

ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

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CAP. LXXVII.

An Act to amend the Act of the Twenty-seventh and Twenty-eighth *Victoria*, Chapter Sixty-four, commonly called "The Public House Closing Act, 1864." [29th *June* 1865.]

WHEREAS it is expedient to amend "The Public House Closing Act, 1864:" Be it therefore 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:

Short Title.

1. This Act may be cited for all Purposes as the "Public House Closing Act, 1865."

Power to Justices to grant Licences to Licensed Victuallers and Refreshment House Keepers suspending Operation of recited Act.

2. It shall be lawful for the licensing Justices at the Time of granting or renewing any Licence, upon the Production of such Evidence as they shall deem sufficient to show that it is necessary or desirable, for the Accommodation of any considerable Number of Persons attending any Public Market, or following any lawful Trade or Calling, if, in the Discretion of such Justices, they shall think

think fit, to grant to any Licensed Victualler or Keeper of a Refreshment House whose Place of Business is in the immediate Neighbourhood of such Market, or of the Place where the Persons follow such lawful Trade or Calling, a Licence exempting him from the Provisions of the herein-before mentioned Act between the Hours of Two and Four o'Clock in the Morning, or any Part of such Hours, during such Days, Times, or Hours as shall be specified in such Licence; and no Licensed Victualler or Keeper of a Refreshment House to whom such Licence has been granted under this Act shall be subject to any Penalty for a Contravention of the herein-before mentioned Act during the Days or Times to which such Licence extends, but he shall not be exempted by such Licence from any Penalty to which he may be subject under any other Act of Parliament; provided that a printed Notice stating the Days and special Hours during which and the Class of Persons for whom the House is open under such Licence shall be affixed in a conspicuous Position outside the House.

Power to withdraw such Licence.

3. It shall be lawful for such Justices, from Time to Time, as and when it may seem fit to them, either to withdraw such Licence altogether, or to alter, vary, or amend the same in such Manner as such Justices may deem necessary or expedient.

Act to be in force in certain Districts, &c.

4. The said Act, as herein amended, shall be in force in such Districts under the Operation of the Public Health Act, 1848, or the Local Government Act, 1858, as adopt the same; and Local Boards of Health established under or by virtue of the said Public Health Act, 1848, and Local Boards established under or by virtue of the said Local Government Act, 1858, may adopt the said Public House Closing Act, 1864, in the same Manner; and the same shall come into operation at the same Time as is provided for the Adoption and coming into operation of that Act by Corporate Boroughs, or Boards of Improvement Commissioners; provided that this Section shall not apply to any District which is a Corporate Borough, or within the Jurisdiction of a Board of Improvement Commissioners.

Justices of the Peace to grant Licences.

5. So much of the Eighth Clause of the said recited Act as defines the Local Authority to be a Commissioner, Superintendent, or other Chief Officer of Police shall be repealed, and instead thereof the Local Authority shall be, in any District, City, or Town where Petty Sessions are held, except in the Metropolitan Police District, Two Justices of the Peace sitting in Petty Sessions, and in any other District, City, or Town, Two Justices of the Peace acting in the District, City, or Town.

6. This

6. This Act shall be deemed, construed, and taken as Part of the said herein-before mentioned Act. **Act to be construed with recited Act.**

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