interested in the business of brewing, distilling, making of malt for sale or retailing of malt or of any intoxicating liquor is so small in comparison with its whole business that the fact that the said person is interested in the company affords no reasonable ground for suggesting that he is not a proper person to be a member of the committee or authority.

(4) No justice shall act for any purpose under this Act in a case that concerns any premises in the profits of which he 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:

Provided that a justice shall not be disqualified under this provision by reason of his having vested in him a legal interest only, and not a beneficial interest, in the premises concerned or the profits of them.

PART I —*cont.*

(5) No act done by any justice disqualified by this section shall be invalid by reason only of that disqualification, and no act done by any justice who by virtue of this section has ceased to be a member of any licensing committee or confirming authority shall be invalid by reason only of the cessation of membership.

(6) If any justice, knowing that the circumstances are such that under this Act he is disqualified for acting for any of the purposes of this Act, acts as a justice for that purpose he shall be liable to a penalty not exceeding one hundred pounds, to be recovered by action in the High Court:

Provided that a justice proceeded against for more than one offence under this section committed before the institution of the proceedings shall not be liable in respect of all such offences to an aggregate penalty exceeding one hundred pounds.

(7) No objection shall be allowed to any justices' licence on the ground that it was granted or confirmed by justices not qualified to grant or confirm it.

Rules.

49. The Secretary of State may make rules for carrying into effect the provisions of this Act about the renewal of old on-licences and the payment of compensation for not renewing such licences, and about the attachment of conditions to new justices' on-licences, and may by those rules among other things—

(*a*) provide for the provisional renewal of old on-licences which are referred by the licensing justices to the compensation authority under section fifteen of this Act, and for consultation between the compensation authority and the licensing justices on the reports of the justices thereon, and for the time and manner of the consideration of those reports and for the time and manner of the payment of compensation,

(*b*) provide for the manner in which the compensation authority may borrow on the security of the compensation fund,

(*c*) provide for the enforcement of any security given for money borrowed by the compensation authority, and for the time, not exceeding fifteen years, within which money borrowed is to be repaid,

(*d*) regulate the management and application of the compensation fund and the audit of the accounts of the compensation authority,

(*e*) provide for the constitution, where requisite, of committees of quarter sessions as standing committees, and for the employment of officers for the purposes of the

provisions of this Act authorising the reference to the compensation authority of the question of the renewal of old on-licences and the payment of compensation on refusal to renew such licences, and authorising the attachment of conditions to new justices' licences,

(*f*) regulate the procedure of the compensation authority on the consideration of the reports of licensing justices under the said section fifteen and on any hearing under this Act for the purpose of determining whether to renew an old on-licence or the amount or division of the compensation payable on refusal to renew, and

(*g*) provide for the authentication of any documents on behalf of compensation authorities or confirming authorities.

Returns by confirming and compensation authorities to the Secretary of State.

50.—(1) A confirming authority shall in each year make such returns to the Secretary of State about new justices' on-licences as he may require.

(2) A compensation authority shall in each year make such returns to the Secretary of State as he may require about their proceedings as compensation authority and the proceedings of licensing justices in referring to the compensation authority the question of the renewal of old on-licences.

Fees.

51.—(1) Subject to regulations of the Secretary of State under paragraph (*a*) of section sixty-two of this Act, and to rules of the Secretary of State under sections ninety-one and ninety-nine of this Act, the fees set out in the Sixth Schedule to this Act, and no others, shall be chargeable by clerks to licensing justices.

(2) If any clerk to licensing justices demands or receives for any of the matters specified in the said Schedule any fee or reward not chargeable by him under this section, he shall be liable to a fine not exceeding five pounds.

Metropolitan area.

52.—(1) The City of London and the rest of the Administrative County of London shall be separate counties for the purposes of this Act: and accordingly subsection (2) of section thirty-five of this Act shall not apply to the said Administrative County.

(2) The licensing justices, and the confirming and compensation authority, for the City of London shall be committees of the justices for the City; and paragraphs 5 to 10 of Part II of the First Schedule to this Act shall apply to the confirming and compensation committee of the City of London as if the City were a borough.

(3) Parts I and II of the Fifth Schedule to this Act shall apply to the metropolis as they apply to boroughs with a population of not less than 100,000.

PART II

WAR DAMAGED AREAS

Licensing planning areas.

53.—(1) This section applies to any area consisting of—

(*a*) a licensing district, or

(*b*) a county district that forms part of a licensing district, or

(*c*) a county district that contains parts of more than one licensing district,

the whole or part of which area has sustained extensive war damage, and to an area consisting of two or more contiguous districts of the kind described in paragraphs (*a*), (*b*) and (*c*) of this subsection, the whole or part of each of which has sustained extensive war damage.

(2) The Secretary of State may by order declare any area to which this section applies a licensing planning area if he is satisfied that it is desirable to do so by reason of the war damage sustained by the area and the consequences of that damage, including redevelopment, that has taken place or is likely to take place in the area:

Provided that he shall not make such an order except after consultation with the licensing justices for the licensing district or districts comprising or included, in whole or in part, in the area, and with any local planning authority having jurisdiction in the area.

Licensing planning committee.

54.—(1) For every licensing planning area there shall be a licensing planning committee.

(2) Licensing planning committees shall be constituted, and their procedure shall be regulated, in accordance with the Seventh Schedule to this Act.

(3) The proceedings of a licensing planning committee shall not be invalidated by reason of any vacancy in the committee or any defect in the appointment of a member of the committee.

(4) The committee may pay to its secretary, and may pay to the secretary of any sub-committee appointed under the Seventh Schedule to this Act, such remuneration as the Secretary of State may approve.

(5) The committee, in such circumstances as the Secretary of State may approve, may defray expenses incurred in travelling by its secretary, or the secretary of any sub-committee appointed under the Seventh Schedule to this Act.

PART II —*cont.*

(6) Any expenses properly incurred by a licensing planning committee shall be defrayed by the local planning authority having jurisdiction in the area, or, where there are two or more such authorities, by those authorities in such proportions as the Secretary of State may direct.

Variation and abolition of licensing planning areas.

55.—(1) The Secretary of State may, on the application of the licensing planning committee for any licensing planning area, and after such consultation with other authorities as he may think desirable, by order include in the area any licensing district, or part of a licensing district, whether contiguous with the existing area or not, to which there has been, or is in his opinion likely to be, a substantial transfer of population, industry or other activities from the existing area.

(2) The Secretary of State may, after consultation with the licensing planning committee for any licensing planning area, by order exclude from the area any licensing district or part of a licensing district included in the existing area.

(3) An order under either of the last two preceding subsections may make such variations in the provisions of the order constituting the area as appear to the Secretary of State to be expedient in consequence of the inclusion in, or exclusion from, the existing area of any district or part of a district.

(4) If it appears to the Secretary of State that it is no longer expedient that an area should be a licensing planning area, he may, after consultation with the licensing planning committee for the area, by order revoke the order constituting the area.

General duties of licensing planning committee.

56.—(1) It shall be the duty of every licensing planning committee to review the circumstances of their area and to try to secure, after such consultation and negotiation as they may think desirable, and by the exercise of the powers conferred on them by this Part of this Act, that the number, nature and distribution of the licensed premises in the area, the accommodation provided in them and the facilities given in them for obtaining food, accord with local requirements, regard being had in particular to any redevelopment or proposed redevelopment of the area.

(2) A licensing planning committee shall comply with such general or special directions as the Secretary of State may from time to time give them about consultation with such authorities or bodies as he may specify in the directions.

Submission and approval of proposals by licensing planning committee.

57.—(1) The licensing planning committee for any area may from time to time—

(*a*) formulate proposals for the removal, subject to and in accordance with the provisions of this Part of this Act

PART II —*cont.*

relating to removals, and subject to such conditions, if any, as the proposals may specify, of justices' licences from premises in the area to other premises in the area specified in the proposals or to premises on sites in the area so specified,

(*b*) formulate with the agreement of the persons interested in the premises in question proposals for the surrender, subject to such conditions, if any, as the proposals may specify, of existing justices' licences for premises in the area, not being licences in suspense under this Act, and

(*c*) formulate with the agreement of the persons interested in the premises in question proposals for the extinguishment of existing justices' licences for premises in the area which are in suspense under this Act,

and shall submit any such proposals to the Minister, together with such plans and other matter explanatory of the nature and effect of the proposals as may be prescribed or as the Minister may in any particular case require.

(2) A removal such as is mentioned in paragraph (*a*) of the preceding subsection is in this Act referred to as a "planning removal".

(3) Where a licensing planning committee have submitted proposals to the Minister under this section, the committee shall publish in the prescribed manner a notice that they have submitted the proposals, naming a place at which copies of the proposals and of the plans and explanatory matter submitted to the Minister may be seen at all reasonable hours, and stating the time within which and the manner in which objections to the proposals may be made to the Minister.

(4) If no objection to the proposals is made to the Minister within the time and in the manner stated in the notice, or if all objections so made are withdrawn, the Minister may confirm the proposals with or without modification; but, if objection is so made and not withdrawn, he shall afford to any person making an objection an opportunity of appearing before and being heard by a person appointed for the purpose by the Minister or, if it appears to the Minister that the matters to which the objection relates are such as to require investigation by public local inquiry, he shall cause a public local inquiry to be held; and after considering any objection not withdrawn and the report of the person before whom the objector appeared or of the person holding the inquiry, as the case may be, he may confirm the proposals with or without modification.

(5) Subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the summoning of witnesses and the production of documents before,

PART II —*cont.*

and the costs incurred at, local inquiries under that section), shall apply to an inquiry held under this section as they apply to inquiries held under that section, but with the substitution for references to a department of references to the Minister.

(6) Proposals under this section may be varied by subsequent proposals formulated and submitted to and confirmed by the Minister in like manner as the original proposals; and references in this Part of this Act to proposals that have been confirmed shall be construed as references to such proposals as they have effect having regard to any subsequent variation of them.

Removals in licensing planning area.

58.—(1) No ordinary or special removal of a justices' licence shall be granted to any premises in a licensing planning area unless the premises are licensed premises and the licensing justices are satisfied that the licensing planning committee have no objection to the removal.

(2) Where proposals of a licensing planning committee that have been confirmed by the Minister provide for a planning removal, then, if the holder of the justices' licence applies to the licensing justices for the licensing district in which the premises to which it is intended to make the removal are situated, the justices shall grant a planning removal of the licence to those premises if they are satisfied that—

(*a*) the premises are fit and convenient for the purpose,

(*b*) the applicant is not disqualified by this or any other Act for holding a justices' licence and is in all other respects a fit and proper person to hold a justices' licence, and

(*c*) any conditions specified in the proposals as confirmed have been complied with.

(3) Where the premises to which it is intended to make a planning removal under this section of a justices' on-licence are about to be constructed or are in the course of construction, and the licensing justices, on application by the holder of the licence, are satisfied that the premises would, if completed in accordance with the plans submitted to them, be such that the justices would have authorised the removal, the justices may make a provisional grant of the removal.

(4) The provisional grant of a removal under this section shall not be valid until the licensing justices have declared it final.

(5) Licensing justices shall declare the provisional grant final on being satisfied that—

(*a*) the premises have been completed in accordance with the plans submitted,

PART II —*cont.*

(*b*) the applicant is not disqualified by this or any other Act for holding a justices' licence and is in all other respects a fit and proper person to hold a justices' licence, and

(*c*) any conditions specified in the proposals as confirmed have been complied with.

(6) The licensing justices shall not make the declaration until such notice has been given as they may require.

(7) Anything authorised by the preceding provisions of this section to be done to or by licensing justices may be done to or by the licensing justices at their general annual licensing meeting, at transfer sessions or at a meeting of the licensing justices specially called for the purpose.

(8) Sections thirty-five to thirty-seven of this Act shall, with the necessary modifications, apply to the refusal of a removal under this section, including refusal to make a provisional grant or to declare a provisional grant final, as they apply to the refusal of a special removal.

New licences in licensing planning area.

59.—(1) No new justices' licences shall be granted for any premises in a licensing planning area unless the licensing justices are satisfied that the licensing planning committee have no objection to the grant.

(2) The grant of a new justices' licence for any premises in a licensing planning area shall not require confirmation by the confirming authority.

(3) Nothing in this section shall apply to the re-grant of a licence granted for a term under subsection (4) of section six of this Act.

Extinguishment of licences in licensing planning area and suspension of provisions as to compensation fund.

60.—(1) Where proposals of a licensing planning committee that have been confirmed by the Minister provide for the surrender of a justices' licence for premises in their area, then, if such conditions as the proposals may specify have been complied with, the licence shall, by virtue of this Part of this Act, be extinguished as from such date as the proposals may specify, or such later date as the licensing planning committee may allow.

(2) Where the proposals of a licensing planning committee provide for the extinguishment of a justices' licence in suspense under this Act, then, on confirmation of the proposals, the licence shall be extinguished.

(3) The renewal of an old on-licence for premises in a licensing planning area shall not be refused on any grounds other than those on which licensing justices can refuse it under section fourteen of this Act; and accordingly the question of the

renewal of any such old on-licence shall not be referred to the compensation authority; and sections nineteen and eighty-seven of this Act and section ninety-six of this Act so far as it relates to the said section eighty-seven, shall not apply to an old on-licence for premises in a licensing planning area:

Provided that where the licensing justices have decided to refer to the compensation authority the question of the renewal or extinguishment of an old on-licence and, at the time of the decision, the premises in question were not in a licensing planning area, the like proceedings may be had by virtue of that decision as might have been had if the premises had continued not to be in a licensing planning area.

(4) No charge shall be imposed under section eighteen of this Act on renewal of an old on-licence for premises in a licensing planning area; and no charge imposed under that section shall be levied for premises which, at the date when the charge would apart from this provision, fall to be levied, are in a licensing planning area notwithstanding that, when the charge was imposed, they were not in such an area.

Temporary premises.

61.—(1) A licensing planning committee may, on the application of the holder of a justices' licence for premises in the licensing planning area for which the committee act, certify, in the prescribed form, that, for such period as may be specified in the certificate, the committee have no objection to the business of the applicant being carried on in such temporary premises in the area as may be so specified.

(2) Where such a certificate is given, then, subject to the provisions of this section,—

(*a*) an application may be made to licensing justices for the removal of the licence to the temporary premises so specified, and

(*b*) a subsequent application may be made to licensing justices for the removal of the licence from those premises to premises on the site of the premises to which the licence related before the removal to the temporary premises,

in all respects as if those removals (in this Act referred to as " temporary premises removals ") were planning removals for which proposals had been confirmed under this Part of this Act; and the provisions of this Part of this Act relating to the effect of the confirmation of proposals for planning removals, including the provisions relating to appeal from the refusal of licensing justices to authorise removals, shall apply accordingly:

Provided that, where, before the certificate is given, proposals for the planning removal of the licence have been confirmed under this Part of this Act, but the licence has not been

PART II —*cont.*

removed, paragraph (*b*) of this subsection shall have effect as if for the reference to premises on the site of the premises to which the licence related before the removal to the temporary premises there were substituted a reference to the premises to which the licence is to be removed in pursuance of the planning removal.

(3) Subject to subsection (7) of section ninety-two of this Act, where a licence is removed to temporary premises by virtue of a temporary premises removal, the licence shall, at the expiration of the period specified in the certificate of the licensing planning committee, or such longer period, if any, as the licensing planning committee may allow, become void unless it has previously been removed to other premises.

(4) Where a certificate is given under subsection (1) of this section, section thirty-two of this Act shall not, in relation to the licence in question, apply to the temporary premises specified in the certificate, nor shall those premises be treated for the purposes of Part I of this Act as not being structurally adapted to the class of licence required; but nothing in this subsection shall require justices to grant a removal to, or to renew a licence for, any premises which in their opinion are not proper to be used, for the period specified in the certificate or as the case may be for the further period allowed by the committee, for the purposes of the business of the holder of the licence.

(5) Nothing in this section shall limit the powers conferred by this Part of this Act of granting planning removals; and, in the provisions of this Part of this Act conferring those powers, and in the preceding provisions of this section, references to removals include references to removals to or from temporary premises from or to other premises on the same site.

(6) In this section the expression "temporary premises" includes all premises, whether temporary in their nature or not, that it is not intended to use permanently for the purposes of the business in question.

Regulations.

62. The Secretary of State may make regulations—

(*a*) about the procedure to be followed, and the fees to be paid, on and in connection with applications under this Part of this Act to licensing justices,

(*b*) about the procedure, including quorum, of licensing planning committees and sub-committees appointed under the Seventh Schedule to this Act,

(*c*) for fixing the time within which and the manner in which objections to proposals of a licensing planning committee may be made to the Minister,

(*d*) about the keeping and auditing of accounts of the expenditure of licensing planning committees and the furnishing by those committees of estimates of expenses to the authorities by whom the expenses of the committees fall to be defrayed, and

(*e*) for prescribing anything that by this Part of this Act is required or authorised to be prescribed.

Membership of licensing planning committee not to disqualify licensing justice.

63. A person shall not, by reason of his membership of, or anything done by him in the course of his duties as a member of, a licensing planning committee or a sub-committee of a licensing planning committee, be held to be disqualified for acting as a licensing justice in relation to any matter falling to be decided by the licensing justices for the licensing planning area or any part of it, whether under this Part of this Act or otherwise.

County of London.

64.—(1) The Administrative County of London shall be a licensing planning area; and, subject to the following provisions of this section and the provisions of the next following section, the preceding provisions of this Part of this Act, including section fifty-five of this Act, shall apply to that area as if it had been constituted by order of the Secretary of State under subsection (2) of section fifty-three of this Act.

(2) This Part of this Act shall not apply to justices' licences for premises in the Administrative County of London which, under any enactment or by virtue of any condition imposed under subsection (2) of section six of this Act, authorise the sale of intoxicating liquor only for consumption with a meal in a restaurant.

Proposals for planning removals and surrender of licences in London.

65.—(1) This section applies to proposals for planning removals within the Administrative County of London and proposals for the surrender or extinguishment of justices' licences for premises in that County, exclusive, in either case, of any area for the time being designated by order of the Minister as an area of large-scale redevelopment.

The power conferred on the Minister by this subsection to make an order includes power to revoke or vary an order so made by a subsequent order.

(2) Any proposal to which this section applies shall be formulated by the appropriate sub-committee of the licensing planning committee instead of by that committee and shall be submitted to that committee instead of to the Minister; and accordingly in subsections (1), (3) and (6) of section fifty-seven of this Act references to the licensing planning committee shall, in relation to proposals to which this section applies, be construed as references to the appropriate sub-committee of that committee, and references to the Minister shall, in relation to such proposals, be construed as references to the licensing planning committee;

PART II —*cont.*

and subsection (2) of section fifty-eight, subsection (1) of section sixty, and section sixty-two of this Act shall be construed accordingly.

(3) In its application to proposals to which this section applies the said section fifty-seven shall have effect as if for subsections (4) and (5) thereof there were substituted the following subsection:—

"(4) If no objection to the proposals is made to the licensing planning committee within the time and in the manner stated in the notice, or if all objections so made are withdrawn, the licensing planning committee may confirm the proposals with or without modification; but if objection is so made, the licensing planning committee shall afford to any person making an objection an opportunity of appearing before or being heard by the committee; and after considering any objection not withdrawn the committee may confirm the proposals with or without modification".

(4) The coming into force of an order under subsection (1) of this section, or of an order varying or revoking such an order, shall not affect the proceedings in relation to any proposals submitted for confirmation before the coming into operation of the order.

Interpretation.

66.—(1) In this Part of this Act—

"local planning authority" has the same meaning as in the Town and Country Planning Act, 1947;

"war damage" has the meaning given by section two of the War Damage Act, 1943;

"prescribed" means prescribed by regulations made under section sixty-two of this Act.

(2) Except where this Part of this Act expressly provides to the contrary, the provisions of this Part of this Act are without prejudice to the provisions of this or any other Act about licensing and licensed premises; and in particular, and without prejudice to the generality of the preceding provisions of this subsection, nothing in this Part of this Act shall, except as aforesaid, be construed as restricting the powers of any authority under the enactments relating to town and country planning to acquire or control the use of land.

Duration of Part II.

67. This Part of this Act shall continue in force until the thirty-first day of March, nineteen hundred and fifty-four, and shall then expire:

Provided that on the expiration of this Part of this Act subsection (2) of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals), shall have effect as if this Part of this Act had been repealed by another Act.

PART III

NEW TOWNS

Committee to determine distribution of licensed premises in new town.

68.—(1) For the purpose of determining the number, nature and distribution of licensed premises in new towns there shall be a committee for each new town, or, if it appears to the Secretary of State that by reason of the proximity of any two new towns it is expedient that one committee should be constituted for them and the Secretary of State by order so directs, for those two new towns.

(2) Such committees shall be constituted, and their procedure shall be regulated, in accordance with the Eighth Schedule to this Act.

(3) The proceedings of such a committee shall not be invalidated by reason of any vacancy in the committee or any defect in the appointment of a member of the committee.

(4) The development corporation for the new town for which such a committee are constituted shall provide for the committee such accommodation and secretarial and other services as may be requisite for enabling the committee to exercise their functions; and the development corporation shall pay any expenses incurred by the committee in the exercise of the committee's functions or in the payment of travelling and other allowances to the members of the committee, being expenses incurred with the agreement of the development corporation given either before or after the incurring of the expenses, or in default of such agreement with the approval of the Secretary of State given as aforesaid.

(5) Where a committee are constituted for two new towns, the accommodation and services mentioned in the last preceding subsection shall be provided by such one of the development corporations concerned, or partly by one and partly by the other, as the corporations may from time to time agree or, in default of agreement, as the Secretary of State may determine; and the expenses mentioned in that subsection shall be defrayed by the development corporations in such proportions as may be so agreed or determined; and references in that subsection to the development corporation shall be construed accordingly.

(6) Any increase attributable to the provisions of this section in the sums—

(*a*) payable out of moneys provided by Parliament under subsection (2) of section twelve of the New Towns Act, 1946 (which authorises grants out of such moneys for the purposes of enabling a development corporation to defray expenditure other than capital expenditure), or

PART III —*cont.*

(*b*) issuable out of the Consolidated Fund under subsection (3) of that section (which authorises the issue out of that Fund of sums necessary to enable advances to be made to a development corporation to defray expenditure properly chargeable to capital account),

shall be defrayed out of moneys provided by Parliament or, as the case may be, issued out of the Consolidated Fund.

(7) Where a committee are constituted for two new towns, references in this Part of this Act and in the Eighth Schedule to this Act to the area for which the committee are constituted shall be construed as references to the aggregate of the areas of the new towns.

(8) An order under this section or the said Schedule may be varied or revoked by a subsequent order made thereunder.

General duties of committee.

69. It shall be the duty of every committee constituted under the last preceding section to consider from time to time, having regard to the existing circumstances of the area for which the committee are constituted and of the proposed development of that area, what licensed premises the area requires, what accommodation and amenities should be provided in those premises and what facilities should be available in them for obtaining both intoxicating liquor and meals and other refreshments, including the provision of accommodation in which beverages other than intoxicating liquor may be consumed and in which the consumption of intoxicating liquor is prohibited.

Submission and approval of proposals by committee.

70.—(1) In the light of their consideration of the matters mentioned in the last preceding section a committee appointed under section sixty-eight of this Act shall from time to time formulate proposals specifying the places in the area for which the committee are constituted at which licensed premises should be established; and the proposals shall specify the way in which any licensed premises established in accordance with the proposals should be licensed, and shall contain provisions (in this Part of this Act referred to as "supplementary provisions") for the type of accommodation, amenities and services to be provided in premises being or comprising any such licensed premises, including, unless the committee in any particular case otherwise decide, provisions for the service of meals and of refreshments other than intoxicating liquor.

(2) References in this Part of this Act to specifying the way in which licensed premises should be licensed are references to specifying what description of excise licence for the sale of intoxicating liquor should be authorised to be held for the premises; and references in this Part of this Act to the licensing of premises in accordance with proposals shall be construed accordingly.

PART III —*cont.*

(3) The committee shall submit proposals formulated under this section to the Minister, together with such plans and other matter explanatory of the nature and effect of the proposals as the committee think fit or the Minister may in any particular case require.

(4) Where a committee have submitted proposals to the Minister under this section they shall publish by advertisement, in each of two successive weeks, in one or more local newspapers circulating in the area for which the committee are constituted, and may publish in such manner as the committee may determine, a notice that they have submitted the proposals, naming a place at which copies of the proposals and of the plans and explanatory matter submitted to the Minister may be seen at all reasonable hours, and stating the time, not being less than twenty-eight days, within which and the manner in which objections to the proposals may be made to the Minister.

(5) If no objection to the proposals is made to the Minister within the time and in the manner stated in the notice, or if all objections so made are withdrawn, the Minister may confirm the proposals; but, if objection is so made and not withdrawn, he shall afford to any person making an objection an opportunity of appearing before and being heard by a person appointed for the purpose by the Minister or, if it appears to the Minister that the matters to which the objection relates are such as to require investigation by public local inquiry, he shall cause a public local inquiry to be held; and after considering any objection not withdrawn and the report of the person before whom the objector appeared or of the person holding the inquiry, as the case may be, he may confirm the proposals.

(6) Subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the summoning of witnesses and the production of documents before, and the costs incurred at, local inquiries under that section), shall apply to an inquiry held under this section as they apply to inquiries held under that section, but with the substitution for references to a department of references to the Minister.

(7) The power of the Minister under subsection (5) of this section to confirm proposals shall include power—

(*a*) where the proposals relate to the establishment of licensed premises at more than one place, to confirm the proposals, but without prejudice to the next following paragraph, so far as they relate to one or some only of the places in question;

(*b*) to confirm the proposals subject to modifications so far as they relate to the situation of proposed licensed premises;

PART III —*cont.*

(*c*) to confirm the proposals subject to the modification of any supplementary provisions contained in the proposals or to the addition of any supplementary provisions that the committee could have included in the proposals;

and references in this Part of this Act to proposals that have been confirmed shall be construed accordingly.

(8) Proposals of a committee under this section may be varied or revoked by subsequent proposals formulated by the committee and submitted to and confirmed by the Minister in like manner as the original proposals; and references in this Part of this Act to proposals under this section that have been confirmed shall be construed as references to such proposals as they have effect having regard to any subsequent variation or revocation of them.

Grant of new licences and removals in new towns.

71.—(1) Where application is made for the grant of a new justices' licence for premises in a new town, being premises situated in a place specified in that behalf by proposals under the last preceding section that have been confirmed, or for an ordinary or special removal of a justices' licence to such premises, then, if the effect of the grant would be that the premises would be licensed in accordance with the proposals and if the licensing justices are satisfied that—

(*a*) the premises are fit and convenient for the purpose,

(*b*) the applicant is not disqualified by this or any other Act for holding a justices' licence and is in all other respects a fit and proper person to hold a justices' licence, and

(*c*) effect has been or will be given to any supplementary provisions contained in the proposals,

the justices shall grant the application:

Provided that this subsection shall not limit the powers and duties of licensing justices to impose conditions on the grant of a new justices' licence.

(2) Where an application such as is mentioned in the preceding subsection is for the provisional grant of a new licence or of the ordinary removal of a licence, paragraph (*a*) of that subsection shall have effect as if the reference to the premises were a reference to them as they would be if constructed in accordance with the plans submitted to the justices.

(3) The grant of a new justices' licence on an application made as mentioned in subsection (1) of this section, and an order for the ordinary removal of a justices' licence made on such an application, shall not require confirmation by the confirming authority.

(4) It shall not be lawful for a new justices' on-licence to be granted for any premises in a new town, not being on-licensed premises, or for a new justices' off-licence to be granted for any premises in a new town, not being licensed premises, or for a justices' on-licence to be removed to any premises in a new town, not being on-licensed premises, or for a justices' off-licence to be removed to any premises in a new town, not being licensed premises, unless—

(*a*) the premises are situated in a place specified in that behalf by proposals under the last preceding section that have been confirmed, and

(*b*) the effect of the grant or removal would be that the premises would be licensed in accordance with the proposals, and

(*c*) the licensing justices are satisfied that effect has been or will be given to any supplementary provisions contained in the proposals.

(5) It shall not be lawful for a new justices' licence to be granted for, or for a justices' licence to be removed to, any on-licensed premises in a new town, or for a new justices' off-licence to be granted for, or for a justices' off-licence to be removed to, any licensed premises in a new town, unless, in either case, the committee constituted under section sixty-eight of this Act for the new town notify the licensing justices that they have no objection to the grant of the new licence or removal:

Provided that this subsection shall not restrict the grant of a justices' licence for, or the removal of a justices' licence to, such premises as aforesaid unless the effect thereof would be to add to the descriptions of intoxicating liquor authorised to be sold in the premises or to abolish a limitation that intoxicating liquor should only be sold for consumption with a meal in a restaurant.

(6) The grant of a new justices' licence, or of the ordinary removal of a justices' licence, made by virtue of a notification from the committee under the last preceding subsection shall not require confirmation by the confirming authority.

(7) In this section the expression " on-licensed premises " means premises for which a justices' on-licence has been granted and is in force ; and for the purposes of this subsection and of the definition of the expression " licensed premises " in this Act so far as it applies for the purposes of this section, a justices' licence shall not be treated as not being in force by reason only that the grant or removal of the licence was provisional and has not been declared final.

PART III —*cont.*

(8) Where the Secretary of State certifies that the situation of any premises in a new town was approved by him, in consultation with the development corporation for the new town, before the thirtieth day of October nineteen hundred and fifty-two, the premises shall be treated for the purposes of this section as premises situated in a place specified in that behalf by proposals under the last preceding section that have been confirmed and that specify as the way in which the premises are to be licensed such way as may be specified by the Secretary of State; and if the Secretary of State further certifies that the plans of the premises were approved as aforesaid, subsection (1) of this section shall apply to the premises with the omission of paragraph (*a*), and subsection (2) of this section shall accordingly not apply.

(9) Any application made under subsection (1) of this section may be made and dealt with at a general annual licensing meeting or at transfer sessions; and the grant in pursuance of such an application of a new justices' licence or the ordinary removal of a justices' licence shall take effect from the date of the grant.

Temporary licensed premises.

72.—(1) Proposals under section seventy of this Act may include provision whereby during such period as may be specified in the proposals (in this section referred to as "the interim period") the next following subsection shall apply to any place specified in the proposals for the situation of licensed premises.

(2) While by virtue of proposals under section seventy of this Act that have been confirmed this subsection applies to any place, premises situated at that place shall not be treated for the purposes of Part I of this Act as not being structurally adapted to the class of licence required by reason only of the materials of which the premises are constructed or to be constructed or of the fact that the premises were constructed or have been used for other purposes; but—

(*a*) nothing in this subsection shall require justices to grant an application for a new justices' licence for, or for a removal of a justices' licence to, premises situated at the said place if in their opinion the premises are not proper to be used for the purpose;

(*b*) where the justices grant an application for a new licence or removal by virtue of this subsection they shall certify that they have so granted the application; and the licence shall on the expiration of the interim period become void unless previously removed, otherwise than by virtue of this subsection, to other premises at the same place or removed to premises at a different place.

PART III —*cont.*

(3) Where proposals under section seventy of this Act include such provision as is authorised by subsection (1) of this section, proposals of the committee for other places at which licensed premises should be established may include provision whereby the proposals shall not have effect until the expiration of the interim period or such earlier date as the committee may from time to time determine.

Membership of committee not to disqualify licensing justice.

73. A person shall not be disqualified for acting as a licensing justice in relation to any matter by reason only that, as a member of a committee constituted under section sixty-eight of this Act or (before the thirtieth day of October nineteen hundred and fifty-two) as a member of a local advisory committee constituted under section one of the Licensing Act, 1949, he was concerned with the matter in question.

Dissolution of development corporation.

74.—(1) On the coming into operation of an order under subsection (1) of section fifteen of the New Towns Act, 1946, providing for the winding-up and dissolution of the development corporation for any new town,—

(*a*) if under section sixty-eight of this Act a committee were constituted for that new town only, the committee shall cease to exist;

(*b*) if under the said section sixty-eight a committee were constituted for that and another new town, the committee shall cease to exercise their functions as respects the first-mentioned new town, and thereafter this section shall apply as if under section sixty-eight of this Act the committee had been constituted for the said other new town only, and the Secretary of State shall vary any order made by him under the said section sixty-eight in such manner as appears to him requisite in consequence of the coming into operation of the said order providing for the winding-up and dissolution of the development corporation;

(*c*) section seventy-one of this Act shall cease to apply to the first-mentioned new town but without prejudice to the operation of subsections (1) to (3) and (9) thereof as respects any application made before the date on which the order providing for the dissolution of the development corporation came into operation or made at the transfer sessions next held after that date.

(2) Paragraph (*c*) of the preceding subsection shall have effect as if the general annual licensing meeting were a transfer sessions.

PART III —*cont.*

Meaning of "new town". Revocation of order designating proposed new town. Variation of order.

75.—(1) In this Part of this Act the expression "new town" means an area designated as the site of a proposed new town under section one of the New Towns Act, 1946, by an order that has become operative:

Provided that—

(*a*) if an order designating the site of a proposed new town is revoked, the last preceding section shall with the necessary modifications apply as if at the time of the revocation of that order an order had come into operation under subsection (1) of section fifteen of the New Towns Act, 1946, providing for the winding up and dissolution of the development corporation;

(*b*) where, by reason of the variation of an order, land ceases to be comprised in such a site, the variation shall not affect the operation of subsections (1) to (3) and (9) of section seventy-one of this Act as respects an application made before the variation took effect or at the next transfer sessions held thereafter, but except as aforesaid land excluded from such a site by the variation of an order shall be treated for the purposes of sections sixty-eight to seventy-four of this Act and the Eighth Schedule to this Act as if not comprised in a new town.

(2) Paragraph (*b*) of the preceding subsection shall have effect as if the general annual licensing meeting were a transfer sessions.

PART IV

THE CARLISLE DISTRICT

Powers of Secretary of State in relation to Carlisle district.

76.—(1) This section shall have effect for declaring the powers exercisable by the Secretary of State for the purposes of state management of the liquor trade in the district specified in Part I of the Ninth Schedule to this Act (in this Part of this Act referred to as "the Carlisle district").

(2) The Secretary of State may in the Carlisle district sell intoxicating liquor for consumption either on or off the premises where it is sold, and may carry on any of the activities specified in Part II of the Ninth Schedule to this Act in accordance with the provisions of that Part; and the provisions of Part III of that Schedule shall apply to the carrying on by him of those activities:

Provided that nothing in this subsection or the said Part II shall authorise the Secretary of State, at any premises where he

carries on a business of selling intoxicating liquor for consumption off the premises only, to carry on any other business except the sale of mineral waters or other non-intoxicating drinks for consumption off the premises, tobacco or matches.

(3) The local advisory committee appointed under any scheme for the Carlisle district, having effect immediately before the commencement of this Act under section one of the Licensing Act, 1949, shall assist the Secretary of State in the exercise of his functions relating to the district; and the provisions of the scheme having effect immediately before the commencement of this Act shall, notwithstanding the repeal by this Act of the said section, continue to have effect subject to any provision in the scheme for its variation or duration, and subject to any provision in the scheme for the making of a new scheme to take effect on the expiry of the previous scheme.

(4) The Secretary of State shall cause such accounts to be kept in relation to the Carlisle district as the Treasury may direct, and shall cause an annual report to be presented to Parliament about his procedure in connection with the management of the liquor trade in that district.

Restriction of sale and supply, otherwise than by Secretary of State, of intoxicating liquor in Carlisle district.

77.—(1) No person, other than a person acting on behalf of the Secretary of State, shall sell intoxicating liquor by retail in the Carlisle district; and no person, other than a person acting on behalf of the Secretary of State, shall supply intoxicating liquor in any licensed premises or in the premises of any registered club in the district:

Provided that this subsection shall not apply—

(*a*) to anything done in premises that were licensed premises or premises of a registered club when state management came into operation in the district and have continued to be licensed premises or premises of a registered club, as the case may be, since that time;

(*b*) to anything done under the written authority of the Secretary of State and in accordance with such terms and conditions as he may specify;

(*c*) to anything done in premises of a class specified by order of the Secretary of State.

(2) If any person contravenes the preceding subsection he shall be liable to a fine not exceeding thirty pounds.

(3) In this section the expression "licensed premises" does not include premises where the Secretary of State carries on a business of selling liquor by retail in the exercise of powers conferred on him by this Part of this Act.

PART IV —*cont.*

Acquisition of land.

78.—(1) For the purposes of his functions under this Part of this Act the Secretary of State may—

(*a*) by agreement purchase or take on lease any land whether in the Carlisle district or elsewhere;

(*b*) subject to the provisions of this section, acquire by compulsory purchase any licensed premises in the Carlisle district and any land in the Carlisle district required for the erection or extension of, or otherwise for use in connection with, any premises in that district in which the sale of intoxicating liquor by retail is, or is to be, carried on on behalf of the Secretary of State:

Provided that before acquiring any land in a new town, whether by agreement or compulsorily, the Secretary of State shall consult with the development corporation.

(2) After the service of a notice to treat for the compulsory acquisition under this Part of this Act of licensed premises in the Carlisle district, the licence shall not be removable under section twenty-four of this Act.

(3) For the purposes of the preceding provisions of this section a licence shall be treated as being in force notwithstanding that it may be in suspense by virtue of section eighty-three of this Act; and references in those provisions to licensed premises shall be construed accordingly, and as including the site of licensed premises.

(4) The powers of compulsory purchase conferred on the Secretary of State by subsection (1) of this section shall be exercisable for the purchase of any particular land on his being authorised to purchase the land in accordance with the provisions of the Acquisition of Land (Authorisation Procedure) Act, 1946; and that Act shall apply accordingly as if paragraph (*b*) of subsection (1) of section one thereof (which refers to the compulsory purchase of land by the Minister of Transport under certain enactments) included a reference to any compulsory purchase by the Secretary of State under this section.

(5) The power of compulsory purchase conferred by paragraph (*b*) of subsection (1) of this section shall not extend to the purchase of any interest in land, being an interest belonging to a development corporation; but nothing in this subsection or in subsection (2) of section two or in section five of the New Towns Act, 1946 (which relate to the powers of a development corporation to dispose of land), shall be taken to limit the power of such a corporation with any consent of the Minister requisite under the said section five, to dispose under that section of any such interest on a purchase by agreement under paragraph (*a*) of subsection (1) of this section or to limit the power of the Minister to give any such consent.

PART IV —*cont.*

(6) So much of section two of the Ordnance Board Transfer Act, 1855, as provides that, where a Secretary of State ceases to hold office, the land mentioned in that section shall by virtue of that Act be transferred to and vested in his successor as therein provided shall apply to the Secretary of State in relation to land vested in him for the purposes of his functions under this Part of this Act.

(7) Any officer of the Valuation Office of the Inland Revenue Department, or any other person if authorised by the Secretary of State, may at any reasonable time enter upon land for the purpose of surveying it in connection with any proposal for the compulsory purchase of the land, or any adjacent land, under this section; and any person who wilfully obstructs a person acting in the exercise of a right of entry conferred under this section shall be liable, on a first conviction to a fine not exceeding five pounds, and on a subsequent conviction to a fine not exceeding twenty pounds:

Provided that a person proposing to exercise a power of entry conferred under this section—

(*a*) shall, if required to do so, produce some duly authenticated document showing his authority;

(*b*) shall not demand admission as of right to any land that is occupied unless twenty-four hours' notice of the intended entry has been given to the occupier.

Provision of alternative accommodation where licensed premises acquired.

79.—(1) The Secretary of State shall so far as is practicable secure that a resident tenant or manager of licensed premises acquired by the Secretary of State under the last preceding section shall have the opportunity, if the business previously carried on in the premises is continued by the Secretary of State, of being employed in carrying it on on terms not less favourable than those appropriate to a manager employed in a business such as was carried on in the premises before their acquisition.

(2) In this section the expression "resident tenant or manager" in relation to premises acquired by the Secretary of State as aforesaid means a person who immediately before the acquisition was residing in the premises and was either the holder or one of joint holders of the justices' licence for the premises or was employed as manager of the premises by the holder of the licence.

Licences in suspense in Carlisle district.

80.—(1) Where a justices' licence is in suspense under this Act, and the premises for which it was last in force for all purposes are, or the site of those premises is, in the Carlisle district, the Secretary of State on the application of the holder of the licence shall direct that as from the date

PART IV —*cont.*

of the direction, or such later date as may be agreed between the Secretary of State and the holder of the licence, the licence shall be extinguished:

Provided that, where the licence is in suspense by virtue of section eighty-three of this Act, this subsection shall not have effect if—

(*a*) a notice to treat has been served for the compulsory acquisition under section seventy-eight of this Act of any interest in the premises or site, or

(*b*) such an interest has been acquired under that section by agreement.

(2) The Secretary of State shall pay to the holder of a licence extinguished under this section such compensation for the extinguishment as may be agreed or, in default of agreement, as the Lands Tribunal may determine.

(3) For the purposes of any reference to the Lands Tribunal under the last preceding subsection, section five of the Acquisition of Land (Assessment of Compensation) Act, 1919 (which relates to costs), shall have effect with the substitution for the references to the acquiring authority of references to the Secretary of State.

(4) Compensation under this section shall be determined without regard to the fact that by reason of section seventy-seven of this Act the revival or removal of the licence would or might be prevented.

Expenses and receipts of Secretary of State.

81. Expenditure of the Secretary of State under this Part of this Act shall be defrayed out of moneys provided by Parliament; and receipts of the Secretary of State in the exercise of his functions under this Part of this Act shall be paid into the Exchequer.

Interpretation.

82.—(1) In this Part of this Act—

"development corporation" has the same meaning as in the New Towns Act, 1946;

"new town" means an area designated as the site of a proposed new town under section one of the New Towns Act, 1946, by an order that has become operative, but does not include any such area after the development corporation established for the area has been dissolved.

(2) Any power of the Secretary of State under this Part of this Act to make an order includes power to revoke or vary an order so made by a subsequent order.

PART V

SUSPENSION OF LICENCES BY REASON OF WAR CIRCUMSTANCES

Suspension of licence where business discontinued owing to war circumstances.

83.—(1) Where the Commissioners are satisfied, on application made to them for a certificate under this subsection, that a business for the purposes of which or in connection with which a justices' licence was granted has been temporarily discontinued by reason of war circumstances, they shall certify accordingly, and shall state in the certificate whether or not those circumstances include the destruction of the premises or serious damage to them.

(2) As from the date of a certificate under the preceding subsection, the justices' licence for the premises shall be in suspense by virtue of this section until it is again in force for all purposes by virtue of this Part of this Act, or until it is extinguished by virtue of this Part of this Act, or by virtue of subsection (2) of section sixty or section eighty of this Act.

(3) While a justices' licence is in suspense by virtue of this section—

(*a*) it may be transferred or removed in accordance with the provisions in that behalf of Parts I and II of this Act;

(*b*) it may be extinguished under subsection (2) of section sixty or section eighty of this Act;

but, except so far as is requisite for giving effect to those provisions and the other provisions of this Part of this Act, and except as provided by subsection (3) of section seventy-eight of this Act, it shall not be in force for any purpose.

(4) Where a certificate given under subsection (1) of this section states that the war circumstances include the destruction of the premises or serious damage to them, then the provisions of Part I of this Act for avoiding a justices' licence by reason of disqualification of premises—

(*a*) shall be deemed not to have avoided the licence during the period beginning with the discontinuance and ending with the granting of the certificate, and

(*b*) shall not apply to the licence during the suspension of the licence by virtue of subsection (2) of this section.

(5) Where a certificate given under subsection (1) of this section does not state that the war circumstances include the destruction of the premises or serious damage to them, then, if the holder of the licence satisfies the Commissioners that since the discontinuance of the business the premises have been affected by war circumstances consisting of the destruction of them or serious damage to them, the Commissioners shall certify accordingly.

PART V —*cont.*

(6) Where a certificate is given under the last preceding subsection, the provisions of Part I of this Act for avoiding a justices' licence by reason of disqualification of the premises—

(*a*) shall be deemed not to have avoided the licence during the period beginning with the destruction or damage and ending with the granting of the certificate, and

(*b*) shall not apply to the licence during the remaining period, if any, of the suspension.

(7) Where before the grant of a certificate under subsection (1) or subsection (5) of this section an event has occurred which has, or, if a certificate had been granted under the said subsection (1), would have, brought the suspension to an end, nothing in this section shall cause the licence to be in suspense after that event, and nothing in this section excluding the avoidance of the licence by reason of the disqualification of the premises shall have effect in relation to any period after that event.

(8) For the purposes of this Part of this Act—

(*a*) "war circumstances" means circumstances directly or indirectly attributable to any war in which Her Majesty may be or has been engaged;

(*b*) the destruction of premises or serious damage to them, though not caused by enemy action or other causes arising from war, shall be deemed in relation to a business carried on in those premises to be war circumstances if the execution of works necessary to enable the business to be carried on is prevented by war circumstances.

Restoration to full force of licence in suspense.

84.—(1) Subject to the provisions of the next following subsection, where the holder of a justices' licence for the time being in suspense by virtue of the last preceding section wishes to resume the business carried on in the premises for which the licence was granted, he may give notice in writing to that effect to the clerk to the licensing justices; and from the time of his giving the notice the licence shall be in force for all purposes.

(2) Where the licence is an on-licence and a certificate granted under the last preceding section states that the war circumstances include destruction of the premises or serious damage to them, then, unless plans of such works as are reasonably necessary to secure the proper conduct of the business have been submitted to the licensing justices and approved by them, and the justices have signified their satisfaction that the works have been executed in accordance with those plans, a notice under the last preceding subsection shall have no effect.

PART V —*cont.*

(3) Where a removal of a justices' licence for the time being in suspense by virtue of the last preceding section is granted, the licence shall be in force for all purposes from the time of the grant of the removal.

(4) A justices' licence in force for all purposes after being in suspense by virtue of the last preceding section shall, unless previously forfeited or becoming void under this Act, be in force until the fifth day of April next following the first day of the general annual licensing meeting after the time when it ceased to be in suspense, or, if the licence was granted for a term other than twelve months, next following the expiration of a period beginning on the last day of that term equal to the period of its suspension, and no longer:

Provided that, where the regrant of a licence granted for a term other than twelve months is made before the said fifth day of April and application is made to the confirming authority for confirmation of the regrant in the same year, this subsection shall have effect as if for the reference to the said fifth day of April there were substituted a reference to the day on which confirmation of the regrant is granted or refused.

Extinguishment of licences in suspense when suspension no longer justified.

85.—(1) Where a justices' licence is in suspense by virtue of section eighty-three of this Act and the licensing justices are satisfied that there are no longer any war circumstances that justify its continuing to be in suspense, they may order it to be extinguished at the expiration of such period as may be specified in the order unless it is again in force for all purposes by virtue of the last preceding section before the expiration of that period.

(2) If Her Majesty by Order in Council declares that there are in general no longer any war circumstances that justify justices' licences continuing to be in suspense, every justices' licence in suspense by virtue of section eighty-three of this Act at the date of the Order shall be extinguished at the expiration of such period as may be specified in the Order unless it is again in force for all purposes by virtue of the last preceding section before the expiration of that period.

(3) Licensing justices may, on application made to them in that behalf, extend the period specified in an order made under subsection (1) of this section, or, in relation to a particular licence, the period specified in an Order in Council made under the last preceding subsection.

Extinguishment of licence in suspense on grounds of conduct or fitness.

86. Where at any general annual licensing meeting objection is made to the continuance of a justices' licence that is for the time being in suspense by virtue of section eighty-three of this Act on grounds relating to the conduct of the holder of the licence or his fitness to hold it, and the licensing justices would have had jurisdiction, if the licence had been in force for

PART V —*cont.*

all purposes and the licence holder had applied at that meeting for the renewal of the licence, to refuse renewal, and would have refused it, on those grounds, they may order the licence to be extinguished:

Provided that, notwithstanding the making of such an order, the justices may grant a transfer of the licence on an application made at the same general annual licensing meeting or at the first transfer sessions thereafter; and if a transfer of the licence is so granted the order for extinguishment shall not have effect.

Extinguishment of licence in suspense on reference to compensation authority.

87.—(1) Subject to subsection (3) of section sixty of this Act, where licensing justices are of opinion, with reference to an old on-licence that is in suspense by virtue of section eighty-three of this Act at the time of their general annual licensing meeting, that, if the licence had then been in force for all purposes and an application for its renewal had been made at that meeting, the question of renewal would have required consideration on grounds other than those on which they could have refused it, they shall refer to the compensation authority the question of the extinguishment of the licence together with their report thereon.

(2) The compensation authority shall consider any report made to them under this section, and may extinguish the licence subject to the payment of the like compensation as would have been payable under Part I of this Act if they had refused an application for the renewal of the licence:

Provided that they shall not extinguish the licence without giving—

(*a*) the persons interested in the licensed premises, and

(*b*) unless it appears to the compensation authority unnecessary, any other persons appearing to them to be interested, including the licensing justices,

an opportunity of being heard.

(3) Section seventeen, subsection (6) of section eighteen and section forty-nine of this Act shall apply with the requisite modifications to the extinguishment of old on-licences under this section as they apply to the refusal of the renewal of such licences by the compensation authority.

Discontinuance of business taking place during proceedings for renewal.

88.—(1) If the discontinuance of business occasioning the suspension of a justices' licence by virtue of section eighty-three of this Act occurs on or after the first day of a general annual licensing meeting and before the fifth day of April next following and—

(*a*) in proceedings taken in relation to any objection to the renewal of the licence made at that meeting on grounds relating to the conduct of the holder of the licence or his fitness to hold it, or

PART V —*cont.*

(*b*) in proceedings taken in relation to any reference to the compensation authority of the question of the renewal of the licence at that meeting,

the renewal of the licence is refused, the licence shall be extinguished, but without prejudice to the payment of compensation by the compensation authority under section seventeen of this Act.

(2) A justices' licence subsisting by virtue of a provisional renewal pending a reference to the compensation authority and becoming a licence in suspense by virtue of section eighty-three of this Act shall be extinguished upon a refusal of the renewal by the compensation authority.

Transfer of licence in suspense.

89.—(1) Where—

(*a*) the holder of a justices' licence wilfully omits or neglects to take steps requisite for preventing its extinguishment under subsection (1) or (2) of section eighty-five of this Act,

(*b*) an order is made under section eighty-six of this Act in relation to a justices' licence, or the renewal of a justices' licence is refused in such circumstances as are mentioned in section eighty-eight of this Act on grounds relating to the conduct of the holder of the licence or his fitness to hold it,

(*c*) a justices' licence is forfeited, or the holder of a justices' licence is disqualified, while the licence is in suspense by virtue of section eighty-three of this Act, in circumstances in which a protection order could have been granted under subsection (3) of section twenty-three of this Act if the business had not been discontinued, or

(*d*) the holder of a justices' licence or his representative gives up occupation of the licenced premises while the licence is in suspense by virtue of section eighty-three of this Act,

the licensing justices may grant an application to transfer the licence to the owner of the licenced premises or a person applying on his behalf.

(2) The provisions of this section shall have effect in addition to the provisions for the transfer of justices' licences contained in Part I of this Act.

Appeal to quarter sessions from licensing justices.

90. Sections thirty-five to thirty-seven of this Act shall apply with the requisite modifications to a refusal of licensing justices to approve plans submitted to them for the purposes of subsection (2) of section eighty-four of this Act, or to signify their

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satisfaction under that subsection, to the making of an order under subsection (1) of section eighty-five of this Act, to the refusal of licensing justices to grant an application under subsection (3) of that section, and to the making of any order under section eighty-six of this Act.

Supplemental.

91.—(1) Any power exercisable by licensing justices under subsection (2) of section eighty-four or subsection (1) or subsection (3) of section eighty-five of this Act may be exercised at their general annual licensing meeting or at a transfer sessions.

(2) The Secretary of State may make such rules, prescribe such forms and generally do such things as he thinks expedient for regulating the practice under the preceding provisions of this Part of this Act, including the service of documents; and, without prejudice to the generality of this subsection, the rules may provide for the payment in respect of such matters as the rules may specify of such fees as the rules may prescribe.

PART VI

SUSPENSION OF LICENCES BY REASON OF COMPULSORY ACQUISITION ETC.

Suspension of justices' licence where licensed premises are compulsorily acquired or temporary premises cease to be available.

92.—(1) Where the Commissioners are satisfied on an application made to them for a certificate under this subsection—

(*a*) that a business is temporarily discontinued by reason of the compulsory acquisition, or the proposed compulsory acquisition, of licensed premises in which the business was carried on other than compulsory acquisition or proposed compulsory acquisition by the Secretary of State under section seventy-eight of this Act, and

(*b*) that the removal of the licence to other premises, not being temporary premises, reasonably satisfactory to the person by whom the business was carried on would be prevented by the restriction on removals imposed by subsection (1) of section fifty-eight of this Act, or by its being otherwise impracticable to provide such other premises as aforesaid,

they shall certify accordingly.

(2) As from the date of a certificate under the preceding subsection, the justices' licence granted for the premises which was in force immediately before the discontinuance shall be in suspense by virtue of this section until it is again in force for all purposes by virtue of this Part of this Act or until it is extinguished by virtue of this Part of this Act, or by virtue of subsection (2) of section sixty or section eighty of this Act.

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(3) Where a licence granted for any premises is in suspense by virtue of section eighty-three of this Act, and the Commissioners are satisfied, on an application to them for a certificate under this subsection—

(*a*) that the premises have been compulsorily acquired otherwise than by the Secretary of State under section seventy-eight of this Act, or that it is proposed that they shall be compulsorily acquired otherwise than as aforesaid; and

(*b*) that the removal of the licence as mentioned in paragraph (*b*) of subsection (1) of this section would be prevented as mentioned in that paragraph,

they shall certify accordingly.

(4) As from the date of a certificate under the last preceding subsection the licence shall be in suspense by virtue of this section until it is again in force for all purposes or extinguished by virtue of the provisions of this Part of this Act or by virtue of subsection (2) of section sixty or section eighty of this Act, and shall not as from that date be in suspense by virtue of the said section eighty-three.

(5) While a justices' licence is in suspense by virtue of this section—

(*a*) it may be transferred or removed in accordance with the provisions in that behalf of Parts I and II of this Act;

(*b*) it may be extinguished under subsection (2) of section sixty or section eighty of this Act;

but, except so far as is requisite for giving effect to those provisions and the other provisions of this Part of this Act, it shall not be in force for any purpose.

(6) Where the Commissioners are satisfied on an application made to them for a certificate under this subsection that a business carried on in licensed premises, being temporary premises, has been temporarily discontinued on account of those premises ceasing to be available or on account of the period specified in the certificate of the licensing planning committee under section sixty-one of this Act, relating to the premises, and any extension of that period under subsection (3) of that section, having expired, and are also satisfied of the matters mentioned in paragraph (*b*) of subsection (1) of this section, they shall certify accordingly; and subsection (2) of this section shall apply as if the certificate had been granted under subsection (1) of this section, and subsection (5) of this section shall have effect accordingly.

(7) Where the Commissioners have granted a certificate under the last preceding subsection, the provisions of subsection (3)

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of section sixty-one of this Act avoiding a licence on the expiration of such periods as are mentioned in that subsection—

(*a*) shall, if the relevant period expired before the granting of the certificate, be deemed not to have avoided the licence, and

(*b*) shall not avoid the licence during the period of its suspension.

(8) In this Part of this Act—

(*a*) references to compulsory acquisition of premises include references to acquisition by agreement by an authority or persons, and for a purpose, such that the authority or persons could be authorised to acquire the premises compulsorily, and to the taking possession of premises by a local authority by virtue of a lease or authorisation under the War Damaged Sites Act, 1949;

(*b*) references to premises include references to the site of premises; and references to a licence granted for premises in any district or area include references to a licence granted for premises the site of which is in that district or area.

Removal of licence in suspense.

93. The provisions of Parts I and II of this Act about the removal of licences shall apply to a licence in suspense by virtue of the last preceding section notwithstanding the compulsory acquisition of the premises for which the licence was granted or their ceasing to be available or anything done on the premises after the acquisition or their ceasing to be available; and references in Part I of this Act to the premises for which a licence was granted or from which a licence is to be removed shall be construed accordingly.

Restoration to full force of licence in suspense.

94.—(1) Where a licence is in suspense by virtue of section ninety-two of this Act and it is proposed to resume on the same site the business formerly carried on in the premises for which the licence was granted, the holder of the licence may apply to the licensing justices for the district in which the premises are situated for their approval of his fitness to hold the licence and, if the justices approve his fitness, he may give notice in writing to the clerk to the licensing justices of his proposal to resume the business; and from the time of his giving the notice the licence shall be in force for all purposes.

(2) Where a notice under this section relates to an on-licence, then, unless plans of such works as are reasonably necessary to secure the proper conduct of the business have been submitted to the licensing justices and approved by them, and the justices have signified their satisfaction that the works have been executed in accordance with those plans, the notice shall have no effect.

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(3) On the grant of a removal of a justices' licence in suspense by virtue of section ninety-two of this Act the licence shall be in force for all purposes.

(4) A justices' licence in force for all purposes after being in suspense by virtue of section ninety-two of this Act shall, unless previously forfeited or becoming void under this Act, be in force until the fifth day of April next following the first day of the general annual licensing meeting after the time when it ceased to be in suspense, or, if the licence was granted for a term other than twelve months, next following the expiration of a period beginning on the last day of that term equal to the period of its suspension, and no longer:

Provided that, where the regrant of a licence granted for a term other than twelve months is made before the said fifth day of April and application is made to the confirming authority for confirmation of the regrant in the same year, this subsection shall have effect as if for the reference for the said fifth day of April there were substituted a reference to the day on which confirmation of the regrant is granted or refused.

(5) Where a justices' licence has been in suspense by virtue of both section eighty-three and section ninety-two of this Act references in the last preceding subsection to the period of suspension shall be construed as references to the aggregate period of suspension under both those sections.

Extinguishment of licences in suspense when suspension no longer justified.

95.—(1) Where a justices' licence is in suspense by virtue of section ninety-two of this Act and the licensing justices are satisfied—

(*a*) that removal of the licence as mentioned in paragraph (*b*) of subsection (1) of that section would no longer be prevented as mentioned in that paragraph, or

(*b*) if it is proposed to resume the business in question on the same site, that it would be reasonably practicable to carry out any such works as are mentioned in subsection (2) of the last preceding section,

they may order the licence to be extinguished at the expiration of such period as may be specified in the order unless it is again in force for all purposes before the expiration of that period.

(2) If Her Majesty by Order in Council declares that the removal of licences as mentioned in paragraph (*b*) of subsection (1) of section ninety-two of this Act is in general no longer prevented as mentioned in that paragraph, every justices' licence in suspense by virtue of that section at the date of the

PART VI —*cont.*

Order shall be extinguished at the expiration of such period as may be specified in the Order unless it is again in force for all purposes before the expiration of that period.

(3) Licensing justices may on application made to them in that behalf extend the period specified in an order made under subsection (1) of this section or, in relation to a particular licence, the period specified in an Order in Council made under the last preceding subsection.

Extinguishment of licence in suspense.

96. Sections eighty-seven and eighty-eight of this Act shall apply to a licence in suspense by virtue of section ninety-two of this Act as they apply to a licence in suspense by virtue of section eighty-three of this Act.

Transfer of licence in suspense.

97.—(1) If while a justices' licence for any premises is in suspense by virtue of section ninety-two of this Act the licensing justices for the district in which the premises are situated are satisfied that any person other than the holder of the licence has an interest in the licence, or that the holder of the licence has no interest in it, they shall, on application by any person appearing to them to have such an interest, transfer the licence to the person or persons appearing to them to have such an interest.

(2) The provisions of this section shall have effect in addition to the provisions for the transfer of justices' licences contained in Part I of this Act.

Appeal to quarter sessions from licensing justices.

98. Sections thirty-five to thirty-seven of this Act shall apply with the requisite modifications to a refusal of licensing justices under subsection (1) of section ninety-four of this Act to approve the fitness of a holder of a licence, to approve the plans submitted to them for the purposes of subsection (2) of that section, or to signify their satisfaction under that subsection, to the making of an order under subsection (1) of section ninety-five of this Act and to the refusal of licensing justices to grant an application under subsection (3) of that section.

Supplemental.

99.—(1) Any power exercisable by licensing justices under section ninety-four or subsection (1) or (3) of section ninety-five of this Act may be exercised at their general annual licensing meeting or at a transfer sessions.

(2) The Secretary of State may make such rules, prescribe such forms and generally do such things as he thinks expedient for regulating the practice under the preceding provisions of this Part of this Act, including the service of documents; and, without prejudice to the generality of this subsection, the rules may provide for the payment in respect of such matters as the rules may specify of such fees as the rules may prescribe.

PART VII

THE PERMITTED HOURS

General provisions

Prohibition of sale and consumption of liquor except during permitted hours.

100.—(1) Subject to the provisions of this Act, no person shall, except during the permitted hours—

(*a*) himself, or by his servant or agent, sell or supply to any person in any licensed premises or the premises of a registered club any intoxicating liquor to be consumed either on or off the premises, or

(*b*) consume in, or take from, any such premises any intoxicating liquor.

(2) Nothing in the preceding subsection shall prohibit or restrict—

(*a*) the sale or supply to, or consumption by, any person of intoxicating liquor in any premises where he is residing,

(*b*) the ordering of intoxicating liquor to be consumed off the premises, or the dispatch by the vendor of liquor so ordered,

(*c*) the supply of intoxicating liquor for consumption on licensed premises to any private friends of the holder of the licence *bona fide* entertained by him at his own expense, or the consumption of intoxicating liquor by persons so supplied,

(*d*) the consumption of intoxicating liquor at a meal by any person at any time within half an hour after the conclusion of the permitted hours in the afternoon or evening as the case may be if the liquor was supplied during the permitted hours and served at the same time as the meal and for consumption at the meal,

(*e*) the sale of intoxicating liquor to a trader for the purposes of his trade, or to a registered club for the purposes of the club, or

(*f*) the sale or supply of intoxicating liquor to any canteen or mess.

(3) If any person contravenes this section he shall be liable to a fine not exceeding thirty pounds.

Permitted hours in licensed premises on weekdays.

101.—(1) The permitted hours in licensed premises in a licensing district on weekdays shall be such as may be fixed by order of the licensing justices for the district; and, if the licensing justices fix no permitted hours, they shall be the period between half past eleven in the morning and three in the afternoon, and between half past five and ten in the evening.

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(2) The permitted hours fixed by licensing justices under this section shall be eight, beginning not earlier than eleven in the morning and ending not later than ten in the evening; and there shall be a break of at least two hours in the afternoon:

Provided that licensing justices, if satisfied that the special requirements of the district make it desirable, may make one or both of the following orders, that is to say—

(*a*) that the permitted hours in the district shall be eight and a half and shall end not later than half past ten in the evening;

(*b*) that the permitted hours shall begin at an hour specified in the order earlier than eleven but not earlier than nine in the morning.

(3) Licensing justices may make such an order as is mentioned in paragraph (*a*) of the proviso to the last preceding subsection to take effect for part of the year only, being a consecutive period of not less than eight weeks.

Permitted hours in licensed premises on Sundays, Christmas Day and Good Friday.

102.—(1) The permitted hours in licensed premises in a licensing district on Sundays, Christmas Day and Good Friday shall be such as may be fixed by order of the licensing justices for the district and, if the licensing justices fix no permitted hours, they shall be the period between half past twelve and half past two in the afternoon, and between seven and ten in the evening.

(2) The permitted hours fixed by licensing justices under this section shall be five, of which not more than two shall be between noon and three in the afternoon and not more than three between six and ten in the evening, and none shall be outside those periods.

Permitted hours in clubs.

103.—(1) The permitted hours in the premises of a registered club shall be fixed by the rules of the club, and shall, on weekdays, be not more than eight, beginning not earlier than eleven in the morning and ending not later than ten in the evening; and there shall be a break of at least two hours in the afternoon.

(2) If the licensing justices make an order under paragraph (*a*) of the proviso to subsection (2) of section one hundred and one of this Act, subsection (1) of this section shall have effect as if for the word "eight" there were substituted the words "eight and a half" and for the word "ten" there were substituted the words "half past ten".

(3) If the licensing justices make an order under paragraph (*b*) of the said proviso, subsection (1) of this section shall have effect as if the hour specified in the order were substituted for eleven in the morning.

(4) The permitted hours in the premises of a registered club on Sundays, Christmas Day and Good Friday shall be not more than five; and there shall be not more than two between noon and three in the afternoon and not more than three between six and ten in the evening, and none shall be outside those periods.

Extension of permitted hours on weekdays in restaurants, etc.

104.—(1) This section shall apply to licensed premises or the premises of a registered club during the time that—

(*a*) the licensing justices for the district in which the premises are situated are satisfied that the premises are structurally adapted and *bona fide* used, or intended to be used, for the purpose of habitually providing, for the accommodation of persons frequenting the premises, substantial refreshment to which the sale and supply of intoxicating liquor is ancillary, and

(*b*) the holder of the licence or, as the case may be, the secretary of the club applies the section to the premises under subsection (5) of this section.

(2) The permitted hours in any licensed premises to which this section applies shall on weekdays be increased by the addition of one hour at the end of the evening permitted hours fixed by or under section one hundred and one of this Act.

(3) The permitted hours in the premises of any club to which this section applies may, on weekdays, be one hour longer, and end in the evening one hour later, than is allowed by the last preceding section.

(4) During the said hour—

(*a*) intoxicating liquor shall be sold or supplied only for consumption at a meal supplied at the same time in such part of the premises as is usually set apart for the service of meals,

(*b*) no person shall consume or be permitted to consume any intoxicating liquor on the premises except at such a meal, and

(*c*) any bar in the premises shall be closed.

(5) This section shall, subject to the licensing justices' remaining satisfied as mentioned in paragraph (*a*) of subsection (1) of this section, apply to premises from the day that the holder of the licence or, as the case may be, the secretary of the club applies the section to the premises until the day that he terminates the application of the section to the premises.

(6) A day shall be fixed for the purposes of the last preceding subsection by notice to the chief officer of police served not less than fourteen days before the day to be fixed; and the day fixed for the termination of the application of this section shall be the fourth day of April in any year.

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(7) The holder of the justices' licence for premises to which this section applies, or the secretary of the club to whose premises this section applies, shall keep affixed in some conspicuous place in the premises a notice to the effect that the provisions of this section apply to the premises.

(8) If any person contravenes any provision in subsection (4) or subsection (7) of this section he shall be liable to a fine not exceeding thirty pounds.

Permitted hours. Supplemental provisions.

105.—(1) The power of licensing justices under the preceding provisions of this Part of this Act shall be exercised by them at their general licensing meeting in accordance with such procedure as may be prescribed by rules made by the Secretary of State.

(2) The power of licensing justices to make an order under section one hundred and one or section one hundred and two of this Act shall include power to vary an order so made by a subsequent order.

(3) An order made under either of the said sections shall be published in such manner as the Secretary of State may direct.

(4) A document purporting to be an order made by licensing justices under either of the said sections and to be issued by them shall be received in evidence.

General order of exemption.

106.—(1) Where, on application to justices of the peace having jurisdiction for the purposes of this section by the holder of a justices' on-licence for premises situated in the immediate neighbourhood of a public market, or of a place where persons follow a lawful trade or calling, or on application to justices of the peace having jurisdiction for the purposes of this section by the secretary of a registered club whose premises are so situated, the justices are satisfied of the matters specified in the next following subsection, the justices may grant him an order (in this Act called a " general order of exemption ") applying to the licensed premises, in addition to the permitted hours fixed by or under section one hundred and one or one hundred and two of this Act, such other permitted hours as may be specified in the order, not including the hour between one and two o'clock in the morning, or as the case may be adding to the hours that may be fixed by the rules of the club under section one hundred and three of this Act such other hours as may be specified in the order, not including the hour between one and two o'clock in the morning.

(2) Justices shall not grant a general order of exemption unless satisfied, after hearing evidence, that it is desirable to do so for the accommodation of any considerable number of persons attending the public market, or following the trade or calling.

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(3) A general order of exemption may be granted for such days only as the order may specify.

(4) Without prejudice to the next following subsection, a general order of exemption granted to the holder of a justices' licence shall cease to have effect when the person to whom it was granted ceases to hold the licence.

(5) Justices of the peace having jurisdiction for the purposes of this section may revoke or vary a general order of exemption; but, unless it is proved that the person who held or holds the order had notice of the revocation or variation, a person shall not be guilty of an offence under section one hundred of this Act in doing anything that would have been lawful had the revocation or variation not been made.

(6) The holder of a general order of exemption shall keep affixed in a conspicuous position outside the premises a notice in such form as the order shall specify stating the permitted hours under the order, and, if the order is granted for certain days only, which days it is granted for.

(7) If the holder of a general order of exemption fails to comply with the last preceding subsection, he shall be liable to a fine not exceeding five pounds.

(8) If any person not holding a general order of exemption keeps affixed to his premises any notice purporting to be a notice required by subsection (6) of this section, he shall be liable to a fine not exceeding ten pounds.

Special order of exemption.

107. On application to justices of the peace having jurisdiction for the purposes of this section by the holder of a justices' on-licence or by the secretary of a registered club, the justices may grant him an order (in this Act called a "special order of exemption") applying to the licensed premises, on such special occasion or occasions as the order may specify, in addition to the permitted hours fixed by or under section one hundred and one or one hundred and two of this Act, such other permitted hours as the order may specify, or, as the case may be, adding, on such special occasion or occasions as the order may specify, to the hours that may be fixed by the rules of the club under section one hundred and three of this Act such other hours as the order may specify.

Orders of exemption. Jurisdiction of justices.

108. The power to grant, revoke or vary a general order of exemption, or to grant a special order of exemption, shall be exercisable by justices of the peace acting for the petty sessions area in which the premises are situated and by the number of justices, and in the place, required by the Magistrates' Courts Act, 1952, for the hearing of a complaint.

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Six-day licence.

109.—(1) Licensing justices shall, at the request of the person applying for a justices' on-licence, insert in the licence a condition that on Sundays there shall be no permitted hours in the premises for which they grant the licence.

(2) A licence in which such a condition is inserted is in this Act referred to as a " six-day licence ".

(3) If the holder of a six-day licence commits an offence under section one hundred of this Act on Sunday, he shall also be guilty of selling intoxicating liquor without a justices' licence.

Early-closing licence.

110.—(1) Licensing justices shall, at the request of the person applying for a justices' on-licence, insert in the licence a condition that the permitted hours shall end one hour earlier in the evening than the permitted hours fixed by or under sections one hundred and one or one hundred and two of this Act.

(2) A licence in which such a condition is inserted is in this Act referred to as an " early-closing licence ".

Wales and Monmouthshire

Wales and Monmouthshire.

111. There shall be no permitted hours on any Sunday in licensed premises in Wales and Monmouthshire.

The metropolis

Permitted hours in the metropolis.

112.—(1) The permitted hours in the metropolis shall on weekdays be nine and shall end not later than eleven, nor earlier than half past ten, in the evening; and in their application to licensed premises in the metropolis—

(*a*) section one hundred and one of this Act shall have effect as if for the word " ten " in the first place where it occurs there were substituted the word " eleven ", for the word " eight " in the first place where it occurs there were substituted the word " nine " and for the words " not later than ten " there were substituted the words " not later than eleven nor earlier than half past ten " and as if the proviso to subsection (2) and subsection (3) were omitted;

(*b*) section one hundred and three of this Act shall have effect as if in subsection (1) for the word " eight " there were substituted the word " nine " and for the word " ten " there were substituted the word " eleven " and as if subsections (2) and (3) were omitted.

(2) The power under sections one hundred and six and one hundred and seven of this Act to grant a general or special

order of exemption, or to revoke or vary a general order of exemption, shall—

(*a*) if the premises are in the City of London, be exercisable by the Commissioner of Police for the City of London with the approval of the Lord Mayor;

(*b*) if the premises are in the metropolitan police district, be exercisable by the Commissioner of Police of the Metropolis with the approval of the Secretary of State,

instead of by justices of the peace.

Special hours certificates for hotels and restaurants in the metropolis.

113.—(1) If on application made to the licensing justices with respect to licensed premises in any part of the metropolis outside the City of London, being a part specified for the purposes of this section by an order of the Secretary of State, the justices are satisfied—

(*a*) that the premises are an hotel or restaurant to which this section applies,

(*b*) that a music and dancing licence is in force for the premises, and

(*c*) that the whole or any part of the premises is structurally adapted, and *bona fide* used, or intended to be used, for the purpose of providing for persons resorting to the premises music and dancing and substantial refreshment to which the sale of intoxicating liquor is ancillary,

the licensing justices shall grant a certificate under this section (in this Act referred to as a "special hours certificate") for the premises or, if they are satisfied that part only of the premises is adapted or used or intended to be used as mentioned in paragraph (*c*) of this subsection, for that part.

(2) This section applies to hotels and restaurants being—

(*a*) premises for which the excise licence for the time being in force is a licence the duty on which is the reduced duty payable under paragraph 3 of the Fourth Schedule to the Customs and Excise Act, 1952;

(*b*) premises for which the excise licence for the time being in force is granted in pursuance of regulations under paragraph 4 of the said Schedule (which relates to the granting of licences for new hotels and restaurants on the provisional payment of reduced duty);

(*c*) premises structurally adapted and *bona fide* used as mentioned in subparagraph (1) of the said paragraph 3, about which the Secretary of State certifies that he is satisfied that no application under the said paragraph 3 or 4 has been made in respect of the period for which the excise licence for the time being in force was

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granted, but that if such an application had been made such a licence could properly have been granted as is mentioned in paragraph (*a*) or paragraph (*b*) of this subsection.

(3) An application for a certificate under paragraph (*c*) of the last preceding subsection shall be made in such form, and accompanied by such evidence, as may be prescribed.

(4) Where a special hours certificate has been granted for premises, or part of premises, for which the Secretary of State has granted a certificate under the said paragraph (*c*) and has not been revoked, the holder of the justices' licence shall, at such time in each subsequent year as may be prescribed, make a return to the Secretary of State, in such form and accompanied by such evidence as may be prescribed, of the receipts in the preceding year from the sale of intoxicating liquor and of the total receipts in that year from the business of all descriptions carried on by him in the premises; and if—

(*a*) the return is not duly made, or

(*b*) the Secretary of State is not satisfied, by any such return, that the receipts from the sale of intoxicating liquor in the preceding year were less, in the case of a restaurant than three-fifths, and in the case of any other premises than one-half, of the said total receipts,

the Secretary of State may give notice to the holder of the licence that the Secretary of State is not satisfied as aforesaid.

In this subsection "year" means a period of twelve months ending with the thirty-first day of March.

(5) Licensing justices may exercise their powers under this section at their general annual licensing meeting or at a transfer sessions.

(6) In this section "prescribed" means prescribed by regulations of the Secretary of State.

London County Council's certificate of suitability of club premises for music and dancing.

114.—(1) If on application made to the London County Council by the secretary of a club to which this section applies with respect to any premises to which this section applies situated in a part of the metropolis for the time being specified for the purposes of the last preceding section by order of the Secretary of State, the Council are satisfied that the premises (whether or not they are kept or intended to be kept for dancing, music or other public entertainment of the like kind) in all other respects fulfil the Council's requirements for the grant of a music and dancing licence, the Council may grant a certificate for the premises under this section.

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(2) The Council may grant a certificate under this section on such terms, and subject to such conditions or restrictions, as they think fit; and, subject to the following provisions of this section, the certificate shall remain in force for such period as it may specify.

(3) The Council may, on the application of the secretary of the club, from time to time renew a certificate granted under this section; and the preceding provisions of this section shall apply to the renewal of a certificate as they apply to the grant of one.

(4) The Council may, on the application of the secretary of the club, waive or modify any condition or restriction subject to which a certificate has been granted under this section.

(5) If while a certificate is in force under this section it appears to the Council—

(*a*) that any condition or restriction subject to which the certificate was granted or last renewed, as the case may be, has not been complied with or, in the case of a condition or restriction that has been modified under the last preceding subsection, that the condition or restriction as so modified has not been complied with, and

(*b*) that the condition or restriction has not been waived under the last preceding subsection,

the Council may give the secretary of the club notice that they propose to revoke the certificate, specifying the ground upon which they propose to revoke it, and shall give the secretary an opportunity of being heard by a person appointed by the Council for the purpose.

(6) The Council may, not less than seven days after the giving of such notice as aforesaid, and, if the secretary avails himself of the opportunity of being heard, after considering the report of the person appointed to hear the secretary, revoke the certificate.

(7) This section applies to a registered club and to a club that it is proposed to register and to premises occupied by a registered club and to premises that it is proposed that a registered club shall occupy.

Special hours certificates for clubs in the metropolis.

115. If on application made to the magistrate with respect to premises to which the last preceding section applies, being premises in any part of the metropolis for the time being specified for the purposes of section one hundred and thirteen of this Act by order of the Secretary of State, the magistrate is satisfied—

(*a*) that a London County Council's certificate granted under the last preceding section is in force for the premises, and

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(*b*) that the whole or any part of the premises is structurally adapted, and *bona fide* used, or intended to be used, for the purpose of providing for the members of the club music and dancing and substantial refreshment to which the sale of intoxicating liquor is ancillary,

the magistrate shall grant a certificate under this section (in this Act referred to as a " special hours certificate ") for the premises or, if he is satisfied that part only of the premises is adapted or used or intended to be used as mentioned in paragraph (*b*) of this subsection, for that part.

Grant of special hours certificate limited to part of year.

116. Where on application for a special hours certificate the licensing justices are, or the magistrate is, satisfied that the premises or parts of the premises to which the application relates are used, or intended to be used, as mentioned in paragraph (*c*) of subsection (1) of section one hundred and thirteen of this Act, or paragraph (*b*) of the last preceding section, during parts only of each year, the justices or magistrate may grant a certificate limited so as to be in force during those parts only.

Permitted hours where special hours certificate in force.

117.—(1) This section shall apply to premises or part of premises during the time that—

(*a*) there is in force for the premises or part a special hours certificate, and

(*b*) the holder of the licence or, as the case may be, the secretary of the club, applies the section to the premises or part under subsection (6) of this section.

(2) The permitted hours on week-days in any premises or part of premises to which this section applies shall be the period between half past twelve and three o'clock in the afternoon and between half past six in the evening and two o'clock in the morning following:

Provided that—

(*a*) the second part of the permitted hours shall on Saturday end at midnight;

(*b*) on any day that music and dancing is not provided after midnight the second part of the permitted hours shall end at midnight;

(*c*) on any week-day that music and dancing end between midnight and two o'clock in the morning the second part of the permitted hours shall end when the music and dancing end.

(3) Nothing in subsection (1) of section one hundred of this Act shall prohibit or restrict the consumption on week-days of intoxicating liquor in premises or part of premises to which this section applies at any time within half an hour after the conclusion of the second part of the permitted hours authorised by this section.

(4) Section one hundred and four of this Act, and, so far as it applies to the conclusion of the second part of the permitted hours authorised by this section, paragraph (*d*) of subsection (2) of section one hundred of this Act, shall not apply to premises or part of premises to which this section applies.

(5) Nothing in subsections (2) to (4) of this section shall authorise the sale, supply or consumption of intoxicating liquor at any bar except—

(*a*) during the permitted hours that would apply to the premises if this section did not apply to them, or

(*b*) at a meal within half an hour after the conclusion of those permitted hours in the evening if the liquor was supplied during those permitted hours and served at the same time as the meal and for consumption at the meal.

(6) This section shall, subject to the special hours certificate's being in force, apply to premises or part of premises from the day that the holder of the licence or, as the case may be, the secretary of the club applies the section to the premises or part until the day that he terminates the application of the section to the premises or part.

(7) A day shall be fixed for the purposes of the last preceding subsection by notice to the Commissioner of Police of the Metropolis served not less than fourteen days before the day to be fixed.

(8) The holder of the justices' licence for licensed premises or part of premises to which this section applies shall keep affixed in some conspicuous place in the premises a notice stating the effect of subsections (2) to (5) of this section, and if he fails to do so he shall be liable to a fine not exceeding five pounds.

Revocation of special hours certificate.

118.—(1) At any time while a special hours certificate for any premises or part of premises is in force the Commissioner of Police of the Metropolis may apply to the licensing justices, if the certificate was granted under section one hundred and thirteen of this Act, or to the magistrate, if it was granted under section one hundred and fifteen of this Act, for the revocation of the certificate on the ground that, while the certificate has been in force—

(*a*) the premises have not, or the part has not, been used as mentioned in paragraph (*c*) of subsection (1) of section one hundred and thirteen or paragraph (*b*) of section one hundred and fifteen of this Act, as the case may be, or

PART VII —*cont.*

(*b*) a person has been convicted of having on those premises or that part contravened section one hundred of this Act,

or that on the whole the persons resorting to the premises or part are there, at times when the sale or supply of intoxicating liquor there is lawful by virtue only of the special hours certificate, for the purpose of obtaining intoxicating liquor rather than for the purpose of dancing or of obtaining refreshments other than intoxicating liquor; and if the justices are, or the magistrate is, satisfied that the ground of the application is made out they or he may revoke the certificate.

(2) Without prejudice to the provisions of the preceding subsection, if—

(*a*) at any time while a special hours certificate granted under section one hundred and thirteen of this Act is in force no music or dancing licence is in force for the premises or part of premises to which the certificate relates, or

(*b*) on an application under paragraph 3 or 4 of the Fourth Schedule to the Customs and Excise Act, 1952, in respect of premises for which such a certificate is in force the applicant fails to satisfy the Commissioners of the matters requisite for the reduction of duty under that paragraph, or

(*c*) the Secretary of State gives a notice under subsection (4) of section one hundred and thirteen of this Act,

the certificate shall thereby be revoked.

(3) At any time while a special hours certificate granted under section one hundred and fifteen of this Act is in force the Commissioner of Police of the Metropolis may apply to the magistrate for the revocation of the certificate on the ground that the revocation is expedient by reason of the occurrence of disorderly or indecent conduct in the premises or part to which the certificate relates; and if the magistrate is satisfied that the ground of the application is made out he shall revoke the certificate.

(4) Without prejudice to the provisions of subsection (1) of this section, if at any time while a certificate granted under section one hundred and fifteen of this Act is in force no London County Council's certificate under section one hundred and fourteen of this Act is in force, the special hours certificate shall thereby be revoked.

Special hours certificates. Supplemental provisions.

119.—(1) In sections one hundred and thirteen to one hundred and eighteen of this Act—

(*a*) the expression "the magistrate" in relation to any premises means the metropolitan stipendiary magistrate

for the metropolitan stipendiary court division in which the premises are situated, and

(*b*) the expression "music and dancing licence" means a licence granted by the London County Council for the keeping or using of any premises for public dancing, singing, music or other public entertainment.

(2) References in those sections to providing music and dancing and refreshment shall be construed as references to providing them on every weekday, subject to any break for a period or periods not exceeding two weeks in any twelve successive months or on any special occasion or by reason of any emergency; and references in those sections to providing dancing shall be construed as references to providing facilities for dancing that are adequate having regard to the number of persons for whose reception in the premises or part of premises in question provision is made.

(3) A certificate purporting to be issued on behalf of the Commissioners that any premises are such as are specified in paragraph (*a*) or (*b*) of subsection (2) of section one hundred and thirteen of this Act shall be receivable as evidence that the premises are such premises.

(4) The Secretary of State may make rules for the procedure on any application under the said sections.

(5) Any notice under sections one hundred and thirteen to one hundred and eighteen of this Act shall be in writing.

(6) Any power conferred on the Secretary of State by the said sections to make an order includes power to revoke or vary an order so made by a subsequent order.

PART VIII

GENERAL PROVISIONS REGULATING SALE OF INTOXICATING LIQUOR

Illegal Sale

Selling liquor without licence.

120.—(1) Subject to the provisions of this Act, if any person—

(*a*) sells or exposes for sale by retail any intoxicating liquor without holding a justices' licence authorising him to hold an excise licence for the sale of that liquor, or

(*b*) holding a justices' licence sells or exposes for sale by retail any intoxicating liquor except at the place for which the justices' licence authorises him to hold an excise licence for the sale of that liquor,

he shall be guilty of an offence under this section.

PART VIII —*cont.*

(2) If any person commits an offence under this section, he shall be liable—

(*a*) on a first conviction to imprisonment for a term not exceeding one month or a fine not exceeding fifty pounds;

(*b*) on a second conviction to imprisonment for a term not exceeding three months or a fine not exceeding one hundred pounds;

(*c*) on a third or subsequent conviction to imprisonment for a term not exceeding six months or a fine not exceeding one hundred pounds.

(3) The holder of a justices' licence shall, on his second or subsequent conviction of an offence under this section, forfeit the licence.

(4) The court by or before which a person is convicted of an offence under this section committed after a previous conviction of such an offence may order him to be disqualified for holding a justices' licence—

(*a*) on a second conviction, for a period not exceeding five years;

(*b*) on a third or subsequent conviction, for any term of years or for life.

(5) The court by or before which the holder of a justices' licence is convicted of an offence under this section may declare all intoxicating liquor found in his possession, and the vessels containing it, to be forfeited.

(6) Where intoxicating liquor is sold in contravention of this section on any premises, every occupier of the premises who is proved to have been privy or consenting to the sale shall be guilty of an offence under this section.

Liquor of kind not authorised by licence not to be kept on premises.

121. If the holder of a justices' licence without reasonable excuse has in his possession on the licensed premises any kind of intoxicating liquor that he is not authorised to sell, he shall be liable, on a first conviction to a fine not exceeding ten pounds, and on a subsequent conviction to a fine not exceeding twenty pounds, and in either case shall forfeit the liquor and the vessels containing it.

Delivery from vehicles, etc.

122.—(1) A person shall not, in pursuance of a sale by him of intoxicating liquor, deliver that liquor, either himself or by his servant or agent, from any van, barrow, basket or other vehicle or receptacle unless—

(*a*) before the liquor was dispatched the quantity, description and price of the liquor and the name and address

of the person to whom it was to be supplied had been entered in a day book kept on the premises from which the liquor was dispatched, and

(*b*) the person delivering the liquor carries a delivery book or invoice in which there had been entered, before the liquor was dispatched, the quantity, description and price of the liquor and the name and address of the person to whom it was to be supplied.

(2) A person shall not, himself or by his servant or agent—

(*a*) carry in any van, barrow, basket or other vehicle or receptacle while in use for the delivery of intoxicating liquor in pursuance of a sale by that person any intoxicating liquor that is not entered in a day book and delivery book or invoice under the last preceding subsection;

(*b*) deliver in pursuance of a sale by him any intoxicating liquor at any address not entered as aforesaid.

(3) A person shall not, himself or by his servant or agent, refuse to allow a constable to examine any van, barrow, basket or other vehicle or receptacle while in use for the distribution or delivery of any intoxicating liquor or to examine a delivery book or invoice carried or day book kept under subsection (1) of this section.

(4) The holder of a justices' licence shall not be guilty of an offence under this section committed by his servant or agent if he proves that the offence was committed without his knowledge or consent.

(5) Nothing in this section shall prohibit or restrict the delivery of intoxicating liquor to a trader for the purposes of his trade, or to a registered club for the purposes of the club.

(6) If any person contravenes this section, he shall be liable to a fine not exceeding thirty pounds.

Intoxicating liquor not to be sold on premises of unregistered club.

123.—(1) In this Act the expression "unregistered club" means a club that is required by this Act to be registered, but is not registered.

(2) If any person supplies or sells intoxicating liquor in the premises of an unregistered club, or authorises the supply or sale of intoxicating liquor in any such premises, to a member or guest, he shall be liable to imprisonment for a term not exceeding one month or a fine not exceeding fifty pounds or both.

(3) If intoxicating liquor is kept in any such premises for supply or sale in those premises, every officer and member of the club shall be liable to a fine not exceeding five pounds.

PART VIII —*cont.*

(4) A person shall not be guilty of an offence under the last preceding subsection if the liquor was kept as mentioned in that section without his knowledge or consent.

Penalty for breach of terms of off-licence.

124.—(1) Where a person, having purchased intoxicating liquor from the holder of a justices' licence that does not cover the sale of that liquor for consumption on the premises, drinks the liquor—

(*a*) in the licensed premises, or

(*b*) in premises adjoining or near the licensed premises that belong to the holder of the licence or are under his control or used by his permission, or

(*c*) on a highway adjoining or near those premises,

then, if the drinking is with the privity or consent of the holder of the licence, the holder of the licence shall be liable, on a first conviction to a fine not exceeding ten pounds, and on a subsequent conviction to a fine not exceeding twenty pounds.

(2) If the holder of a justices' off-licence, with intent to evade the terms of the licence, takes, or suffers any other person to take, any intoxicating liquor from the licensed premises for the purpose of its being sold on his account or for his benefit or profit, he shall be liable, on a first conviction to a fine not exceeding ten pounds, and on a subsequent conviction to a fine not exceeding twenty pounds.

(3) For the purposes of the last preceding subsection if liquor is taken for the purpose of its being drunk in any house, tent, shed or other building belonging to the holder of the licence, or hired, used or occupied by him, the burden of proving that he did not intend to evade the terms of the licence shall lie upon him.

Intoxicating liquor not to be supplied for consumption off premises of club except to members.

125.—(1) No person shall supply intoxicating liquor in the premises of any registered club for consumption off the premises except to a member of the club in person.

(2) If any person supplies or obtains intoxicating liquor in contravention of this section he shall be liable to a fine not exceeding ten pounds.

Persons under age

Children prohibited from bars.

126.—(1) The holder of a justices' licence shall not allow a person under fourteen to be in the bar of the licensed premises during the permitted hours.

(2) No person shall cause or procure, or attempt to cause or procure, any person under fourteen to be in the bar of licensed premises during the permitted hours.

PART VIII —*cont.*

(3) Where it is shown that a person under fourteen was in the bar of any licensed premises during the permitted hours, the holder of the justices' licence shall be guilty of an offence under this section unless he proves either—

(*a*) that he used due diligence to prevent the person under fourteen from being admitted to the bar, or

(*b*) that the person under fourteen had apparently attained that age.

(4) No offence shall be committed under this section if the person under fourteen—

(*a*) is the licence-holder's child, or

(*b*) resides in the premises, but is not employed there, or

(*c*) is in the bar solely for the purpose of passing to or from some other part of the premises, not a bar, being a part to or from which there is no other convenient means of access or egress.

(5) No offence shall be committed under this section if the bar is in any railway refreshment-rooms or other premises constructed, fitted and intended to be used *bona fide* for any purpose to which the holding of a justices' licence is merely ancillary.

(6) If any person contravenes this section he shall be liable, on a first conviction to a fine not exceeding forty shillings, and on a subsequent conviction to a fine not exceeding five pounds.

(7) A local education authority may institute proceedings for an offence under this section.

(8) Where in any proceedings under this section it is alleged that a person was at any time under fourteen, and he appears to the court then to have been under that age, for the purposes of the proceedings he shall be deemed to have been then under that age unless the contrary is shown.

Persons under 18 not to be employed in bars.

127.—(1) If any person under eighteen is employed in any bar of licensed premises at a time when the bar is open for the sale or consumption of intoxicating liquor, the holder of the justices' licence shall be liable, on a first conviction to a fine not exceeding five pounds, and on a subsequent conviction to a fine not exceeding twenty pounds.

(2) For the purposes of this section a person shall not be deemed to be employed in a bar by reason only that in the course of his employment in some other part of the premises he enters the bar for the purpose of giving or receiving any message or of passing to or from some other part of the premises, not a bar, being a part to or from which there is no other convenient means of access or egress.

PART VIII —*cont.*

(3) For the purposes of this section a person shall be deemed to be employed by the person for whom he works notwithstanding that he receives no wages for his work.

(4) Where in any proceedings under this section it is alleged that a person was at any time under eighteen, and he appears to the court then to have been under that age, for the purposes of the proceedings he shall be deemed to have been then under that age unless the contrary is shown.

Restriction on sale or delivery of intoxicating liquor to children.

128.—(1) The holder of a justices' licence shall not knowingly sell or deliver, or allow any other person to sell or deliver, intoxicating liquor to a person under fourteen:

Provided that this subsection shall not prohibit the sale or delivery of intoxicating liquor to such a person—

(*a*) at the residence or working place of the purchaser, or

(*b*) in corked and sealed vessels in quantities not less than one reputed pint for consumption off the premises only.

(2) A person shall not knowingly send any person under fourteen to any place where intoxicating liquor is sold or delivered in pursuance of a sale for the purpose of obtaining intoxicating liquor except for the purpose of obtaining it in corked and sealed vessels in quantities not less than one reputed pint for consumption off the premises only.

(3) This section shall not prohibit the holder of a justices' licence from delivering intoxicating liquor to a person under fourteen who is a member of his family or his servant or apprentice and is employed as a messenger to deliver intoxicating liquor, or the sending such a person under fourteen to the licensed premises to obtain intoxicating liquor.

(4) If any person contravenes this section he shall be liable, on a first conviction to a fine not exceeding forty shillings, and on a subsequent conviction to a fine not exceeding five pounds.

(5) In this section "corked" means closed with a plug or stopper, and "sealed" means secured with any substance without the destruction of which the plug or stopper cannot be withdrawn.

Restriction on supply of intoxicating liquor to young persons for consumption on the premises.

129.—(1) The holder of a justices' on-licence shall not knowingly sell or allow any other person to sell, and a servant of the holder of a justices' on-licence shall not knowingly sell, intoxicating liquor to be consumed on the premises to a person under eighteen.

(2) A person under eighteen shall not buy or attempt to buy in licensed premises intoxicating liquor to be consumed by him on the premises.

PART VIII —*cont.*

(3) Nothing in the last two preceding subsections shall prohibit the sale to or purchase by a person who has attained the age of sixteen of beer, porter, cider or perry for consumption at a meal in a part of the premises usually set apart for the service of meals that is not a bar.

(4) The holder of a justices' on-licence, and the servant of the holder of a justices' on-licence, shall not knowingly allow a person under eighteen to consume intoxicating liquor in any bar in the premises.

(5) No person shall buy or attempt to buy intoxicating liquor for consumption in a bar in any licensed premises by a person under eighteen.

(6) If any person contravenes this section he shall be liable, on a first conviction to a fine not exceeding twenty shillings, and on a subsequent conviction to a fine not exceeding forty shillings.

Offences relating to measure

Sale by standard measure.

130. If any person sells, or allows any person under his control or in his employment to sell, intoxicating liquor by retail in quantities of half a pint or more except in a cask or bottle or in a measure marked according to the imperial standards, he shall be liable, on a first conviction to a fine not exceeding ten pounds, and on a subsequent conviction to a fine not exceeding twenty pounds, and in either case shall be liable to forfeit any illegal measure in which the liquor was sold.

Long pull prohibited.

131. If any person in licensed premises or the premises of any registered club himself or by his servant or agent sells or supplies to any person as the measure of intoxicating liquor for which he asks an amount exceeding that measure, he shall be liable to a fine not exceeding thirty pounds.

Sale on credit

Restriction on credit sales.

132.—(1) A person shall not—

(*a*) himself, or by his servant or agent, sell or supply in any licensed premises or the premises of any registered club intoxicating liquor to be consumed on the premises, or

(*b*) consume intoxicating liquor on any such premises,

unless it is paid for before or at the time when it is sold or supplied:

Provided that, if the liquor is sold or supplied for consumption at a meal supplied at the same time and is consumed with the meal, and the liquor is paid for together with the meal, no offence shall be committed under this subsection.

PART VIII —*cont.*

(2) If any person contravenes this section he shall be liable to a fine not exceeding thirty pounds.

(3) Nothing in this section shall prohibit or restrict the sale or supply of intoxicating liquor to any canteen or mess.

Structural alterations

Communication between licensed premises and places of public resort.

133.—(1) If any person makes or uses, or allows to be made or used, any internal communication between licensed premises and any premises, other than licensed premises, used for public resort, or as a refreshment house, he shall be guilty of an offence, and shall be guilty of a further offence for every day on which the communication remains open.

(2) A person guilty of an offence under this section shall be liable to a fine not exceeding ten pounds and, if he is the holder of a justices' licence, he shall on conviction forfeit the licence.

Consent of licensing justices required for certain alterations to licensed premises.

134.—(1) No alteration shall be made to premises for which a justices' on-licence is in force if the alteration—

(*a*) gives increased facilities for drinking, or

(*b*) conceals from observation any part of the premises used for drinking, or

(*c*) 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,

unless the licensing justices have consented to the alteration at their general annual licensing meeting or at a transfer sessions, or the alteration is required by order of some lawful authority.

(2) Before considering an application for their consent under this section the licensing justices may require plans of the proposed alteration to be deposited with their clerk at such time as they may determine.

(3) If subsection (1) of this section is contravened, a magistrates' court may by order on complaint 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.

(4) The clerk of the court that makes an order under the last preceding subsection shall, if he is not the clerk to the licensing justices, serve notice of the order on the clerk to the licensing justices; and the clerk to the licensing justices shall serve notice of the order on the registered owner of the premises.

(5) A person aggrieved by an order under subsection (3) of this section may appeal to a court of quarter sessions.

PART VIII —*cont.*

Particulars of licence to be affixed to premises

Name of holder of licence, etc. to be affixed to licensed premises.

135.—(1) The holder of a justices' licence shall keep painted on or affixed to the licensed premises in a conspicuous place, and in such form and manner as the licensing justices may direct, his name, and after the name the word "licensed" followed by words sufficient to express the business for which the licence is granted, and in particular—

(*a*) words expressing whether the licence is an on-licence or an off-licence;

(*b*) if the licence is a six-day licence, or an early-closing licence, words indicating that the licence is such.

(2) A person shall not have on his premises words or letters importing that he is authorised, as the holder of a licence, to sell any intoxicating liquor that he is not authorised to sell.

(3) If any person contravenes this section he shall be liable, on a first conviction to a fine not exceeding ten pounds, and on a subsequent conviction to a fine not exceeding twenty pounds.

Provisions for preserving order in licensed premises

Licence holder not to permit drunkenness, etc.

136.—(1) The holder of a justices' licence shall not permit drunkenness or any violent, quarrelsome or riotous conduct to take place in the licensed premises.

(2) If the holder of a justices' licence is charged under the preceding subsection with permitting drunkenness, and it is proved that any person was drunk in the licensed premises, the burden of proving that the licence holder and the persons employed by him took all reasonable steps for preventing drunkenness in the premises shall lie upon him.

(3) The holder of a justices' licence shall not sell intoxicating liquor to a drunken person.

(4) If any person contravenes this section he shall be liable, on a first conviction to a fine not exceeding ten pounds, and on a subsequent conviction to a fine not exceeding twenty pounds.

Procuring drink for drunken person.

137.—(1) If any person in licensed premises procures or attempts to procure any intoxicating liquor for consumption by a drunken person he shall be guilty of an offence under this section.

(2) If any person aids a drunken person in obtaining or consuming intoxicating liquor in licensed premises he shall be guilty of an offence under this section.

(3) A person guilty of an offence under this section shall be liable to imprisonment for a term not exceeding one month or a fine not exceeding forty shillings.

PART VIII —*cont.*

Power to exclude drunkards, etc. from licensed premises.

138.—(1) Without prejudice to any other right to refuse a person admission to premises or to expel a person from premises, the holder of a justices' licence may refuse to admit to, or may expel from, the licensed premises any person who is drunken, violent, quarrelsome or disorderly, or whose presence in his premises would subject the licence-holder to a penalty under this Act.

(2) If any person liable to be expelled from licensed premises under this section, when requested by the holder of the justices' licence or his agent or servant or any constable to leave the premises, fails to do so, he shall be liable to a fine not exceeding five pounds.

(3) Any constable shall, on the demand of the holder of a justices' licence or his agent or servant, help to expel from the licensed premises any person liable to be expelled from them under this section, and may use such force as may be required for the purpose.

Prostitutes not to be allowed to assemble on licensed premises.

139.—(1) The holder of a justices' licence shall not knowingly allow the licensed premises to be the habitual resort or place of meeting of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution:

Provided that this section shall not prohibit his allowing any such persons to remain in the premises for the purpose of obtaining reasonable refreshment for such time as is necessary for that purpose.

(2) If the holder of a justices' licence contravenes this section he shall be liable, on a first conviction to a fine not exceeding ten pounds, and on a subsequent conviction to a fine not exceeding twenty pounds.

Permitting licensed premises to be a brothel.

140.—(1) If the holder of a justices' licence permits the licensed premises to be a brothel, he shall be liable to a fine not exceeding twenty pounds.

(2) If the holder of a justices' licence is convicted, whether under this section or under any other enactment, of permitting his premises to be a brothel, he shall forfeit the licence.

Gaming on licensed premises.

141.—(1) If the holder of a justices' licence suffers any gaming or unlawful game to be carried on in his premises he shall be liable, on a first conviction to a fine not exceeding ten pounds, and on a subsequent conviction to a fine not exceeding twenty pounds.

(2) The conviction of the holder of a justices' licence of opening, keeping or using his premises in contravention of the Betting Act, 1853, or of suffering his premises to be opened, kept or used in contravention of that Act, shall for the purposes of this Act be deemed to be a conviction of an offence under this section.

PART VIII —*cont.*

Offences in relation to constables.

142. If the holder of a justices' licence—

(*a*) knowingly suffers to remain on his premises any constable during any part of the time appointed for the constable's being on duty, except for the purpose of the execution of the constable's duty, or

(*b*) supplies any liquor or refreshment, whether by way of gift or sale, to any constable on duty except by authority of a superior officer of the constable, or

(*c*) bribes or attempts to bribe any constable,

he shall be liable, on a first conviction to a fine not exceeding ten pounds, and on a subsequent conviction to a fine not exceeding twenty pounds.

PART IX

REGISTRATION OF CLUBS

Registration of clubs.

143.—(1) This section applies to any club that occupies premises habitually used for the purposes of the club where intoxicating liquor is supplied to members or their guests.

(2) Before any premises are occupied or used by any club in a way that will make this section apply to the club, the secretary of the club shall furnish to the clerk to the justices acting for the petty sessions area in which the premises are situated a return signed by him showing—

(*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, and

(*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,

(v) the permitted hours, and

(vi) the mode of altering the rules.

(3) The secretary of any club to which this section applies shall, every January, furnish to the clerk to the justices for the petty sessions area in which the premises of the club are situated a return signed by the secretary giving the particulars mentioned in the last preceding subsection and containing a statement that there is kept in the club premises a list of the names and addresses of the club members and a record of the latest payment of their subscriptions.

PART IX —*cont.*

(4) The clerk to the justices shall keep a register of clubs in a form prescribed by the Secretary of State in which he shall enter, on payment of a fee of five shillings for each return, the matters contained in the returns made to him in pursuance of this section.

(5) The register of clubs shall at all reasonable times be open to inspection on payment of a fee not exceeding one shilling.

(6) Any officer of police, not below the rank of inspector, and any officer of Customs and Excise, shall without payment be entitled at any reasonable time to inspect the register of clubs.

(7) If any person fails to make a return as required by this section, he shall be liable, on a first conviction to a fine not exceeding twenty pounds, and on a subsequent conviction to imprisonment for a term not exceeding one month or a fine not exceeding fifty pounds or both.

(8) If any person in a return made for the purposes of this section makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be liable to imprisonment for a term not exceeding three months or a fine not exceeding fifty pounds or both.

Striking club off register.

144.—(1) A magistrates' court may, on the complaint in writing of any person against the secretary of a registered club, order the club to be struck off the register of clubs on being satisfied—

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

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

(*c*) that there is frequent drunkenness in the club premises, or

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

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

(*f*) that the club occupies premises for which, within twelve months preceding the occupation of the premises by the club, a justices' licence had been forfeited or the renewal of a justices' licence had been refused, or in respect of which at the time when the premises were first occupied by the club an order was in force under subsection (4) of this section, or

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

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

(2) In 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) A summons issued in pursuance of a complaint under subsection (1) of this section shall, in addition to being served on the secretary, be served on such other persons, if any, as the justice issuing the summons may direct.

(4) An order under subsection (1) of this section may provide that the premises occupied by the club shall not be occupied and used for the purposes of any registered club.

(5) An order under the last preceding subsection shall be in force for such period as the order shall specify not exceeding—

(*a*) if the premises have not been subject to a previous order under that subsection, twelve months;

(*b*) if the premises have been subject to any such previous order, five years.

(6) A magistrates' court may by order on complaint vary any order made under subsection (4) of this section.

(7) Where one of the grounds of complaint for an order under this section is that the club has ceased to exist, references to the secretary shall include references to the last secretary or any person appearing to the court to have, or have had, an interest in the club.

(8) A person aggrieved by an order under this section may appeal to a court of quarter sessions.

Search warrant to enter club.

145. If a justice of the peace is satisfied by information on oath that there is reasonable ground for believing—

(*a*) that any registered club is so managed or carried on as to constitute a ground for striking it off the register of clubs, or

(*b*) that intoxicating liquor is sold or supplied, or kept for sale or supply, in the premises of an unregistered club,

he may issue a search warrant under his hand to a constable authorising him at any time or times within one month from the date of the warrant to enter the premises of the club, by force if need be, and search them and seize any documents relating to the business of the club.

PART IX —*cont.*

Metropolitan stipendiary court area.

146. The functions of the clerk to the justices under section one hundred and forty-three of this Act shall,

(*a*) in relation to a club whose premises are situated in the City of London, be exercised by the clerk of special sessions;

(*b*) in relation to a club whose premises are situated in the metropolitan stipendiary court area, be exercised by the chief clerk of one of the metropolitan stipendiary courts.

Oxford.

147.—(1) In its application to a club whose premises are situated in the City of Oxford being a club mainly composed of past or present members of the University of Oxford, section one hundred and forty-three of this Act shall have effect as if for references to the clerk to the justices there were substituted references to the Registrar of the Court of the Chancellor of the University.

(2) The powers of a magistrates' court under section one hundred and forty-four of this Act shall, in relation to such a club as aforesaid, be exercisable only by the Court of the Chancellor of the University sitting and acting under the Oxford University (Justices) Act, 1886; but that Court shall have no power to make an order under subsection (4) of that section.

PART X

OCCASIONAL LICENCES AND PARTIES FOR GAIN

Occasional licences.

148.—(1) For the purposes of section one hundred and fifty-one of the Customs and Excise Act, 1952 (which provides for the grant of occasional licences to the holders of retailers' on-licences who have obtained the appropriate consent), the expression "appropriate consent" means consent granted by justices of the peace under this section.

(2) The justices shall not hear an application for consent unless satisfied that the applicant has served on the chief officer of police at least twenty-four hours' notice of his intention to apply for the consent, stating the name and address of the applicant, the place and occasion for which the occasional licence is required, the period for which he requires it to be in force, and the hours to be specified in the consent.

(3) Without prejudice to any discretion of the justices under this section to refuse their consent, they shall not grant it unless they are of opinion that the grant of an occasional licence is expedient for the convenience and accommodation of the public.

PART X —*cont.*

(4) Power to grant a consent under this section shall be exercisable by justices of the peace acting for the petty sessions area in which the place to which the application relates is situated, and by the number of justices, and in the place, required by the Magistrates' Courts Act, 1952, for the hearing of a complaint.

(5) Sections one hundred and thirty-six and one hundred and thirty-eight to one hundred and forty-two and section one hundred and fifty-one of this Act, and section twelve of the Licensing Act, 1872, shall apply to the holder of an occasional licence as they apply to the holder of a justices' licence, and to the place where intoxicating liquor is sold under an occasional licence as they apply to licensed premises of the holder of the occasional licence.

(6) Section one hundred of this Act shall not prohibit the sale of intoxicating liquor authorised by an occasional licence.

Prohibition of consumption of intoxicating liquor outside permitted hours at parties organised for gain.

149.—(1) It shall be unlawful outside the permitted hours to supply or consume intoxicating liquor at any party organised for gain and taking place in premises kept or habitually used for the purpose of parties so organised at which intoxicating liquor is consumed:

Provided that this subsection shall not prohibit anything done at a party taking place in licensed premises, or at a canteen, mess or the premises of a registered club as part of the activities of the canteen, mess or club, or at any party for which an occasional licence has been granted.

(2) In this section "outside the permitted hours" means outside the permitted hours fixed by or under section one hundred and one or one hundred and two of this Act:

Provided that the break in the permitted hours shall not be treated as outside the permitted hours.

(3) If any person—

(*a*) supplies intoxicating liquor in contravention of subsection (1) of this section,

(*b*) being the occupier of any premises, permits them to be used for a party, and that subsection is contravened at the party,

(*c*) being a person concerned in the organisation of a party permits any person to supply or consume intoxicating liquor at the party in contravention of that subsection, or

PART X —*cont.*

(*d*) being a person licensed to sell intoxicating liquor, delivers such liquor outside the permitted hours to any premises kept or habitually used as mentioned in that subsection or permits it to be so delivered,

he shall be liable, on a first conviction to a fine not exceeding fifty pounds, and on a subsequent conviction to imprisonment for a term not exceeding three months or a fine not exceeding one hundred pounds or both.

(4) Any person who consumes intoxicating liquor in contravention of subsection (1) of this section shall be liable, on a first conviction to a fine not exceeding five pounds, and on a subsequent conviction to a fine not exceeding thirty pounds.

(5) For the purposes of this section, a party shall be deemed to have been organised for gain if any pecuniary advantage accrued or was intended to accrue to any person concerned in its organisation as a result of the party; and in determining whether any such advantage so accrued or was intended to accrue no account shall be taken of any expenditure incurred in connection with the party:

Provided that a party shall not be deemed to have been organised for gain by reason only that any person concerned in its organisation took part or intended to take part in the playing of any game, or made or intended to make bets on any game, if the arrangements were such as to give him no greater chance of winning than any other person.

(6) For the purposes of this section, a person shall be deemed to have been concerned in the organisation of a party if he took any part in procuring the assembly of the party or in acting as host or assisting the host at the party.

(7) Nothing in this section shall affect the delivery or supply of intoxicating liquor to, or the consumption of intoxicating liquor by, a person in premises in which he is for the time being residing; and in determining for the purposes of this section whether a party is being held in any premises, or whether any premises are kept or habitually used for the purpose of holding parties, the presence of persons residing in the premises shall be disregarded.

(8) In this section the expression " canteen " includes a canteen in which the sale or supply of intoxicating liquor is carried on under an authorisation granted under Regulation 60AA of the Defence (General) Regulations, 1939.

Supplemental provisions as to parties organised for gain.

150.—(1) If a justice of the peace is satisfied by information on oath that there is reasonable ground for believing that any premises in the county or borough for which he is justice are kept or habitually used for the holding of parties at which the provisions of subsection (1) of the last preceding section are

contravened, he may issue a search warrant under his hand to a constable authorising him at any time or times within one month from the date of the warrant to enter those premises, which shall be named in the warrant, by force if need be, and search them and to seize and remove any intoxicating liquor found there that the constable has reasonable grounds for supposing to be on the premises for the purpose of being supplied or consumed in contravention of the provisions of the last preceding section.

(2) If any person found on premises on which intoxicating liquor is seized under the preceding subsection, on being asked by a constable for his name and address—

(*a*) refuses to give them, or

(*b*) gives a false name or address,

he shall be liable to a fine not exceeding five pounds.

(3) If any person is convicted of an offence under the last preceding section in respect of the premises in which any liquor is seized under this section, the liquor so seized and the vessels containing it shall be forfeited.

PART XI

SUPPLEMENTAL

Right of constables to enter premises.

151.—(1) A constable may at any time enter licensed premises, or premises for which or any part of which a special hours certificate is in force under section one hundred and fifteen of this Act, for the purpose of preventing or detecting the commission of any offence against this Act.

(2) If any person, himself or by any person in his employ or acting with his consent, fails to admit a constable who demands entry to premises in pursuance of this section he shall be liable, on a first conviction to a fine not exceeding five pounds, and on a subsequent conviction to a fine not exceeding ten pounds.

Search warrant.

152.—(1) If a justice of the peace is satisfied by information on oath that there is reasonable ground for believing that any intoxicating liquor is sold by retail or exposed or kept for sale by retail at any place in the county or borough for which he is justice, being a place where that liquor may not lawfully be sold by retail, he may issue a search warrant under his hand to a constable authorising him at any time or times within one month from the date of the warrant to enter that place, which shall be named in the warrant, by force if need be, and search the place for intoxicating liquor and seize and remove any intoxicating liquor that the constable has reasonable grounds for supposing to be in the place for the purpose of unlawful sale there or elsewhere, and the vessels containing the liquor.

PART XI —*cont.*

(2) If the owner or occupier of the place from which any intoxicating liquor has been removed under the preceding subsection is convicted of selling by retail, or of exposing for sale by retail, any intoxicating liquor that he is not authorised to sell by retail, or is convicted of having in his possession intoxicating liquor that he is not authorised to sell, any intoxicating liquor so removed, and the vessels containing it, shall be forfeited.

(3) Where a constable seizes any intoxicating liquor in pursuance of a warrant issued under this section, any person found in the place shall, unless he proves that he is there for a lawful purpose, be liable to a fine not exceeding forty shillings.

(4) Where a constable seizes any liquor as aforesaid, and any person so found, on being asked by a constable for his name and address—

(*a*) refuses to give them, or

(*b*) gives a false name or address, or

(*c*) gives a name or address that the constable has reasonable grounds for thinking to be false, and refuses to answer satisfactorily any questions put by the constable to ascertain the correctness of the name or address given,

he shall be liable to a fine not exceeding five pounds.

(5) A constable may arrest without warrant any person whom he suspects of having committed an offence under the last preceding subsection.

Licence or exemption order to be produced on demand.

153. If the holder of a justices' licence, or general or special order of exemption, on being ordered by a justice of the peace, constable or officer of Customs and Excise to produce it for examination, fails to do so within a reasonable time he shall be liable to a fine not exceeding ten pounds.

Proof of sale or consumption of intoxicating liquor.

154.—(1) Evidence that a transaction in the nature of a sale of intoxicating liquor took place shall, in any proceedings relating to an offence under this Act, be evidence of the sale of the liquor without proof that money passed.

(2) Evidence that consumption of intoxicating liquor was about to take place shall in any such proceedings as aforesaid be evidence of the consumption of intoxicating liquor without proof of actual consumption.

(3) Evidence that any person, other than the occupier of licensed premises or a servant employed in licensed premises, consumed or intended to consume intoxicating liquor in the premises shall be evidence that the liquor was sold by or on behalf of the holder of the justices' licence to that person.

PART XI —*cont.*

Notice of conviction of licence-holder to be given to owner.

155.—(1) Where the conviction of the holder of a justices' licence is entered in the register of licences under subsection (2) of section forty of this Act, the clerk to the licensing justices shall serve notice of the conviction on the registered owner of the premises.

(2) A notice served under the preceding subsection shall, if served by post, be served by registered post; and for the purposes of section twenty-six of the Interpretation Act, 1889, a letter containing the notice shall be deemed to be properly addressed if it is addressed to any place that the owner has specified to the clerk as his address, or, if the owner has not specified any place, to any place that the clerk believes to be the owner's address.

(3) Where the conviction of the holder of a justices' licence involves the disqualification of the licensed premises, the court before which the conviction takes place shall cause notice of the disqualification to be served on any registered owner of the premises who is not the occupier.

Temporary licence pending appeal against conviction.

156. Where conviction of an offence forfeits a justices' licence or on conviction of an offence the court forfeits a justices' licence, and the person convicted appeals against the conviction, the convicting court may, on such conditions as it thinks just, grant a temporary licence to be in force until the appeal is determined or ceases to be prosecuted.

Magistrates' courts, etc., not to sit in licensed premises.

157.—(1) Licensed premises, or a room in a building part of which is licensed premises, shall not be used as a petty-sessional court-house or an occasional court-house.

(2) A general annual licensing meeting or transfer sessions or special sessions shall not be held in licensed premises or in any such room as aforesaid.

(3) A coroner's inquest shall not be held in licensed premises or in any such room as aforesaid if any other suitable place is provided.

Closing of licensed premises in case of riot.

158.—(1) Where a riot or tumult happens or is expected to happen in any county or borough, any two justices of the peace for the county or borough may order every holder of a justices' licence for premises in or near the place where the riot or tumult happens or is expected to happen to close his premises for such time as the justices may order.

(2) If any person keeps premises open for the sale of intoxicating liquor during the time that the justices have ordered them to be closed under this section he shall be liable to a fine not exceeding fifty pounds.

PART XI —*cont.*

(3) Any person acting by the order of any justice of the peace may use such force as may be necessary for the purpose of closing premises ordered to be closed under this section.

Justices to act by majority.

159. Any function vested by this Act in the licensing justices, or the justices acting for any petty sessions area, shall be exercisable by a majority of the justices present at a meeting assembled for the purpose.

Prosecution of offences.

160.—(1) Offences under this Act shall be punishable on summary conviction.

(2) For the purposes of any provision of this Act imposing a penalty or forfeiture on a second or subsequent conviction, any conviction that took place more than five years previously shall be disregarded.

(3) Liquor or vessels forfeited under this Act shall be sold or otherwise disposed of as the court imposing the forfeiture may direct; and the proceeds shall be applied as if they were a fine.

(4) The following provisions of this section shall apply to offences under this Act except under section seventy-seven, subsection (7) of section seventy-eight, subsection (8) of section one hundred and seventeen, section one hundred and twenty-six, section one hundred and twenty-seven or section one hundred and forty-nine of this Act.

(5) Any officer appointed by the Commissioners may prosecute for any such offence and, where the prosecutor is such an officer, any fine imposed shall, subject to paragraphs (*a*) to (*e*) of subsection (1) of section one hundred and fourteen of the Magistrates' Courts Act, 1952, be paid to the Commissioners or such person as they may direct.

(6) Subject to the last preceding subsection, fines or forfeitures imposed for any such offence shall not for the purposes of section twenty-seven of the Justices of the Peace Act, 1949, or any Act relating to the costs, charges and expenses attending proceedings for the recovery of fines or forfeitures be deemed to be penalties, fines or forfeitures under any Act relating to excise.

Local jurisdiction of magistrates' courts and licensing justices.

161. Without prejudice to section three of the Magistrates' Courts Act, 1952, any river or water lying between, or forming the boundary between, two or more petty sessions areas shall for the purposes of this Act be deemed to be in each of those areas.

Service of notices, etc.

162. Subject to any express provision in this Act, or of rules made under subsection (2) of section ninety-one of this Act or subsection (2) of section ninety-nine of this Act, any notice or document other than a summons required or authorised to be given under this Act may be served by post.

PART XI —*cont.*

Orders, rules and regulations.

163. Any power of the Secretary of State, the Treasury or the Minister under this Act to make orders, rules or regulations, except the power of the Secretary of State under Part III of this Act to make orders, shall be exercisable by statutory instrument.

Exemptions and savings.

164.—(1) Notwithstanding anything in this Act or subsection (1) of section one hundred and fifty of the Customs and Excise Act, 1952, the holder of a dealer's licence under section one hundred and forty-six of the Customs and Excise Act, 1952, in respect of spirits or of wine may be granted a retailer's off-licence in respect of the same liquor and the same premises without a justices' licence if the premises are exclusively used for the sale of intoxicating liquor and mineral waters or other non-intoxicating drinks, and have no internal communication with the premises of any person who is carrying on any other trade or business:

Provided that a retail off-licence granted in pursuance of this section shall not authorise a sale by retail except—

(*a*) to a person holding an excise licence for the sale of intoxicating liquor,

(*b*) to a mess or registered club,

(*c*) for delivery outside Great Britain, or

(*d*) to a person engaged, at the premises in question or elsewhere, in any business carried on by the retailer.

(2) Nothing in this Act shall—

(*a*) affect any privilege enjoyed by the University of Cambridge or by any person to whom any such privilege has been transferred in pursuance of any Act,

(*b*) affect the exemption from the obligation to take out a justices' licence enjoyed by the Company of the master, warden and commonalty of Vintners of the City of London,

(*c*) prohibit the sale of spruce or black beer,

(*d*) affect the exemption from the requirement to take out a justices' licence conferred on the proprietors of theatres by subsection (2) of section one hundred and fifty of the Customs and Excise Act, 1952,

(*e*) affect the exemption from the requirement to take out a justices' licence conferred in respect of passenger aircraft, passenger vessels and railway passenger vehicles by section one hundred and fifty-five of the Customs and Excise Act, 1952, or apply to the sale of intoxicating liquor in such aircraft, vessels or vehicles,

(*f*) prohibit the sale of medicated or methylated spirits,

PART XI —*cont.*

(*g*) prohibit the sale by registered medical practitioners, or registered pharmacists, of spirits made up in medicine,

(*h*) prohibit the sale of intoxicating liquor by wholesale,

(*j*) affect any penalties recoverable by or on behalf of the Commissioners, or any laws relating to excise, or

(*k*) apply to the sale or consumption of intoxicating liquor in canteens.

Interpretation.

165.—(1) In this Act, unless the context otherwise requires—

"bar" includes any place exclusively or mainly used for the sale and consumption of intoxicating liquor;

"borough licensing district" means a licensing district consisting of a borough having a separate commission of the peace;

"canteen" means a canteen in which the sale or supply of intoxicating liquor is carried on under the authority of the Secretary of State or the Admiralty;

"the Commissioners" means the Commissioners of Customs and Excise;

"compensation fund" has the meaning given by section eighteen of this Act;

"county licensing district" means a licensing district consisting of a county not divided into petty sessional divisions or a petty sessional division of a county;

"early-closing licence" has the meaning given by section one hundred and ten of this Act;

"enactment" includes an enactment contained in any order, regulation or other instrument having effect by virtue of an Act;

"general order of exemption" has the meaning given by section one hundred and six of this Act;

"grant" in relation to a justices' licence includes a grant by way of renewal, transfer or removal; and "application" shall be construed accordingly;

"intoxicating liquor" means spirits, wine, beer, porter, cider, perry and sweets, and any fermented, distilled or spirituous liquor that cannot for the time being be sold without an excise licence, but does not include beer or porter which on analysis of a sample at any time is found to be of an original gravity not exceeding one thousand and sixteen degrees and to be of a strength not exceeding two degrees of proof;

PART XI —*cont.*

"justices' licence", "justices' off-licence" and "justices' on-licence" have the meaning given by section one of this Act;

"licensing district" has the meaning given by section two of this Act;

"licensing planning area" has the meaning given by sections fifty-three and sixty-four, and "licensing planning committee" that given by section fifty-four of this Act;

"mess" means an authorised mess of members of Her Majesty's naval, military or air forces;

"the metropolis" means the Administrative County of London together with any area outside that County but within the four-mile radius from Charing Cross;

"metropolitan stipendiary magistrate", "metropolitan stipendiary court", "metropolitan stipendiary court area" and "metropolitan stipendiary court division" mean metropolitan police magistrate, metropolitan police court, metropolitan police court area and metropolitan police court division;

"the Minister" means the Minister of Housing and Local Government;

"new justices' licence" means a justices' licence granted otherwise than by way of renewal or transfer;

"occasional licence" means an excise licence granted under section one hundred and fifty-one of the Customs and Excise Act, 1952;

"old beer-house licence" has the meaning given by section fourteen of this Act;

"old off-licence" has the meaning given by section thirteen of this Act;

"old on-licence" has the meaning given by section fourteen of this Act;

"ordinary removal" has the meaning given by section twenty-four of this Act;

"petty sessions area" has the same meaning as in the Magistrates' Courts Act, 1952;

"planning removal" has the meaning given by section fifty-seven of this Act;

"registered club" means a club registered under section one hundred and forty-three of this Act;

"registered owner" has the meaning given by section forty-one of this Act;

"removal" has the meaning given by section twenty-four of this Act;

PART XI —*cont.*

" renewal " has the meaning given by section eleven of this Act;

" sale by retail " in relation to any intoxicating liquor has the meaning given by subsection (4) of section one hundred and forty-eight of the Customs and Excise Act, 1952;

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

" six-day licence " has the meaning given by section one hundred and nine of this Act;

" special hours certificate " has the meaning given by sections one hundred and thirteen and one hundred and fifteen of this Act;

" special order of exemption " has the meaning given by section one hundred and seven of this Act;

" special removal " has the meaning given by section twenty-four of this Act;

" temporary premises removal " has the meaning given by section sixty-one of this Act;

" transfer " has the meaning given by section twenty-one of this Act;

" unregistered club " has the meaning given by section one hundred and twenty-three of this Act.

(2) Any reference in this Act to licensed premises shall, unless the context otherwise requires, be construed as a reference to premises for which a justices' licence is in force and as including a reference to any premises or place where intoxicating liquor is sold by retail under a licence and any premises where the Secretary of State carries on a business of selling liquor by retail in the exercise of powers conferred on him by Part IV of this Act.

(3) References in this Act to a second conviction of an offence under any provision of this Act shall be construed as references to conviction of an offence under that provision committed after a previous conviction of such an offence; and references in this Act to a third or subsequent conviction shall be construed accordingly.

(4) Any provision in this Act requiring or authorising notice to be given to the chief officer of police shall be construed as requiring or authorising the notice to be given—

(*a*) if the premises to which the notice relates are in the City of London, to the Commissioner of Police for the City;

PART XI —*cont.*

(*b*) if the premises are in the metropolitan police district, to the Commissioner of Police of the Metropolis;

(*c*) if the premises are in any other police area, to the chief constable for that area.

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

(6) Except where the context otherwise requires, references in this Act to any enactment shall include a reference of that enactment as amended, extended or applied by any other enactment, including this Act.

Application of Act to Isles of Scilly.

166.—(1) The Secretary of State may by order made in relation to the Isles of Scilly provide—

(*a*) for substituting, for the provisions of this Act prohibiting the sale or supply of intoxicating liquor except as authorised by or under this Act, a prohibition of the sale or supply of intoxicating liquor except as authorised by annual or occasional permits granted by the joint police committee for the Isles of Scilly and in accordance with such conditions as the permits may specify;

(*b*) for the exercise by that committee of the functions of the licensing justices under Part VII of this Act and of the functions of a magistrates' court under the provisions of that Part relating to general and special orders of exemption.

(2) An order under this section may contain such supplemental and consequential provisions as appear to the Secretary of State expedient for the purposes of the order, including supplemental or consequential provisions excluding, modifying, or adapting any enactment relating to the sale or supply of intoxicating liquor in its application to the Isles of Scilly.

(3) The power to make an order under this section includes power to revoke or vary an order so made by a subsequent order.

Application of certain provisions of Act to prosecutions under the Licensing Acts, 1828 to 1906.

167. Section one hundred and sixty of this Act shall apply to offences under section five of the Licensing Act, 1842, or section twelve, twenty-seven or twenty-eight of the Licensing Act, 1872, or section two or six of the Licensing Act, 1902.

PART XI —*cont.*

Repeal.

168.—(1) The enactments mentioned in the Tenth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) Nothing in this repeal shall affect any order, requirement, rule or regulation made, direction given or anything done under any enactment repealed by this Act; but any such order, requirement, rule, regulation, direction or thing shall, so far as it has effect at the commencement of this Act, continue to have effect, and, so far as it could have been made, given or done under the corresponding provision of this Act, have effect as if it had been made, given or done under that corresponding provision.

(3) Without prejudice to the generality of the last preceding subsection, any reference in this Act to a licence in suspense by virtue of section ninety-two of this Act after having been in suspense by virtue of section eighty-three of this Act shall be construed as including a reference to a licence in suspense by virtue of section ninety-two of this Act after having been in suspense by virtue of section ten of the Finance Act, 1942.

(4) Any document referring to an enactment repealed by this Act shall be construed as referring to the corresponding provision of this Act.

(5) The mention of particular matters in this section shall not affect the general application to this Act of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

Short title, extent and commencement.

169.—(1) This Act may be cited as the Licensing Act, 1953.

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

(3) This Act shall come into force on the first day of November, nineteen hundred and fifty-three.

SCHEDULES

FIRST SCHEDULE

CONSTITUTION AND PROCEDURE OF LICENSING AUTHORITIES

Section 2.

PART I

LICENSING COMMITTEES

1. A licensing committee shall be appointed in the month of October, November or December for the year beginning with the following first day of January.

2. A licensing committee shall consist of such number of members as the justices appointing the committee may determine, not being less than five nor more than fifteen.

3. A casual vacancy arising in a licensing committee from death, resignation, or otherwise may be filled up by the justices by whom the committee is appointed.

4. The quorum of a licensing committee shall be three.

5. The members of the committee retiring at the end of a year may be re-appointed ; and, if members are not appointed in any year to succeed the retiring members, the retiring members may continue to act until their successors are appointed.

6. Notwithstanding anything in subsection (2) of section two of this Act, where the total number of justices acting for the petty sessions area forming a county licensing district (excluding any who are disqualified under subsections (1) to (3) of section forty-eight of this Act) is less than ten, the committee for that district may, if the justices so determine, consist of all the justices for the area.

PART II

Sections 8, 52.

CONFIRMING AND COMPENSATION AUTHORITIES

County confirming and compensation committee

1. A county confirming and compensation committee shall be appointed in such manner as shall be determined by rules made by quarter sessions with the approval of the Secretary of State ; and the number and quorum of the committee shall be such as shall be so determined:

Provided that the justices for any non-county borough in the county shall be entitled to appoint one of their number to act on the committee when it is discharging its functions as a compensation authority, whether for the county or for any borough in the county ; and for the purposes of those functions any justice so appointed shall be deemed to be an additional member of the committee.

2. Quarter sessions may, if they think fit, make rules for the procedure of the county confirming and compensation committee (so far as not otherwise provided for), and for the costs to be incurred in proceedings on the confirmation of new justices' licences and for determining who is to pay them.

3. Where quarter sessions are customarily held separately by adjournment or otherwise for any part of a county, the Secretary of State may on the application of the justices sitting at each such separate sessions by order constitute any part of the county for which quarter sessions are so separately held a separate county for the purposes of the execution of the functions of a county confirming and compensation committee and of quarter sessions in relation to that committee, and the justices usually sitting at those separate sessions a separate quarter sessions for those purposes, and make all necessary provision for the exercise of those functions in such a case.

Power to make an order under this paragraph includes power to revoke or vary an order so made.

1ST SCH. —*cont.*

4. Quarter sessions may, for the purposes of the functions as compensation authority of a county confirming and compensation committee, divide their area into districts; and if they do so the preceding provisions of this Part of this Schedule shall have effect as if, for the purposes of those functions, each of those districts were a separate county having the same quarter sessions:

Provided that the same committee shall for the purposes of those functions be the confirming and compensation authority for each of the districts.

Borough confirming and compensation committee

5. A borough confirming and compensation committee shall be appointed in the month of October, November or December for the year beginning with the following first day of January.

6. A borough confirming and compensation committee shall consist of not less than nine nor more than fifteen justices; and not more than a third of the members of the committee shall be members of the borough licensing committee.

7. A casual vacancy arising in a borough confirming and compensation committee from death, resignation or otherwise may be filled up by the borough justices.

8. The quorum of a borough confirming and compensation committee shall be three.

9. The members of the committee retiring at the end of a year may be re-appointed; and, if members are not appointed in any year to succeed the retiring members, the retiring members may continue to act until their successors are appointed.

10. The borough justices may, if they think fit, make rules for the procedure of the borough confirming and compensation committee (so far as not otherwise provided for), and for the costs to be incurred in proceedings on the confirmation of new justices' licences and for determining who is to pay them.

Joint committee

11. A joint committee shall consist of three justices for the county in which the borough for which it is the confirming authority is situated and three justices for the borough.

12. The three justices for the county shall be appointed by the county confirming and compensation committee; and the same county justices may be appointed members of more than one joint committee.

13. The three justices for the borough shall be appointed by the borough justices.

14. If for any reason at any time three borough justices are not available and willing to be members of the joint committee, the county confirming and compensation committee shall supply the deficiency by appointing county justices.

15. A casual vacancy arising in a joint committee from death, resignation or otherwise may be filled up by the committee or justices by whom the member whose place is vacated was appointed. 1ST SCH. —*cont.*

16. The quorum of a joint committee shall be five.

17. The senior justice present at any meeting of a joint committee shall be chairman of the meeting; and, on an equal division of the committee, the chairman shall have a second vote.

SECOND SCHEDULE

GENERAL ANNUAL LICENSING MEETING AND TRANSFER SESSIONS

PART I

Section 3.

GENERAL ANNUAL LICENSING MEETING

1. The general annual licensing meeting shall extend over at least two days, the first of which shall be in the first fortnight of February; and the licensing justices shall appoint the time and place of the first session at a meeting held not less than twenty-one days before the time so appointed.

2. The first session of the general annual licensing meeting may, if the licensing justices think fit, be held on different days for different parts of the licensing district; and, if this is done, separate times and places may be appointed for the several parts.

3. The time and place of the second session of the general annual licensing meeting shall be appointed by the licensing justices at the first session.

4. The licensing justices may at their general annual licensing meeting adjourn the meeting to any third or subsequent day.

5. The times and places appointed for the second or any subsequent session of the general annual licensing meeting shall be such as appear to the justices convenient for persons intending to apply for justices' licences; and the times so appointed shall not be earlier than the sixth day after the session of the general annual licensing meeting at which they are appointed or later than one month after the first day of the general annual licensing meeting.

6. Notwithstanding the last preceding paragraph the licensing justices may meet for the consideration, or adjourned consideration, of any application made to them at their general annual licensing meeting although more than one month has elapsed since the first day of the meeting:

Provided that nothing in this paragraph shall enable a new application to be made at a meeting held under this paragraph.

2ND SCH. —*cont.*

7. When the justices have appointed the time and place for any session of their general annual licensing meeting, the clerk shall send notice in writing of the day, hour and place appointed—

(*a*) within five days, to the chief officer of police ;

(*b*) to every member of the licensing committee,' every holder of a justices' licence in the licensing district and every person who has applied for a justices' licence:

Provided that the clerk shall not be required to send notice of the second or any subsequent session of the general annual licensing meeting to any licence-holder or applicant except—

(i) an applicant for a licence whose application has not yet been dealt with, other than an applicant for renewal,

(ii) an applicant for renewal to whose application notice of objection has been given, or

(iii) where application has been made to transfer or remove a licence, the holder of the licence not being the applicant for the transfer or removal.

8. The chief officer of police shall cause copies of the said notice to be fixed on the door, or on some public and conspicuous place near the door, of the church or chapel of any parish in the licensing district, or, if there is no church or chapel of any such parish, on some public and conspicuous place in the parish.

Section 20.

PART II

TRANSFER SESSIONS

Paragraphs 7 and 8 of Part I of this Schedule shall apply to transfer sessions as they apply to the general annual licensing meeting.

THIRD SCHEDULE

APPLICATION FOR LICENCE

Section 5.

PART I

NEW LICENCE

1. A person applying for a new justices' licence shall—

(*a*) advertise notice of the application in a newspaper circulating in the place where the premises to which the application relates are situated on some day not more than four nor less than two weeks before the application is made, and, if the licensing justices so require, on some day or days outside the period permitted by this sub-paragraph but within such other period as they may fix,

(*b*) not more than twenty-eight days before the application, cause notice of the application to be kept affixed, between ten in the morning and five in the afternoon of two consecutive Sundays, to a conspicuous part of the premises and to the door, or some public and conspicuous place near the door, of the church or chapel of the parish or place where the premises are situated, or if there is no church or chapel of such parish or place, some public and conspicuous place in the parish or place,

(*c*) not less than twenty-one days before the application give notice in writing to the chief officer of police, the clerk to the licensing justices and—

(i) if the premises are in an urban parish, to the clerk to the rating authority ;

(ii) if the premises are in a rural parish, to the chairman of the parish council or if there is no parish council to the chairman of the parish meeting, and

(*d*) if the application is for a new on-licence, not less than twenty-one days before the application deposit with the clerk to the licensing justices a plan of the premises.

2. A notice under sub-paragraph (*c*) of the preceding paragraph, if served by post on the chief officer of police, the clerk to the rating authority or the chairman of the parish council or parish meeting, shall be served by registered post.

3. A notice under this Part of this Schedule shall be signed by the applicant or his authorised agent and shall state the name and address of the applicant, the kind of licences for which he intends to apply and the situation of the premises in respect of which the application is to be made.

PART II

Section 21.

TRANSFER

1. A person applying for the transfer of a justices' licence shall not less than fourteen days before the general annual licensing meeting or transfer sessions, as the case may be, give notice in writing to the holder of the licence, the chief officer of police, the clerk to the licensing justices and—

(*a*) if the premises are in an urban parish, to the clerk to the rating authority ;

(*b*) if the premises are in a rural parish, to the chairman of the parish council or if there is no parish council to the chairman of the parish meeting.

2. The notice shall be signed by the applicant or his authorised agent and shall state the name and address of the applicant and his trade or calling during the six months preceding the giving of the notice.

3RD SCH. —*cont.*

Section 25.

PART III

ORDINARY REMOVAL

1. Part I of this Schedule shall apply to an application for an ordinary removal as it applies to an application for a new justices' licence:

Provided that that Part as so applied shall have effect as if references therein to the premises to which the application relates were references to the premises to which it is sought to remove the licence.

2. A copy of the notice given in pursuance of sub-paragraph (*c*) of paragraph 1 of the said Part shall be served on the registered owner of the premises from which it is sought to remove the licence and on the holder of the licence unless he is also the applicant, and, if served by post, shall be served by registered post.

Section 26.

PART IV

SPECIAL REMOVAL

1. A person applying for the special removal of a justices' licence shall—

(*a*) not more than six weeks before the general annual licensing meeting or the transfer sessions, as the case may be, cause notice of the application to be kept affixed, between ten in the morning and four in the afternoon on a Sunday, to a conspicuous part of the premises to which it is proposed to remove the licence and to the door, or some public and conspicuous place near the door, of the church or chapel of the parish or place where the premises are situated, or if there is no church or chapel of such parish or place, some public and conspicuous place in the parish or place;

(*b*) not less than fourteen days before the general annual licensing meeting or transfer sessions as the case may be give notice in writing to the chief officer of police, the clerk to the licensing justices and—

(i) if the new premises are in an urban parish, to the clerk to the rating authority;

(ii) if those premises are in a rural parish, to the chairman of the parish council or if there is no parish council to the chairman of the parish meeting.

2. A notice given under this Part of this Schedule shall be signed by the applicant or his authorised agent and shall describe the premises from which and to which it is proposed to remove the licence.

3. In the application of subsection (4) of section one hundred and sixty-five of this Act to this Part of this Schedule the premises referred to in that subsection are the new premises.

FOURTH SCHEDULE

Section 18.

COMPENSATION LEVY

PART I

SCALE OF CHARGES FOR COMPENSATION LEVY

Annual value of premises to be taken as for the purpose of the excise on-licence duty	*Percentage of sum fixed*
£ £	
Under 15	1 per cent.
Not under 15 but under 20	2 " "
" " 20 " " 25	3 " "
" " 25 " " 30	4 " "
" " 30 " " 40	6 " "
" " 40 " " 50	10 " "
" " 50 " " 100	15 " "
" " 100 " " 200	20 " "
" " 200 " " 300	30 " "
" " 300 " " 400	40 " "
" " 400 " " 500	50 " "
" " 500 " " 600	60 " "
" " 600 " " 700	70 " "
" " 700 " " 800	80 " "
" " 800 " " 900	90 " "
" " 900	100 " "

The percentage for an hotel shall be one-third of that specified in the preceding scale.

Where, on the application of the holder of a justices' licence for any premises, the licensing justices certify that the premises are used only as public gardens, picture galleries, exhibitions, places of public or private entertainment, railway refreshment-rooms, *bona fide* restaurants or eating houses, or for any other purpose to which the holding of a licence is merely ancillary, the percentage shall be such, not less than one-third of that specified in the preceding scale, as the justices think proper.

In this Part of this Schedule "hotel" means premises of the annual value of fifty pounds and upwards—

(*a*) which are proved to the satisfaction of the Commissioners to be structurally adapted for use as an inn or hotel for the reception of guests or travellers wishing to dwell in the premises, and to be mainly so used, and

(*b*) of which either no part is set aside and used as an ordinary public house for the sale and consumption therein of liquors, or any part so set aside and used is of an annual value not exceeding, in the opinion of the Commissioners, twenty-five pounds.

4TH SCH. —*cont.*

PART II

SCALE OF DEDUCTIONS FROM RENT

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.

Sections 32, 52.

FIFTH SCHEDULE

VALUE QUALIFICATION OF PREMISES

PART I

ON-LICENCES: GENERAL RULE

1. Premises situated in a borough or urban district with a population of not less than 100,000 ... ... £50

2. Premises situated in a borough or urban district with a population of less than 100,000 but not less than 10,000 ... £30

3. Premises situated elsewhere £15

5TH SCH. —*cont.*

PART II

ON-LICENCES NOT AUTHORISING SALE OF SPIRITS

1. Premises situated in a borough or urban district with a population of not less than 100,000 ... ... £30
2. Premises situated in a borough or urban district with a population of less than 100,000 but not less than 10,000 ... £20
3. Premises situated elsewhere £12

PART III

REFRESHMENT HOUSES LICENSED FOR SALE OF WINE ON 10TH AUGUST, 1872, FOR CONSUMPTION ON PREMISES

1. House situated in a borough or urban district with a population exceeding 10,000 ... ... £20
2. House situated elsewhere £10

SIXTH SCHEDULE

Section 51.

FEES PAYABLE TO CLERKS TO LICENSING JUSTICES

	s.	*d.*
Justices' licences:		
grant of new licence	8	6
transfer	8	6
removal	8	6
renewal—		
on-licence for sale of spirits	8	6
other cases	6	0
Certified copy (s. 47)	2	6
Register of licences—		
registration as owner (s. 41 (2))	1	0
inspection (s. 44 (1))	1	0

SEVENTH SCHEDULE

Section 54.

LICENSING PLANNING COMMITTEES

General provisions

1. A licensing planning committee shall consist of—
   (*a*) a chairman appointed by the Secretary of State;
   (*b*) members appointed from among their number by the licensing justices having jurisdiction in the area;
   (*c*) members appointed by the local planning authorities having jurisdiction in the area.

2. The members of a licensing planning committee appointed under sub-paragraphs (*b*) and (*c*) of the preceding paragraph shall be equal in number; but except as aforesaid the number of members of any such committee shall be determined by the order constituting

7TH SCH. —*cont.*

the area ; and, where there is more than one body of licensing justices or more than one local planning authority having jurisdiction in the area, the order shall specify how many members are to be appointed by each body of justices or local planning authority.

3. The appointment of a member of a licensing planning committee shall be for a term of three years, and shall be subject to such conditions as the Secretary of State may determine:

Provided that a member appointed to fill a casual vacancy shall hold office only until the end of the term of office of the person in whose place he was appointed.

4. The provisions of the last preceding paragraph shall be subject to the termination of the appointment by the expiration of Part II of this Act, by the variation under section fifty-five of this Act of the licensing planning area or by the revocation under that section of the order constituting the area.

5. If the votes are equal on any question the chairman shall have a casting vote ; but except as aforesaid the chairman shall not vote.

6. The clerk to the licensing justices for the licensing district constituting or comprising the area, or, where the area includes the whole or part of more than one licensing district, the clerk to the licensing justices for such one of those licensing districts as may be specified in the order, shall, by virtue of his office, be the secretary of the committee.

7. An order constituting a licensing planning area may provide—

(*a*) for the appointment of sub-committees of the licensing planning committee for the area ;

(*b*) for authorising or requiring such matters as the order may specify to be referred by the committee to those sub-committees.

8. Where an order under section fifty-five of this Act adds a licensing district or part of a licensing district to a licensing planning area, and the order provides for the appointment of additional members of the licensing planning committee by the licensing justices or a local planning authority having jurisdiction in the added district or part, the order may vary the provisions of the original order constituting the district so as to limit the right of the additional members to vote as members of the licensing planning committee to such matters relating to the added district or part of a district as the order may specify.

9. So far as any order makes any provision authorised by either of the last two preceding paragraphs, it may be varied or revoked by a subsequent order of the Secretary of State made after consultation with the licensing planning committee for the area in question.

London

10. Paragraphs 1 and 2 and 6 to 9 of this Schedule shall not apply to a licensing planning area that consists of or includes the Administrative County of London.

11. The licensing planning committee for any such licensing planning area shall consist of—

(*a*) a chairman appointed by the Secretary of State as being an independent person;

(*b*) twelve members appointed from among their number by the Court of Quarter Sessions for the County of London;

(*c*) twelve members appointed by the London County Council;

(*d*) such number of members as the Secretary of State may by order prescribe, appointed from among their number by the licensing justices for the City of London, and an equal number of members appointed, after consultation with the Common Council of the City of London, by the London County Council;

(*e*) such persons appointed to a sub-committee under sub-paragraph (*c*) of paragraph 14 of this Schedule, being persons nominated by authorities or bodies concerned with a part of the area outside the Administrative County of London, as the Secretary of State may by order prescribe, so however that the order may limit the right to vote of such persons to such matters relating to the said part of the area as the order may specify.

12. If, after consultation with the Court of Quarter Sessions for the Administrative County of London and the London County Council, it appears to the Secretary of State expedient to do so by reason of the reduction under any enactment (whether passed before or after the passing of this Act) of the number of petty sessional divisions in London, the Secretary of State may by order direct that sub-paragraphs (*b*) and (*c*) of paragraph 11 of this Schedule shall have effect as if for the number "twelve" in each place where it occurs there were substituted such lower number as the order may specify.

The power to make an order under this paragraph includes power to revoke or vary an order so made by a subsequent order.

13. The clerk of the peace of the County of London shall, by virtue of his office, be the secretary of the licensing planning committee for any licensing planning area that consists of or includes the Administrative County of London.

14. The Secretary of State may by order—

(*a*) provide for the appointment of sub-committees of the licensing planning committee for a licensing planning area that consists of or includes the Administrative County of London,

(*b*) authorise or require the reference by the committee to those sub-committees of such matters as the order may specify, and

(*c*) provide for the addition to those sub-committees, for the purpose of considering and reporting on such matters as may be specified in the order, of persons nominated by such authorities or bodies concerned with the area or any part of it as may be so specified,

and may revoke or vary any such order.

Section 68.

EIGHTH SCHEDULE

COMMITTEE FOR NEW TOWN

1. A committee appointed under section sixty-eight of this Act shall consist of—

(*a*) a chairman appointed by the Secretary of State as being an independent person;

(*b*) members appointed by the development corporation for the new town for which the committee are constituted or, if the committee are constituted for more than one new town, by the development corporations for each of the new towns in such proportions as the Secretary of State may by order specify;

(*c*) members appointed from among their number by the licensing justices for the licensing district in which is situated the area for which the committee are constituted or, if that area is situated in more than one licensing district, by the licensing justices for each of those districts in such proportions as the Secretary of State may by order specify:

Provided that, where the said area comprises part only of a licensing district, and it appears to the Secretary of State that, by reason of the small extent of that part of the district and having regard to its nature, the licensing justices have insufficient interest in the working of the committee to justify their representation on it, it shall not be necessary for the committee to include any licensing justice for that district.

2. The members of a committee appointed under sub-paragraphs (*b*) and (*c*) of the preceding paragraph shall be equal in number; but except as aforesaid the number of members shall be determined by order of the Secretary of State.

3. The appointment of a member of any such committee shall be for such term, not exceeding three years, as may be determined by or under an order of the Secretary of State, with or without eligibility for re-appointment, as may be so determined, and shall be subject to such conditions as may be so determined.

4. The quorum of any such committee shall be such as the Secretary of State may by order determine.

5. If the votes are equal on any question the chairman shall have a casting vote; but except as aforesaid the chairman shall not vote.

6. Subject to the last two preceding paragraphs, the procedure of any such committee shall be such as the committee may determine.

NINTH SCHEDULE

Section 76.

THE CARLISLE DISTRICT

PART I

EXTENT OF THE DISTRICT

The city of Carlisle, the petty sessional division of Cumberland Ward (except so much of the old parish of Castle Sowerby as is comprised in the parish of Dalston), so much of the old parish of Dalston as is comprised in the parish of Skelton in the petty sessional division of Penrith, the petty sessional division of Maryport, so much of the petty sessional division of Wigton as lies to the north-west of a line drawn parallel to and one-quarter of a mile south-east of the main road from Carlisle to Cockermouth, the petty sessional division of Longtown (except the parishes of Nichol Forest, Solport, and Bewcastle, and the old parish of Bellbank), and the parishes of Bothel and Threapland, Plumbland, Gilcrux and Broughton Moor and the old parishes of Tallentire and Dovenby, in the petty sessional division of Cockermouth, all in the county of Cumberland.

In the preceding provisions of this Schedule the expression "old parish" means a parish as existing immediately before the coming into operation of the Cumberland Review Order, 1934.

PART II

ANCILLARY FUNCTIONS EXERCISABLE BY SECRETARY OF STATE

1. The provision and maintenance in the Carlisle district of hotels and inns where accommodation and meals are provided and intoxicating liquor is sold.

2. The provision and maintenance in the Carlisle district of premises where meals and refreshments may be obtained, whether or not intoxicating liquor is sold in the premises.

3. The provision of entertainment or recreation at premises in the Carlisle district provided by the Secretary of State for the sale of intoxicating liquor, meals or refreshments.

4. The brewing of beer (as defined in section three hundred and seven of the Customs and Excise Act, 1952), the blending, reducing or bottling of any intoxicating liquor and the manufacture of table waters, that is to say, aerated waters and beverages sold or kept for sale in bottles, other than—

(*a*) liquors for the sale of which an excise licence is required, or

(*b*) syrups or other liquors intended to be consumed only in a diluted form,

for sale in, or to persons in, the Carlisle district.

5. The provision and maintenance of storage accommodation; and the provision of transport, in connection with the carrying on of any activity referred to in the preceding provisions of this Part of this Schedule.

9TH SCH. —*cont.*

6. The carrying on of any business which, by reason of being carried on outside the Carlisle district, does not fall within section seventy-six of this Act or the preceding provisions of this Schedule, so long as the business is carried on in the premises in which immediately before the thirtieth day of July, nineteen hundred and forty-nine, it was being carried on on behalf of the Secretary of State in pursuance of any of the provisions of Part II of the Licensing Act, 1921, or the Third Schedule to that Act.

7. The carrying on of such activities and the doing of such things (including, without prejudice to the generality of this paragraph, the purchase of the whole or any part of any business and the assets and liabilities thereof) incidental to any of the activities specified in section seventy-six of this Act and the preceding provisions of this Schedule as appear to the Secretary of State expedient.

PART III

SUPPLEMENTAL PROVISIONS AS TO THE EXERCISE OF FUNCTIONS OF SECRETARY OF STATE

8. Notwithstanding anything in the enactments relating to the sale and supply of intoxicating liquor, to the sale of tobacco and to entertainment and recreation, any of the activities specified in section seventy-six of this Act and the preceding provisions of this Schedule may be carried on by or on behalf of the Secretary of State, in premises occupied by him, without the need for any licence, and shall not be subject to any restrictions imposed by law on the carrying on of such activities:

Provided that any person engaged in any such activity on behalf of the Secretary of State shall be subject to any statutory provisions affecting the holders of licences, and the occupiers of premises licensed, for that activity in like manner as if he were the holder of the appropriate licence, and to any restrictions imposed by law on persons carrying on that activity.

9.—(1) Any instrument in connection with the acquisition, management or disposal of any land or other property in the exercise of the functions of the Secretary of State relating to the Carlisle district, being an instrument to which the Secretary of State is expressed to be a party, shall be deemed to be validly executed by him if it is executed on his behalf by an Under Secretary of State or any other person authorised in that behalf by the Secretary of State; and any such instrument purporting to have been executed as aforesaid on behalf of the Secretary of State shall, until the contrary is proved, be deemed to have been so executed on his behalf.

(2) The method provided by this paragraph for the execution of such an instrument as aforesaid shall be in addition to any other method available by law for the execution of such an instrument on behalf of the Secretary of State; and this paragraph shall not be construed as affecting the validity of any method by which other instruments may be executed on behalf of the Secretary of State.

TENTH SCHEDULE

Section 168.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
35 Geo. 3. c. 113.	The Sale of Beer Act, 1795.	The whole Act.
2 & 3 Vict. c. 47.	The Metropolitan Police Act, 1839.	Section forty-five.
2 & 3 Vict. c. 93.	The County Police Act, 1839.	Section sixteen.
10 & 11 Vict. c. 89.	The Town Police Clauses Act, 1847.	Section thirty-four.
2 Edw. 7. c. 28.	The Licensing Act, 1902.	Section seven.
10 Edw. 7 & 1 Geo. 5. c. 8.	The Finance (1909–10) Act, 1910.	Section eighty-seven.
10 Edw. 7 & 1 Geo. 5. c. 24.	The Licensing (Consolidation) Act, 1910.	The whole Act.
11 & 12 Geo. 5. c. 42.	The Licensing Act, 1921.	The whole Act.
13 & 14 Geo. 5. c. 28.	The Intoxicating Liquor (Sale to Persons under Eighteen) Act, 1923.	The whole Act.
15 & 16 Geo. 5. c. 90.	The Rating and Valuation Act, 1925.	In section twenty, in subsection (1), the words from " and for the purpose of determining " to " 1910 " and the words " or the value of the premises is to be determined " and subsection (2).
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act, 1933.	Section six.
24 & 25 Geo. 5. c. 26.	The Licensing (Permitted Hours) Act, 1934.	The whole Act.
26 Geo. 5. & 1 Edw. 8. c. 51.	The Housing Act, 1936.	Section forty-seven.
5 & 6 Geo. 6. c. 21.	The Finance Act, 1942.	In section ten, in subsection (1), the words " this and " and " and in the Sixth Schedule to this Act " and subsections (2) to (6). Part I of the Sixth Schedule.
7 & 8 Geo. 6. c. 23.	The Finance Act, 1944.	Sections eight and nine.
7 & 8 Geo. 6. c. 47.	The Town and Country Planning Act, 1944.	Section fifteen.
8 & 9 Geo. 6. c. 15.	The Licensing Planning (Temporary Provisions) Act, 1945.	The whole Act.
9 & 10 Geo. 6. c. 53.	The Licensing Planning (Temporary Provisions) Act, 1946.	The whole Act.
9 & 10 Geo. 6. c. 64.	The Finance Act, 1946.	Section twelve. The First Schedule.
10 & 11 Geo. 6. c. 35.	The Finance Act, 1947.	Section seventy-three.

10TH SCH. —*cont.*

Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 51.	The Town and Country Planning Act, 1947.	In section forty-four, subsection (3). So much of the Eighth Schedule as amends section fifteen of the Town and Country Planning Act, 1944, and the Licensing Planning (Temporary Provisions) Acts, 1945 and 1946. So much of the Eleventh Schedule as reprints section fifteen of the Town and Country Planning Act, 1944.
12, 13 & 14 Geo. 6. c. lv.	The London County Council (General Powers) Act, 1949.	In section forty-five, in subsection (1), the words from "and for the purpose of determining" to "Act 1910" and the words "or the value of the premises is to be determined" and paragraph (*b*) of the proviso.
12, 13 & 14 Geo. 6. c. 59.	The Licensing Act, 1949.	The whole Act except subsection (1) of section four and sections twenty-six, twenty-seven, forty-two and forty-three. In section forty-two, in subsection (1), the definitions of "Act of 1921", "Act of 1945", "canteen", "London", "mess" and "registered", and subsection (3).
12, 13 & 14 Geo. 6. c. 84.	The War Damaged Sites Act, 1949.	Section fourteen.
12, 13 & 14 Geo. 6. c. 101.	The Justices of the Peace Act, 1949.	Section twelve. In section nineteen, subsection (13).
15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.	The Customs and Excise Act, 1952.	In section one hundred and fifty, paragraph (*b*) of the proviso to subsection (1). In section one hundred and fifty-one, in subsection (2), paragraph (*a*) and the proviso. In section three hundred and seven, in subsection (1), in the definition of "justices' licence or certificate", the words "licence or" and the words from "a justices' licence" to "1910, or".
15 & 16 Geo. 6 & 1 Eliz. 2. c. 65.	The Licensed Premises in New Towns Act, 1952.	The whole Act.
1 & 2 Eliz. 2. c. 5.	The Expiring Laws Continuance Act, 1952.	In the Schedule, the entry relating to the Licensing Planning (Temporary Provisions) Act, 1945.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Licensing Act, 1842	5 & 6 Vict. c. 44.
Betting Act, 1853	16 & 17 Vict. c. 119.
Ordnance Board Transfer Act, 1855	18 & 19 Vict. c. 117.
Licensing Act, 1872	35 & 36 Vict. c. 94.
Licensing Act, 1874	37 & 38 Vict. c. 49.
Oxford University (Justices) Act, 1886	49 & 50 Vict. c. 31.
Local Government Act, 1888	51 & 52 Vict. c. 41.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Finance Act, 1894	57 & 58 Vict. c. 30.
Licensing Act, 1902	2 Edw. 7. c. 28.
Deeds of Arrangement Act, 1914...	4 & 5 Geo. 5. c. 47.
Bankruptcy Act, 1914	4 & 5 Geo. 5. c. 59.
Acquisition of Land (Assessment of Compensation) Act, 1919...	9 & 10 Geo. 5. c. 57.
Licensing Act, 1921	11 & 12 Geo. 5. c. 42.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Housing Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 51.
Finance Act, 1942	5 & 6 Geo. 6. c. 21.
War Damage Act, 1943	6 & 7 Geo. 6. c. 21.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6. c. 49.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Town and Country Planning Act, 1947	10 & 11 Geo. 6. c. 51.
Consolidation of Enactments (Procedure) Act, 1949	12, 13 & 14 Geo. 6. c. 33.
Licensing Act, 1949	12, 13 & 14 Geo. 6. c. 59.
Representation of the People Act, 1949	12, 13 & 14 Geo. 6. c. 68.
War Damaged Sites Act, 1949	12, 13 & 14 Geo. 6. c. 84.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Customs and Excise Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 44.
Costs in Criminal Cases Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 48.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.

CHAPTER 47

Emergency Laws (Miscellaneous Provisions) Act, 1953

ARRANGEMENT OF SECTIONS

Section
1. Permanent enactment of provisions contained in certain Defence Regulations.
2. Permanent enactment of provisions of Defence (Trading with the Enemy) Regulations, 1940.
3. Extension of control of certain explosives.