CHAPTER 69.

An Act to amend the Laws relating to the sale and consumption of Intoxicating Liquors in Ireland. [7th August 1874.]

WHEREAS it is expedient to amend the provisions of the Licensing Act, 1872, which extend to Ireland; which provisions are in this Act referred to as the principal Act: 35 & 36 Vict. c. 94.

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:

Preliminary.

Construction and short title of Act. 35 & 36 Vict. c. 94.

1. This Act and the principal Act shall, so far as is consistent with the respective tenors of such Acts, be construed as one Act, and may be cited together as "The Licensing Acts (Ireland), 1872–1874;" but this Act may, if necessary, be cited separately as "The Licensing Act (Ireland), 1874."

Early-closing Licenses, Licenses, and Excise Licenses.

Early-closing licenses.

2. Where, on the occasion of any application for a certificate for a new license, or the transfer or renewal of a license which authorises the sale of any intoxicating liquor for consumption on the premises, the applicant applies to the licensing justices to cause to be inserted in his license a condition that he shall close the premises in respect of which such license is or is to be granted one hour earlier at night than that at which such premises would otherwise have to be closed, the justices shall cause the said condition to be inserted in such certificate, and the same shall be inserted in any license granted in pursuance thereof.

The holder of a license in which such condition is inserted (in this Act referred to as an early-closing license) shall close his premises at night one hour earlier than the ordinary hour at which such premises would be closed under the provisions of the principal Act, and the provisions of this Act and the principal Act shall apply to the premises as if such earlier hour were the hour at which the premises are required to be closed.

The applicant for an early-closing license may obtain from the Commissioners of Inland Revenue any license granted by such Commissioners which he is entitled to obtain in pursuance of any such certificate as aforesaid, upon payment of a sum representing six sevenths of the duty which would otherwise be payable by him for a similar license not limited to such early closing as aforesaid. In calculating the six sevenths fractions of a penny shall be disregarded.

The notice which a licensed person is required by section eleven of the principal Act to keep painted or fixed on his premises shall, in the case of an early-closing license, contain such words as the licensing justices may order for giving notice to the public that an early-closing license has been granted in respect of such premises.

Remission of duty in case of six-day and early-closing license.

3. A person who takes out a license containing conditions rendering such license a six-day license as well as an early-closing license shall be entitled to a remission of two sevenths of the duty.

Occasional license required at fairs and races.

4. Any person selling or exposing for sale any intoxicating liquor in any booth, tent, or place within the limits of holding any lawful and accustomed fair or any races, without an occasional license authorising such sale, shall, notwithstanding anything contained in any Act of Parliament to the contrary, be deemed to be a person selling or exposing for sale by retail intoxicating liquor at a place where he is not authorised by his license to sell the same, and be punishable accordingly.

Provided that this section shall not apply to any person selling or exposing for sale intoxicating liquors in premises in which he is duly authorised to sell the same throughout the year, although such premises are situate within the limits aforesaid.

Occasional licenses,—extension of time for closing.

5. Whereas by the twentieth section of the Act of the session of the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, chapter thirty-three, it is provided that the hours during which an occasional license shall authorise the sale of any beer, spirits, or wine shall extend from sunrise until one hour after sunset: Be it enacted, that the said section shall be construed as if in place of the words "sunrise until one hour "after sunset" there were inserted the words "such hour, not earlier than sunrise, until "such hour, not later than ten o'clock at night, as may be specified in that behalf in the "consent given by the justice for the granting of such occasional license."

Offences on premises with occasional license.

6. For the purpose of so much of the principal Act as relates to offences against public order, that is to say, sections twelve to eighteen, both inclusive, and the sections for giving effect to the same, a person taking out an occasional license shall be deemed to be a licensed person within the meaning of the said sections, and the place in which any intoxicating liquors are sold in pursuance of the occasional license shall be deemed to be licensed premises, and to be the premises of the person taking out such license.

Restrictions as to licenses under 5 & 6 W. 4. c. 39. s. 7.

7. From and after the passing of this Act it shall not be lawful for any person under the authority of any license granted under the authority of section seven of the Act of the session of the fifth and sixth years of the reign of His late Majesty King William the Fourth, intituled "An Act to exempt certain retailers of spirits to a small amount from "the additional duties on licenses, and to discontinue the excise and survey on wine, "and the use of permits for the removal thereof," to sell or expose for sale by retail any intoxicating liquors elsewhere than within the part or parts of the theatre or other place of public entertainment which shall be specified in such license, or to sell intoxicating liquors to persons other than those employed in or bonâ fide attending the performances in such theatre or other place of public entertainment, or to sell or expose intoxicating liquors at any time other than the time of such performances, or during thirty minutes immediately preceding the commencement or immediately succeeding the termination of such performances; and any sale or exposure for sale in contravention of any of the provisions of this enactment shall be deemed to be a sale or exposing for sale by retail of intoxicating liquor by a person not duly licensed to sell the same within the meaning of the principal Act, and shall subject the person making the same to the penalties and forfeitures of that Act.

Provided always, that no part of such theatre or other place of public entertainment which shall, during the performances in the same, be accessible to persons other than those employed or attending performances therein, shall be included in any such license.

Certificates required previously to grant of wholesale beer dealer's license.

8. It shall not be lawful for any officer of excise in Ireland to grant a wholesale beer dealer's license, or to grant a renewal or transfer of any such license to any person unless such person shall produce a certificate to the effect and as required by section three of "The Beerhouses (Ireland) Act, 1864," with respect to the grant, renewal, or transfer of the license to sell beer by retail therein mentioned.

All applications for such certificates shall be made in the manner and subject to the like conditions as to appeals against the same and otherwise (so far as the same are applicable) as are prescribed by "The Beerhouses (Ireland) Act, 1864," in relation to applications for certificates under the said Act, as the same are amended by this Act.

Provisions of sect. 82 of principal Act extended.

9. The provisions of section eighty-two of the principal Act, relating to the grant of new excise licenses and of renewals of excise licenses to certain persons therein described, shall extend to the transfer of excise licenses, and the said provisions so extended shall not be limited to the case of such persons, but shall extend and apply to all such transfers and grants when made to any other persons: Provided always, that in the case of a new excise license or transfer of an excise license under this section the certificate shall be to the good character of the person applying for the same and to the suitability of the premises.

Notice of intended application for license.

10. Every person intending to apply for a new license or for the transfer of a license, instead of serving notice, as hitherto required by the Act of the session of the third and fourth years of the reign of King William the Fourth, chapter sixty-eight, section two,

upon the churchwardens of the parish or union wherein the premises sought to be licensed are situate, shall, on some day not more than four and not less than two weeks before the intended application is to be heard, cause to be inserted or advertised in some paper circulating in the place in which such premises are situate a notice conformable to the requirements of the said section two.

Exemption from closing in respect of markets, fairs, and certain trades.

11. In the police district of Dublin metropolis, the chief commissioner or the assistant commissioner of police, and in any petty sessions district two or more justices of the peace in petty sessions, upon its being proved to his or their satisfaction that it is necessary or desirable so to do for the accommodation of any considerable number of persons attending any public market or fair, or following any lawful trade or calling, may, on payment of a fee of two shillings and sixpence, grant (if he or they so think fit) to any licensed person, in respect of premises in the vicinity of such market or fair, or of the place where the persons follow such lawful trade or calling, an order, in this Act termed an "exemption order," exempting such person from the provisions of this Act with respect to the closing of his said premises on such days, and during such time (except between the hours of one and two of the clock in the morning), and upon such terms as may be specified in such order.

In the police district of Dublin metropolis, such chief or assistant commissioner granting an exemption order shall forthwith send the particulars of such order to the divisional justices; and such commissioner shall cause an entry of the particulars of such exemption order to be made in the register of licenses; and elsewhere than in the police district of Dublin metropolis, the justices granting an exemption order shall cause the particulars thereof to be forthwith entered by the clerk of petty sessions in the register of licenses.

The holder of an exemption order shall not be liable to any penalty for not closing his premises on such days and during such times as may be specified in such order; but he shall not be exempt from any other penalty under the principal Act, or this or any other Act, or otherwise.

A notice, in such form as may be prescribed by such commissioner or justices respectively, stating the days and hours during which the premises are permitted to be open under such exemption order, shall be and be kept affixed in a conspicuous position outside the premises; and if the holder of the exemption order makes default in affixing or keeping affixed such notice in manner aforesaid during the time or any part of the time for which his exemption is granted, he shall be liable to a penalty not exceeding five pounds.

Every person who affixes or keeps affixed to his premises any such notice when he does not hold an exemption order under this section shall be liable to a penalty not exceeding ten pounds.

Any such commissioner or justices aforesaid may at any time (if it seem fit to him or them) withdraw an exemption order under this section, or alter the same by way of extension or restriction, as he or they may deem fit, but not so as to render any person liable to any penalty for anything done under such order before the holder was informed of such withdrawal or alteration.

Times for Grant of Certificates.

Power to Lord Lieutenant and Privy Council to fix times for grant of certificates.

12. It shall be lawful for the Lord Lieutenant or other chief governor or governors of Ireland at any time within six months after the passing of this Act, by and with the advice and consent of the Privy Council, by order to be published in the Dublin Gazette, to constitute one of the general or quarter sessions of the peace now usually holden in and for the several divisions of counties or ridings, counties of cities, and counties of towns, cities, towns, and boroughs to be the annual licensing quarter sessions for such divisions of counties and ridings, and for such counties of cities, counties of towns, cities, towns, and boroughs respectively, and with the like advice and consent, by order to be published in the Dublin Gazette, to appoint for each petty sessions district and for the police district of Dublin metropolis a time for holding annual licensing petty sessions for each such district.

From and after the publication in the Dublin Gazette of such orders respectively, and the constitution and appointment thereby of annual licensing quarter sessions and of annual licensing petty sessions, the provisions following shall apply:

As to quarter sessions certificate.

1. Where under the provisions of any Act now in force or hereafter to be passed, the production of a certificate of justices in quarter sessions assembled, or of a recorder of any city, town, or borough, is required previous to the grant of any license by an officer of excise, such certificate shall (save as herein-after provided) not be granted except at an annual licensing quarter sessions: Provided always, that in case any license shall, under the authority of the Act of the session of the eighteenth and nineteenth years of the reign of Her present Majesty, chapter one hundred and fourteen, be transferred to any person, and in such other cases as may seem fit to such justices or recorder, a certificate may, notwithstanding the preceding provisions, be granted at any general or quarter sessions (other than the annual licensing quarter sessions), and in like manner as heretofore; but any license granted in pursuance of any such last-mentioned certificate shall only continue in force until the annual licensing quarter sessions held next after the grant of such certificate, unless at such annual licensing quarter sessions such certificate shall be confirmed, and in case such certificate shall not be then confirmed the license granted in pursuance thereof shall not be renewed.

As to petty sessions certificate.

2. Where under the provisions of this Act, or any Act now in force or hereafter to be passed, the production of a certificate by justices presiding at petty sessions, or of a divisional justice in the police district of Dublin, is required previous to the grant or transfer of any license or of an excise license or of a wholesale beer dealer's license by an officer of excise, such certificate shall not (save as herein-after provided) be granted except at an annual licensing petty sessions: Provided always, that in such cases as may seem fit to such justices sitting in petty sessions, or to such divisional justice, and in all cases in which a certificate is required from such justice or justices for the transfer of a license or of an excise license or of a wholesale beer dealer's license, a certificate may, notwithstanding the preceding provisions, be granted at any time other than that fixed for annual licensing petty sessions, and in like manner as heretofore; but any license granted in pursuance of any such certificate shall only continue in force until the annual licensing petty sessions held next after the grant of such certificate, unless at such annual licensing petty sessions such certificate shall be confirmed, and in case such certificate shall not be then confirmed, the license or excise license or wholesale beer dealer's license granted in pursuance thereof shall not be renewed.

Temporary continuance of licenses or excise licenses forfeited without disqualification of premises.

13. Where any licensed person or spirit grocer is convicted for the first time of any one of the following offences:

1. Making an internal communication between the premises of such licensed person or spirit grocer and any unlicensed premises;
2. Selling spirits without a spirit license;
3. Any felony;

and in consequence either becomes personally disqualified or has his license forfeited, there may be made by or on behalf of the owner of the premises an application to a court of summary jurisdiction for authority to carry on the same business on the same premises until the quarter sessions or petty sessions (in which last term is included, with respect to the police district of Dublin metropolis, the court of a police magistrate) for the division, place, or district in which such premises are situate holden next after the expiration of one calendar month after such endorsement, according as the certificate, upon production of which such license or excise license was obtained, was granted at quarter sessions or petty sessions.

Where such quarter sessions or petty sessions shall be the annual licensing quarter sessions or the annual licensing petty sessions, application may be made for a renewal of such license to some person other than the person convicted, and such renewal may be granted or refused in pursuance of the enactments relating thereto: Provided, that where such quarter sessions or petty sessions shall not be the annual licensing quarter sessions

or the annual licensing petty sessions, application for a transfer of such license to some person other than the person convicted may be made and granted or refused in like manner and on the same conditions, and for the same time, as if the person convicted had removed from such premises, and the person applying for such grant was his assignee.

Provisions on annual renewal of certificate.

14. Where a person licensed to sell intoxicating liquors to be consumed on the premises applies for a certificate for the renewal of his license, the following provisions shall have effect:

He need not attend in person at the court unless he is required by the justices or police authority so to attend, for some special cause personal to himself.

The justices shall not entertain any objection to the signing of such certificate, or receive any evidence with respect to same, unless a written notice of intention to oppose be served on the applicant not later than seven days before the holding of such session, stating in general terms the grounds on which the renewal of such license is to be opposed.

The justices may, notwithstanding that no notice of objection has been served, if objection is made in court, adjourn the signing of the certificate to a future day, and require the attendance of the applicant.

The justices shall not receive any evidence with respect to the signing of such certificate which is not given on oath in open court.

Register of Licenses.

Amendment of sects. 10 and 11 of 3 & 4 Will. 4. c. 68.

15. Whereas by section ten of the Act of the session of the third and fourth years of the reign of His late Majesty King William the Fourth, chapter sixty-eight, provision is made that every person who shall obtain a license shall within six days next after he shall have obtained such license deliver or cause to be delivered to the clerk of the peace of the county, city, or town in which the house mentioned in such license is situate a note in writing, signed by him or on his behalf, in which shall be specified the Christian and surname and place of abode of such person, and other the particulars in said section mentioned; and by section eleven of the said Act provision is made for the entry by such clerk of the peace in a list or register to be kept by him of the particulars specified in every such note, and it is expedient to amend the said sections: Be it therefore enacted, that, in addition to the particulars required by said section ten of the said Act, every such note shall contain the name and address of the owner of the house in which intoxicating liquors are licensed to be sold by the person by or on whose behalf such note shall be signed, and the same shall be in the form in the Schedule (A.) to this Act annexed, and the clerk of the peace to whom such note shall be delivered, in the said list or register to be kept by him as aforesaid shall enter the name and address of every such owner in addition to the particulars prescribed by said section eleven.

The clerk of the peace of every county, city, and town shall from time to time transmit to the clerk of petty sessions of each petty sessions district within such county, city, or town, and in Dublin to the chief clerk of the Metropolitan Police Court, a copy of every entry made by him in pursuance of the said Act and this Act relating to any house or place in such district.

Register of licenses to be kept.

16. There shall be kept in every petty sessions district by the clerk of petty sessions of such district a register, to be called the "Register of Licenses," in such form as may be prescribed by the Chief Secretary to the Lord Lieutenant of Ireland, containing the particulars from time to time transmitted to such clerk of petty sessions by the clerk of the peace in manner aforesaid, and also the particulars of all certificates given in such district by the justices under the provisions of any Act now in force or hereafter to be passed, or of this Act, and requiring the production of any certificate previous to the grant, transfer, or renewal of a license or excise license, or wholesale beer dealer's license, the premises in respect of which they were granted, the names and address of the owners of such premises, and the names of the holders for the time being of such certificates. There shall also be entered on the register all forfeitures of licenses or of excise licenses, all exemption orders,

all disqualifications of premises, records of convictions, and other matters relating to the licenses and excise licenses in force in such district.

Every person applying for any such certificate as aforesaid shall state the name and address of the owner of the premises in respect of which such certificate is granted, and such name shall be endorsed on the certificate, and the person whose name is so stated shall, subject as herein-after mentioned, be deemed, for the purposes of the principal Act and this Act, the owner of the premises.

A court of summary jurisdiction in any petty sessions district may, on the application of any person who proves to the court that he is entitled to be entered as owner of any premises in such district in place of the person appearing on the register to be the owner, make an order substituting the name of the applicant, and such order shall be obeyed by the clerk of petty sessions of such district, and a corresponding correction may be directed to be made on the certificate and license or excise license granted in respect of the premises of which such applicant claims to be the owner.

Any ratepayer, any owner of premises to which a license or excise license or wholesale beer dealer's license is attached, and any holder of a license or excise license within any petty sessions district, shall, upon payment of a fee of one shilling, and any officer of police and any officer of excise in such district, without payment, shall be entitled at any reasonable time to inspect and take copies of or extracts from any register kept in pursuance of this section; and the clerk of petty sessions and every other person who prevents the inspection or taking copies of or extracts from the same, or demands any unauthorised fee therefor, shall be liable to a penalty not exceeding five pounds for each offence.

The preceding provisions of this section shall apply to the police district of Dublin metropolis: Provided always, that the register in such district shall be kept by the Chief Clerk of the Dublin Metropolitan Police Court, and that the terms "petty sessions district," and "district," and "clerk of petty sessions," shall be construed to mean respectively the police district of Dublin metropolis, and the Chief Clerk of the Dublin Metropolitan Police Court.

Fee upon certificate in certain cases.

17. From and after the first day of September one thousand eight hundred and seventy four there shall be paid a fee of five shillings upon every certificate given for the grant of a new license, new excise license, or new wholesale beer dealer's license, or for the transfer of any license, excise license, or wholesale beer dealer's license, by a divisional justice of the police district of Dublin metropolis, or by justices in petty sessions, and no other fee or stamp duty shall be payable in respect of any such certificate or the entry thereof.

Payment, &c. of Fees.

Payment of fees in Dublin.

18. All fees under this Act payable in Dublin shall be paid to the chief clerk of the metropolitan police court, and shall be paid and accounted for, and payment of the same may be enforced in like manner, subject to the same conditions, and by the like means in every respect as fines payable under the Acts regulating the powers and duties of justices of the peace for such district, and the same shall be applied towards defraying the expense of the police establishment of the said district.

Payment of fees in petty sessions district.

19. All fees under this Act payable in any petty sessions district shall not be received in money, but by stamps denoting the amount of the fees payable.

Every exemption order under this Act and every certificate given in any petty sessions district upon which a fee is by this Act made payable shall be printed or written, or partly printed and partly written, upon paper bearing a stamp denoting the amount of such fee.

All the provisions of "The Petty Sessions Clerk (Ireland) Act, 1858," with respect to the documents enumerated in the Schedule C. to the said Act annexed, and to the payment of the fees in respect thereof, and to the stamps denoting the amount of such fees, and to the payment of fees, and to stamps, and the providing of and supply of the same, and the payment and accounting for the same, and enforcing the payment thereof, and generally with respect to all matters relating thereto, shall extend and be applicable with respect to all exemption orders under this Act and certificates given in petty sessions district upon which fees are by this Act made payable, and to all fees and stamps under this Act, in like

manner in every respect as if such exemption orders, certificates, fees, and stamps were included amongst the documents, fees, and stamps mentioned in the said Petty Sessions Clerk (Ireland) Act, 1858.

Record of Convictions and Penalties.

Mitigation of penalties.

20. The sixty-seventh section of the principal Act is hereby repealed; and in lieu thereof be it enacted, that where any person holding a license or excise license is convicted of any offence against this or the principal Act, or against any of the Acts recited or mentioned therein, the Court may not, except in the case of a first offence, reduce the penalty to less than twenty shillings, nor shall the penalty, whether of excise or police, be reduced in any case to less than the minimum authorised by any other Act.

Record of convictions on licenses.

21. Where any licensed person or spirit grocer is convicted of any offence against the principal Act which by such Act was to have been or might have been endorsed upon the license or excise license, or of any offence against this Act, the court before whom the offender is brought shall cause the register of licenses in which the license or excise license of the offender is entered, or a copy of the entries therein relating to the license or excise license of the offender, certified in manner prescribed by this Act, to be produced to the court before passing sentence; and after inspecting the entries therein in relation to the license or excise license of the offender, or such copy thereof as aforesaid, the court shall declare, as part of its sentence, whether it will or will not cause the conviction for such offence to be recorded on the license or excise license of the offender, and if it decide that such record is to be made, the same shall be made accordingly.

A declaration by the court that a record of an offence is to be made on a license or excise license shall be deemed to be part of the conviction or order of the court in reference to such offence, and shall be subject accordingly to the jurisdiction of the court of appeal.

A direction by the court that a conviction for an offence is to be recorded on the license or excise license of the offender shall, for the purposes of the principal Act, be deemed equivalent to a direction or requirement by the Act that such conviction is to be recorded; and all the provisions of the principal Act importing that convictions are required or directed by the Act to be recorded on the license or excise license of an offender shall be construed accordingly.

Record of conviction for adulteration.

22. Where a licensed person or a spirit grocer is convicted of any offence against the provisions of any Act for the time being in force relating to the adulteration of drink, such conviction shall be entered in the proper register of licenses, and may be directed to be recorded on the license or excise license of the offender in the same manner as if the conviction were for an offence against the principal Act, and when so recorded shall have effect as if it had been a conviction for an offence against the principal Act.

Regulations as to entry on Premises.

Constable to enter on premises for enforcement of Act.

23. Any constable may, for the purpose of preventing or detecting the violation of any of the provisions of the principal Act or this Act which it is his duty to enforce, at all times enter on any licensed premises and on any premises kept by a spirit grocer, and on any premises in respect of which an occasional license is in force.

Every person who, by himself, or by any person in his employ or acting by his direction or with his consent, refuses or fails to admit any constable in the execution of his duty demanding to enter in pursuance of this section, shall be liable to a penalty not exceeding for the first offence five pounds, and not exceeding for the second and every subsequent offence ten pounds.

Search warrant for detection of liquors sold or kept contrary to law.

24. Any justice of the peace, if satisfied by information on oath that there is reasonable ground to believe that any intoxicating liquor is sold by retail or exposed or kept for sale by retail at any place within his jurisdiction, whether a building or not, in which such liquor is not authorised to be sold by retail, may in his discretion grant a warrant under his hand, by virtue whereof it shall be lawful for any constable named in such warrant, at any time or times within one month from the date thereof, to enter, and, if need be by

force, the place named in the warrant, and every part thereof, and examine the same and search for intoxicating liquor therein, and seize and remove any intoxicating liquor found therein which there is reasonable ground to suppose is in such place for the purpose of unlawful sale at that or any other place, and the vessels containing such liquor; and in the event of the owner or occupier of such premises being convicted of selling by retail or exposing or keeping for sale by retail any liquor which he is not authorised to sell by retail, the intoxicating liquor so seized and the vessels containing such liquor shall be forfeited.

When a constable has entered any premises in pursuance of any such warrant as is mentioned in this section, and has seized and removed such liquor as aforesaid, any person found at the time on the premises shall, until the contrary is proved, be deemed to have been on such premises for the purpose of illegally dealing in intoxicating liquor, and be liable to a penalty not exceeding forty shillings.

Any constable may demand the name and address of any person found on any premises on which he seizes or from which he removes any such liquor as aforesaid, and if he has reasonable ground to suppose that the name or address given is false may examine such person further as to the correctness of such name and address, and may, if such person fail upon such demand to give his name or address, or to answer satisfactorily the questions put to him by the constable, apprehend him without warrant, and carry him as soon as practicable before a justice of the peace.

Any person required by a constable under this section to give his name and address who fails to give the same, or gives a false name or address, or gives false information with respect to such name and address, shall be liable to a penalty not exceeding five pounds.

Miscellaneous.

Drunken person may be detained if incapable of taking care of himself.

25. Every person who, in any highway or other public place, whether a building or not, is so drunk as to be incapable of taking care of himself, may be detained by any constable until he can, with safety to himself, be discharged, but if so detained he shall be summoned in due course to answer for such offence, and he shall not by such discharge be relieved from the liability to any penalty to which he is subject.

Substitution of licensing justices for Commissioners of Inland Revenue as respects certain notices.

26. Whereas by section eleven of the principal Act it is provided that every licensed person shall cause to be painted or fixed, and shall keep painted or fixed, on the premises in respect of which his license is granted, in a conspicuous place and in such form and manner as the Commissioners of Inland Revenue may from time to time direct, his name, with such additions as in the said Act mentioned: And whereas it is expedient to substitute in the said section the licensing justices for the Commissioners of Inland Revenue: Be it therefore enacted,

That in the said eleventh section the expression "licensing justices" shall be deemed to be substituted for the expression "Commissioners of Inland Revenue," and the word "justices" for the word "Commissioners."

Penalty on person found on premises during closing hours.

27. If during any period during which any premises are required under the provisions of the principal Act to be closed any person is found on such premises, he shall, unless he satisfies the court that he was an inmate, servant, or a lodger on such premises, or a bonâ fide traveller, or that otherwise his presence on such premises was not in contravention of the provisions of the principal Act with respect to the closing of licensed premises and premises kept by a spirit grocer, be liable to a penalty not exceeding forty shillings.

Any constable may demand the name and address of any person found on any premises during the period during which they are required by the provisions of the principal Act to be closed, and if he has reasonable ground to suppose that the name or address given is false may require evidence of the correctness of such name and address, and may, if such person fail upon such demand to give his name or address, or such evidence, apprehend him without warrant, and carry him as soon as practicable before a justice of the peace.

Any person required by a constable under this section to give his name and address who fails to give the same, or gives a false name or address, or gives false evidence

with respect to such name and address, shall be liable to a penalty not exceeding five pounds.

Every person who by falsely representing himself to be a traveller or a lodger buys or obtains or attempts to buy or obtain at any premises any intoxicating liquor during the period during which such premises are closed in pursuance of the principal Act shall be liable to a penalty not exceeding five pounds.

Saving as to bonâ fide travellers.

28. If in the course of any proceedings which may be taken against any person licensed to sell any intoxicating liquor to be consumed on the premises for infringing the provisions of the principal Act relating to the closing of premises, such person (in this section referred to as the defendant) fails to prove that the person to whom the intoxicating liquor was sold (in this section referred to as the purchaser) is a bonâ fide traveller, but the justices are satisfied that the defendant truly believed that the purchaser was a bonâ fide traveller, and further that the defendant took all reasonable precautions to ascertain whether or not the purchaser was such a traveller, the justices shall dismiss the case as against the defendant, and if they think that the purchaser falsely represented himself to be a bonâ fide traveller, it shall be lawful for the justices to direct proceedings to be instituted against such purchaser under the next preceding section of this Act.

A person for the purposes of this Act and the principal Act shall not be deemed to be a bonâ fide traveller unless the place where he lodged during the preceding night is at least three miles distant from the place where he demands to be supplied with liquor, such distance to be calculated by the nearest public thoroughfare.

Supply of intoxicating liquors after hours to private friends.

29. No person keeping a house licensed for the sale of any intoxicated liquor to be consumed on the premises shall be liable to any penalty for supplying intoxicating liquors after the hours of closing to private friends bonâ fide entertained by him at his own expense.

As to jurisdiction of justices under 17 & 18 Vict. c. 103.

30. Wherever "The Towns Improvement (Ireland) Act, 1854," or any Local Act incorporating the said Act in whole or in part, is in force in any town or place, any person empowered for the purposes of the said Act or of such Local Act to act as a justice of the peace within the boundaries of such town or place shall, notwithstanding anything in the principal Act to the contrary, have all and the same jurisdiction, power, and authority to hear and determine charges for offences committed within the boundaries of such town or place against section twelve of the principal Act as any justice of the peace having jurisdiction in that behalf, and may for such purpose sit alone or, in his own court, together with any justice or justices of the peace, according as the offence against the said section may be tried by one or by two or more justices, or any justice or justices in petty sessions of the peace.

The penalty imposed by such justice or justices, or by the justices in petty sessions in every such town or place as aforesaid, and in every town in which the Act of the session of the ninth year of the reign of King George the Fourth, chapter eighty-two, is in force for any such offence committed within the boundaries of such town or place, shall be enforced as penalties are by the Towns Improvement (Ireland) Act, 1854, or such Local Act, or such Act of the ninth year of King George the Fourth, chapter eighty-two, respectively directed to be enforced, and shall be applied in manner prescribed by the Towns Improvement (Ireland) Act, 1854, for the purposes of such of the said Acts as is in force within such town or place.

Nothing in this section shall apply to the police district of Dublin metropolis.

Amendment of s. 52 of principal Act as to release from custody in case of appeal.

31. Sub-section four of section fifty-two of the principal Act is hereby repealed, and in lieu thereof the following provision shall be substituted; viz.,

When the appellant is in custody, and shall enter into such recognizances with sureties approved by the justice in manner by said Act provided, or shall give such other security as by said Act provided, the justice shall release him from custody.

Summons in police district

32. In the police district of Dublin metropolis a divisional justice may issue a summons for any offence under the principal Act or this Act, or any Act relating to the sale of any

of Dublin metropolis.

intoxicating liquor, upon any information or complaint, either on oath or not, or in writing or not, as such justice shall see fit.

License to be produced in court.

33. Every holder of a license, excise license, wholesale beer dealer's license, or order of exemption made under this Act, who on being required by any recorder or court of quarter sessions on the hearing of any appeal, or by a divisional justice or justice of the peace on the hearing of any summons or complaint, shall not produce and deliver such license, excise license, wholesale beer dealer's license, or order to be read and examined by such recorder, court, or justice respectively, shall be subject to a penalty not exceeding ten pounds, whether it shall or shall not be stated in any summons that such production will be required.

Liability in respect of distinct licenses.

34. Every holder of any excise license along with any other license or licenses, and every holder of several licenses, shall be subject to the provisions of the principal Act and this Act in respect of each such license.

Evidence of licenses, orders, and convictions.

35. Every entry in any register of licenses of any license, excise license, wholesale beer dealer's license, certificate, or exemption order, and of any conviction ordered to be recorded on a license or on an excise license, shall for every purpose be evidence of such license, excise license, wholesale beer dealer's license, certificate, exemption order, and conviction respectively, and every entry in any book kept in a police court or in any petty sessions order book of any conviction or order under the principal Act or this Act, or either of them, and any copy of such entry purporting in every such case (except that of a petty sessions order book) to be signed and certified as a true copy by the person to whose custody such register or book is intrusted, and in the case of a petty sessions order book purporting to be certified by a justice of the peace, pursuant to "The Petty Sessions (Ireland) Act, 1851," section twenty-one, and form (I a) in the schedule thereto, shall for every purpose be evidence of such conviction and order respectively; and any such entry or any such copy of such entry of a conviction ordered to be recorded on a license or excise license, which license or excise license shall not be produced when required by any recorder, court of quarter sessions, divisional justice, or justice of the peace, shall be conclusive evidence that such conviction was duly recorded on such license or excise license.

Evidence of license.

36. Any copy or certificate of any license, or of any excise license, or of any wholesale beer dealer's license, purporting to be signed and certified as a true copy or certificate by any officer in that behalf appointed by the Commissioners of Inland Revenue, shall for every purpose be conclusive evidence of such license or excise license.

Definitions.

37. In the principal Act and in this Act the following terms have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant thereto; namely,

"Town."

"Town" shall mean and include—

Any parliamentary or municipal borough;

Any town having commissioners under an Act passed in the session of Parliament held in the ninth year of the reign of King George the Fourth, intituled "An "Act to make provision for the lighting, cleansing, and watching of cities and "towns corporate, and market towns, in Ireland, in certain cases;"

Any town having municipal commissioners under an Act passed in the session of Parliament held in the third and fourth years of the reign of Her present Majesty Queen Victoria, intituled "An Act for the regulation of municipal "corporations in Ireland;"

Any town having town commissioners or commissioners under the Towns Improvement Act, 1854, or under any Local and Personal Act:

"License."

"License" shall mean any license for sale of any intoxicating liquor granted by an officer of excise in Ireland upon production, in the police district of Dublin metropolis, of a certificate of the recorder of the city of Dublin, or of a divisional justice, and elsewhere of a certificate of any recorder of a city or borough, or of justices, under the provisions of any Act now or hereafter requiring such certificate, but

shall not include an excise license as defined by section eighty-one of the principal Act, or a wholesale beer dealer's license, as herein-after defined:

"Wholesale beer dealer's license" shall mean a license to any person not being a brewer of beer, authorising the sale of strong beer only in casks containing not less than four and a half gallons imperial measure, or in not less than two dozen reputed quart bottles at one time, to be drunk or consumed elsewhere than on the premises of such person: "Wholesale beer dealer's license."

"Occasional license" shall mean a license to sell beer, spirits, or wine granted in pursuance of the thirteenth section of the Act of the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter twenty-two, and section five of the Act of the session of the twenty-seventh year of the reign of Her present Majesty, chapter eighteen, and the Acts amending the same in relation to the licenses therein mentioned, or of any of such Acts: "Occasional license."

"New license," "new excise license," and "new wholesale beer dealer's license," shall mean respectively a license, excise license, and wholesale beer dealer's license granted in respect of premises in respect of which a similar license has not theretofore been granted, or, if granted, has been annulled or has not been in force during the preceding six months: "New license," &c.

The term "licensing justices" shall mean as to licenses granted in pursuance of certificates granted at quarter sessions, and as to renewals or transfers of such licenses, the justices or authority empowered to grant such certificates at quarter sessions, and as to other licenses, excise licenses, and wholesale beer dealers licenses the justices or justice empowered to grant certificates for the same respectively: "Licensing justices."

"Register of licenses" shall mean the list or register directed to be kept by this Act: "Register of licenses."

The term "clerk to the licensing justices" shall mean the person who keeps the register of licenses: "Clerk to the licensing justices."

And the principal Act shall be construed as if the meanings by this Act assigned to the terms "license," "licensing justices," "register of licenses," and "clerk to the licensing justices," were respectively substituted in the seventy-seventh section of the Licensing Act, 1872, for the respective meanings thereby assigned to the same terms.

38. From and after the commencement of this Act there shall be repealed the sections of the principal Act relating to the following matters; that is to say, Repeal.

(1.) Sections nineteen to twenty-two, both inclusive, relating to adulteration, and the first schedule to the principal Act;

(2.) Section thirty-five, relating to entry on premises by constables; and

(3.) So much of sections five, six, thirteen, fourteen, sixteen, seventeen, seventy-eight, eighty-three, and eighty-four as relates to the records of convictions on licenses;

(4.) The last paragraph of section fifty-six, beginning with the words "In a county the justices," to the end of the section; and also section fifteen of the Act of the session of the fifty-fifth year of the reign of King George the Third, chapter one hundred and four, except so far as the same applies to spirituous liquors which shall be used and consumed in the house, shop, or premises in which the same are sold.

Provided that the repeal enacted in this Act shall not affect—

(1.) Anything duly done or suffered under any enactment hereby repealed:

(2.) Any right or privilege acquired or any liability incurred under any enactment hereby repealed:

(3.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence against any enactment hereby repealed.

SCHEDULE A.

Form of Notice.

To the Clerk of the Peace for the county [*or* city *or* town] of .

Take notice, I have obtained a [license, early-closing license, *or* six-day license, *as the case may be*] to sell spirits, beer, and cider by retail up to the day of 18 , and I require you to enter my name and the description of my house in the Register of Licenses as follows :—

Christian name of trader.
Surname of same.
Place of abode of same.
Description or sign of house and premises.
Name of townland [*or in cities, towns, or villages*, name of street and number therein].
Petty sessions district where house situate.
Christian name of owner of house.
Surname of same.
Address of same.

Dated this day of 18 .

Trader's name.

CHAPTER 70.

An Act to amend the Law relating to the Valuation of Rateable Property in Ireland. [7th August 1874.]

15 & 16 Vict. c. 63. 17 Vict. c. 8. 23 Vict. c. 4.

WHEREAS by an Act passed in a session of Parliament held in the fifteenth and sixteenth years of the reign of Her present Majesty, chapter sixty-three, and one other Act passed in the seventeenth year of the reign of Her said Majesty, chapter eight, and one other Act passed in the twenty-third year of the reign of Her said Majesty, chapter four, various provisions were made for the annual revision of the valuation of rateable property in Ireland, and for payment of the expenses thereof, and it is expedient to amend said Acts as herein-after mentioned:

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:

The Lords Commissioners of Treasury to fix salaries and allowances.

1. The Commissioner of Valuation, and all other persons acting in the execution of the said Acts, shall, anything in the said Acts, or any of them, to the contrary notwithstanding, be paid out of moneys to be voted by Parliament such salary and allowances for travelling and other expenses as the Lords Commissioners of Her Majesty's Treasury shall think fair and reasonable and from time to time direct, and shall be entitled to such superannuation or other allowance, and upon such conditions as are provided by the "Superannuation Act, 1859," for persons who shall have served in an established capacity in the permanent Civil Service of the State.

Counties to repay the portions of expense of annual revision mentioned in schedule.

2. Each county shall repay to the said Commissioners, in respect of the expense of such annual revision incurred from and after the first day of July one thousand eight hundred and seventy-four, the annual sum stated in relation to such county in the schedule to this Act annexed; said sum to be presented and levied by the respective grand juries for each county, in equal moieties, at the spring and summer assizes in each year, save in the county of Dublin, in which county the annual amount to be repaid shall be presented by the finance committee in one sum at the usual time for making presentments for said county, and shall be levied by equal moieties in each year.

Grand juries to present.

3. The grand juries of the respective counties in Ireland, and the finance committee for the county of Dublin, shall and they are hereby required (without application to presentment sessions) to present, levy, and raise in manner aforesaid the respective sums stated in the schedule to this Act annexed as payable by each county; and in case the grand jury of any county, or the finance committee of the county of Dublin, shall refuse or