CHAPTER 61

ARRANGEMENT OF SECTIONS

PART I

RESTAURANTS AND GUEST HOUSES

Section
1. New provisions as to licences for restaurants, guest houses, etc.
2. Grant and renewal of licences for restaurants, guest houses, etc.
3. Power of court to disqualify for restaurant, etc., licences on conviction of certain offences.
4. Adaptations of Licensing Act, 1953.

PART II

AMENDMENTS OF GENERAL LICENSING LAW

Licensing hours

5. Permitted hours for licensed premises and clubs generally.
6. Sunday closing in Wales and Monmouthshire.
7. Operation of provisions as to permitted hours.
8. Special hours certificates for premises providing music and dancing.
9. Extended hours in restaurants, etc., providing entertainment.
10. Seasonal licences.
11. Miscellaneous amendments as to permitted hours and the like.

Duration and grant of licences, and related matters

12. New procedure in connection with grant of justices' licences.
13. Special provisions as to removal and transfer.
14. Power to extend existing on-licence to additional types of liquor.
15. Provisional licences.
16. Protection orders.
17. Restriction on grant of justices' licence for premises on special roads.
18. Miscellaneous amendments as to grant of licences, proceedings and fees.

Miscellaneous

19. Licensing justices' interests.
20. Consent not required for certain alterations to licensed premises.
21. Protection of young persons.
22. Penalty for unauthorised sales of intoxicating liquor.
23. Miscellaneous relaxations of law as to licensed premises.
24. Liqueur chocolates.

PART III

SALE AND SUPPLY OF INTOXICATING LIQUOR IN CLUB PREMISES

25. Conditions for supply of intoxicating liquor by clubs.
26. Qualifications for registration.
27. Objections to and cancellations of registration, and disqualification of premises.
28. Sale of intoxicating liquor by registered clubs.
29. Maintenance of register, and procedure for registration, etc.
30. Appeal to quarter sessions.
31. Inspection of premises before first registration.
32. Rights of fire authorities in connection with registration of clubs.
33. Extended hours in premises of registered clubs.
34. Search warrants.
35. Licensing of club premises.
36. Application of Part III to miners' welfare institutes.

PART IV

SUPPLEMENTARY

Section
37. Interpretation, and transitional and consequential provisions.
38. Short title, citation, repeal, extent and commencement.

SCHEDULES:

First Schedule—Punishment of certain offences in connection with refreshment houses.

Second Schedule—Supplementary provision for polls in Wales and Monmouthshire.

Third Schedule—Adaptations of Licensing Act, 1953, ss. 113 to 119 (special hours certificates) for areas outside metropolis.

Fourth Schedule—Licensing procedure and appeals.

Fifth Schedule—Provisions as to club rules.

Sixth Schedule—Requirements to be complied with by club's application for registration certificate.

Seventh Schedule—Procedure for registration of clubs, and related matters.

Eighth Schedule—Transitional and consequential provisions about clubs.

Ninth Schedule—Repeals.

An Act to amend the Licensing Act, 1953, to make further provision about the sale and supply of intoxicating liquor and about licensed premises, and for purposes connected therewith. [3rd August, 1961]

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

RESTAURANTS AND GUEST HOUSES

New provisions as to licences for restaurants, guest houses etc.

1.—(1) Except on one or more of the grounds specified in this Act, licensing justices shall not refuse an application duly made for the grant of a new justices' on-licence of a description falling within this section or for the renewal of a justices' on-licence of such a description; and in this Part of this Act any reference to a renewal of such a licence shall apply also to a transfer, except where the context otherwise requires.

(2) The first description of licence mentioned in subsection (1) above (in this Act referred to as "a restaurant licence") is a licence which—

(*a*) is granted for premises structurally adapted and bona fide used, or intended to be used, for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises; and

(*b*) is subject to the condition that intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

(3) The second description of licence mentioned in subsection (1) above (in this Act referred to as " a residential licence ") is a licence which—

(*a*) is granted for premises bona fide used, or intended to be used, for the purpose of habitually providing for reward board and lodging, including breakfast and one other at least of the customary main meals ; and

(*b*) is subject to the condition that intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons residing there or their private friends bona fide entertained by them at their own expense, and for consumption by such a person or his private friend so entertained by him either on the premises or with a meal supplied at but to be consumed off the premises.

(4) The third description of licence mentioned in subsection (1) above (in this Act referred to as " a residential and restaurant licence ") is a licence which—

(*a*) is granted for premises falling within both paragraph (*a*) of subsection (2) and paragraph (*a*) of subsection (3) above ; and

(*b*) is subject to the condition that intoxicating liquor shall not be sold or supplied otherwise than as permitted by the conditions of a restaurant licence or by those of a residential licence.

(5) The conditions as to the sale and supply of intoxicating liquor set out in paragraph (*b*) of subsection (2) and paragraph (*b*) of subsection (3) above, and any conditions in the same terms which may be attached to a justices' licence,—

(*a*) shall not extend to the supply for consumption on the premises of intoxicating liquor (whether inside or outside the permitted hours) in any case in which section one hundred of the Licensing Act, 1953, does not prohibit liquor being so supplied outside the permitted hours ;

(*b*) shall not extend to the sale of intoxicating liquor, or supply of liquor, sold on the premises under the authority of an occasional licence ;

(*c*) subject to paragraph (*b*) above, shall extend to all sales of intoxicating liquor, whether or not requiring the authority of a justices' licence.

(6) It shall be an implied condition of any restaurant licence, residential licence or residential and restaurant licence that suitable beverages other than intoxicating liquor (including drinking

PART I

water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

(7) Where licensing justices grant or renew a restaurant licence or a residential and restaurant licence, but as regards the use of the premises for the provision of the customary main meals it appears to them that it is only for a mid-day meal or only for an evening meal that the premises fall within paragraph (*a*) of subsection (2) above, the justices shall attach to the licence a condition restricting the permitted hours in the premises so as to exclude any time after the afternoon break, or any time before it, as the case requires; but on the renewal of such a licence and at the request of the person applying for the renewal, or on an application by the holder, licensing justices shall revoke any such condition previously attached, if satisfied that it is no longer required by this subsection.

(8) Where licensing justices grant a new residential licence or residential and restaurant licence, they shall, unless it appears to them that in the particular circumstances of the case there is good reason not to do so, attach to the licence a condition that there shall be afforded in the premises, for persons provided with board and lodging for reward, adequate sitting accommodation in a room not used or to be used for sleeping accommodation, for the service of substantial refreshment or for the supply or consumption of intoxicating liquor; and where such a licence is granted without the condition required by this subsection, licensing justices shall, on the renewal of the licence, attach the condition if by reason of any change of circumstances it appears to them that the requirement ought no longer to be dispensed with.

(9) A justices' on-licence shall not be a restaurant licence, residential licence or residential and restaurant licence if it is subject to any condition not required to be attached to it in pursuance of this section or of section one hundred and nine (six-day licences) or one hundred and ten (early-closing licences) of the Licensing Act, 1953:

Provided that a restaurant licence, residential licence or residential and restaurant licence may be a seasonal licence, as provided for by section ten of this Act.

(10) Notwithstanding subsection (10) of section six of the Licensing Act, 1953 (by virtue of which licensing justices have no power to attach conditions to the grant of a new justices' on-licence for the sale of wine alone or sweets alone), this section shall apply to such a licence as it applies to a justices' on-licence of any other class.

(11) Licensing justices shall not attach to the grant any new justices' on-licence—

(*a*) any conditions calculated to restrict the sale or supply

of intoxicating liquor to a sale or supply in connection with the service of meals, other than such condition as is required to be attached to the grant of a restaurant licence (modified, if need be, to allow for any sale or supply which it is desired to authorise in addition to a sale or supply in connection with the service of table meals); or

(*b*) any conditions calculated to restrict the sale or supply of intoxicating liquor to a sale or supply to persons residing in the licensed premises other than such condition as is required to be attached to the grant of a residential licence (modified, if need be, to allow for any sale or supply which it is desired to authorise in addition to a sale or supply to persons residing in the premises).

(12) No justices' licence other than a restaurant licence shall be granted for a restaurant carried on under the powers of the Civic Restaurants Act, 1947, and any justices' licence granted for such a restaurant before this section comes into force shall have effect as a restaurant licence and may be renewed as such accordingly.

(13) Subsection (1) above shall not affect the operation of any enactment relating to the disqualification whether of persons or premises for holding or receiving a justices' licence, but save as aforesaid shall have effect notwithstanding any enactment restricting the grant of justices' licences, including in particular any enactment in Part II (war damaged areas) or Part III (new towns) of the Licensing Act, 1953.

Grant and renewal of licences for restaurants, guest houses, etc.

2.—(1) Licensing justices may refuse an application for the grant or renewal of a restaurant licence, residential licence or residential and restaurant licence on any of the following grounds, that is to say,—

(*a*) that the applicant is not of full age, or is in any other respect not a fit and proper person to hold one;

(*b*) that the premises do not fall within paragraph (*a*) of subsection (2), (3) or (4), as the case may be, of section one of this Act, or are not suitable and convenient for the use contemplated by that paragraph, having regard to their character and condition, to the nature and extent of the proposed use and (where it applies) to the required condition as to sitting accommodation or as to the supply of intoxicating liquor only for consumption as an ancillary to a table meal;

(*c*) that within the twelve months preceding the application—

(i) a justices' on-licence for the premises has been forfeited; or

PART I

(ii) the premises have been ill-conducted while a justices' on-licence or a licence under the Refreshment Houses Act, 1860, was in force for them; or

(iii) the required condition as to sitting accommodation has been habitually broken while a residential licence or a residential and restaurant licence (or other licence with the like condition) was in force for the premises; or

(iv) the condition as to the availability of beverages other than intoxicating liquor has been habitually broken while a restaurant licence, a residential licence or a residential and restaurant licence (or other licence with the like condition) was in force for the premises.

(2) Licensing justices may also refuse an application for the grant or renewal of a restaurant licence or residential and restaurant licence on the ground that the trade done in the premises in providing refreshment to persons resorting there (but not provided with board and lodging) does not habitually consist to a substantial extent in providing table meals of a kind to which the consumption of intoxicating liquor might be ancillary.

(3) Licensing justices may also refuse an application for the grant or renewal of a restaurant licence, residential licence or residential and restaurant licence on the ground that the sale or supply of intoxicating liquor on the premises is undesirable—

(*a*) in the case either of a residential licence or a residential and restaurant licence, because a large proportion of the persons provided with board and lodging for reward is habitually made up of young persons unaccompanied; or

(*b*) in the case either of a restaurant licence or a residential and restaurant licence, because a large proportion of the persons resorting to the premises but not provided with board and lodging is habitually made up of young persons unaccompanied; or

(*c*) in the case of any such licence, because the contemplated provision of intoxicants would be by "self-service" methods, that is to say, any method allowing a customer to help himself on payment or before payment.

In this subsection "young person unaccompanied" means a person under the age of eighteen who is not accompanied and paid for by his parent or by a person of full age.

(4) If on an application for the grant or renewal for any premises of a restaurant licence, residential licence or residential and restaurant licence it is made to appear to the licensing

justices on behalf of any such authority as is mentioned below in this subsection— PART I

(*a*) that the authority or an officer designated in that behalf by the authority desired in connection with the application to have the premises inspected for purposes of paragraph (*b*) of subsection (1) above; and

(*b*) that after reasonable steps had been taken by or on behalf of the authority or officer for the purpose it was not possible to have the premises so inspected;

the licensing justices may refuse the application.

The authorities above referred to are—

(i) (according to the situation of the premises) the Common Council of the City of London, or the council of the county borough, metropolitan borough or county district; and

(ii) the authority (if not included in paragraph (i) above) discharging in the area where the premises are situated the functions of fire authority under the Fire Services Act, 1947; and

(iii) the chief officer of police for the police area where the premises are situated.

(5) Where licensing justices refuse an application duly made for the grant of a new justices' on-licence other than a restaurant licence, residential licence or residential and restaurant licence, they shall at the request of the applicant treat him as having also duly made an alternative application for a restaurant licence, residential licence or residential and restaurant licence for the sale of such descriptions of intoxicating liquor as he may specify in the request.

(6) On the renewal, transfer or removal of a justices' on-licence licensing justices may, at the request of the applicant made with the consent of the registered owner (if any) of the licensed premises, vary the licence by attaching the conditions required for it to be granted as a restaurant licence, residential licence or residential and restaurant licence (in substitution for any conditions previously attached), and the renewal, transfer or removal of a justices' on-licence with such a variation shall not be refused except on the grounds on which a renewal may be refused of a licence of the description specified in the request.

(7) Licensing justices refusing an application for the grant or renewal of a restaurant licence, residential licence or residential and restaurant licence shall specify in writing to the applicant the grounds of their refusal.

PART I

Power of court to disqualify for restaurant, etc., licences on conviction of certain offences.

3.—(1) Where a person is convicted of an offence to which this section applies committed by him in respect of premises for which he held at the time of the offence a restaurant licence, residential licence or residential and restaurant licence, the court by or before which he is convicted shall have power to make a disqualification order under this section.

(2) A disqualification order may, at the discretion of the court, be either—

(*a*) an order disqualifying the person convicted, for such period as may be specified in the order (but not exceeding five years from the date the order comes into force), from holding or obtaining licences of the relevant types; or

(*b*) an order prohibiting licences of the relevant types from being held or granted within such period as aforesaid by or to any person in respect of the premises at which the offence in question was committed; or

(*c*) an order imposing both such a disqualification and such a prohibition;

and, if such an order is made, any licence within the disqualification or prohibition, if previously obtained, shall be forfeited or, if subsequently obtained, shall be absolutely null and void.

The relevant types of licence for the purposes of this subsection are restaurant licences, residential licences, residential and restaurant licences and licences under the Refreshment Houses Act, 1860.

(3) The court making a disqualification order may, on such conditions as it thinks just, suspend the operation of the order with a view to enabling a licence to remain in force pending an appeal against the conviction or against the making of the disqualification order, or pending the consideration of the question of bringing such an appeal; but, unless so suspended, a disqualification order shall come into force on the day it is made.

(4) A court shall not make a disqualification order containing a prohibition on the holding or grant of licences in respect of premises specified in the order, unless an opportunity has been given to any person interested in the premises and applying to be heard by the court to show cause why the order should not be made.

(5) At any time while a disqualification order is in force, a magistrates' court, on complaint made by any person affected by the order, may revoke the order or vary it by reducing any period of disqualification or prohibition specified in the order; and any person who has made a complaint under this section and is aggrieved by the decision of the court on that complaint may appeal to quarter sessions.

(6) Where on a complaint made under subsection (5) above the relief asked for is or includes the revocation or variation of a prohibition imposed by the order on the holding or grant of licences in respect of any premises, any summons granted on the complaint shall be served on the chief officer of police for the police area in which the premises are.

(7) The powers conferred by section twenty-six of the Licensing Act, 1949 (as amended by section three of the Street Offences Act, 1959) to make disqualification orders on convictions of certain offences in connection with refreshment houses shall be powers to make an order having the like effect as a disqualification order under this section, and shall include the like power to suspend the operation of a disqualification order as is conferred by subsection (3) above; and so much of that section as provides for the forfeiture of a licence without a disqualification order, or makes forfeiture of a licence a condition for the making of a disqualification order, shall cease to have effect.

Accordingly the provisions set out in the First Schedule to this Act, being provisions which reproduce the effect of sections twenty-six and twenty-seven of the Licensing Act, 1949, and section three of the Street Offences Act, 1959, as amended by this subsection, shall have effect in place of those sections.

(8) Any disqualification order made before the commencement of this Act under section twenty-six of the Licensing Act, 1949, shall have effect in relation to restaurant licences, residential licences and residential and restaurant licences as it is expressed to have effect in relation to licences under the Refreshment Houses Act, 1860; and subsections (5) and (6) above shall apply to any such order in place of section twenty-seven of the Licensing Act, 1949.

(9) References in any enactment to a person disqualified for holding a justices' licence, or to premises disqualified for receiving a justices' licence, shall for the purposes of restaurant licences, residential licences and residential and restaurant licences apply, but for other purposes shall not apply, to persons or premises disqualified only by a disqualification order (including an order made under the First Schedule to this Act or under section twenty-six of the Licensing Act, 1949).

(10) This section shall apply—

(*a*) to offences under section one hundred and thirty-six of the Licensing Act, 1953 (permitting drunkenness on licensed premises, and sale of intoxicating liquor to drunken persons);

(*b*) to offences under sections one hundred and thirty-nine and one hundred and forty of that Act (permitting premises to be the resort of prostitutes, or to be a

PART I

brothel), and to any other offence of permitting the premises to be a brothel;

(*c*) to offences under section one hundred and forty-one of that Act, as amended by section twenty-six of the Betting and Gaming Act, 1960 (allowing unlawful gaming on licensed premises);

(*d*) to offences under subsection (2) of section three of the Betting and Lotteries Act, 1934, and subsection (2) of section one of the Betting and Gaming Act, 1960 (using premises or permitting them to be used for betting transactions with persons resorting there);

(*e*) to offences under section ten of the Prevention of Crimes Act, 1871 (harbouring thieves).

(11) The provisions of this section shall be in addition to and not in derogation of any other provisions for disqualification or for forfeiture of licences; and the powers under this section may be exercised on a conviction in addition to any other powers which the court is required to or does exercise on the conviction.

Adaptations of Licensing Act, 1953.

4.—(1) No licence shall be granted by way of removal of a restaurant licence, residential licence, or residential and restaurant licence, and accordingly sections twenty-four to twenty-seven and Part VI of the Licensing Act, 1953, shall not apply to those licences.

(2) Where a restaurant licence, residential licence, or residential and restaurant licence is forfeited by a disqualification order made on the conviction of the holder of the licence by virtue of section three of or the First Schedule to this Act, justices of the peace shall have the like power to make a protection order under subsection (3) of section twenty-three of the Licensing Act, 1953, as they have in a case falling within that subsection, and the provisions relating to transfers of licences shall apply accordingly.

(3) Section one hundred and thirty-five of the Licensing Act, 1953 (which requires the holder of a justices' licence to display on the licensed premises a notice showing that he is licensed to sell intoxicating liquor and indicating the business for which he is licensed), shall not apply to the holder of a residential licence; and in the case of a restaurant licence or residential and restaurant licence the nature of the business shall be sufficiently indicated in the notice under that section, so far as relates to the restrictions imposed by the conditions as to the sale and supply of intoxicating liquor, if the notice expresses that the holder of the licence is licensed to sell for consumption on the premises with meals.

(4) Section seventy-seven of the Licensing Act, 1953 (which restricts the sale and supply of intoxicating liquor in Carlisle), shall not apply to anything done under the authority of a restaurant licence, residential licence or residential and restaurant licence.

(5) Consent shall not be granted under section one hundred and forty-eight of the Licensing Act, 1953, for an occasional licence to be granted to a person who holds the required excise licence in pursuance only of a restaurant licence, residential licence or residential and restaurant licence, unless—

(*a*) he holds the excise licence in pursuance of a restaurant licence or residential and restaurant licence ; and

(*b*) the justices granting the consent are satisfied that the sale of intoxicating liquor under the authority of the occasional licence is to be ancillary to the provision of substantial refreshment.

PART II

AMENDMENTS OF GENERAL LICENSING LAW

Licensing hours

Permitted hours for licensed premises and clubs generally.

5.—(1) Subject to the following subsections, in any licensing district in England and Wales the permitted hours in licensed premises shall be—

(*a*) on week days (not being Christmas Day or Good Friday), the hours from eleven in the morning to half past ten in the evening, with a break of two and a half hours beginning at three in the afternoon ; and

(*b*) on Sundays, Christmas Day and Good Friday, the hours from twelve noon to half-past ten in the evening, with a break of five hours beginning at two in the afternoon.

(2) In relation to the metropolis, and to any licensing district outside the metropolis for which this subsection is adopted, subsection (1) above shall have effect with the substitution of a reference to eleven in the evening for the reference in paragraph (*a*) to half-past ten in the evening.

(3) The licensing justices in a licensing district outside the metropolis may by order adopt subsection (2) above if satisfied that the requirements of the district make it desirable.

(4) The licensing justices in any licensing district, if satisfied that the requirements of the district make it desirable, may by order modify for the district the hours specified in paragraph (*a*) of subsection (1) above, within the following limits—

(*a*) the total number of hours on any day shall be nine (ending at half-past ten in the evening), or, where subsection (2) above applies or is adopted, nine and a half (ending

PART II

at eleven in the evening), and the hours shall not begin earlier than ten in the morning; and

(*b*) there shall be a single break of not less than two hours in the afternoon.

(5) In this Act " the general licensing hours " means in relation to any licensing district the hours specified in paragraphs (*a*) and (*b*) of subsection (1) above, with any modification applying in the district by virtue of subsections (2) to (4) above.

(6) An order under subsection (3) or (4) above may make different provision for different periods of the year or for different weekdays in every week of the year or of any such period, or may make provision to take effect for particular periods only, or for particular weekdays in every week of the year or of any such period, but so that no alteration of the general licensing hours shall take effect within eight weeks of another; and section one hundred and five of the Licensing Act, 1953 (which made supplemental provision as to, among other things, orders of licensing justices fixing the permitted hours under sections one hundred and one and one hundred and two of that Act), shall apply to orders under subsection (3) or (4) above as it applied to orders under those sections.

(7) In premises licensed for the sale of intoxicating liquor for consumption off the premises only the permitted hours on week days (not being Christmas Day or Good Friday) shall begin at half-past eight in the morning and there shall be no afternoon break.

(8) The permitted hours in club premises in respect of which the club is registered shall be fixed by or under the rules of the club, in accordance with the following conditions:—

(*a*) the hours fixed shall not on any day be longer, nor begin earlier or end later, than the general licensing hours; and

(*b*) there shall be a break in the afternoon of not less than two hours; and

(*c*) on Sundays, Christmas Day and Good Friday the break shall include the hours from three to five, and there shall not be more than three and a half hours after five:

Provided that no order under subsection (3) or (4) above altering the beginning or end of the general licensing hours shall invalidate any permitted hours previously fixed under this subsection, but so much of the hours so fixed as falls before the beginning or after the end of the general licensing hours as altered shall from the expiration of six weeks after the date of the order be treated as excluded from the permitted hours in the club premises.

(9) To the permitted hours as fixed by or under the foregoing subsections in any premises to which this subsection applies the

period (if any) between the end of the first part of the general licensing hours and three in the afternoon (or in the case of a registered club so much of that period as is not otherwise included) shall be added for the purpose of—

(*a*) the sale or supply to persons taking table meals in the premises of intoxicating liquor supplied in a part of the premises usually set apart for the service of such persons, and supplied for consumption by such a person in that part of the premises as an ancillary to his meal; and

(*b*) the consumption of intoxicating liquor so supplied;

but for other purposes, or in other parts of the premises, the permitted hours shall be the same as if this subsection did not apply.

This subsection shall apply to any premises for which a restaurant licence or residential and restaurant licence is for the time being in force, except that it shall not apply to any such premises where by the conditions of the licence the time before the afternoon break is excluded from the permitted hours; and in other cases subsections (1), (5) and (6) of section one hundred and four of the Licensing Act, 1953 (which provides for an hour's extension of the permitted hours in the evening in certain restaurants, etc.), shall have effect in relation to the application of this subsection to any premises as they have effect in relation to the application of that section.

(10) The permitted hours for the purposes of section seven of the Licensing (Seamen's Canteens) Act, 1954, shall be the general licensing hours, but without prejudice to the provision made by subsection (5) of that section for special orders of exemption, and subsection (9) above shall apply, with any necessary modification, to premises licensed under that Act.

(11) As regards licensed premises and club premises, the foregoing subsections of this section shall be in place of sections one hundred and one to one hundred and three of the Licensing Act, 1953 (or for the metropolis in place of those sections as modified by subsection (1) of section one hundred and twelve of that Act), but shall be without prejudice either to the other provisions of Part VII of that Act, as amended by the following provisions of this Part of this Act, or to any power of licensing justices to attach to a licence conditions restricting the permitted hours in the licensed premises.

(12) In subsection (1) of section one hundred and ten of the Licensing Act, 1953 (which provides for early-closing licences), for the reference to the permitted hours fixed by or under section one hundred and one or one hundred and two of that Act there shall be substituted a reference to the general licensing hours; and in section one hundred and forty-nine of that Act (which prohibits the supply or consumption of intoxicating liquor before

PART II

the beginning or after the end of those permitted hours at certain parties organised for gain) the expression " outside the permitted hours " shall mean before the beginning or after the end of the general licensing hours.

Sunday closing in Wales and Monmouthshire.

6.—(1) Section one hundred and eleven of the Licensing Act, 1953 (which directs that there shall be no permitted hours on any Sunday in licensed premises in Wales and Monmouthshire), shall not apply in any administrative county or county borough if the local government electors for the county or county borough so determine by a majority on a poll held in accordance with this section ; but where they do so determine, section one hundred and eleven shall again apply if the local government electors for the county or county borough afterwards determine by a majority on a poll so held that it shall apply.

(2) There shall be no poll under this section for a county or county borough unless it is requisitioned by not less than five hundred local government electors for the county or county borough, and a requisition shall not be effective unless—

(*a*) it is contained in one or more requisition papers in the form in the appendix to the Second Schedule to this Act, signed by the requisitioning electors and giving the particulars of them required by that form ; and

(*b*) the requisition papers are delivered to the clerk of the county council or town clerk of the county borough within the two months following the date this Act is passed, or within the same period seven or any multiple of seven years thereafter, and each requisition paper is accompanied by a statutory declaration verifying the signatures on it or by two or more statutory declarations between them verifying those signatures.

(3) The date for a poll under this section in any year shall be the same for all counties and county boroughs, and shall be such day as the Secretary of State may direct, being not more than six weeks after the end of the period allowed under subsection (2) above for delivering requisition papers for the poll:

Provided that if polling day at a general election for Parliament falls within the eight weeks after the end of the said period the date for the poll under this section may be more than six, but not more than twelve, weeks after the end of it, and if Parliament is dissolved after the date has been fixed by a direction under this subsection, the Secretary of State may revoke that direction and give a new direction fixing a later date.

(4) On receipt of a requisition for a poll under this section the clerk of the county council or town clerk shall forthwith notify the Secretary of State, and after satisfying himself that the requisition, if the papers are signed by the persons purporting to sign

them, complies with subsection (2) above, shall as soon as may be give public notice in the county or county borough in such manner as he thinks sufficient of the holding of the poll, and if the date for the poll is afterwards altered under the proviso to subsection (3) above shall again give public notice accordingly.

(5) Subject to the provisions of the Second Schedule to this Act, a poll under this section shall be conducted, and the expenses thereof be paid, in all respects as if polls were being held throughout the county or county borough at an ordinary election of county or county borough councillors; and (subject as aforesaid) all persons having any duties in connection with the conduct of such an election shall have the like duties in connection with the poll under this section.

(6) When the number of votes cast on either side has been ascertained for the whole of any county or county borough, the chairman of the county council or mayor shall declare the result of the poll, and shall deliver a certificate of the result, signed by him, to the clerk of the county council or town clerk.

(7) If the decision on a poll under this section is that section one hundred and eleven of the Licensing Act, 1953, shall not apply where it applied before, or shall again apply where it did not apply before, the decision shall take effect with the first Sunday not earlier than the fourth day after the date of the poll; and if the decision is that that section shall not apply where it applied before, any condition in a licence previously granted for premises in the county or county borough under which the licence is a six-day licence shall be void (but without prejudice to the right to have such a condition re-inserted on the next or any subsequent application for a licence).

(8) In relation to polls under this section the following provisions of the Representation of the People Act, 1949, shall apply, with the modifications stated below, as if the poll were a poll at an ordinary election of county or county borough councillors, that is to say—

(*a*) section forty-seven, section forty-eight except subsections (1) and (4), and in section fifty-two subsection (1) except paragraph (*a*) and subsection (5) (which relate to personation, plural voting and other frauds in connection with voting) shall apply;

(*b*) section fifty-three (which contains provision for preventing disclosure of the candidate for whom a person votes and generally for securing the secrecy of the ballot) shall apply with the substitution for the words "the candidate for whom" and for the words "the name of the candidate for whom" of the words "the

PART II

result for which ", and with the omission of paragraph (*b*) of subsection (1) (which relates to the obligations of candidates and their agents);

(*c*) sections ninety-nine to one hundred and one (which make bribery, treating and undue influence corrupt practices) shall apply, with the substitution in section ninety-nine for the references to procuring the return of any person at an election of references to procuring one or other result of the poll;

(*d*) sections one hundred and forty-six to one hundred and forty-eight and one hundred and fifty-one shall apply so far as they relate to offences under any provision above-mentioned prosecuted on indictment or in a magistrates' court.

(9) If with intent to influence persons to give or refrain from giving their votes at a poll under this section, any person after the end of the period allowed for delivering requisition papers, publishes an advertisement in a newspaper or other periodical or procures an advertisement to be so published, he shall be guilty of an illegal practice, and sections one hundred and forty-seven and one hundred and fifty-one of the Representation of the People Act, 1949, shall apply so far as they relate to offences prosecuted in a magistrates' court:

Provided that the court before whom a person is convicted under this subsection may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section one hundred and fifty-one.

(10) There shall be defrayed out of moneys provided by Parliament any increase attributable to this section in the sums provided by way of rate-deficiency grant or Exchequer equalisation grant under the enactments relating to local government in England and Wales or in Scotland.

(11) This section shall come into force on the date this Act is passed.

Operation of provisions as to permitted hours.

7.—(1) Licensing justices—

(*a*) shall at the request of the person applying for a justices' on-licence (whether a new justices' licence or not) or on an application by the holder insert in the licence a condition that a specified part of the licensed premises, being a part which is in their opinion structurally adapted for the sale of intoxicating liquor for consumption off the premises, shall not be used for the sale or supply of intoxicating liquor for consumption on the premises; and

(*b*) may vary or revoke the condition either on an application by the holder or on the renewal or transfer of the licence and at the request of the person applying for the renewal or transfer;

and while the licence is subject to the condition, in the part so specified the permitted hours shall (whatever may be the permitted hours in any other part of the licensed premises) be the same as in premises licensed for sales for consumption off the premises only, so long as it is not connected by any internal communication open to customers with a part of the licensed premises used for the sale or supply of intoxicating liquor for consumption on the premises.

(2) Nothing in section one hundred of the Licensing Act, 1953, shall—

(*a*) during the first ten minutes after the end of any period forming part of the permitted hours prohibit or restrict—

(i) the consumption in the premises of intoxicating liquor supplied during those hours; or

(ii) the taking from the premises of intoxicating liquor so supplied, and not supplied or taken away in an open vessel; nor

(*b*) during the first half hour after the end of any such period prohibit or restrict the consumption in the premises by persons taking meals there of intoxicating liquor supplied during those hours for consumption as an ancillary to their meals; nor

(*c*) where those hours are fixed by section one hundred and seventeen of that Act (special hours certificates for premises providing music and dancing), prohibit or restrict the consumption in the premises during the first half hour after the end of those hours of intoxicating liquor supplied during those hours.

This subsection (except sub-paragraph (ii) of paragraph (*a*) and paragraph (*c*)) shall apply to section seven of the Licensing (Seamen's Canteens) Act, 1954, as it applies to section one hundred of the Licensing Act, 1953.

(3) Nothing in section one hundred of the Licensing Act, 1953, shall as regards licensed premises prohibit or restrict—

(*a*) the taking of intoxicating liquor from the premises by a person residing there; or

(*b*) the supply of intoxicating liquor for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of intoxicating liquor by persons so supplied; or

PART II

(*c*) the supply of intoxicating liquor for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises;

and in subsection (2) of that section, as it applies to licensed premises, and in this subsection, references to a person residing in the premises shall apply also to a person carrying on or in charge of the business on the premises, but not residing there.

(4) On days on which section one hundred and four of the Licensing Act, 1953 (which provides for an hour's extension of the permitted hours in the evening in certain restaurants, etc.), applies to any premises, the effect shall be that to the permitted hours in the premises as fixed by or under section five of this Act the hour following the general licensing hours shall be added for the purpose of—

(*a*) the sale or supply to persons taking table meals in the premises of intoxicating liquor supplied in a part of the premises usually set apart for the service of such persons, and supplied for consumption by such a person in that part of the premises as an ancillary to his meal; and

(*b*) the consumption of intoxicating liquor so supplied;

but for other purposes, or in other parts of the premises, the permitted hours shall be the same as if that section did not apply to the premises.

(5) A person who after the coming into force of this subsection contravenes section one hundred of the Licensing Act, 1953, or section seven of the Licensing (Seamen's Canteens) Act, 1954, shall be liable to a fine not exceeding one hundred pounds (instead of the fine not exceeding thirty pounds provided for in those sections).

(6) References in the Licensing Act, 1953, and this Act, to the permitted hours shall, except in so far as the context otherwise requires, be construed in relation to any licensed premises where the permitted hours are restricted by any conditions attached to the licence as referring to the hours as so restricted, and no sale of intoxicating liquor shall be deemed to be a sale without a justices' licence by reason only that it is in contravention of any such restriction on the permitted hours.

(7) Nothing in the Licensing Act, 1953, or this Act, shall be taken to require licensed premises to be open for the sale of intoxicating liquor or for any other purpose during the permitted hours, except in so far as they are so required by any conditions attached to the licence.

PART II
Special hours certificates for premises providing music and dancing.

8.—(1) Sections one hundred and thirteen to one hundred and nineteen of the Licensing Act, 1953 (which provide for extended hours in premises providing music and dancing, but apply only to specified parts of the metropolis), shall extend to any area in England or Wales which is subject to statutory regulations for music and dancing, and shall accordingly be modified in accordance with the Third Schedule to this Act.

For the purposes of this subsection and of those sections, " statutory regulations for music and dancing " means—

(*a*) section two of the Disorderly Houses Act, 1751 ; or

(*b*) section fifty-one of the Public Health Acts Amendment Act, 1890 ; or

(*c*) the Home Counties (Music and Dancing) Licensing Act, 1926 ; or

(*d*) any local Act or part of a local Act regulating by means of licences the provision of music and dancing in places of public resort.

(2) In subsection (2) of section one hundred and nineteen of the Licensing Act, 1953 (which provides among other things that for the purposes of special hours certificates references to providing music and dancing and refreshment are to be construed as references to providing it on every week-day, subject to any such break as is there mentioned), after the words " on every week-day " there shall be inserted the words " or on particular week-days in every week " ; but where a special hours certificate is granted by virtue of this subsection—

(*a*) the certificate shall be limited to those days in the week on which it is shown to the satisfaction of the licensing justices or magistrate granting it that music and dancing and refreshment are, or are intended to be, provided as required by paragraph (*c*) of subsection (1) of section one hundred and thirteen (or, in the case of a club, by paragraph (*b*) of section one hundred and fifteen) of the Licensing Act, 1953 ; and

(*b*) on days on which the certificate does not apply, the permitted hours in the premises shall be unaffected by section one hundred and seventeen of that Act (which regulates the permitted hours on week-days where such a certificate is in force).

(3) Section one hundred and four of the Licensing Act, 1953 (which provides for an hour's extension of the permitted hours in the evening in certain restaurants, etc.), and section one hundred and seventeen may both be applied to the same premises or part of premises, so that section one hundred and four shall have effect on days on which the permitted hours are not affected by section one hundred and seventeen.

PART II

(4) Where section one hundred and seventeen of the Licensing Act, 1953, applies to part only of any licensed premises, or to part only of any premises of a registered club, the part to which that section applies and the part to which it does not shall be treated as separate premises for the purposes of section one hundred and four of that Act and for the purpose of general and special orders of exemption.

(5) Nothing in section one hundred and seventeen of the Licensing Act, 1953, shall have effect in relation to any bar in premises or a part of premises to which that section is applied, and any such bar shall accordingly be treated as if it were a part of the premises to which the section does not apply.

(6) The permitted hours on Saturdays under section one hundred and seventeen of the Licensing Act, 1953, shall be the same as on other week-days, and accordingly proviso (*a*) to subsection (2) of that section (under which on Saturdays those hours end at midnight) shall be omitted, and in that section "week-day" shall include, and be deemed always to have included, Christmas Day, when not a Sunday; but nothing in that section shall affect the permitted hours on Good Friday or shall extend beyond midnight the permitted hours on Maundy Thursday or Easter Eve.

(7) In relation to premises or part of premises in respect of which a special hours certificate is in force and which are situated in any part of the metropolis outside the City of London, being a part specified for the purposes of this subsection by an order of the Secretary of State, the second part of the permitted hours under section one hundred and seventeen of the Licensing Act, 1953, shall end at three o'clock in the morning and accordingly subsection (2) of that section shall have effect in relation to the premises or part as if for the words "two o'clock" in both places where they occur there were substituted the words "three o'clock."

(8) Where a special hours certificate is in force for any licensed premises or part of licensed premises on a Saturday, nothing in the Sunday Observance Act, 1780, shall apply by reason of the provision of music and dancing there before the time to which the permitted hours on that Saturday may extend by virtue of this section.

(9) Where under subsection (1) of section one hundred and eighteen of the Licensing Act, 1953, the special hours certificate for any premises or part of premises is revoked in consequence of a contravention of section one hundred of that Act, no special hours certificate shall be valid in relation to the premises or

part in question, if it is issued on an application made earlier than two months after the date of the application or than such later time, if any (not being more than twelve months after that date) as may be specified in the order revoking the certificate.

Extended hours in restaurants, etc., providing entertainment.

9.—(1) Subject to the provisions of this section, in any licensed premises to which section one hundred and four of the Licensing Act, 1953, applies and which 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, musical or other entertainment in addition to substantial refreshment as required by that section (the sale and supply of intoxicating liquor being ancillary to that refreshment and entertainment), the time added by that section to the permitted hours on weekdays shall extend until one o'clock in the morning, and during that time the sale, supply and consumption of intoxicating liquor shall not be restricted in accordance with paragraphs (*a*) and (*b*) of subsection (4) of section seven of this Act:

Provided that this subsection—

(*a*) shall not apply to any part of the premises not habitually set apart for the provision of the refreshment and entertainment, nor authorise the sale or supply of intoxicating liquor for consumption in any such part of the premises or for consumption off the premises; and

(*b*) shall not authorise any sale or supply of intoxicating liquor on a day on which no entertainment is provided, or at a time after the entertainment or the provision of substantial refreshment has ended, nor any sale or supply not in accordance with paragraph (*a*) of the said subsection (4) to a person admitted to the premises either after midnight or less than half an hour before the entertainment is due to end; and

(*c*) shall not affect the permitted hours on Good Friday, or extend beyond midnight the permitted hours on Maundy Thursday or Easter Eve.

(2) Where subsection (1) above applies to any premises or part of premises, nothing in section one hundred of the Licensing Act, 1953, shall prohibit or restrict the consumption in the premises or part during the first half hour after the entertainment ends of intoxicating liquor supplied before it ends.

(3) In this section "entertainment" does not include any form of entertainment given otherwise than by persons actually present and performing; and, subject to the provisions of this

PART II

Act, no premises or part shall be treated for the purposes of this section as used or intended to be used for the purpose of habitually providing refreshment and entertainment, or as habitually set apart for that purpose, unless it is used or intended to be used, or is set apart, for the purpose of providing them after, and for a substantial period preceding, the end of the general licensing hours on every weekday or on particular weekdays in every week, 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.

(4) This section shall not authorise the sale or supply of intoxicating liquor except with the sanction of an order of the licensing justices made on the application of a person applying for or holding a justices' licence for the premises in question, and any such order shall lapse when the licence granted is superseded on renewal or transfer or otherwise ceases to be in force, but may be renewed or varied by a further order under this subsection or be revoked under subsection (8) below.

(5) Where the use of any premises or part of premises for the purpose specified in subsection (1) above is, or is intended to be, limited to a particular period or periods of the year, licensing justices may make an order under subsection (4) above to have effect for the whole or part of the period or periods in question, but excluding any period of less than four weeks.

(6) Licensing justices may refuse to make an order under subsection (4) above, or may in such an order limit the operation of this section to a particular part of the premises or to particular periods of the year or to particular weekdays or to a time earlier than one o'clock in the morning (and may impose different limitations in relation to different parts of the premises, different periods or different weekdays), if it appears to them reasonable so to do having regard to all the circumstances and in particular to the comfort and convenience of the occupiers and inmates of premises in the neighbourhood.

(7) Licensing justices shall not make an order under subsection (4) above unless it is shown that the condition of subsection (1) above as to the use or intended use of the premises is satisfied in relation to the premises or part of premises, to the periods, to the weekdays and to the times for which the order is to have effect, and that the premises or part in question is structurally adapted for the purpose:

Provided that licensing justices, in making an order by way of variation or renewal of a previous order, may assume unless they see reason to the contrary that the conditions for the making of the previous order were and still are satisfied.

(8) Licensing justices shall revoke an order under subsection (4) above if they are satisfied on an application made by or on behalf of the chief officer of police for the police area in which the premises are situated, either—

(*a*) that use has not been made for the purpose specified in subsection (1) above of the premises or part of premises for which the order has effect; or

(*b*) that it is expedient to revoke the order either by reason of the occurrence of disorderly or indecent conduct in the premises or part, or by reason of the conduct of persons resorting to the premises and any annoyance resulting or likely to result from it to the occupiers or inmates of premises in the neighbourhood, or by reason of the premises having been in any respect ill-conducted.

(9) Before making an application for an order under subsection (4) above to be made otherwise than by way of renewal of a previous order (without variation), a person shall give notice of the application to the persons, in the manner and at the times required by paragraph 2 of the Fourth Schedule to this Act on an application for a new justices' licence for the premises; but if through inadvertence or misadventure he fails so to do, sub-paragraph (8) of that paragraph shall apply.

(10) Where an order under subsection (4) above is made with respect to any premises or part of premises, the holder of the justices' licence shall within fourteen days give written notice of the making of the order to the chief officer of police, and shall send with the notice a copy of the order; and if he fails so to do he shall be liable to a fine not exceeding ten pounds.

(11) The provisions of subsection (6) of section eleven of this Act as to the posting of a notice in licensed premises where section one hundred and four of the Licensing Act, 1953, applies shall have effect in relation to this section as they have effect in relation to section one hundred and four; and the reference to section one hundred and four in subsection (4) of section eleven of this Act shall include a reference to this section.

(12) The powers of licensing justices under this section shall be exercised in accordance with such procedure as may be prescribed by rules made by the Secretary of State.

(13) Where this section applies to any licensed premises or part of licensed premises on a Saturday, nothing in the Sunday Observance Act, 1780, shall apply by reason of the provision there of entertainment (in addition to substantial refreshment)

PART II

before the time to which the permitted hours on that Saturday may extend by virtue of this section.

Seasonal licences.

10.—(1) The licensing justices in any licensing district, if satisfied that the requirements of the district make it desirable, may at the request of the person applying for a justices' on-licence (whether a new justices' licence or not), or on an application by the holder, insert in the licence a condition that, during such part or parts of the year as may be specified in the condition, there shall be no permitted hours in the premises.

(2) A licence in which such a condition is inserted is in this Act referred to as a seasonal licence.

(3) Licensing justices may vary or revoke such a condition either on an application by the holder of the licence or on the renewal, transfer or removal of the licence and at the request of the person applying for the renewal, transfer or removal.

(4) So long as the justices' licence in force for any premises is a seasonal licence, any special hours certificate for those premises or any part of them shall be taken, except in so far as it is granted for a more restricted period by virtue of section one hundred and sixteen of the Licensing Act, 1953, to extend, but only to extend, to the season during which there are permitted hours in the premises under the condition attached to the licence under this section:

Provided that on the variation or revocation of that condition, the justices shall, if need be, vary the special hours certificate so as to secure that it does not operate except as respects any period or periods during which it is shown to their satisfaction that it is intended to use the premises or part in question as mentioned in paragraph (*c*) of subsection (1) of section one hundred and thirteen of the Licensing Act, 1953.

Miscellaneous amendments as to permitted hours and the like.

11.—(1) Section one hundred and four of the Licensing Act, 1953 (which provides for an hour's extension of the permitted hours in the evening in certain restaurants, etc.), shall cease to be subject to any limitation as regards the days on which it extends the permitted hours.

(2) In the proviso to subsection (1) of section one hundred and fifty-one of the Customs and Excise Act, 1952, paragraph (*a*) (which restricts to the occasion of a public dinner or ball the grant of an occasional licence for the sale of intoxicating liquor after ten o'clock at night) shall be omitted, and in paragraph (*b*) (which prohibits the grant of an occasional licence for the days there mentioned) the reference to Sunday shall in England and Wales apply only to any administrative county or county borough in Wales and Monmouthshire to which section one hundred and eleven of the Licensing Act, 1953, for the time being applies.

(3) On the renewal, transfer or removal of a six-day licence or of an early-closing licence, the licensing justices shall at the request of the person applying for the renewal, transfer or removal revoke the six-day or early-closing condition.

(4) The operation as respects any premises of a general order of exemption under section one hundred and six of the Licensing Act, 1953, or of a special order of exemption under section one hundred and seven of that Act shall be to add the hours specified in the order to the permitted hours in the premises on the days for which the order has effect (whatever those permitted hours may be apart from the order); and a general order of exemption or special order of exemption may add to those permitted hours any hour not otherwise comprised in them, and may add to them for all purposes any hour comprised in them for limited purposes by virtue of subsection (9) of section five of this Act or by virtue of section one hundred and four of that Act.

(5) A general order of exemption granted for licensed premises shall not cease to have effect (as provided by subsection (4) of section one hundred and six of the Licensing Act, 1953) when the person to whom it was granted ceases to hold the licence, but (unless it is revoked or otherwise ceases to have effect) shall enure for the benefit of any person succeeding him as holder of a justices' on-licence for the premises.

(6) So much of sections one hundred and four, one hundred and six and one hundred and seventeen of the Licensing Act, 1953, as relates to the display of notices in any premises shall cease to have effect; but where the permitted hours in any licensed premises or part of licensed premises depend to any extent on section one hundred and four or one hundred and seventeen, or on a general order of exemption, or on subsection (9) of section five of this Act, the holder of the licence shall keep posted in some conspicuous place there a notice stating the effect of the section or order applying and, if it applies on certain days only, stating the days on which it applies or, as the case may be, a notice stating the effect of subsection (9) of section five of this Act applying.

A person contravening this subsection shall be liable to a fine not exceeding ten pounds.

Duration and grant of licences, and related matters

New procedure in connection with grant of justices' licences.

12.—(1) No justices' licence granted after the coming into force of this section shall require confirmation; and, subject to the provisions of this Act,—

(*a*) all powers exercisable by licensing justices may be exercised at any licensing sessions; and

PART II

(*b*) there shall be an appeal to quarter sessions against any decision of licensing justices granting or refusing to grant a new justices' licence, or an ordinary removal of a justices' licence, and against any decision of licensing justices as to the conditions of a justices' on-licence.

(2) The following powers of licensing justices shall not be exercisable at transfer sessions, that is to say,—

(*a*) the power to renew justices' licences, except where the licence was due for renewal at the preceding general annual licensing meeting, and the justices are satisfied that the applicant had reasonable cause for not applying for renewal at that meeting;

(*b*) the power to make regulations under section twenty-eight of the Licensing Act, 1953 (which enables licensing justices to restrict repeated applications for transfer or special removal);

(*c*) the power to make orders under section eighty-six of that Act (which relates to the extinguishment of licences in suspense by reason of war circumstances);

(*d*) the power to make orders under this Act fixing the general licensing hours in the licensing district;

and paragraph (*a*) of subsection (1) above shall not apply to powers exercisable by licensing justices otherwise than under or for the purposes of the Licensing Act, 1953, nor affect the operation of any enactment in so far as it expressly authorises licensing justices to act otherwise than at a licensing sessions.

(3) Compensation authorities for the purposes of the Licensing Act, 1953, shall continue to be constituted and Part II of the First Schedule to that Act shall continue to apply to them as heretofore; but they shall be known as "compensation committees" (instead of "confirming and compensation committees").

(4) Part I of the Fourth Schedule to this Act shall have effect with respect to the holding of licensing sessions and to the procedure at and in connection with those sessions, with respect to appeals from licensing justices to quarter sessions, and with respect to the duration of justices' licences, and Part II of that Schedule shall have effect for adapting and correcting the Licensing Act, 1953, in connection with the provisions of this section.

Special provisions as to removal and transfer.

13.—(1) A justices' licence may be granted by way of transfer or removal before the coming into force of the licence transferred or removed or after it has ceased for any reason to be in force (and accordingly in subsection (1) of section twenty-four of the

Licensing Act, 1953, for the reference to the premises for which the licence is in force there shall be substituted a reference to the premises for which it was granted).

(2) The powers conferred by subsection (4) of section twenty-one of the Licensing Act, 1953, to grant licences by way of transfer shall be extended as follows:—

(*a*) paragraph (*b*) of that subsection shall authorise the transfer of a licence where the holder becomes incapable through illness or other infirmity of carrying on business under the licence, notwithstanding that the licence has ceased to be in force before the transfer, and accordingly in that paragraph for the words "is incapable" there shall be substituted the words "becomes incapable";

(*b*) paragraph (*d*) shall authorise the transfer of a licence where the holder or his representatives is or are about to give up occupation of the premises, and for the purposes of that paragraph a person occupying the premises for the purpose of carrying on business under the licence shall be treated as giving up occupation on his giving up the carrying on of the business, notwithstanding that he remains temporarily in occupation of the premises or part of them.

(3) Section twenty-one of the Licensing Act, 1953, shall apply in relation to the transfer of a provisional licence as if the licence were in force, but so that paragraphs (*e*) and (*f*) of subsection (4) of section twenty-one shall not apply, and for the purposes of that subsection as it applies to provisional licences "occupation" shall include intended occupation, and other expressions shall be similarly construed.

Power to extend existing on-licence to additional types of liquor.

14.—(1) On an application by the holder of a justices' on-licence, or on the renewal or transfer of a justices' on-licence and at the request of the person applying for the renewal or transfer, the licensing justices, if satisfied that the application or request is made with the consent of the registered owner, shall vary the licence so as to add to the descriptions of intoxicating liquor authorised to be sold in the licensed premises:

Provided that where the premises are in a licensing planning area, or in a new town, the licence shall not be varied unless the licensing justices are satisfied that the licensing planning committee, or the committee constituted for the new town under section sixty-eight of the Licensing Act, 1953, have no objection to the variation.

(2) On the variation of a licence under this section the licensing justices shall have the like power to attach conditions as they would have if they were granting the licence (with the variation) as a new justices' on-licence, and any conditions attached may be

PART II

in addition to or in substitution for any conditions previously attached to the licence.

(3) A licence varied under this section, or granted by way of renewal from time to time of a licence so varied, shall not be treated as an old on-licence within the meaning of the Licensing Act, 1953.

Provisional licences.

15.—(1) Licensing justices shall declare final a provisional grant of a justices' on-licence, notwithstanding they are not satisfied that the premises have been completed in accordance with the plans deposited, if they are satisfied that the premises have been completed in accordance with those plans with modifications consented to by the licensing justices; and licensing justices on an application by the holder of a provisional licence may consent to any modifications of the deposited plans where in their opinion the premises, if completed in accordance with the modified plans, will be fit and convenient for their purpose.

(2) If on an application for the provisional grant of a justices' on-licence the applicant deposits, instead of plans of the premises, a plan sufficient to identify the site of the premises, together with such description of the premises as will give a general indication of their proposed size and character (with reference in particular to the sale of intoxicating liquor), then—

(*a*) the licensing justices shall deal with the application as if the site plan and description deposited instead were the deposited plans, and shall assume that the premises will be fit and convenient for their purpose; but

(*b*) any provisional grant of a licence made on the application shall become ineffective unless affirmed under subsection (3) below in pursuance of an application made at a licensing sessions held within the twelve months following the date of the grant (or, where there is an appeal, the date the appeal is disposed of).

(3) Where licensing justices make a provisional grant of a licence by virtue of subsection (2) above, the holder of the provisional licence may apply for the grant to be affirmed and shall give notice of the application and deposit plans, as if he were applying (otherwise than under subsection (2) above) for the grant of the licence; and the licensing justices shall affirm the provisional grant if satisfied that the premises, if completed in accordance with the plans deposited, will be fit and convenient for their purpose.

(4) Where any premises are about to be altered or extended or are in the course of alteration or extension for the purpose of being used as a house for the sale of intoxicating liquor for consumption on the premises, the enactments relating to provisional grants of justices' on-licences shall apply as they apply

where premises are about to be constructed or are in the course of construction for that purpose, and shall so apply notwithstanding that the premises are already used for that purpose.

This subsection shall not affect the power of licensing justices under section one hundred and thirty-four of the Licensing Act, 1953, to sanction alterations of licensed premises in cases where a new justices' on-licence or the removal of a justices' on-licence is not required or desired.

(5) There shall be an appeal to quarter sessions against any refusal of licensing justices to declare a provisional grant final, or to affirm a provisional grant, or to give their consent under subsection (1) above, as in the case of a refusal to make the grant.

(6) The foregoing provisions of this section shall have effect in relation to provisional grants whether of a new justices' on-licence or of a removal of a justices' on-licence; but subsection (2) above shall not apply to an application for a planning removal under subsection (2) of section fifty-eight of the Licensing Act, 1953, or to an application for a provisional grant made as mentioned in subsection (1) of section seventy-one of that Act (which applies to licences for premises on approved sites in new towns).

(7) The provisions of the Licensing Act, 1953, authorising provisional grants of justices' on-licences, together with the foregoing provisions of this section, shall apply in relation to provisional grants of justices' off-licences as they apply in relation to provisional grants of justices' on-licences, but with the substitution for references to a justices' on-licence of references to a justices' off-licence and for references to consumption on the premises of references to consumption off the premises, and with the omission of so much of subsection (4) above as relates to section one hundred and thirty-four of the Licensing Act, 1953.

(8) Subsection (1) and, so far as relates to appeals against a refusal to give consent under that subsection or to declare a provisional grant final, subsection (5) above shall with any necessary modifications apply in relation to provisional grants of licences under the Licensing (Seamen's Canteens) Act, 1954.

Protection orders.

16.—(1) A protection order made for any premises under section twenty-three of the Licensing Act, 1953, shall remain in force until the conclusion of the second licensing sessions begun after the date of the order (and until any application made at the sessions for a transfer of the justices' licence for the premises has been disposed of), except that it shall cease to have effect before that time on the coming into force of a justices' licence granted by way of transfer or removal of the licence for the premises, or the coming into force of a further protection order for the premises.

PART II

(2) A protection order may be made for any premises so as to supersede a previous protection order, if the justices making the order are satisfied that the person granted the previous protection order consents to its being superseded, or that he no longer proposes to apply for a transfer of the licence or is not qualified to do so, or that he is for any reason unable to carry on business under the protection order.

(3) The authority conferred by a protection order in respect of any premises shall be the same as that conferred by the justices' licence in force (or last in force) for those premises; and, while the order is in force, the enactments relating to the sale of intoxicating liquor and to licensed premises (other than those relating to the renewal or transfer of licences or to protection orders) shall apply to the person granted the order as if he were the holder of that licence and the holder also, until the expiration of the term for which it was granted, of any excise licence taken out for the premises before the making of the protection order.

(4) 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, the personal representatives or trustee shall be in the same position as regards carrying on business under the licence as a person to whom a protection order had been validly granted on the date of the death, adjudication in bankruptcy or appointment of a trustee as aforesaid.

(5) Not more than one protection order may be granted under subsection (3) of section twenty-three of the Licensing Act, 1953, on any forfeiture of a justices' licence or disqualification of the licence holder; but where a person is granted a protection order under that subsection, the licence may be transferred to him under paragraph (*f*) of subsection (4) of section twenty-one of the Licensing Act, 1953, at the first or second licensing sessions begun after the making of the order (but not at a later licensing sessions).

Restriction on grant of justices' licence for premises on special roads.

17.—(1) Premises shall be disqualified for receiving a justices' licence if they are situated on land acquired or appropriated by a special road authority, and for the time being used, for the provision of facilities to be used in connection with the use of a special road provided for the use of traffic of class I (with or without other classes).

PART II

(2) For the purposes of this section—

(*a*) " special road " and " special road authority " have the same meanings as in the Highways Act, 1959, except that " special road " includes a trunk road to which by virtue of section nineteen of that Act the provisions of the Act apply as if the road were a special road ; and

(*b*) " class I " means class I in the Fourth Schedule to that Act, as varied from time to time by any order under section twelve of the Act, but if that Schedule is amended by such an order so as to add to it a further class of traffic, the order may adapt the reference in this section to traffic of class I so as to take account of the additional class.

Miscellaneous amendments as to grant of licences, proceedings and fees.

18.—(1) There may be charged by justices' clerks in respect of matters arising under the Licensing Act, 1953, the Licensing (Seamen's Canteens) Act, 1954, or this Act such fees as may be provided for by order of the Secretary of State made by statutory instrument and no others, and this subsection shall apply to the fees chargeable in any stipendiary magistrates' court, and to those chargeable by a justices' clerk acting as clerk to licensing justices or in any other capacity, as it applies to fees chargeable by a justices' clerk acting as such:

Provided that—

(*a*) any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament ; and

(*b*) until the coming into force of an order under this subsection there may be charged the like fees as if this Act had not been passed ; and

(*c*) this subsection shall not affect the court fees chargeable (under the Magistrates' Courts Act, 1952, or otherwise) in connection with prosecutions or with the enforcement of orders of a magistrates' court, nor the fees chargeable by a justices' clerk acting as secretary to a licensing planning committee.

(2) In the Licensing Act, 1953, there shall cease to have effect—

(*a*) section thirty-two (which disqualifies for receiving a justices' licence premises not providing the accommodation, or below the annual value, there referred to) ; and

(*b*) subsection (3) of section one hundred and forty-eight (which requires justices to refuse their consent to the grant of an occasional licence, unless they think the grant expedient for the convenience and accommodation of the public).

PART II

(3) Licensing justices may grant an ordinary removal to any premises in their licensing district from any premises (and not only from premises in their licensing district or the county of which it forms part, as provided by subsection (4) of section twenty-four of the Licensing Act, 1953).

(4) Justices of the peace may, if they see fit, grant without a hearing a special order of exemption, or the consent required for an occasional licence, if written application for the grant is made by lodging two copies of the application with the clerk to the justices not less than one month before the day or earliest day for which application is made and, in the case of an application for consent, if the application gives the particulars required by subsection (2) of section one hundred and forty-eight of the Licensing Act, 1953, for a notice under that subsection:

Provided that—

(*a*) the clerk on receipt of the application shall serve notice of it on the chief officer of police by sending him a copy of the application; and

(*b*) if, not later than seven days after the day he sends it, written notice of objection is given by or on behalf of the chief officer to the clerk by lodging two copies with him, the application shall not be granted without a hearing, unless the objection is afterwards withdrawn by a further notice given in the same way; and

(*c*) the clerk, on receipt of any such notice of objection or notice withdrawing an objection, shall send a copy to the applicant.

(5) Where written application is made in accordance with subsection (4) above for the consent required for an occasional licence, but the application is not granted without a hearing, the application may be heard without the applicant having served notice on the chief officer of police under subsection (2) of section one hundred and forty-eight of the Licensing Act, 1953.

(6) Where a document is required by the Licensing Act, 1953, to be served by registered post, it may be served either by registered post or by recorded delivery service.

Miscellaneous

Licensing justices' interests.

19. A justice having an interest in the profits of any premises shall not be thereby disqualified under subsection (4) of section forty-eight of the Licensing Act, 1953, or otherwise from acting under that Act or this Act, if he would not fall to be treated as having such an interest but for the fact that he has a beneficial interest in shares of a company or other body having an interest

in those profits, and if his beneficial interest in the shares of the company or body does not extend to shares of a total nominal value greater than twenty-five pounds, or to more than one-hundredth in nominal value of its issued share capital or of any class of its issued share capital.

In this section "share" includes stock, and "share capital" shall be construed accordingly.

Consent not required for certain alterations to licensed premises.

20.—(1) An alteration to premises for which a justices' on-licence is in force shall not require the consent of the licensing justices under section one hundred and thirty-four of the Licensing Act, 1953, unless the alteration—

(*a*) gives increased facilities for drinking in a public or common part of the premises; or

(*b*) conceals from observation a public or common part used for drinking; or

(*c*) affects the communication between the public part where intoxicating liquor is sold and the remainder of the premises or any street or other public way;

and accordingly in subsection (1) of that section for paragraphs (*a*) to (*c*) there shall be substituted paragraphs in terms of paragraphs (*a*) to (*c*) of this subsection.

(2) For the purposes of subsection (1) above—

(*a*) "public part" means a part open to customers who are not residents or guests of residents; and

(*b*) "common part" means a part open generally to all residents or to a particular class of them.

(3) Where under section one hundred and thirty-four of the Licensing Act, 1953, consent is required to an alteration to licensed premises and is refused, there shall be the like appeal to quarter sessions against the refusal as there is against an order under section twelve of the Licensing Act, 1953, and section thirty-five of that Act shall apply accordingly.

(4) This section shall apply in relation to a canteen licensed under the Licensing (Seamen's Canteens) Act, 1954, as it applies in relation to premises for which a justices' on-licence is in force.

Protection of young persons.

21.—(1) Subject to section twenty-four of this Act, in licensed premises the holder of the licence or his servant shall not knowingly sell intoxicating liquor to a person under eighteen, or knowingly allow a person under eighteen to consume intoxicating liquor in a bar, nor shall the holder of the licence knowingly allow any person to sell intoxicating liquor to a person under eighteen.

PART II

(2) A person under eighteen shall not in licensed premises buy or attempt to buy intoxicating liquor, nor consume intoxicating liquor in a bar.

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

(4) In the foregoing subsections, and in sections one hundred and twenty-six and one hundred and twenty-seven of the Licensing Act, 1953 (which contain other provisions for the protection of children and young persons), references to a bar shall not apply to a bar at any time when it is, as is usual in the premises in question, set apart for the service of table meals and not used for the sale or supply of intoxicating liquor otherwise than to persons having table meals there and for consumption by such a person as an ancillary to his meal; and nothing in subsection (1) or (2) above 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 which is not a bar or in a bar at any such time as aforesaid.

(5) The holder of the licence or his servant shall not knowingly deliver, nor shall the holder of the licence knowingly allow any person to deliver, to a person under eighteen intoxicating liquor sold in licensed premises for consumption off the premises, except where the delivery is made at the residence or working place of the purchaser, nor shall any person knowingly send a person under eighteen for the purpose of obtaining intoxicating liquor sold or to be sold as aforesaid from the licensed premises or other premises from which the liquor is delivered in pursuance of the sale:

Provided that this subsection shall not apply where the person under eighteen is a member of the licence holder's family or his servant or apprentice and is employed as a messenger to deliver intoxicating liquor.

(6) A person guilty of an offence under this section (other than an offence under subsection (2)) shall be liable on a first conviction to a fine not exceeding twenty-five pounds and on a second or subsequent conviction to a fine not exceeding fifty pounds; and on a person's second or subsequent conviction of such an offence the court may, if the offence was committed by him as the holder of a justices' licence, order that he shall forfeit the licence.

(7) A person guilty of an offence under subsection (2) of this section shall be liable to a fine not exceeding twenty pounds.

(8) Where a justices' licence is forfeited under subsection (6) above, justices of the peace shall have the like power to make a protection order under subsection (3) of section twenty-three of

the Licensing Act, 1953, as they have in a case falling within that subsection, and the provisions relating to transfers of licences shall apply accordingly.

(9) In subsection (1) of section one hundred and twenty-seven of the Licensing Act, 1953 (under which the holder of a justices' licence is guilty of an offence if a person under eighteen is employed in a bar of licensed premises when the bar is open for the sale or consumption of liquor), the word "justices'" shall be omitted.

(10) Subsections (1) to (3) and subsection (9) above (but not subsection (4)) shall apply in relation to any canteen, within the meaning of the Licensing (Seamen's Canteens) Act, 1954, in respect of which a licence is in force under that Act as if the canteen were licensed premises, but with the substitution for any reference to a bar of a reference to the canteen; and in subsection (6) above the references to a justices' licence shall accordingly include a licence under that Act.

(11) For the purposes of subsection (6) above a conviction of an offence under section one hundred and twenty-eight or subsection (1), (4) or (5) of section one hundred and twenty-nine of the Licensing Act, 1953 (or under any of those enactments as applied by the Licensing (Seamen's Canteens) Act, 1954, or by the Occasional Licences and Young Persons Act, 1956) shall be taken into account in the same way as a conviction of an offence under this section other than an offence under subsection (2).

Penalty for unauthorised sales of intoxicating liquor.

22.—(1) If—

(*a*) the holder of a justices' on-licence knowingly sells or supplies intoxicating liquor to persons to whom he is not permitted by the conditions of the licence to sell or supply it; or

(*b*) the holder of a restaurant licence, residential licence or residential and restaurant licence knowingly permits intoxicating liquor sold in pursuance of the licence to be consumed on the licensed premises by persons for whose consumption of it there he is not permitted by the conditions of the licence to sell it;

he shall be guilty of an offence under this section.

(2) A person guilty of an offence under this section, or of an offence under section one hundred and twenty of the Licensing Act, 1953 (which relates to selling intoxicating liquor without a licence), shall be liable to imprisonment for a term not exceeding six months, or to a fine not exceeding two hundred pounds, or to both.

(3) For offences under section one hundred and twenty of the Licensing Act, 1953, subsection (2) above shall be without prejudice to the provisions for disqualification or forfeiture contained in subsections (3), (4) and (5) of that section; and section

PART II

three of this Act shall apply to offences under this section, as well as to the offences specified in subsection (10) of that section.

(4) This section shall not affect the powers of the court on a person's conviction for an offence committed before this section comes into force.

Miscellaneous relaxations of law as to licensed premises.

23.—(1) Section one hundred and thirty-two of the Licensing Act, 1953 (which restricts sales of intoxicating liquor on credit), shall not, in the case of licensed premises, apply to the sale, supply or consumption of intoxicating liquor, if the liquor is sold or supplied for the consumption of a person residing in the premises or his guests and is paid for with his accommodation.

(2) No statutory regulations for music and dancing (as defined in subsection (1) of section eight of this Act) shall apply to licensed premises so as to require any licence for the provision in the premises of public entertainment by the reproduction of wireless (including television) broadcasts, or of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound, or by not more than two performers, or sometimes in one of those ways and sometimes in the other.

(3) Notwithstanding anything in section thirteen of the Gaming Act, 1845, in any licensed premises within the meaning of this Act (including premises for which a billiard licence is also required under that Act) play on a public billiard table, bagatelle board, or instrument used in any game of the like kind, may be allowed on Sundays, Christmas Day and Good Friday, and on any day appointed for public fast or thanksgiving, at the same times as it may be allowed on other days.

(4) So much of section one hundred and fifty-seven of the Licensing Act, 1953, as prohibits the use as a courthouse, or for meetings of licensing justices, of a room in a building part of which is licensed premises shall cease to have effect.

Liqueur chocolates.

24.—(1) No provision of the Licensing Act, 1953, the Licensing (Seamen's Canteens) Act, 1954, or this Act as to the sale, supply, purchase, delivery or consumption of intoxicating liquor, except subsection (2) below, and no enactment requiring the authority of an excise licence for the sale or supply of intoxicating liquor shall have effect in relation to intoxicating liquor in confectionery which—

(*a*) does not contain intoxicating liquor in a proportion greater than one fiftieth of a gallon of liquor (computed as proof spirit) per pound of the confectionery; and

(*b*) either consists of separate pieces weighing not more than one and a half ounces or is designed to be broken into such pieces for the purposes of consumption.

(2) Intoxicating liquor in confectionery shall not be sold to a person under sixteen, and if any person knowingly contravenes this subsection 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-five pounds.

PART III

SALE AND SUPPLY OF INTOXICATING LIQUOR IN CLUB PREMISES

Conditions for supply of intoxicating liquor by clubs.

25.—(1) No intoxicating liquor shall on any club premises be supplied by or on behalf of the club to a member or guest, unless the club is registered under this Act in respect of those premises or the liquor is supplied under the authority of a justices' licence held by the club for the premises.

A person supplying or authorising the supply of intoxicating liquor in contravention of this subsection shall be liable to imprisonment for a term not exceeding six months, or to a fine not exceeding two hundred pounds, or to both.

(2) No intoxicating liquor shall, on any club premises in respect of which the club is registered, be supplied by or on behalf of the club for consumption off the premises except to a member in person.

A person supplying or obtaining intoxicating liquor in contravention of this subsection shall be liable to a fine not exceeding ten pounds.

(3) Intoxicating liquor shall not be supplied by or on behalf of a registered club to a member or guest except at club premises in respect of which the club is registered or at any premises or place which the club is using on a special occasion for the accommodation of members and to which persons other than members and their guests are not permitted access; and at any premises or place other than club premises in respect of which the club is registered intoxicating liquor shall be so supplied only for consumption in the premises or place.

A person supplying or obtaining intoxicating liquor in contravention of this subsection shall be liable to a fine not exceeding ten pounds.

(4) If intoxicating liquor is kept in any premises or place by or on behalf of a club for supply to members or their guests in contravention of this section, every officer of the club shall be liable to a fine not exceeding ten pounds, unless he shows that it was so kept without his knowledge or consent.

(5) Nothing in section seventy-seven of the Licensing Act, 1953 (which relates to the Carlisle district), shall restrict the supply of intoxicating liquor by or on behalf of a club at club premises in respect of which the club is registered or at any such premises or place as mentioned in subsection (3) above.

PART III

(6) Written notice (signed by the chairman or by the secretary of the club) of the hours, if any, fixed as the permitted hours for any club premises by or under the rules of the club shall be given to the clerk to the justices for the petty sessions area in which the premises are; and no decision fixing those hours shall be effective until notice is so given, but the hours previously fixed and notified, if any, shall continue to apply.

(7) For the purposes of this Act "club premises" means premises which are occupied by and habitually used for the purposes of a club.

Qualifications for registration.

26.—(1) A club shall be registered in respect of any premises if and so long as it holds for those premises a certificate under this Act of a magistrates' court (in this Part of this Act referred to as a "registration certificate"), and not otherwise.

(2) Subject to the provisions of this Act, a registration certificate shall have effect for twelve months, but may be from time to time renewed, or may at any time be surrendered by the club.

(3) Any renewal of a registration certificate shall be for one year from the expiration of the period for which the certificate was issued or last renewed, except that on the second or any subsequent renewal the certificate may, if the court thinks fit, be renewed for such number of years (not exceeding ten) from the expiration of that period as may be requested in the application for renewal or for any less number of years.

(4) Where an application is duly made in accordance with this Part of this Act for the issue or renewal of a registration certificate, the magistrates' court shall not, in the absence of an objection duly made as aforesaid, refuse the application except as provided by the following provisions of this section; and a magistrates' court shall state in writing the grounds of any refusal to issue or renew a registration certificate.

(5) A club shall only be qualified to receive a registration certificate (whether in the first instance or by way of renewal), if under the rules of the club persons may not be admitted to membership, or be admitted as candidates for membership to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission, nor may persons becoming members without prior nomination or application be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission.

(6) A club shall be qualified to receive a registration certificate for any premises (whether in the first instance or by way of renewal), only if—

(*a*) it is established and conducted in good faith as a club, and has not less than twenty-five members; and

(*b*) intoxicating liquor is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club; and

(*c*) the purchase for the club, and the supply by the club, of intoxicating liquor (so far as not managed by the club in general meeting or otherwise by the general body of members) is managed by an elective committee, as defined in the Fifth Schedule to this Act.

(7) A club shall be qualified to receive a registration certificate for any premises (whether in the first instance or by way of renewal), only if no arrangements are, or are intended to be, made—

(*a*) for any person to receive at the expense of the club any commission, percentage or similar payment on or with reference to purchases of intoxicating liquor by the club; or

(*b*) for any person directly or indirectly to derive any pecuniary benefit from the supply of intoxicating liquor by or on behalf of the club to members or guests, apart from any benefit accruing to the club as a whole and apart also from any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the club.

(8) Subject to subsection (9) below, in determining whether a club is established and conducted in good faith as a club a magistrates' court may have regard—

(*a*) to any arrangement restricting the club's freedom of purchase of intoxicating liquor; and

(*b*) to any provision in the rules, or arrangement, under which money or property of the club, or any gain arising from the carrying on of the club, is or may be applied otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes; and

(*c*) to the arrangements for giving members proper information as to the finances of the club, and to the books of account and other records kept to ensure the accuracy of that information; and

(*d*) to the nature of the premises occupied by the club.

(9) Subject to subsection (2) of section twenty-eight of this Act, where the rules of a club applying for the issue or renewal of a registration certificate conform with the Fifth Schedule to this Act, the court shall assume, as regards any matters not raised by an objection duly made in accordance with this Part of this Act, that the club satisfies the conditions of subsection (6) above and, in the case of a renewal, also the conditions of subsection (7).

PART III

Provided that this subsection shall not prevent the court, if it sees fit, from inquiring whether there is any such arrangement or provision in the rules as is referred to in paragraph (*a*) or (*b*) of subsection (8) above and, if so, whether it is such that the club ought not to be treated as established and conducted in good faith as a club.

(10) A magistrates' court may refuse an application for the issue or renewal of a registration certificate, if it is proved that a person who if a certificate is granted will during the currency of the certificate or is likely during its currency to take any active part in the management of the club is not a fit person, in view of his known character as proved to the court, to be concerned in the management of a registered club.

(11) A registration certificate shall not be issued or renewed, nor have effect, for premises disqualified (by an order under this Part of this Act) for use for the purposes of a registered club, nor for licensed premises, nor for premises which include or form part of premises so disqualified or licensed premises:

Provided that this subsection shall not prevent the issue or renewal for any premises of a registration certificate to take effect on their ceasing to be, include or form part of premises so disqualified or licensed premises.

(12) A magistrates' court may refuse an application for the issue or renewal of a registration certificate—

(*a*) if the premises or any premises including or forming part of them have been licensed premises within the twelve months preceding the making of the application but have ceased to be licensed premises by the forfeiture of the licence or by the refusal of an application to renew it; or

(*b*) if the club has other club premises which are licensed premises and the court is of opinion that the issue or renewal of the registration certificate is likely to give occasion for abuse by reason of any difference in the permitted hours in the premises or otherwise.

(13) In the case of a club which is a registered society within the meaning of the Industrial and Provident Societies Act, 1893, or the Friendly Societies Act, 1896—

(*a*) any requirement of paragraph (*c*) of subsection (6) of this section that a matter shall be managed by an elective committee shall be treated as satisfied so long as the matter is under the control of the members or of a committee appointed by the members (and references in this Act to that subsection shall be taken as referring to it as modified by this paragraph); and

(*b*) the rules of the club shall be treated as conforming with the Fifth Schedule to this Act so long as they conform with that Schedule as regards voting at general meetings and as regards election or admission to membership.

(14) Where the rules of a club make provision for a class of members to have limited rights or no rights of voting in relation to the affairs of the club, any question whether the requirements of paragraph (*c*) of subsection (6) of this section are satisfied in relation to the club, or whether the rules of the club conform with the Fifth Schedule to this Act, shall if the court determining the question so directs be determined as if the exclusion of that class from voting to the extent provided for by the rules were authorised by the provisions of that Schedule as to voting at general meetings or elections; but the court shall not so direct unless satisfied that the provision so made by the rules is part of a bona fide arrangement made in the interest of the club as a whole and of that class of members for facilitating the membership of persons who are precluded by distance or other circumstances from making full use of the privileges of membership, and is not designed to secure for a minority of the members an unfair measure of control over the affairs of the club.

Objections to and cancellations of registration, and disqualification of premises.

27.—(1) Objection to an application for the issue or renewal of a registration certificate for any premises may be made, on any ground mentioned in subsection (2) below, by the chief officer of police, by the local authority or by any person affected by reason of his occupation of or interest in other premises; and a complaint in writing against a club for the cancellation of a registration certificate held by the club for any premises may be made to a magistrates' court, on any ground mentioned in subsection (3) below, by the chief officer of police or by the local authority.

(2) An objection to the issue or renewal of a registration certificate may be made on any one or more of the following grounds, that is to say,—

(*a*) that the application does not give the information required by this Part of this Act, or the information is incomplete or inaccurate, or the application is otherwise not in conformity with this Part of this Act;

(*b*) that the premises are not suitable and convenient for the purpose in view of their character and condition and of the size and nature of the club;

(*c*) that the club does not satisfy the conditions of subsections (5) to (7) of section twenty-six of this Act, or that the application must or ought to be refused under subsection (10), (11) or (12) of that section;

PART III

(*d*) that the club is conducted in a disorderly manner or for an unlawful purpose, or that the rules of the club are habitually disregarded as respects the admission of persons to membership or to the privileges of membership or in any other material respect;

(*e*) that the club premises or any of them (including premises in respect of which the club is not registered or seeking registration) are habitually used for an unlawful purpose, or for indecent displays, or as a resort of criminals or prostitutes, or that in any such premises there is frequent drunkenness, or there have within the preceding twelve months been illegal sales of intoxicating liquor, or persons not qualified to be supplied with intoxicating liquor there are habitually admitted for the purpose of obtaining it;

and the court, if satisfied that the ground of objection is made out, may refuse the application and, in the case of an objection made on any of the grounds mentioned in paragraphs (*a*) to (*c*) above, shall do so unless in the case of an objection made on the ground mentioned in paragraph (*b*) the court thinks it reasonable not to, having regard to any steps taken or proposed to be taken to remove the ground of objection.

(3) A complaint for the cancellation of a registration certificate may be made on any ground on which objection might be made under paragraph (*c*), (*d*) or (*e*) of subsection (2) above to an application for the renewal of the certificate; and the court, if satisfied that on such an objection the application for renewal must or ought to be refused on that ground, shall cancel the certificate.

(4) Where a club is registered in respect of any premises, and a magistrates' court cancels or refuses to renew the registration certificate for those premises on any ground mentioned in paragraph (*c*), (*d*) or (*e*) of subsection (2) above, the court may order that, for a period specified in the order, the premises shall not be occupied and used for the purposes of any registered club; but the period specified shall not exceed one year unless the premises have been subject to a previous order under this subsection or to a similar order under any previous enactment about clubs, and shall not in any case exceed five years.

(5) At any time while an order under subsection (4) above is in force, a magistrates' court, on complaint made by any person affected by the order, may revoke the order or vary it by reducing the period of disqualification specified in it.

(6) Any summons granted on a complaint under subsection (5) above for the revocation or variation of an order as respects any premises shall be served on the chief officer of police and on the local authority.

(7) Where any alteration is made in the rules of a club registered in respect of any premises, the secretary of the club shall give written notice of the alteration to the chief officer of police and to the clerk of the local authority; and if the notice required by this subsection is not given within twenty-eight days of the alteration, the secretary shall be liable to a fine not exceeding ten pounds.

Notwithstanding anything in section one hundred and four of the Magistrates' Courts Act, 1952, proceedings under this subsection for failing to give notice of an alteration of rules may be brought at any time within the twelve months following the date on which the alteration is made.

Sale of intoxicating liquor by registered clubs.

28.—(1) Notwithstanding anything in any enactment, where a club is registered in respect of any premises, and the rules of the club provide for the admission to the premises of persons other than members and their guests and for the sale of intoxicating liquor to them by or on behalf of the club for consumption on the premises, then subject to the following provisions of this section the authority of a licence shall not be required for such a sale, and intoxicating liquor may be supplied to those persons and their guests for consumption on the premises as it may to members and their guests.

(2) In determining for the purposes of this Part of this Act whether a club is established and conducted in good faith as a club, a magistrates' court may, notwithstanding anything in subsection (9) of section twenty-six of this Act, have regard to any provision made by the rules for the sale of intoxicating liquor by or on behalf of the club, and to the use made or intended to be made of any such provision; and paragraph (*c*) of subsection (6) and paragraph (*b*) of subsection (7) of that section shall apply in relation to the sale of intoxicating liquor by or on behalf of a club as they apply in relation to its supply to members of the club.

(3) A magistrates' court, on the issue or renewal of a registration certificate for any premises, may attach to the certificate such conditions restricting sales of intoxicating liquor on those premises as the court thinks reasonable (including conditions forbidding or restricting any alteration of the rules of the club so as to authorise sales not authorised at the time of the application to the court), and subsection (1) above shall not authorise a sale in breach of any such condition:

Provided that no such condition shall be attached so as to prevent the sale of intoxicating liquor to a person admitted to the premises as being a member of another club, if—

(*a*) the other club is registered in respect of premises in the locality which are temporarily closed; or

PART III

(*b*) both clubs exist for learned, educational or political objects of a similar nature; or

(*c*) each of the clubs is primarily a club for persons who are qualified by service or past service, or by any particular service or past service, in Her Majesty's forces and are members of an organisation established by Royal Charter and consisting wholly or mainly of such persons; or

(*d*) each of the clubs is a working men's club (that is to say, a club which is, as regards its purposes, qualified for registration as a working men's club under the Friendly Societies Act, 1896, and is a registered society within the meaning of that Act or of the Industrial and Provident Societies Act, 1893).

(4) A registration certificate may be varied by imposing, varying or revoking any conditions authorised by subsection (3) above:

Provided that no such conditions shall be imposed, varied or revoked under this subsection except either at the time of renewal of the certificate, or on the application of the club, or on complaint in writing made against the club by the chief officer of police or the local authority.

(5) At the hearing of an application for the issue or renewal of a registration certificate, or of an application by a club under subsection (4) above, the chief officer of police or the local authority shall be entitled, on giving written notice of intention to do so, to make representations as to the conditions which ought to be attached to the certificate under this section.

(6) Where the rules of a club registered in respect of any premises are altered so as to authorise at those premises sales of intoxicating liquor not authorised by the rules at the time of the application or last application by the club for the issue or renewal of a registration certificate for those premises, the alteration shall not be effective for the purposes of subsection (1) above until notice of it has been given in accordance with subsection (7) of section twenty-seven of this Act.

Maintenance of register, and procedure for registration, etc.

29.—(1) The clerk to the justices for any petty sessions area shall keep a register of clubs holding registration certificates for premises in the area.

(2) The register shall show for the premises in respect of which a club is registered the hours, if any, fixed as the permitted hours by or under the rules of the club (as notified to the clerk to the justices), and shall contain such other particulars, and shall be in such form, as may be prescribed by regulations of the Secretary of State.

Any regulations under this subsection shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) The register shall at all reasonable times be open to inspection on payment of the appropriate fee (if any) by any person, and without payment by any officer of police, by any officer of customs and excise, or by any officer of the local authority who is authorised in writing to inspect it on their behalf.

(4) Written notice (signed by the chairman or secretary of the club) shall be given to the clerk to the justices of any change in the particulars of the club which are contained or required to be contained in the register by virtue of regulations under this section; and if the notice required by this subsection is not given within forty-two days of the change, the chairman and secretary shall each be liable to a fine not exceeding fifty pounds.

(5) An application by a club for the issue or renewal of a registration certificate shall be made to a magistrates' court, and shall comply with the requirements of the Sixth Schedule to this Act; and the provisions of the Seventh Schedule to this Act shall have effect as regards the procedure for registration or for cancelling a registration certificate and related matters.

(6) Where an application for the renewal of a registration certificate is made not less than twenty-eight days before the certificate is due to expire, the certificate shall continue in force until the application is disposed of by the magistrates' court or the court otherwise orders under the Seventh Schedule to this Act.

(7) A single registration certificate may relate to any number of premises of the same club, and on an application duly made a registration certificate may, at the time of renewal or otherwise, be varied as regards the premises to which it relates.

(8) Where a variation of a registration certificate would result in the club being registered in respect of different, additional or enlarged premises, and is to be made otherwise than at the time of renewal, the provisions of this Act shall apply as they apply in the case of a renewal (but so that the variation shall not extend the duration of the certificate).

(9) Where a club seeks or holds a registration certificate for two or more premises not contiguous to one another, the court on an objection to the issue or renewal of the certificate or complaint for its cancellation may refuse to issue or renew it or may cancel it for some only of the premises, if the ground of objection or complaint relates only to those premises, or is only made out for those premises, and the court is of opinion that

PART III

it is in the circumstances reasonable for the club to be or remain registered in respect of the other premises; and no order shall be made under subsection (4) of section twenty-seven of this Act in relation to any premises unless the ground of objection or complaint relates to and is made out for those premises or contiguous premises.

(10) If an application by a club for the issue or renewal of a registration certificate, or for the variation of a registration certificate, or a notice under subsection (4) above, contains any statement known to the person signing it to be false in a material particular, or if a person recklessly signs any such application or notice containing a statement which is false in a material particular, the person signing the application or notice shall be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both.

Appeal to quarter sessions.

30.—(1) A club may appeal to quarter sessions against any decision of a magistrates' court refusing to issue or renew a registration certificate, or cancelling a registration certificate, or against any decision of a magistrates' court as to the conditions of a registration certificate relating to sales of intoxicating liquor, or against any order of a magistrates' court under subsection (4) of section twenty-seven of this Act.

(2) Where the decision appealed against relates to two or more premises, the appeal may be brought in respect of any of those premises without the others.

(3) Where the decision appealed against was given on an application to the magistrates' court by the club, no person shall be made a party to the appeal except a person who appeared before the magistrates' court to make an objection to or representations on the application, but any such person shall be a party to the appeal, whether or not his objection related to the same premises as the appeal.

(4) Where a magistrates' court refuses an application for the renewal of a registration certificate, the court may, on such conditions as it thinks fit, order that the certificate (as in force at the time of the application) shall continue in force pending the determination of an appeal against the refusal, or pending the consideration of the question of bringing such an appeal.

Inspection of premises before first registration.

31.—(1) Where a club applies for the issue of a registration certificate in respect of any premises, an officer of the local authority authorised in writing by that authority may, on giving not less than forty-eight hours' notice to the person signing the application and, if the premises are not occupied by the club, to the occupier, and on production of his authority, enter and inspect the premises at any reasonable time on such day, not

being more than fourteen days after the making of the application, as may be specified in the notice; and a constable authorised in writing by the chief officer of police shall have the like right to enter and inspect the premises, but a chief officer of police shall not so authorise a constable unless in his opinion special reasons exist making it necessary that the premises should be inspected for the proper discharge of his functions in relation to the registration of clubs.

(2) Any person obstructing a constable or officer of a local authority in the exercise of the power conferred by this section shall be liable to a fine not exceeding five pounds.

(3) If on an application by the chief officer of police or by the local authority it is made to appear to a magistrates' court that after reasonable steps had been taken by and on behalf of the applicant to inspect the premises in good time under subsection (1) above, it was not possible to do so within the time allowed, the court may extend the time allowed.

(4) Where a club applies for the renewal of a registration certificate in respect of different, additional or enlarged premises the foregoing subsections shall have effect as if the application were, so far as relates to those premises, an application for the issue of a registration certificate.

Rights of fire authorities in connection with registration of clubs.

32.—(1) As regards any matter affecting fire risks the local authority, if they are the fire authority, shall have the like rights in relation to the inspection of premises under section thirty-one of this Act on any application for the renewal of a registration certificate for the premises as they have in the case of an application for the issue of a certificate.

(2) Where the local authority is not the fire authority, the clerk to the justices shall as soon as may be give the fire authority written notice of the making of an application for the issue or renewal of a registration certificate for any premises.

(3) As regards any matter affecting fire risks a fire authority other than the local authority shall have the like rights—

(*a*) in relation to the inspection of premises under section thirty-one of this Act; and

(*b*) in relation to the making of objections, on the ground mentioned in paragraph (*b*) of subsection (2) of section twenty-seven of this Act, to the issue or renewal or a registration certificate;

as the authority would have if they were the local authority.

(4) In this section "fire authority" means in relation to any premises the authority discharging in the area where the premises are situated the functions of fire authority under the Fire Services Act, 1947.

PART III
Extended hours in premises of registered clubs.

33.—(1) Section nine of this Act shall apply in relation to club premises in respect of which a club is registered as it applies in relation to licensed premises, subject to the following modifications:—

(*a*) for any reference to licensing justices there shall be substituted a reference to the magistrates' court; and

(*b*) an application for an order under subsection (4) shall be made by the club, and notice of the making of the order shall be given under subsection (10) by the secretary of the club; and

(*c*) an order under subsection (4) shall lapse on the club's registration certificate ceasing to be in force or on the date from which the certificate is next renewed after the date of the order or, where that certificate has been renewed for a period exceeding a year, on such earlier date (if any) as may be specified in the order; and

(*d*) subsections (9), (11), (12) and (13) shall not apply, except in so far as subsection (11) relates to subsection (4) of section eleven of this Act.

(2) Section one hundred and four of the Licensing Act, 1953, shall have effect, in relation to club premises in respect of which a club is registered, with the substitution for the references to the licensing justices for the district in which the premises are situated of references to the magistrates' court; but where in the case of any such premises the magistrates' court has been satisfied as mentioned in paragraph (*a*) of subsection (1) of that section (or at the time that this section comes into force licensing justices have been and remain so satisfied) the requirement of that section that the court shall be so satisfied shall be treated as fulfilled until the magistrates' court declares that it is no longer so satisfied.

(3) In the foregoing subsections "the magistrates' court" means, in relation to any club premises, a magistrates' court having jurisdiction in relation to the issue and renewal of the club's registration certificate for the premises; and in sections one hundred and thirteen to one hundred and eighteen of the Licensing Act, 1953 (which relate to special hours certificates), the expression "the magistrate" shall have the same meaning.

(4) An application made to a magistrates' court by virtue of subsection (3) above shall be made by way of complaint against the club where the application is for the revocation of a special hours certificate, or of an order under subsection (4) of section nine of this Act, or for a declaration that as respects any premises the court is no longer satisfied as mentioned in paragraph (*a*) of subsection (1) of section one hundred and four of the Licensing Act, 1953; and, subject to paragraph 6 of the Seventh Schedule

to this Act, sub-paragraphs (3) and (4) of paragraph 5 of that Schedule shall apply in relation to any such complaint as they apply in relation to a complaint for the cancellation or variation of a registration certificate.

(5) In relation to any application made to a magistrates' court by virtue of subsection (3) above other than an application to which subsection (4) applies, subsection (2) of section thirty-two of this Act and paragraphs 2 and 3, sub-paragraph (1) of paragraph 4 and sub-paragraph (1) of paragraph 5 of the Seventh Schedule to this Act shall (subject to paragraph 6 of that Schedule) apply with any necessary modifications as they apply in relation to applications for the issue of a registration certificate:

Provided that paragraph 2 of the Seventh Schedule shall not require public notice to be given of an application for an order under subsection (4) of section nine of this Act to be made by way of renewal of a previous order (without variation).

(6) Accordingly at the end of subsection (4) of section one hundred and nineteen of the Licensing Act, 1953 (which enables the Secretary of State to make rules for the procedure on an application under sections one hundred and thirteen to one hundred and eighteen of that Act), there shall be added the words "other than an application to a magistrates' court".

Search warrants.

34. If a justice of the peace is satisfied by information on oath that there is reasonable ground for believing—

(*a*) that there is ground for cancelling (in whole or in part) a registration certificate held by a club, and that evidence of it is to be obtained at the club premises or any of them; or

(*b*) that intoxicating liquor is sold or supplied by or on behalf of a club in club premises for which the club does not hold a registration certificate or a justices' licence, or is kept in any club premises for sale or supply in contravention of this Part of this Act;

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 club premises, or any of them, by force if need be, and search them and seize any documents relating to the business of the club.

Licensing of club premises.

35.—(1) The authority to sell any intoxicating liquor which is conferred by an excise licence taken out for club premises by the club shall include authority for the club to supply that liquor to or to the order of members, notwithstanding that in law the supply is not and does not involve a sale; and a justices' licence for club premises may be granted to the club

PART III

and shall have effect accordingly, and (notwithstanding that the club is registered in respect of other club premises) subsection (3) of section twenty-five of this Act shall not apply to the supply of intoxicating liquor under the authority of the licence.

(2) Any excise licence for the sale of intoxicating liquor in club premises which is to be taken out by the club, and any justices' licence for club premises which is to be granted to a club, shall be taken out or granted in the name of an officer of the club nominated for the purpose by or on behalf of the club; and in relation to any premises for which a licence is so taken out or granted—

(*a*) the rights and obligations of the holder of the licence under the enactments relating to the sale of intoxicating liquor and to licensed premises shall attach to the person in whose name the licence is, and those enactments shall apply as if he were, as holder of the licence, in occupation of the premises; and

(*b*) for the purposes of those enactments any supply of intoxicating liquor by or on behalf of the club to a member as such or to any person on the order of a member shall be treated as a sale of the liquor to the member, and references to a trade or trader shall apply accordingly.

(3) Where a club is registered in respect of any club premises, and application is made for the grant (whether to the club or to another) of a justices' licence for other club premises of the club, the licensing justices shall not grant the licence unless they are satisfied that the purposes of the licence would not be served by the club being registered in respect of the other premises also and that the grant of the licence is not likely to give occasion for abuse by reason of any difference in the permitted hours in the premises or otherwise.

(4) Where a justices' licence granted for club premises is subject to conditions forbidding or restricting the sale to non-members of intoxicating liquor, the licensing justices may insert in the licence a provision relieving the holder, if and in so far as the justices think appropriate in view of those conditions, from compliance with enactments which require notices to be displayed in or on licensed premises but do not apply to premises in respect of which a club is registered.

(5) Notwithstanding anything in Part I of this Act, subsection (3) above shall apply to a restaurant licence, residential licence or residential and restaurant licence; and any conditions which the licensing justices think proper to attach to a licence for club premises forbidding or restricting sales of intoxicating liquor to non-members shall be disregarded for the purposes of subsection (9) of section one of this Act.

(6) Subsection (10) of section six of the Licensing Act, 1953 (by virtue of which licensing justices have no power to attach conditions to the grant of a new justices' on-licence for the sale of wine alone or sweets alone), shall not prevent justices attaching to such a licence for club premises any such conditions as are mentioned in subsection (5) above.

(7) This section shall come into force on the date this Act is passed.

Application of Part III to miners' welfare institutes.

36.—(1) A miners' welfare institute may be registered under this Part of this Act as a club subject to and in accordance with subsection (2) below, and in relation to such an institute while so registered the Licensing Act, 1953, this Act, and any other enactment relating to the sale or supply of intoxicating liquor shall have effect (subject to that subsection) as if—

(*a*) the institute were a club occupying the premises of the institute and having for members the persons from time to time enrolled as members of the institute; and

(*b*) intoxicating liquor supplied or kept for supply by or on behalf of the trustees or managers in carrying on the institute to members or others were the liquor of the club supplied or kept for supply on behalf of the club.

(2) In relation to the registration of a miners' welfare institute in respect of any premises of the institute sections twenty-six to thirty-two of this Act shall apply as they apply in the case of a club and premises occupied by the club, except that the provisions mentioned below and so much of any other provision as refers to any provision so mentioned shall not apply, namely,—

(*a*) in section twenty-six, subsections (6) to (9), (13) and (14); and

(*b*) in the Sixth Schedule, sub-paragraph (*c*) of paragraph 5 and paragraphs 6 to 8;

and in relation to any miners' welfare institute registered under Part IX of the Licensing Act, 1953, paragraphs 1 to 3 of the Eighth Schedule to this Act shall also apply.

(3) In this section "miners' welfare institute" means an association organised for the social well-being and recreation of persons employed in or about coal mines (or of such persons in particular); but nothing in this section shall apply in relation to a miners' welfare institute unless either—

(*a*) it is managed by a committee or board of which not less than two-thirds consists partly of persons appointed by or on the nomination of, or appointed or elected from among persons nominated by, the National Coal

PART III

Board and partly of persons appointed by or on the nomination of, or appointed or elected from among persons nominated by, an organisation or organisations representing persons so employed; or

(*b*) the premises of the institute are held on trusts to which section two of the Recreational Charities Act, 1958, applies.

PART IV

SUPPLEMENTARY

Interpretation and transitional and consequential provisions.

37.—(1) In this Act—

(*a*) the expression "registered club" shall, except as provided by this Act and except as regards the period before the coming into force of section twenty-five mean a club registered under this Act; and

(*b*) "licensing sessions" means general annual licensing meeting or transfer sessions; and

(*c*) "table meal" means a meal eaten by a person seated at a table, or at a counter or other structure which serves the purpose of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purpose of a table.

(2) For the purposes of this Act and of the Licensing Act, 1953, a person shall be treated as residing in any premises, notwithstanding that he occupies sleeping accommodation in a separate building, if he is provided with that accommodation in the course of a business of providing board and lodging for reward at those premises and the building is habitually used for the purpose by way of annex or overflow in connection with those premises and is occupied and managed with those premises.

(3) Any power to make orders conferred by this Act on the Secretary of State includes power to vary or revoke an order made in the exercise of that power.

(4) For the purposes of Part III of this Act—

(*a*) "local authority" means the Common Council of the City of London, or the council of the county borough, metropolitan borough or county district, according to the situation of the premises in question;

(*b*) "clerk of the local authority" means, in the City of London or a borough or metropolitan borough, the town clerk;

PART IV

(*c*) references to the chief officer of police shall be construed as referring to the chief officer of police for the police area in which the premises in question are, but so that anything required or authorised to be done by or to a chief officer of police may be done by or to any officer of police designated by the chief officer.

(5) The provisions of the Eighth Schedule to this Act shall have effect in connection with the amendment by this Act of the law relating to clubs.

(6) It is hereby declared that premises licensed under the Licensing (Seamen's Canteens) Act, 1954, are not, by virtue of the licence under that Act or of any excise licence granted in pursuance of it, licensed premises within the meaning of this Act or of the Licensing Act, 1953.

(7) The provisions of the Licensing Act, 1953, relating to the disqualification of justices and justices' clerks in connection with proceedings under that Act, and the supplemental provisions in sections one hundred and fifty-one, one hundred and fifty-four and one hundred and fifty-nine to one hundred and sixty-six of that Act, shall apply in relation to this Act as they apply in relation to that.

Short title, citation, repeal, extent and commencement.

38.—(1) This Act may be cited as the Licensing Act, 1961.

(2) The Licensing Act, 1953, the Licensing (Seamen's Canteens) Act, 1954, the Licensing (Airports) Act, 1956, and this Act may be cited together as the Licensing Acts, 1953 to 1961.

(3) The enactments mentioned in the Ninth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule (which includes in Part I certain enactments already obsolete or unnecessary, to the extent mentioned, apart from the provisions of this Act):

Provided that (without prejudice to the provisions of the Interpretation Act, 1889, as to repeals) no such repeal shall affect the prosecution or punishment of offences committed before the coming into force of the repeal.

(4) This Act shall extend to England and Wales only.

(5) This Act, except as otherwise provided, shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument, and different days may be appointed for different provisions of this Act or for different purposes of the same provision.

SCHEDULES

Section 3.

FIRST SCHEDULE

PUNISHMENT OF CERTAIN OFFENCES IN CONNECTION WITH REFRESHMENT HOUSES

1. In the Refreshment Houses Act, 1860, as originally enacted, there shall be substituted—

(*a*) in section nine (keeping refreshment house without licence) for the words from "shall forfeit" onwards; and

(*b*) in section eighteen (refusal to admit police to refreshment house) for the words from "shall for the first offence" onwards; and

(*c*) in section thirty-two (allowing refreshment house to be used for unlawful gaming, or as a resort for prostitutes, thieves or drunken and disorderly persons) for the words from "shall upon conviction thereof" onwards;

the words "shall be liable on summary conviction to a fine not exceeding twenty pounds or, if before the commission of the offence and within the five years preceding his conviction of it he had been convicted of a relevant offence (within the meaning of the First Schedule to the Licensing Act, 1961), then to a fine not exceeding fifty pounds".

2. On a person's conviction of a relevant offence in respect of any premises, the court by or before which he is convicted may make a disqualification order; and subsections (2) to (6) of section three of this Act shall apply to a disqualification order under this Schedule as they apply to a disqualification order under that section.

3. The relevant offences within the meaning of this Schedule are—

(*a*) offences under sections nine, eighteen and thirty-two of the Refreshment Houses Act, 1860;

(*b*) offences under section one hundred and twenty (sale of intoxicating liquor without licence) of the Licensing Act, 1953, committed by the keeper of a refreshment house;

(*c*) offences under subsection (3) of section one hundred and forty-nine (supply or consumption of intoxicating liquor at parties organised for gain) of the Licensing Act, 1953, committed by the keeper of a refreshment house in connection with parties at the refreshment house.

Section 6.

SECOND SCHEDULE

SUPPLEMENTARY PROVISION FOR POLLS IN WALES AND MONMOUTHSHIRE

1. The local elections rules set out in the Second Schedule to the Representation of the People Act, 1949, and any regulations made under section forty-two of that Act, shall, in their application to polls under section six of this Act, have effect subject to the following paragraphs of this Schedule.

2. Part I of the rules (except in so far as by rule 3 it fixes the hours of the poll), Part II and Part IV shall not apply, nor in Part III rules 20, 26, 32, 36, 42 and 45.

3. The remaining rules shall apply with the omission of any passage relating to candidates or their election, polling or counting agents, or to other matters not relevant to a poll under section six of this Act; and no person's agreement shall be required to a returning officer interrupting the counting of the votes between eight o'clock in the evening and nine o'clock on the following morning.

4. The forms in the appendix to this Schedule (apart from the form of requisition paper) shall be substituted for the corresponding passages in the local elections rules or the appendix thereto; and where, in accordance with rule 27, subsections (1), (2), (3) and (6) of section fifty-three of the Representation of the People Act, 1949, are to be read to a person before he makes the declaration of secrecy, they shall be read with the modifications provided for by section six of this Act.

5.—(1) Regulations made under section forty-two of the Representation of the People Act, 1949, may, so far as they relate to voting by proxy or by post or to matters connected therewith, make special provision in connection with polls under section six of this Act; but subject to any such provision the regulations shall apply—

(*a*) with the omission of any passage relating to candidates or their agents or to other matters not relevant to such a poll; and

(*b*) with the substitution for any reference to the last day for the delivery of nomination papers of a reference to the last day for delivery of requisition papers under section six of this Act; and

(*c*) as if any provision for subsection (4) of section fifty-three of the Representation of the People Act, 1949, to be read to a person making a declaration of secrecy were a provision for it to be read with the modification provided for by section six of this Act;

and any form prescribed by any such regulations in connection with voting by proxy or by post shall be used with such modifications (if any) as may be approved by the Secretary of State as necessary to adapt it for the purposes of a poll under section six.

(2) If the date for the poll is altered after any postal ballot papers have been issued, then—

(*a*) on any later issue the covering envelopes enclosed for the return of declarations of identity and ballot papers shall be readily distinguishable from those enclosed on the previous issue (that is to say, the issue before the alteration of the date), and there shall be enclosed a notice calling attention to the change of date and stating that documents sent out on the previous issue are not to be used;

(*b*) any covering envelopes of the previous issue sent to the returning officer shall on receipt be dealt with in the same way as covering envelopes of later issues, but, on the opening of the ballot boxes provided for covering envelopes, those of the previous issue shall be marked "rejected", shall be set aside unopened, and thereafter shall be dealt with in the same way as other rejected votes;

2ND SCH.

(*c*) save as aforesaid, the previous issue shall be disregarded for all purposes.

6.—(1) In a county the county returning officer, and in a county borough divided into wards the mayor, may make arrangements for the votes to be counted not by electoral areas, but for the county or county borough as a whole or by such divisions of it as he thinks most convenient, and where arrangements are so made, the counting for the county or county borough as a whole or for each division of it, as the case may be, shall be carried out as it would be if that were the electoral area for which an election were being held:

Provided that where arrangements are so made in relation to a county borough the mayor shall act as returning officer in relation to the counting of the votes, but shall have the like powers in relation to the appointment of deputies as a county returning officer has.

(2) Where the votes are counted otherwise than for the county or county borough as a whole, then on the completion of the counting or any recount for an electoral area or other division the person acting as returning officer for the purpose (if he is not the county returning officer or mayor) shall forthwith notify the county returning officer or mayor of the number of votes counted on either side, but no other step shall be taken (except proper steps for the security of the ballot papers and other documents) unless or until it is ascertained that there is not to be a recount or further recount.

(3) Where it appears to the county returning officer or mayor, on the completion of the counting for the whole county or county borough, that the number of votes counted does not show a majority of more than one hundred for either side, he shall cause the votes to be re-counted and, if the decision on the poll according to the recount would differ from the decision according to the original count, to be again re-counted, and the recount or, if there is one, second recount shall be treated as determining the number of votes cast on either side.

(4) The number of votes cast on either side shall in a county be notified by the county returning officer to the chairman of the county council.

7.—(1) At a poll in a county or county borough any local government elector for the county or county borough may claim to attend the counting of the votes as an observer, by giving to the county returning officer or mayor within seven days of the end of the period allowed for delivering requisition papers a written notice signed by the elector and stating his address, and subject to sub-paragraph (2) below he shall then have the same rights and obligations and be in all respects in the same position (as nearly as may be) in relation to the counting as a counting agent appointed by a candidate at an election of a councillor for the county or borough, except that his agreement shall not be required to any interruption of the counting.

(2) There shall not be allowed to attend the counting of the votes at any place a greater number of observers under this paragraph than the number of clerks employed there in the counting, or any observer not duly notified of the time and place of counting; and

the persons to be allowed to attend as observers in any case shall be designated by the county returning officer or mayor.

(3) Where on any poll a greater number of persons claim to attend the counting as observers than is allowed under sub-paragraph (2) above, the county returning officer or mayor in choosing between them shall have regard to their opinions about Sunday opening (if known to him) with the aim of designating, as far as he can, those for and those against Sunday opening in equal numbers.

(4) A local government elector may in like manner claim to attend the proceedings on the issue and receipt of postal ballot papers, as well as or instead of the counting of the votes, and the foregoing sub-paragraphs shall apply with the necessary modifications of the references to the counting or to a counting agent:

Provided that the number to be allowed to attend on any occasion shall be restricted to such number as the county returning officer or mayor may decide to be reasonable in the circumstances.

Appendix of forms

A. Form of requisition paper

We, the subscribers hereto, being local government electors for the [county of] [county borough of] do hereby demand a poll under section six of the Licensing Act, 1961, on the question whether licensed premises in the county [borough] should open on Sundays for the sale of intoxicating liquor.

Signature	Name in full	Qualifying address on register of local government electors	No. on register (including distinctive letter of parliamentary polling district)

B. Form of, and directions for printing, ballot paper

(*a*) *Front of ballot paper*

Are you for or against the opening of licensed premises in the [county of] [county borough of] on Sundays for the sale of intoxicating liquor?

FOR Sunday opening	
AGAINST Sunday opening . . .	

(*b*) *Back of ballot paper*

No.

Ballot on Sunday opening of licensed premises in the [county of] [county borough of], the day of , 19

2ND SCH.

(c) Directions for printing ballot paper

1. Nothing is to be printed on the ballot paper except in accordance with these directions, and in so far as practicable—

(*a*) no word shall be printed on the face, except as provided by the form given above;

(*b*) no rule shall be printed on the face except the rules separating from one another the words "FOR Sunday opening", the words "AGAINST Sunday opening" and the corresponding spaces for the vote to be marked.

2. The number on the back of the ballot paper is to correspond with that on the counterfoil, and shall be printed in small characters.

C. Form of directions for the guidance of voters in voting

1. The voter should see that the ballot paper, before it is handed to him, is stamped with the official mark.

2. The voter will go into one of the compartments and, with the pencil provided in the compartment, place a cross X on the right-hand side either in the space opposite the words "FOR Sunday opening", if he wishes to vote that way, or in the space opposite the words "AGAINST Sunday opening", if he wishes to vote that way.

3. The voter will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the ballot box, and forthwith leave the polling station.

4. If the voter inadvertently spoils a ballot paper he can return it to the officer who will, if satisfied of such inadvertence, give him another paper.

5. If the voter places any mark on the paper by which he may afterwards be identified, his ballot paper will be void and will not be counted.

6. If the voter fraudulently takes a ballot paper out of a polling station or fraudulently puts into the ballot box any paper other than the one given to him by the officer, he will be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding twenty pounds or to both such imprisonment and such fine.

D. Form of declaration to be made by the companion of a blind person

I, A.B., of , having been requested to assist C.D. (*in the case of a blind person voting as proxy add* "voting as proxy for M.N.") who is numbered on the register of local government electors for the [electoral division of the county of] [county borough of] [ward of the county borough of] to record his vote at the poll now being held under the Licensing Act, 1961, in the said county [borough], do hereby declare that [I am entitled to vote as

an elector at this poll] [I am the (*state relationship*) of the said voter and have attained the age of twenty-one years], and that I have not previously assisted any blind person [except E.F., of], to vote at this poll.

(*Signed*), A.B.

day of , 19 .

I, the undersigned, being the presiding officer for the polling station for the [electoral division of the county of] [county borough of] [ward of the county borough of], do hereby certify that the above declaration, having been first read to the above named declarant, was signed by the declarant in my presence.

(*Signed*), G.H.

day of , 19 ,

at minutes past o'clock.
[a.m.] [p.m.]

NOTE.—If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.

E. Questions which may be put to voters

(*a*) In the case of a person applying for a ballot paper as an elector—

(i) are you the person registered in the register of local government electors now in force as follows (*read the whole entry from the register*)?

(ii) have you already voted at the present poll here or elsewhere in the [county of] [county borough of], otherwise than as proxy for some other person?

(*b*) In the case of a person applying for a ballot paper as proxy—

(i) are you the person whose name appears as A.B. in the list of proxies for this poll as entitled to vote as proxy on behalf of C.D.?

(ii) have you already voted at the present poll here or elsewhere in the [county of] [county borough of] as proxy on behalf of C.D.?

THIRD SCHEDULE

Section 8.

ADAPTATIONS OF LICENSING ACT, 1953, SS. 113 TO 119 (SPECIAL HOURS CERTIFICATES) FOR AREAS OUTSIDE METROPOLIS

1. There shall be omitted—

(*a*) in subsection (1) of section one hundred and thirteen, the words "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"; and

3RD SCH.

(*b*) in subsection (1) of section one hundred and fourteen, the words from "situated" to "Secretary of State"; and

(*c*) in section one hundred and fifteen, the words from "being premises" to "Secretary of State".

2. Subject to paragraph 3 below, there shall be substituted—

(*a*) for any reference to the London County Council a reference to the licensing authority under the statutory regulations for music and dancing; and

(*b*) for any reference to the Commissioner of Police of the Metropolis a reference to the chief officer of police for the police area in which the premises are.

3. Where the licensing justices are also the licensing authority under the statutory regulations for music and dancing, section one hundred and fourteen shall apply with the omission in subsection (5) of the words "by a person appointed by the Council for the purpose", and with the substitution in subsection (6) for the words "after considering the report of the person appointed to hear the secretary" of the words "after hearing the secretary".

Section 12.

FOURTH SCHEDULE

LICENSING PROCEDURE AND APPEALS

PART I

GENERAL PROVISIONS AS TO PROCEDURE, DURATION OF LICENCES AND APPEALS

Licensing sessions and applications thereto

1.—(1) The licensing justices for each licensing district shall hold a general annual licensing meeting and not less than four nor more than eight transfer sessions in the twelve months beginning with February in every year.

(2) The licensing sessions of each twelve months shall be held at as nearly regular intervals as may be, and the general annual licensing meeting shall be held in the first fortnight of February.

(3) The licensing justices shall appoint the day, time and place for holding the licensing sessions of each twelve months at a meeting held not less than twenty-one days before the day appointed for the general annual licensing meeting or, in the case of the transfer sessions, either at that meeting or at the general annual licensing meeting.

(4) The licensing justices may for the general annual licensing meeting appoint different days for different parts of the licensing district, and, if they do, may appoint different places also.

(5) A licensing sessions may for the purpose of dealing with business not disposed of be from time to time continued by adjournment beyond the day appointed for the holding of the sessions; but no new application may be made at any adjourned sessions, and references in any enactment (in whatever terms) to the day or first day of a licensing sessions and to the conclusion of a

licensing sessions shall be taken as referring to the day appointed for holding the sessions and to the conclusion of the proceedings on that day (and, in the case of a general annual licensing meeting for which different days are appointed for different parts of the licensing district, as having reference to the one appointed for the relevant part of the district).

(6) When licensing justices have appointed the time and place for holding any licensing sessions, the clerk shall advertise notice of it in a newspaper circulating in the licensing district, and shall send notice of it—

(*a*) to every member of the licensing committee ;

(*b*) to every holder of a justices' licence in the licensing district ;

(*c*) to every person who gives or has previously given the clerk notice of his intention to apply for a justices' licence at those sessions ;

(*d*) to the chief officer of police for the police area or each of the police areas in which the licensing district or any part of it is situated.

2.—(1) A person proposing to apply at a licensing sessions for the grant of a new justices' licence, or for the ordinary or special removal or transfer of a justices' licence, shall give the following notices :—

(*a*) not less than twenty-one days before the day of the licensing sessions he shall give notice in writing to the clerk to the licensing justices, the chief officer of police and the proper local authority ;

(*b*) in the case of a transfer he shall give the like notice to the holder of the licence (if any), and in the case of a removal he shall give the like notice to the registered owner of the premises from which it is sought to remove the licence and the holder of the licence (if any) unless he is also the applicant ;

(*c*) except in the case of a transfer, he shall—

(i) not more than twenty-eight days before the day of the licensing sessions display notice of the application for a period of seven days in a place where it can conveniently be read by the public on or near the premises to be licensed (or, in the case of an application for a provisional grant, on or near the proposed site of those premises) ; and

(ii) not more than twenty-eight days nor less than fourteen days before the day of the licensing sessions (and, if the licensing justices so require, on some day or days outside that period but within such other period as they may require) advertise notice of the application in a newspaper circulating in the place where the premises to be licensed are situated.

(2) A person proposing to apply at transfer sessions for the renewal of a justices' licence shall give notice in accordance with paragraph (*a*) of sub-paragraph (1) above.

4TH SCH.

(3) With the notice given under paragraph (*a*) of sub-paragraph (1) above to the clerk to the licensing justices there shall be deposited a plan of the premises to be licensed, if the application is—

(*a*) for the grant of a new justices' on-licence or of an ordinary removal of a justices' on-licence ; or

(*b*) for the provisional grant of a new justices' off-licence or of an ordinary removal of a justices' off-licence ;

and is not an application made in accordance with subsection (2) of section fifteen of this Act for a provisional grant.

(4) A notice under this paragraph—

(*a*) shall be signed by the applicant or his authorised agent ;

(*b*) shall state the name and address of the applicant and, except in the case of a removal of a licence held by him or of a renewal, his trade or calling during the six months preceding the giving of the notice ;

(*c*) shall state the situation of the premises to be licensed and, in the case of a removal, the premises from which it is sought to remove the licence ;

(*d*) in the case of a new licence, shall state the kind of licence for which application is to be made.

(5) The notice required by paragraph (*a*) of sub-paragraph (1) above to be given to the proper local authority shall be given—

(*a*) if the premises to be licensed are in an urban parish, to the clerk to the rating authority ;

(*b*) if those premises are in a borough included in a rural district, to the town clerk (as well as to the clerk to the rating authority) ;

(*c*) if those premises are in a rural parish, to the clerk to the parish council or, where there is no parish council, to the chairman of the parish meeting ;

and, in the case of a new licence or a removal, shall also be given to the authority discharging in the area where those premises are situated the functions of fire authority under the Fire Services Act, 1947.

(6) In relation to the notice required by paragraph (*a*) of sub-paragraph (1) above to be given to the chief officer of police, subsection (4) of section one hundred and sixty-five of the Licensing Act, 1953 (which prescribes by reference to the situation of the relevant premises the chief officer of police to whom notices are to be given), shall have effect in the case of a removal (as in other cases) as if the references to the premises to which the notice relates were references to the premises to be licensed.

(7) The clerk to the licensing justices shall for each licensing sessions keep a list of the persons giving notice under this paragraph of their intention to apply for the grant of a justices' licence ; and

the list shall show the name and address of the applicant, the nature of the application and the situation of the premises to be licensed, and for the fourteen days preceding the sessions shall at all reasonable times be open to inspection by any person on payment of the appropriate fee (if any), and without payment by any officer of customs and excise.

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

3.—(1) On the consideration of an application for a justices' licence the applicant shall, if so required by the licensing justices, attend in person (but so that in the case of a renewal the applicant shall not be required to attend unless objection is made to the renewal), and licensing justices may postpone consideration of an application until the applicant does so attend.

(2) Subsections (1), (3) and (4) of section seventy-seven of the Magistrates' Courts Act, 1952 (which provide for compelling the attendance of witnesses, etc.), shall apply in relation to licensing justices and to an application for the grant of a justices' licence as if they were a magistrates' court for the petty sessions area constituting the licensing district and the application were a complaint.

Appeals to quarter sessions

4.—(1) Subject to the following sub-paragraphs, sections thirty-five to thirty-seven of the Licensing Act, 1953, shall apply in the case of any appeal to quarter sessions against a decision or order of licensing justices under that Act or this Act as they apply in the case of an appeal against a refusal to renew a justices' licence (subject, however, to any special provision made by section thirty-five for appeals against orders under section twelve of that Act, and to any enactment providing for that section to apply as it applies to appeals against such an order).

(2) No person may appeal to quarter sessions against the grant of a justices' licence who has not appeared before the licensing justices and opposed the grant; and no person may appeal against a refusal to attach conditions to a licence or to vary or revoke conditions previously attached, except the person (if any) whose application or request is required for the justices to have jurisdiction to attach or to vary or revoke the conditions; but where under subsection (6) of section two of this Act conditions are attached on the occasion of a renewal, transfer or removal, the applicant for the renewal, transfer or removal may appeal notwithstanding that it is done at his request.

(3) On an appeal against the grant of a justices' licence the applicant for the licence and not the licensing justices shall be

4TH SCH. respondent, and notice of appeal must be given to him as well as to the clerk to the licensing justices; and the proviso to subsection (1) of section thirty-six and section thirty-seven of the Licensing Act, 1953 (which relate to the costs of licensing justices on an appeal), shall not apply.

(4) On an appeal against a refusal to grant a justices' licence, or against a decision as to conditions given on the grant of a licence, any person who appeared before the licensing justices and opposed the grant shall be respondent in addition to the licensing justices:

Provided that no order for costs shall be made by virtue of this sub-paragraph against any person who does not appear at the hearing of the appeal and oppose the appeal.

(5) On appeals to which section thirty-five of the Licensing Act, 1953, applies, the clerk to the licensing justices shall transmit the notice of appeal to the clerk of the peace, and the appeal shall be entered and notice thereof given by the clerk of the peace, as in a case where the justices' clerk is required to transmit the notice of an appeal from a magistrates' court, and subsection (2) of section eighty-five of the Magistrates' Courts Act, 1952, shall apply accordingly with respect to the abandonment of the appeal; and where a person appears before licensing justices and opposes the grant of a justices' licence, his name and address shall be recorded by the clerk to the licensing justices and, in the event of an appeal against a refusal of the grant or against a decision as to conditions given on the grant, shall be transmitted to the clerk of the peace with the notice of appeal.

(6) Where there is an appeal against a decision as to the conditions of a licence, or where on appeal quarter sessions grant or confirm the grant of a licence, quarter sessions may by their order make any provision as to the attachment of conditions which the licensing justices might have made; and subsection (5) of section two of this Act shall apply with the necessary modifications where on an appeal quarter sessions refuse to confirm a grant of a new justices' on-licence.

(7) The quarter sessions having jurisdiction under subsection (1) of section thirty-five of the Licensing Act, 1953, to entertain an appeal against the grant of or refusal to grant an ordinary removal from one county (within the meaning of that subsection) to another, or against a decision as to conditions given on such a grant, shall be determined by reference to the situation of the premises to be licensed.

(8) Where the same application to licensing justices gives rise to more than one appeal to quarter sessions, quarter sessions may give such directions as they think fit for the appeals to be heard together or separately, and where two or more appeals are heard together, quarter sessions may deal with the costs of the appeals, so far as those costs are in their discretion, as if it were a single appeal.

Duration of licences

5.—(1) Subject to the following provisions of this Part of this Schedule, a justices' licence—

(*a*) shall be granted to have effect from the time of the grant until the end of the licensing year or, if it is granted in

the last three months of a licensing year, until the end of the following licensing year; but

(*b*) shall be superseded on the coming into force of a licence granted by way of renewal, transfer or removal of it.

(2) A justices' licence granted by way of transfer or removal may be granted to have effect from a time specified in the grant (not being earlier, where it is granted before the coming into force of the licence transferred or removed, than the time of the coming into force of that licence).

(3) In the case of a licence granted provisionally, sub-paragraph (1) above shall apply as if it were granted at the time when it is declared final, but a transfer of such a licence may be granted so as to have effect for the purpose of superseding that licence from a date before it is declared final, and, if so granted, shall as regards its duration and coming into force be subject to the same provisions as if it were the licence transferred.

(4) Where on the renewal or transfer of a licence the licensing justices attach new conditions (whether in addition to or in substitution for any conditions previously attached), the justices may, on such terms as they think just, suspend the operation of those conditions in whole or in part pending the determination of any appeal against the decision to attach them or pending the consideration of the question of bringing such an appeal.

(5) When (under subsection (4) of section six of the Licensing Act, 1953, or any previous enactment to the like effect) a justices' licence has before the coming into force of this paragraph been granted otherwise than as an annual licence, any licence granted by way of transfer (directly or indirectly) of that licence shall be granted to have effect for a period ending with the term for which that licence was granted:

Provided that this sub-paragraph shall not apply where, after the coming into force of this paragraph, there has been a removal of that licence.

(6) This paragraph shall apply to licences granted by way of removal of a licence in suspense by virtue of section eighty-three or ninety-two of the Licensing Act, 1953, but subject to that shall not affect subsection (4) of section eighty-four or subsection (4) of section ninety-four of that Act.

(7) For the purposes of this paragraph "licensing year" means the twelve months beginning with the fifth day of April in any year.

6.—(1) The provisions of this paragraph shall have effect where on an application to licensing justices for the grant of a new justices' licence or for the grant of a licence by way of ordinary removal of a justices' licence, a person appears before the licensing justices and opposes the grant, but the justices grant the licence.

(2) Until the expiration of the time for bringing an appeal against the grant and, if such an appeal is brought, until the appeal has been disposed of,—

(*a*) the licence granted shall not come into force;

4TH SCH.

(*b*) (subject to any direction of the licensing justices to the contrary) in the case of an ordinary removal the licence which it is sought to remove, if in force at the time of the grant, shall not expire.

(3) If on appeal the grant is confirmed or if the appeal is abandoned, the time when the appeal is disposed of shall be substituted for the time of the grant for the purpose of determining the period for which the licence is to have effect, and quarter sessions shall (if need be) amend the licence accordingly.

(4) If there is an appeal against the grant of an ordinary removal, and the licence which it is sought to remove is in force on the day when notice of appeal is given to the applicant for the removal, then—

(*a*) he may within seven days of that day give notice in writing to the clerk of the peace of his desire that the expiration of that licence shall be postponed for a specified period (not exceeding three weeks) after the appeal is disposed of, and if he does so, sub-paragraph (2) above shall apply until the expiration of that period;

(*b*) whether or not he gives such a notice, quarter sessions, if they confirm the grant and if he so requests, may by their order direct that that sub-paragraph shall continue to apply for such further period as they think fit;

(*c*) if quarter sessions refuse to confirm the grant, and at the time of their decision it is too late to renew that licence at the general annual licensing meeting at which it was due for renewal, then—

(i) the holder of the licence shall be treated as having had reasonable cause for not applying for renewal at that meeting, and the licence may be renewed at transfer sessions accordingly; and

(ii) if notice has been given under paragraph (*a*) above, and within the period for which the licence is continued in force by that paragraph notice is given to the clerk to the licensing justices of an application for the renewal of the licence at the first licensing sessions held not less than twenty-one days after the notice is given, the licence shall not expire until the application is disposed of or those sessions end without it being made.

PART II

ADAPTATIONS AND CORRECTIONS OF LICENSING ACT, 1953

7. In subsection (1) of section one hundred and sixty-five of the Licensing Act, 1953, the definition of "new justices' licence" shall be omitted, and in that Act and this Act "new" in relation to a justices' licence shall be taken as referring to a licence granted otherwise than by way of renewal, transfer or removal.

8.—(1) For the purposes of the Licensing Act, 1953, the renewal of a justices' licence shall not include the grant of a licence to a person other than the holder or last holder of the licence to be renewed; but in relation to a transfer of a justices' on-licence whereby the duration of the licence is extended subsection (2) of section eleven and section twelve of that Act (which give licensing justices in the case of a renewal certain powers to call for a plan of the licensed premises and to require structural alterations) shall apply as they apply in relation to a renewal.

(2) The proviso to subsection (1) of section eleven of the Licensing Act, 1953, shall cease to have effect, but where the holder of a justices' licence fails to apply for its renewal at the general annual licensing meeting at which it is due for renewal, and the licence expires in consequence of his failure, an application by him for a similar licence for the same premises shall be treated as an application for renewal, and the grant of the licence applied for shall be treated as a renewal of the expired licence, if the application is made not later than the next general annual licensing meeting and the licensing justices are satisfied that he had reasonable cause for his failure.

(3) In subsections (3) and (4) of that section, the reference to the holder of a justices' licence shall include the last holder of an expired licence, and for the reference in subsection (3) to the general annual licensing meeting there shall be substituted a reference to the licensing sessions.

9.—(1) Any removal may be granted to a person other than the holder of the licence removed, and the application for the removal and, in the case of a temporary premises removal, the application for the certificate of the licensing planning committee shall be made, as in the case of an application for an ordinary removal, by the person wishing to hold the licence after removal.

(2) The provisions of the Licensing Act, 1953, with respect to special removals shall apply only in the case of an old on-licence, and (subject to the restrictions on removals imposed by Parts II and III of that Act) in relation to the special removal of an old on-licence subsection (4) of section eleven and sections fourteen, fifteen and seventeen of that Act shall apply as they would apply in the case of a renewal, except that—

(*a*) any reference to the licensed premises being structurally deficient or structurally unsuitable as a ground for refusing the grant shall apply to the premises to be licensed; and

(*b*) where the occasion for the special removal is the pulling down of the licensed premises or those premises having been rendered unfit by fire, tempest or other calamity, any compensation for the refusal of the grant shall be determined as if the premises were in the same condition as at the last renewal or transfer of the licence.

10. The provisions of section eighteen of the Licensing Act, 1953, as to the charges payable in respect of the renewal of old

4TH SCH. on-licences shall have effect also in respect of a transfer or removal of such a licence whereby the duration of the licence is extended (the charge in respect of a removal to a different area being payable in that area); and references to renewal in sections forty-nine and fifty of that Act (which contain supplementary provisions as to the renewal of old on-licences) shall include transfer and removal.

11. In subsection (5) of section forty-eight of the Licensing Act, 1953 (which contains a saving for acts done by a justice as a member of a licensing committee or confirming authority while disqualified for membership), for the reference to a confirming authority there shall be substituted a reference to a compensation authority.

Section 26.

FIFTH SCHEDULE

PROVISIONS AS TO CLUB RULES

Management of Club

1. The affairs of the club, in matters not reserved for the club in general meeting or otherwise for the decision of the general body of members, must, under the rules, be managed by one or more elective committees; and one committee must be a general committee, charged with the general management of those affairs in matters not assigned to special committees.

General meetings

2.—(1) There must, under the rules, be a general meeting of the club at least once in every year, and fifteen months must not elapse without a general meeting.

(2) The general committee must be capable of summoning a general meeting at any time on reasonable notice.

(3) Any members entitled to attend and vote at a general meeting must be capable of summoning one or requiring one to be summoned at any time on reasonable notice, if a specified number of them join to do so; and the number required must not be more than thirty nor more than one fifth of the total number of the members so entitled.

(4) At a general meeting the voting must be confined to members, and all members entitled to use the club premises must be entitled to vote, and must have equal voting rights:

Provided that—

(*a*) the rules may exclude from voting, either generally or on particular matters, members below a specified age (not greater than twenty-one), women if the club is primarily a men's club, and men if the club is primarily a women's club; and

(*b*) if the club is primarily a club for persons qualified by service or past service, or by any particular service or past service, in Her Majesty's forces, the rules may exclude persons not qualified from voting, either generally or on particular matters; and

(*c*) if the rules make special provision for family membership or family subscriptions or any similar provision, the rules may exclude from voting, either generally or on particular matters, all or any of the persons taking the benefit of that provision as being members of a person's family, other than that person.

Membership

3.—(1) Ordinary members must, under the rules, be elected either by the club in general meeting, or by an elective committee, or by an elective committee with other members of the club added to it for the purpose; and the name and address of any person proposed for election must for not less than two days before the election be prominently displayed in the club premises or principal club premises in a part frequented by the members.

(2) The rules must not make any such provision for the admission of persons to membership otherwise than as ordinary members (or in accordance with the rules required for ordinary members by sub-paragraph (1) above) as is likely to result in the number of members so admitted being significant in proportion to the total membership.

Meaning of "elective committee"

4.—(1) For the purposes of this Schedule and of section twenty-six of this Act "elective committee" means, subject to the following provisions of this paragraph, a committee consisting of members of the club, who are elected to the committee by the club in accordance with sub-paragraph (2) below for a term of not less than one year nor more than five years; and sub-paragraph (4) of paragraph 2 above shall apply to voting at the election as it applies to voting at general meetings.

(2) Elections to the committee must be held annually, and if all the elected members do not go out of office in every year, there must be fixed rules for determining those that are to; and all members of the club entitled to vote at the election and of not less than two years' standing must be equally capable of being elected (subject only to any provision made for nomination by members of the club and to any provision prohibiting or restricting re-election) and, if nomination is required, must have equal rights to nominate persons for election.

(3) Except in the case of a committee with less than four members or of a committee concerned with the purchase for the club or with the supply by the club of intoxicating liquor, a committee of which not less than two-thirds of the members are members of the club elected to the committee in accordance with sub-paragraphs (1) and (2) above shall be treated as an elective committee.

(4) A sub-committee of an elective committee shall also be treated as an elective committee if its members are appointed by the committee and not less than two-thirds of them (or, in the case of a

5TH SCH. sub-committee having less than four members or concerned with the purchase for the club or with the supply by the club of intoxicating liquor, all of them) are members of the committee elected to the committee in accordance with sub-paragraphs (1) and (2) above who go out of office in the sub-committee on ceasing to be members of the committee.

(5) For the purposes of this paragraph a person who on a casual vacancy is appointed to fill the place of a member of an elective committee for the remainder of his term and no longer shall, however appointed, be treated as elected in accordance with sub-paragraphs (1) and (2) above if the person whose place he fills was so elected or is to be treated as having been so elected.

Sections 29 and 36.

SIXTH SCHEDULE

REQUIREMENTS TO BE COMPLIED WITH BY CLUB'S APPLICATION FOR REGISTRATION CERTIFICATE

1. The application shall specify the name, objects and address of the club, and shall state that there is kept at that address a list of the names and addresses of the members.

2. The application shall state, in terms of subsections (5), (6) and (7) of section twenty-six of this Act, that the club is qualified under those subsections to receive a registration certificate for the premises, or will be so qualified if, as regards any provision of the rules specified in the application, the court sees fit to give a direction under subsection (14) of that section.

3. The application shall set out, or shall incorporate a document annexed which sets out, the names and addresses of the members of any committee having the general management of the affairs of the club, and those of the members of any other committee concerned with the purchase for the club or with the supply by the club of intoxicating liquor, and those of other officers of the club.

4.—(1) The application shall state, or shall incorporate a document annexed which states, the rules of the club or, in the case of an application for renewal, the changes in the rules made since the last application for the grant or renewal of the certificate.

(2) If, in the case of an application for renewal, there has been no such change as aforesaid, the application shall so state.

5. The application shall—

(*a*) identify the premises for which the grant or renewal of the registration certificate is sought ; and

(*b*) state that those premises are or are to be occupied by and habitually used for the purposes of the club, the times at which they are or are to be open to members, and the hours (if any) fixed by or under the rules of the club as the permitted hours there ; and

(*c*) state the interest held by or in trust for the club in those premises and, if it is a leasehold interest or if the club has no interest, the name and address of any person to whom payment is or is to be made of rent under the lease or otherwise for the use of the premises.

6TH SCH.

6.—(1) The application shall give, or shall incorporate a document annexed which gives,—

(*a*) particulars of any property not comprised in paragraph 5 above which is or is to be used for the purposes of the club and not held by or in trust for the club absolutely, including the name and address of any person to whom payment is or is to be made for the use of that property;

(*b*) particulars of any liability of the club in respect of the principal or interest of moneys borrowed by the club or charged on property held by or in trust for the club, including the name and address of the person to whom payment is or is to be made on account of that principal or interest;

(*c*) particulars of any liability of the club or of a trustee for the club in respect of which any person has given any guarantee or provided any security, together with particulars of the guarantee or security given or provided, including the name and address of the person giving or providing it.

(2) An application for renewal, or document annexed to it, may give the particulars required by this paragraph by reference to the changes (if any) since the last application by the club for the issue or renewal of the registration certificate.

(3) If there is no property or liability of which particulars are required by any paragraph of sub-paragraph (1) above, the application shall so state.

(4) In this paragraph, "liability" includes a future or contingent liability.

7.—(1) The application shall give, or shall incorporate a document annexed which gives, particulars of any premises not comprised in paragraph 5 above which have within the preceding twelve months been occupied and habitually used for the purposes of the club, and shall state the interest then held by or in trust for the club in those premises and, if it was a leasehold interest or if the club had no interest, the name and address of any person to whom payment was made of rent under the lease or otherwise for the use of the premises.

(2) If there are no premises of which particulars are required by this paragraph, the application shall so state.

8. Where the interest held by or in trust for the club in any land of which particulars are required by paragraph 5, 6 or 7 above is or was a leasehold interest, and the rent under the lease is not or was not paid by the club or the trustees for the club, the application shall state the name and address of the person by whom it is or was paid.

SEVENTH SCHEDULE

Sections 29 and 33.

PROCEDURE FOR REGISTRATION OF CLUBS, AND RELATED MATTERS

1.—(1) Subject to sub-paragraphs (2) and (3) below, where Part III of this Act provides for an application to be made with respect to any premises to a magistrates' court, the application shall be made to a magistrates' court acting for the petty sessions area in which the premises are, and section ninety-eight of the Magistrates'

7TH SCH. Courts Act, 1952 (which provides among other things for complaints to a magistrates' court to be heard in open court by not less than two justices sitting at a petty sessional court house), shall apply to the hearing of an application by a club for the issue, renewal or variation of a registration certificate, as it applies to the hearing of a complaint.

(2) In relation to premises in the metropolitan stipendiary court area the metropolitan stipendiary court division shall be deemed for the purposes of Part III of this Act to be the petty sessions area, and the clerk to the metropolitan stipendiary court to be the clerk to the justices.

(3) In relation to club premises situated in the city of Oxford and occupied by a club mainly composed of past or present members of the University of Oxford, the magistrates' court for the purposes of Part III of this Act shall be the court of the Chancellor of the university sitting and acting under the Oxford University (Justices) Act, 1886, and the clerk to the justices shall be the registrar of that court, but subsection (4) of section twenty-seven of this Act shall not apply.

2.—(1) An application by a club for the issue, renewal or variation of a registration certificate shall be made by lodging the application, together with the required number of additional copies, with the clerk to the justices.

(2) The court may, on such conditions as the court thinks fit, allow such an application to be amended; and the amended application shall be made by lodging with the clerk to the justices the original application or the relevant parts of it altered so as to show the amendments, together with the required number of additional copies.

(3) A registration certificate shall be surrendered by lodging with the clerk to the justices a notice of surrender, together with the certificate and the required number of additional copies of the notice.

(4) Any such application or amended application and any such notice shall be signed by the chairman or by the secretary of the club; but in the absence of objection the court shall not require proof that an application or amended application purporting to be so signed is duly signed.

(5) On receipt of any such application or amended application or of any such notice the clerk to the justices shall forthwith send a copy each to any chief officer of police concerned and to the clerk of any local authority concerned; and the number of additional copies required to be lodged with the clerk is the number necessary to provide the copies the clerk needs for this purpose.

(6) A club applying for the issue of a registration certificate for any premises, or for the renewal of a registration certificate in respect of different, additional or enlarged premises, shall give public notice of the application (identifying those premises and giving the name and address of the club) either—

(*a*) by displaying the notice on or near the premises, in a place where it can conveniently be read by the public,

for the seven days beginning with the date of the application; or

(*b*) by advertisement on one at least of those days in a newspaper circulating in the place where the premises are situated.

3.—(1) An objection to an application for the issue or renewal of a registration certificate shall be made by lodging with the clerk to the justices two copies in writing of the objection not later than twenty-eight days after the making of the application or, if the application is amended, after the making of the amended application:

Provided that, if a magistrates' court extends the time allowed under section thirty-one of this Act to the chief officer of police, fire authority or local authority for inspecting premises to which the application relates, that court shall also extend the time within which the chief officer or authority may make objections to the application.

(2) On receipt of an objection to an application for the issue or renewal of a registration certificate, the clerk to the justices shall forthwith send a copy to the person signing the application at any address furnished by him for communications relating to the application or, in default of such an address, at the address given in the application as that of the club.

(3) Sub-paragraphs (1) and (2) above shall apply in relation to any notice of intention, on an application for the issue, renewal or variation of a registration certificate, to make representations as to conditions relating to the sale of intoxicating liquor as they apply to objections to an application for the issue or renewal of a registration certificate (with the substitution of references to giving the notice for references to making the objection).

(4) Where any such objection is made or any such notice is given, the magistrates' court may make such order as it thinks just and reasonable for the payment of costs to the club by the person making the objection or giving the notice, or by the club to that person; and for purposes of enforcement the order shall be treated as an order for the payment of a sum enforceable as a civil debt.

(5) Where a club applies for a renewal of a registration certificate and a magistrates' court under the proviso to sub-paragraph (1) above extends the time for any person to make objections to the application, the court may order that the certificate to be renewed shall not continue in force by virtue of subsection (6) of section twenty-nine of this Act beyond a date specified in the order.

4.—(1) Subject to sub-paragraph (2) below, an objection to an application for the issue or renewal of a registration certificate shall specify the ground of objection with such particulars as are sufficient to indicate the matters relied on to make it out.

(2) Where objection is made to an application for the issue or renewal of a registration certificate on the ground that the application does not give the information required by this Act, or the information is incomplete or inaccurate, or the application is otherwise not in conformity with this Act, it shall be sufficient for the objection to state the ground as a matter of suspicion, and to indicate the reasons for the suspicion.

7TH SCH.

(3) Where, on an objection to an application for the issue or renewal of a registration certificate, there appears to the court to be good reason to suspect that the application does not give the information required by this Act, or the information is incomplete or inaccurate, or the application is otherwise not in conformity with this Act, it shall be for the applicant to satisfy the court that the ground of objection cannot be made out, unless the applicant desires and is permitted to amend the application so as to remove the ground of objection.

5.—(1) A magistrates' court may deal with an application by a club for the issue, variation or renewal of a registration certificate without hearing the club, but—

(*a*) before refusing such an application, or renewing a registration certificate for a shorter period than is requested in the application, shall give the club an opportunity to be heard; and

(*b*) before renewing a registration certificate for a longer period than one year, may invite any chief officer of police or local authority concerned to make representations;

and in relation to any such application subsections (1) and (3) of section seventy-seven of the Magistrates' Courts Act, 1952 (which provide for compelling the attendance of witnesses), shall apply as they apply in relation to a complaint.

(2) On any application or complaint made to a magistrates' court by or against a club under Part III of this Act, and on any appeal by a club under section thirty of this Act, the club if not represented by counsel or a solicitor shall be heard by the chairman or secretary, by any member of the committee having the general management of the affairs of the club or by any other officer of the club duly authorised.

(3) A summons issued on a complaint made against a club for the cancellation or variation of a registration certificate shall be served on the chairman or secretary of the club or the person who signed the last application for the issue or renewal of the certificate, and that service shall be treated as service on the club; and such a summons shall, in addition to being served on the club, be served on such persons, if any, as the justices issuing the summons may direct.

(4) Where it appears to a magistrates' court having jurisdiction to deal with any such complaint as is mentioned in sub-paragraph (3) above that the summons cannot be served on the club in accordance with that sub-paragraph, or not without undue difficulty or delay, the court may order that service on the club may be effected by serving the summons on a person named in the order, being a person who appears to the court to have, or to have had, an interest in the club or to be, or to have been, an officer of the club.

(5) A complaint may be made against a club for the cancellation of a registration certificate (on the ground that the club has not twenty-five members), notwithstanding that the complainant's case is that the club does not exist.

6. This Schedule, in so far as it relates to matters about which there is power to make rules under section fifteen of the Justices of the Peace Act, 1949, shall have effect subject to any rules so made after the date this Act is passed.

EIGHTH SCHEDULE

Sections 36 and 37.

TRANSITIONAL AND CONSEQUENTIAL PROVISIONS ABOUT CLUBS

Transitional provisions for existing clubs

1. In this Schedule—

"the appointed day" means the day on which section twenty-five of this Act comes into force;

"the 1953 Act" means the Licensing Act, 1953;

"the transitional period" means, as respects any licensing district, the period which begins with the appointed day and runs to the date when the next licensing sessions begins and to the end of the month beginning with that date or, if a licensing sessions begins in the first month of the period, then to the date when the first licensing sessions begins after the end of that month and to the end of the month beginning with that date.

2.—(1) Subject to the provisions of this paragraph, where on the appointed day a club is registered in respect of any premises under the 1953 Act, then during the transitional period Part IX of that Act shall continue to apply to it so far as relates to those premises (and references in any other enactment to a club so registered shall continue to apply accordingly), but section twenty-five of this Act shall apply as if it were registered in respect of those premises under this Act.

(2) Sub-paragraph (1) above shall not apply to a club as regards any premises after it becomes registered in respect of them under this Act or after a justices' on-licence comes into force in respect of them; but if at the end of the transitional period a club remains registered under the 1953 Act in respect of any premises, and application has been made for the issue of a registration certificate to the club for the premises, or for the grant of a justices' on-licence for the premises, and has not been disposed of, then as regards those premises sub-paragraph (1) above shall continue to apply to the club until it becomes registered in respect of the premises under this Act in pursuance of the application, or a licence granted in pursuance of the application comes into force, or if the application is not granted, until twenty-one days have elapsed after it is refused, withdrawn or abandoned.

(3) Where during the transitional period a club remaining registered under the 1953 Act in respect of any premises applies for the issue of a registration certificate for those premises,—

(*a*) public notice shall not be required of the application;

(*b*) the time limited by this Act for making objections to the application, or for making representations on the application as to conditions relating to the sale of intoxicating liquor, or for inspecting the premises under section

8TH SCH.

thirty-one of this Act, shall extend until two months after the end of the transitional period.

(4) Where during the transitional period a club remaining registered under the 1953 Act in respect of any premises applies for the issue of a registration certificate for those premises, section thirty-one of this Act shall not apply so as to authorise an inspection of the premises by a constable, if the club had for the three years preceding the appointed day been registered under the 1953 Act in respect of the premises.

(5) Where during the transitional period a club remaining registered under the 1953 Act in respect of any premises applies for the issue of a registration certificate for those premises, and the club had for the twenty-five years preceding the appointed day been registered under the 1953 Act or the corresponding enactments previously in force (whether or not in respect of the same premises), then subsection (9) of section twenty-six of this Act shall apply as if the club's application were for the renewal and not for the issue of a registration certificate for those premises and subsection (3) of that section shall apply as if the certificate had been previously renewed.

(6) Where during the transitional period a club remaining registered under the 1953 Act in respect of any premises applies for the issue of a registration certificate for those premises, and the application is refused, the court refusing the application may, on such conditions as it thinks just, order that as regards those premises sub-paragraph (1) above shall continue to apply to the club pending the determination of an appeal against the refusal, or pending the consideration of the question of bringing such an appeal.

3.—(1) Where a club was at the beginning of November nineteen hundred and sixty registered under the 1953 Act in respect of any premises, and desires that the supply of intoxicating liquor to members should be continued there under the authority of a justices' on-licence, then in relation to any application for the grant of the licence (whether to the club or to another) which is made before the end of the transitional period and while the club remains so registered, the following provisions shall have effect, that is to say—

(*a*) the following provisions of the 1953 Act shall apply as if the application were an application for renewal by the holder of the licence, that is to say—

(i) subsections (3) and (5) of section eleven (which relate to notice of objections and to evidence in connection with renewals); and

(ii) section twelve (which allows licensing justices on a renewal to require structural alterations to the premises), except the requirement in subsection (2) to serve notice of any order on the registered owner:

(*b*) the licensing justices shall (notwithstanding any restriction in the 1953 Act on the grant of a new justices' licence) have the same discretion with regard to the grant or refusal of the licence, and shall exercise it on the same principles, as in the case of a renewal, but without prejudice to their power to attach conditions to the grant;

(*c*) there shall be no appeal to quarter sessions against the grant of the licence.

(2) Where during the transitional period a club remaining registered under the 1953 Act in respect of any premises applies for the issue of a registration certificate for those premises, and the application is refused, then—

(*a*) sub-paragraph (1) above shall apply in relation to an application for the grant of a licence for those premises made after the end of the transitional period, but at the first licensing sessions beginning not less than one month after the date of the refusal, as it applies to an application made before the end of the transitional period; and

(*b*) if the required notice of the application is given to the clerk to the licensing justices while the club remains registered under the 1953 Act, sub-paragraph (1) of paragraph 2 above shall as regards those premises continue to apply to the club until a justices' on-licence comes into force in respect of the premises or until the conclusion of those sessions without the grant of such a licence (or, if the application has been made but not disposed of, the refusal, withdrawal or abandonment of the application).

(3) Where on an application made in accordance with sub-paragraph (1) above a justices' on-licence is granted for premises in the Carlisle district, and till then the premises have at all times since the coming into operation of state management in the district been premises of a registered club, proviso (*a*) to subsection (1) of section seventy-seven of the 1953 Act (which, as amended by this Act, excepts from the control of the Secretary of State under that subsection premises which have been licensed premises at all such times and, as originally enacted, also excepted premises which have been the premises of a registered club at all such times), shall thereafter apply to the premises as if at all such times before the coming into force of the licence the premises had been licensed premises.

(4) This paragraph shall come into force on the date this Act is passed.

4.—(1) Subject to the provisions of this paragraph, where in the case of a club established before the date this Act is passed there is no power, except with the agreement of all the members, to amend the rules of the club with respect to any matter mentioned in sub-paragraph (3) below, a resolution passed at a general meeting of

8TH SCH. the club by a majority of not less than two-thirds of the votes cast and (if the members have unequal voting rights) not less than two-thirds of the members voting shall be as effective to amend the rules with respect to that matter as if unanimously agreed to by all the members.

(2) A resolution shall not have effect under this paragraph unless—

(*a*) notice of the intention to propose a resolution for the purpose under this paragraph was given to all members entitled to receive notice of the meeting, and the length of notice given was not less than twenty-one days nor less than that required for summoning the meeting; and

(*b*) the amendments are designed to adapt the rules to the provisions of this Act in a manner and for a purpose specified in the resolution (whether by facilitating an application for a registration certificate or justices' on-licence for any club premises, or by altering or facilitating the alteration of the permitted hours in any club premises, or otherwise).

(3) The matters with respect to which the rules of a club may be amended under this paragraph are the sale or supply of intoxicating liquor in club premises (including the permitted hours), the purchase of intoxicating liquor for the club, the admission of persons to membership of the club or to any of the privileges of membership, the constitution of any committee entrusted with the management of the whole or any part of the affairs of the club, general meetings of the club, and any provision made by the rules as to the application otherwise than for the benefit of the club as a whole of any money or property of the club or gain arising from the carrying on of the club.

(4) This paragraph shall come into force on the date this Act is passed.

Application and adaptation of existing enactments

5.—(1) Subject to the provisions of this Schedule, in any enactment not repealed by this Act references to a club registered under the 1953 Act or any corresponding enactment previously in force, and to the register under that Act or any such enactment, shall apply to a club registered and to the register under this Act, and references to premises of a club required to be registered under the 1953 Act or any such enactment shall be construed in relation to the period after the appointed day as referring to club premises on which intoxicating liquor is supplied by or on behalf of the club to members otherwise than under the authority of a justices' licence.

(2) An order disqualifying any premises under subsection (4) of section one hundred and forty-four of the 1953 Act for use for the purposes of a club registered under that Act shall have effect in relation to the use of the premises for the purposes of a club registered under this Act, and may be varied under section twenty-seven of this

Act, in like manner as a corresponding order under section twenty-seven. 8TH SCH.

6.—(1) In section four of the Finance Act, 1959 (which requires registered clubs to take out an excise licence for premises habitually used for the purposes of the club), the references to premises habitually used for the purposes of the club shall not be taken as extending to premises other than those in respect of which the club is registered.

(2) In relation to clubs registered under this Act—

(*a*) proviso (*a*) to subsection (1) of that section shall not apply;

(*b*) subsection (3) of that section shall have effect as if the reference to the club being struck off the register of clubs were a reference to the club ceasing to hold a registration certificate for the premises; and

(*c*) subsection (5) of that section shall have effect as if the references to the club being struck off the register were references to its ceasing to hold a registration certificate for the premises on a cancellation of or refusal to renew its certificate, and as if the reference to the club ceasing to be required to be registered were a reference to the club ceasing to hold a registration certificate for the premises otherwise than on a cancellation or refusal to renew.

(3) On the 1953 Act ceasing, by virtue of this Act, to apply to a club otherwise than on its becoming registered under this Act in respect of the premises, any excise licence held by the club for the premises shall become void, and subsection (5) of the said section four shall apply as, but for this Act, it would have applied on the club ceasing to be required to be registered; but where the 1953 Act ceases to apply on the club becoming registered under this Act, that shall not affect the excise licence.

(4) For the purpose of proviso (*b*) to subsection (1) of the said section four (which relates to the taking out of a licence on a club's first registration) and for the purpose of subsection (7) (which requires the person keeping the register of clubs to notify the Commissioners of Customs and Excise of changes in the register) any register of clubs under this Act shall be treated as a continuation of the corresponding register under the 1953 Act.

Section 38.

NINTH SCHEDULE

REPEALS

PART I

REPEALS OF SPENT OR OBSOLETE ENACTMENTS

Session and Chapter	Short Title	Extent of Repeal
24 Geo. 2. c. 40.	The Sale of Spirits Act, 1750.	In section twelve, the words from "and one moiety" to "informers".
5 & 6 Vict. c. 44.	The Licensing Act, 1842	Section five and the preamble.
23 & 24 Vict. c. 27.	The Refreshment Houses Act, 1860.	Section one. In section six, the words from "and every person", where first occurring, to "a refreshment house", where last occurring. Sections thirty and thirty-three to thirty-eight. In section forty-one, the words from "for the sale" to "premises, or". Section forty-two.
24 & 25 Vict. c. 91.	The Revenue (No. 2) Act, 1861.	Section nine, from "And whenever" onwards.
25 & 26 Vict. c. 38.	The Sale of Spirits Act, 1862.	The whole Act.
28 & 29 Vict. c. 77.	The Public House Closing Act, 1865.	The whole Act so far as unrepealed.
35 & 36 Vict. c. 94.	The Licensing Act, 1872.	Sections twenty-seven, twenty-eight and forty-six.
39 & 40 Vict. c. 20.	The Statute Law Revision (Substituted Enactments) Act, 1876.	Section five.
10 Edw. 7. c. 8	The Finance (1909–10) Act, 1910.	Section forty-six.
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act, 1948.	In the Ninth Schedule, the entry relating to the Refreshment Houses Act, 1860.
12, 13 & 14 Geo. 6. c. 47.	The Finance Act, 1949 ...	In section fifteen, subsection (4) from the first "and" onwards.
1 & 2 Eliz. 2. c. 46.	The Licensing Act, 1953.	Section thirteen (but without prejudice to subsection (3) of section fourteen). In section one hundred and sixty, subsections (4) to (6).
2 & 3 Eliz. 2. c. 11.	The Licensing (Seamen's Canteens) Act, 1954.	In section eleven, subsection (5).
7 & 8 Eliz. 2. c. 58.	The Finance Act, 1959 ...	In section two, subsection (1) from "and no" onwards. In section three, subsection (1). In section four, subsection (10). Section five.

PART II 9TH SCH.

GENERAL REPEALS

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). In subsection (1) of section three hundred and seven, the definition of "registered club".
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. 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.

9TH SCH.

Session and Chapter	Short Title	Extent of Repeal
1 & 2 Eliz. 2. c. 46—*cont.*	The Licensing Act, 1953 —*cont.*	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. 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".

Session and Chapter	Short Title	Extent of Repeal
1 & 2 Eliz. 2. c. 46—*cont.*	The Licensing Act, 1953 —*cont.*	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 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 ". 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). Sections one hundred and one to one hundred and three. In section one hundred and four, subsections (2), (3), (4), (7) and (8). In section one hundred and five, in subsection (1), the words " at their general licensing meeting ".

9TH SCH.

Session and Chapter	Short Title	Extent of Repeal
1 & 2 Eliz. 2. c. 46—*cont.*	The Licensing Act, 1953 —*cont.*	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). 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 twelve, subsection (1). In section one hundred and thirteen, in subsection (1), the words from "in any part" to "Secretary of State", and subsection (5). 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 seventeen, in subsection (2) paragraph (*a*) of the proviso, and subsections (3), (4), (5) and (8). In section one hundred and nineteen, paragraph (*a*) of subsection (1), and subsection (6). In section one hundred and twenty, subsection (2). Section one hundred and twenty-three, section one hundred and twenty-five and Part IX (but subject to the transitional provisions in the Eighth Schedule to this Act). 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.

9TH SCH.

Session and Chapter	Short Title	Extent of Repeal
1 & 2 Eliz. 2. c. 46—*cont.*	The Licensing Act, 1953 —*cont.*	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 forty-nine, subsection (2). 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 ", " old off-licence ", " registered club " and " unregistered club ", 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 subsections (2), (3), (4) and (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.
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.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Disorderly Houses Act, 1751	25 Geo. 2. c. 36.
Sunday Observance Act, 1780	21 Geo. 3. c. 49.
Gaming Act, 1845	8 & 9 Vict. c. 109.
Refreshment Houses Act, 1860	23 & 24 Vict. c. 27.
Prevention of Crimes Act, 1871	34 & 35 Vict. c. 112.
Oxford University (Justices) Act, 1886	49 & 50 Vict. c. 31.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Public Health Acts Amendment Act, 1890 ...	53 & 54 Vict. c. 59.
Industrial and Provident Societies Act, 1893 ...	56 & 57 Vict. c. 39.
Friendly Societies Act, 1896	59 & 60 Vict. c. 25.
Deeds of Arrangement Act, 1914	4 & 5 Geo. 5. c. 47.
Bankruptcy Act, 1914	4 & 5 Geo. 5. c. 59.
Home Counties (Music and Dancing) Licensing Act, 1926	16 & 17 Geo. 5. c. 31.
Betting and Lotteries Act, 1934	24 & 25 Geo. 5. c. 58.
Civic Restaurants Act, 1947	10 & 11 Geo. 6. c. 22.
Fire Services Act, 1947	10 & 11 Geo. 6. c. 41.
Licensing Act, 1949	12, 13 & 14 Geo. 6. c. 59.
Representation of the People Act, 1949	12, 13 & 14 Geo. 6. c. 68.
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.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
Licensing Act, 1953	1 & 2 Eliz. 2. c. 46.
Licensing (Seamen's Canteens) Act, 1954 ...	2 & 3 Eliz. 2. c. 11.
Licensing (Airports) Act, 1956	4 & 5 Eliz. 2. c. 37.
Occasional Licenses and Young Persons Act, 1956	4 & 5 Eliz. 2. c. 42.
Recreational Charities Act, 1958	6 & 7 Eliz. 2. c. 17.
Highways Act, 1959	7 & 8 Eliz. 2. c. 25.
Street Offences Act, 1959	7 & 8 Eliz. 2. c. 57.
Finance Act, 1959	7 & 8 Eliz. 2. c. 58.
Betting and Gaming Act, 1960	8 & 9 Eliz. 2. c. 60.

CHAPTER 62

ARRANGEMENT OF SECTIONS

Section
1. New powers of investment of trustees.
2. Restrictions on wider-range investment.
3. Relationship between Act and other powers of investment.
4. Interpretation of references to trust property and trust funds.
5. Certain valuations to be conclusive for purposes of division of trust fund.
6. Duty of trustees in choosing investments.
7. Application of ss. 1–6 to persons, other than trustees, having trustee investment powers.
8. Application of ss. 1–6 in special cases.
9. Supplementary provisions as to investments.
10. Powers of Scottish trustees supplementary to powers of investment.
11. Local Authority investment schemes.
12. Power to confer additional powers of investment.
13. Power to modify provisions as to division of trust fund.