STATUTORY INSTRUMENTS

1961 No. 1670 (C. 14)

LICENSING (LIQUOR)

The Licensing Act, 1961 (Commencement) Order, 1961

Made - - - - 28th August, 1961

In exercise of the powers conferred on me by subsection (5) of section thirty-eight of the Licensing Act, 1961(a), I hereby make the following Order:—

1. The provisions of the Licensing Act, 1961, specified in the first column of each of the Schedules to this Order (which relate to the matters specified in the second column thereof) shall come into force on the day specified in the heading to that Schedule.

2. This Order may be cited as the Licensing Act, 1961 (Commencement) Order, 1961.

R. A. Butler,

One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
28th August, 1961.

FIRST SCHEDULE

PROVISIONS COMING INTO FORCE ON 1ST NOVEMBER, 1961

Provisions of the Act	Subject matter of provisions
Section one	New provisions as to licences for restaurants, guest houses, etc.
Section two	Grant and renewal of licences for restaurants, guest houses, etc.
Section three	Power of court to disqualify for restaurant, etc., licences on conviction of certain offences.
Section four	Adaptations of Licensing Act, 1953.
Subsection (7) of section five ...	Permitted hours in premises licensed for the sale of intoxicating liquor for consumption off the premises only.
Subsections (1) to (3) and (5) to (7) of section seven.	Operation of provisions as to permitted hours.
Subsections (2) to (9) of section eight.	Special hours certificates for premises providing music and dancing.
Section ten	Seasonal licences.

(a) 9 & 10 Eliz. 2. c. 61.

Provisions of the Act	Subject matter of provisions
Section eleven	Miscellaneous amendments as to permitted hours and the like.
Section twelve	New procedure in connection with grant of justices' licences.
Section thirteen	Special provisions as to removal and transfer.
Section fourteen	Power to extend existing on-licence to additional types of liquor.
Section fifteen	Provisional licences.
Section sixteen	Protection orders.
Section seventeen	Restriction on grant of justices' licence for premises on special roads.
Section eighteen	Miscellaneous amendments as to grant of licences, proceedings and fees.
Section nineteen	Licensing justices' interests.
Section twenty	Consent not required for certain alterations to licensed premises.
Section twenty-one	Protection of young persons.
Section twenty-two	Penalty for unauthorised sales of intoxicating liquor.
Section twenty-three	Miscellaneous relaxations of law as to licensed premises.
Section twenty-four	Liqueur chocolates.
Subsections (1), (2), (3), (6) and (7) of section thirty-seven.	Interpretation and consequential provisions.
Section thirty-eight	Short title, citation, repeal, etc.
First Schedule	Punishment of certain offences in connection with refreshment houses.
Fourth Schedule	Licensing procedure and appeals.
Part I of the Ninth Schedule and so much of Part II of the said Schedule as is set out in the Appendix hereto.	Repeals.

APPENDIX TO FIRST SCHEDULE

Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 22.	The Civic Restaurants Act, 1947.	In section one, proviso (iii) to subsection (1).
12, 13 & 14 Geo. 6. c. 59.	The Licensing Act, 1949	Sections twenty-six and twenty-seven. In section forty-two, in subsection (1), the definitions of "police area" and "chief officer of police", subsection (2) and subsection (4).
15 & 16 Geo. 6. and 1 Eliz. 2. c. 44.	The Customs and Excise Act, 1952.	In section one hundred and fifty-one, paragraph (*a*) of the proviso to subsection (1).
1 & 2 Eliz. 2. c. 46.	The Licensing Act, 1953	Section three. In section four, the words "at their general annual licensing meeting" and the proviso. Section five.

Session and Chapter	Short Title	Extent of Repeal
1 & 2 Eliz. 2. c. 46—*contd.*	The Licensing Act, 1953 —*contd.*	In section six, subsection (4), subsection (9) and, except as respects licences granted before the coming into force of this repeal, subsections (5), (7) and (8). Sections eight and nine. In section ten, in subsection (1) the words " under this Act ", and in subsection (2), the words " as confirmed by the confirming authority " and the words from " and " onwards. In section eleven, the proviso to subsection (1). In section eighteen, in subsection (1), the words " confirming and ", wherever occurring. Section twenty. In section twenty-one, subsections (2) and (3), in paragraph (*f*) of subsection (4), the words from " until " to " those sessions ", and subsection (5). Section twenty-two. In section twenty-three, in subsection (1), the word " any " and the words " that may be sold under an excise licence authorised by the justices' licence ", in subsection (3), paragraph (*c*) except as respects licences granted before the coming into force of this repeal, and subsections (4) to (7) and (11). In section twenty-four, subsection (4). In section twenty-five, subsections (3) and (6). Sections twenty-six, twenty-nine, thirty-two and thirty-three. In section thirty-five, subsection (3) from " and " onwards. In section forty-one, in subsection (2), the words from " on payment " to " Act ". In section forty-four, in subsection (1), the words " under section fifty-one of this Act " Section forty-five, except as respects the operation of licences granted before the coming into force of this repeal. In section forty-eight, in subsection (2), the words " confirming or ", and in subsection (7) the words " or confirmed " and the words " or confirm ". In section forty-nine, in paragraph (*g*), the words " or confirming authorities ". In section fifty, subsection (1). Section fifty-one.

Session and Chapter	Short Title	Extent of Repeal
1 & 2 Eliz. 2. c. 46—*contd.*	The Licensing Act, 1953 —*contd.*	In section fifty-two, in subsection (2), the words " confirming and " in both places, and subsection (3). In section fifty-nine, subsection (2) and, except as respects the regrant of licences granted before the coming into force of this repeal, subsection (3). In section sixty-one, in subsection (4), the words " section thirty-two of this Act shall not, in relation to the licence in question, apply to ", the word " nor ", the words " those premises " and the words " not being ". In section sixty-two, in paragraph (*a*), the words " and the fees to be paid,". In section seventy-one, subsections (3), (6) and (9). In section seventy-four, in subsection (1), the words " to (3) and (9) " in paragraph (*c*). In section seventy-five, in subsection (1), the words " to (3) and (9) " in proviso (*b*). In section eighty-three, subsections (4) to (6), and in subsection (7), the words " or subsection (5) " the words from " or, if " to " would have " and the words from " and nothing " onwards. In section eighty-four, subsection (4), from " or, if " onwards, except as respects licences granted before the coming into force of this repeal. In section ninety-one, subsection (1) and subsection (2) from " and, without " onwards. In section ninety-four, except as respects licences granted before the coming into force of this repeal, subsection (4) from " or, if " onwards and subsection (5). In section ninety-nine, subsection (1) and subsection (2) from " and, without " onwards. In section one hundred, paragraphs (*c*) and (*d*) of subsection (2) and subsection (3). In section one hundred and four, subsection (7) and subsection (8), so far as it relates to subsection (7). In section one hundred and five, in subsection (1), the words " at their general licensing meeting ". In section one hundred and six, subsection (1), from " licensed " onwards, except the words " premises, in addition to the other permitted hours, such hours as may be specified in the order ", and subsections (4), (6), (7) and (8).

Session and Chapter	Short Title	Extent of Repeal
1 & 2 Eliz. 2. c. 46—*contd.*	The Licensing Act, 1953 —*contd.*	In section one hundred and seven, the word " licensed " and the words from " permitted " where first occurring to " other " where last occurring, except the words " other permitted hours such ". In section one hundred and nine, subsection (3). In section one hundred and thirteen, subsection (5). In section one hundred and seventeen, in subsection (2) paragraph (*a*) of the proviso, and subsections (3), (4), (5) and (8). In section one hundred and twenty, subsection (2). In section one hundred and twenty-seven, in subsection (1), the word " justices' ". Sections one hundred and twenty-eight and one hundred and twenty-nine. In section one hundred and thirty-four, in subsection (1), the words " at their general annual licensing meeting or at a transfer sessions ". In section one hundred and forty-eight, subsection (3). In section one hundred and fifty-seven, in subsection (1), the words from " or a room " to " premises ", and in subsection (2) the words " or in any such room as aforesaid ". In section one hundred and sixty-five, in subsection (1), the definitions of " new justices' licence " and " old off-licence ", and subsection (5). In section one hundred and sixty-seven, the words " section five of the Licensing Act, 1842, or " and the words " twenty-seven or twenty-eight ". In the First Schedule, in Part II, the words " confirming and ", wherever occurring in paragraphs 1 to 10; in paragraph 1, in the proviso, the words from " to act " to " deemed ", paragraph 2 from " and for the " onwards, in paragraph 4 the words " as compensation authority ", and paragraph 10 from " and for the " onwards; paragraphs 11 to 17. The Second, Third, Fifth and Sixth Schedules.
2 & 3 Eliz. 2. c. 11.	The Licensing (Seamen's Canteens) Act, 1954.	In section seven, the proviso to subsection (1) and subsection (6).
4 & 5 Eliz. 2. c. 42.	The Occasional Licences and Young Persons Act, 1956.	The whole Act.
7 & 8 Eliz. 2. c. 57.	The Street Offences Act, 1959.	Section three.

SECOND SCHEDULE

PROVISIONS COMING INTO FORCE ON 1ST JANUARY, 1962

Provisions of the Act	Subject matter of provisions
Subsections (1) to (6) and (8) to (12) of section five, for the purpose only of enabling licensing justices to make orders under the said section having effect on or after the first day of March, 1962.	Permitted hours for licensed premises and clubs generally.
Section nine, for the purpose only of enabling licensing justices to make orders under the said section having effect on or after the first day of March, 1962.	Extended hours in restaurants, etc., providing entertainment.

THIRD SCHEDULE

PROVISIONS COMING INTO FORCE ON 1ST MARCH, 1962

Provisions of the Act	Subject matter of provisions
Subsections (1) to (6) and (8) to (12) of section five, so far as not already in force.	Permitted hours for licensed premises and clubs generally.
Subsection (4) of section seven...	Permitted hours in premises to which section one hundred and four of the Licensing Act, 1953, applies.
Subsection (1) of section eight ...	Extension of special hours certificate provisions to places outside metropolis.
Section nine, so far as not already in force.	Extended hours in restaurants, etc., providing entertainment.
Section twenty-five	Conditions for supply of intoxicating liquor by clubs.
Section twenty-six	Qualifications for registration.
Section twenty-seven	Objections to and cancellations of registration, and disqualification of premises.
Section twenty-eight	Sale of intoxicating liquor by registered clubs.
Section twenty-nine	Maintenance of register, and procedure for registration, etc.
Section thirty	Appeal to quarter sessions.
Section thirty-one	Inspection of premises before first registration.
Section thirty-two	Rights of fire authorities in connection with registration of clubs.
Section thirty-three	Extended hours in premises of registered clubs.
Section thirty-four	Search warrants.
Section thirty-six	Application of Part III to miners' welfare institutes.
Subsections (4) and (5) of section thirty-seven.	Interpretation, and transitional and consequential provisions.
Third Schedule	Adaptations of Licensing Act, 1953, sections one hundred and thirteen to one hundred and nineteen (special hours certificates) for areas outside metropolis.
Fifth Schedule	Provisions as to club rules.
Sixth Schedule	Requirements to be complied with by club's application for registration certificate.

Provisions of the Act	Subject matter of provisions
Seventh Schedule	Procedure for registration of clubs, and related matters.
In the Eighth Schedule, paragraphs 1, 2, 5 and 6.	Transitional and consequential provisions about clubs.
So much of Part II of the Ninth Schedule as is set out in the Appendix hereto.	Repeals.

APPENDIX TO THIRD SCHEDULE

Session and Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6 and 1 Eliz. 2. c. 44.	The Customs and Excise Act, 1952.	In subsection (1) of section three hundred and seven, the definition of "registered club".
1 & 2 Eliz. 2. c. 46.	The Licensing Act, 1953	In section seventy-seven, in subsection (1), the words "or in the premises of any registered club", the words "or premises of a registered club" and the words "or premises of a registered club, as the case may be". Sections one hundred and one to one hundred and three. In section one hundred and four, subsections (2), (3), (4) and (8). In section one hundred and twelve, subsection (1). In section one hundred and thirteen, in subsection (1), the words from "in any part" to "Secretary of State". In section one hundred and fourteen, in subsection (1), the words from "situated" to "Secretary of State". In section one hundred and fifteen, the words from "being premises" to "Secretary of State". In section one hundred and nineteen, paragraph (*a*) of subsection (1) and subsection (6). Section one hundred and twenty-three, section one hundred and twenty-five and Part IX (but subject to transitional provisions in the Eighth Schedule to the Licensing Act, 1961). In section one hundred and forty-nine, subsection (2). In section one hundred and sixty-five, in subsection (1), the definitions of "registered club" and "unregistered club".
2 & 3 Eliz. 2. c. 11.	The Licensing (Seamen's Canteens) Act, 1954.	In section seven, subsections (2), (3) and (4).
7 & 8 Eliz. 2. c. 58.	The Finance Act, 1959 ...	In section four, proviso (*a*) to subsection (1), except as respects clubs remaining registered under the Licensing Act, 1953.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order brings into force all the provisions of the Licensing Act, 1961, which did not come into force on the passing of the Act; different days are appointed for the coming into force of different provisions of the Act.