## CHAP. 27.

An Act to amend the law for licensing Beerhouses, and to make certain alterations with respect to the Sale by retail of Beer, Cider, and Wine. [12th July 1869.]

A.D. 1869.

WHEREAS by the Acts relating to the general sale of beer and cider by retail in England; (that is to say,)

(1.) An Act of the session of the last year of the reign of King George the Fourth and the first year of the reign of King William the Fourth, chapter sixty-four, intituled "An Act "to permit the general sale of beer and cider by retail in "England;" 11 G. 4. & 1 W. 4. c. 64.

(2.) An Act of the session of the fourth and fifth years of the reign of King William the Fourth, chapter eighty-five, intituled "An Act to amend an Act passed in the first "year of His present Majesty, to permit the general sale "of beer and cider by retail in England;" 4 & 5 W. 4. c. 85.

(3.) An Act of the session of the third and fourth years of the reign of Her present Majesty, chapter sixty-one, intituled "An Act to amend the Acts relating to the general sale "of beer and cider by retail in England;" 3 & 4 Vict. c. 61.

(4.) An Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter twenty-one, entitled "An Act for granting to Her Majesty certain "duties of excise and stamps;" 24 & 25 Vict. c. 21.

provision is made for the grant of licences by the excise for the sale by retail of beer and cider upon the terms and conditions therein specified:

And whereas by an Act of the session of the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, chapter thirty-three, intituled "An Act for granting to Her Majesty certain "duties of inland revenue, and to amend the laws relating to the "inland revenue," it is enacted, that any person who after the passing of that Act has taken out an excise licence to sell strong 26 & 27 Vict. c. 33.

A.D. 1869.

beer in casks containing not less than four and a half gallons, or in not less than two dozen reputed quart bottles, at one time, to be drunk or consumed elsewhere than on his premises, may take out an additional licence on payment of the excise duties therein mentioned, and that the same shall authorize such person to sell beer in any less quantity and in any other manner than as aforesaid, but not to be drunk or consumed on the premises where sold, and that such additional licence shall be granted without the production of any certificate, or the possession of any other qualification than the licence therein first mentioned:

23 & 24 Vict. c. 27.

And whereas provision is made for the grant of licences by the excise for refreshment houses and for the sale of wine by retail, and for other purposes, by an Act of the session of the twenty-third year of the reign of Her present Majesty, chapter twenty-seven, intituled "An Act for granting to Her Majesty certain "duties on wine licences and refreshment houses, and for regu- "lating the licensing of refreshment houses, and the granting of "wine licences:"

And whereas it is expedient to make better provision with regard to the granting of the licences herein-before mentioned, and for regulating the houses and shops in which beer, cider, and wine are sold by retail:

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; (that is to say,)

Application of Act.

**1.** This Act shall not apply to Scotland or Ireland.

Definition of "beer" and cider.

**2.** For the purposes of this Act the term "beer" shall include ale and porter, and the term "cider" shall include perry.

Short title.

**3.** This Act may be cited as "The Wine and Beerhouse Act, 1869."

Retail licences not to be granted without certificate granted under this Act.

**4.** From and after the fifteenth of July one thousand eight hundred and sixty-nine no licence or renewal of a licence for the sale by retail of beer, cider, or wine, or any of such articles, under the provisions of any of the said recited Acts shall (save as is in this Act otherwise provided) be granted except upon the production and in pursuance of the authority of a certificate granted under this Act.

Any licence granted or renewed in contravention of this enactment shall be void.

Certificates by whom to be granted.

**5.** Certificates under this Act shall be granted by the justices assembled at the general annual licensing meeting held in pur-

suance of an Act of the session of the ninth year of the reign of King George the Fourth, chapter sixty-one, intituled "An Act to "regulate the granting of licences to keepers of inns, alehouses, "and victualling houses in England," or at some adjournment of such meeting held in pursuance of the said last-mentioned Act: Provided that certificates for licences under the said Acts of the twenty-third year of the reign of Her present Majesty, of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, and of the twenty-sixth and twenty-seventh years of Her present Majesty, may be granted by justices at the special sessions for transferring licences. A.D. 1869. 9 G. 4. c. 61.

Form of certificate.

**6.** A certificate under this Act shall specify the name and address of the person thereby authorized to receive a licence, the description of licence or licences authorized to be granted to him, and whether such licence or licences is or are to be granted for the sale of beer, cider, or wine to be consumed on or off the premises, and the situation of the house or shop in respect of which such grant is authorized. It shall be in force for one year from the date of its being granted, and shall be in the form given in the first schedule hereto, or as near thereto as circumstances admit.

Notice of application.

**7.** Every person intending to apply to the justices for a certificate under this Act shall, twenty-one days at least before he applies, give notice in writing of his intention to one of the overseers of the parish, township, or place in which the house or shop in respect of which his application is to be made is situate, and to some constable or peace officer acting within such parish, township, or place, and shall in such notice set forth his name and address, and a description of the licence or licences for which he intends to apply, and of the situation of the house or shop in respect of which the application is to be made; and in the case of a house or shop not theretofore licensed for the sale by retail of beer, cider, or wine, such person shall also within the space of twenty-eight days before such application is made cause a like notice to be affixed and maintained between the hours of ten in the morning and five in the afternoon of two consecutive Sundays on the door of such house or shop, and on the principal door or on one of the doors of the church or chapel of the parish or place in which such house or shop is situate, or, if there be no such church or chapel, on some other public and conspicuous place within such parish or place.

Where application is made to the justices for the grant of a certificate under this Act by way of renewal only, notice in pursuance of this section shall not be requisite.

A.D. 1869.

Provisions of 9 G. 4. c. 61. to apply to grants of certificates under this Act.

**8.** All the provisions of the said Act of the ninth year of the reign of King George the Fourth as to the terms upon which, and the manner in which, and the persons by whom, grants of licences are to be made by the justices at the said general annual licensing meeting, and as to appeal from any act of any justice, shall, so far as may be, have effect with regard to grants of certificates under this Act, subject to this qualification, that no application for a certificate under this Act in respect of a licence to sell by retail beer, cider, or wine not to be consumed on the premises shall be refused, except upon one or more of the following grounds; viz.,

(1.) That the applicant has failed to produce satisfactory evidence of good character:

(2.) That the house or shop in respect of which a licence is sought, or any adjacent house or shop owned or occupied by the person applying for a licence, is of a disorderly character, or frequented by thieves, prostitutes, or persons of bad character:

(3.) That the applicant having previously held a licence for the sale of wine, spirits, beer, or cider, the same has been forfeited for his misconduct, or that he has through misconduct been at any time previously adjudged disqualified from receiving any such licence, or from selling any of the said articles:

(4.) That the applicant, or the house in respect of which he applies, is not duly qualified as by law is required:

Where an application for any such last-mentioned certificate is refused on the ground that the house in respect of which he applies is not duly qualified as by law is required, the justices shall specify in writing to the applicant the grounds of their decision.

As to transfer of certificates.

**9.** A certificate may be transferred to a new tenant or occupant of any house or premises in respect of which a licence under any of the said recited Acts shall have been granted before the commencement of this Act, or in respect of which a certificate shall have been granted under this Act, by the justices (or the majority of them) in petty sessions for any borough, county, division, or place within which such house or premises shall be situated, which transferred certificate shall be in force until the then next general annual licensing meeting or special sessions for transferring licences, as the case may be; and it shall be lawful for a new tenant or occupant of any such house or premises as aforesaid, without a certificate, to sell beer, cider, and wine until the then next petty sessions holden in and for the borough, county, division, or place in which such house or premises shall be situated.

**10.** A licence in force at the time of the passing of this Act for premises situated in the county of Middlesex or of Surrey may be renewed without a certificate at any time prior to the first general annual licensing meeting held for such counties respectively after the passing of this Act.

As to renewal of licences in force in Middlesex and Surrey.

**11.** If any person forge, or tender knowing the same to have been forged, any certificate authorized to be granted by this Act, he shall, on summary conviction before two or more justices, be liable to a penalty not exceeding twenty pounds, or, in the discretion of the justices before whom he is tried, to imprisonment for any period not exceeding six months, with or without hard labour. Any licence granted in pursuance of such forged certificate shall be void, and any person making use of such forged certificate, knowing the same to have been forged, shall be disqualified from obtaining at any time thereafter a licence for the sale of beer, cider, or wine by retail under any of the said recited Acts.

Penalty on forgery of certificate.

**12.** Constables and officers of police may at all times enter into and examine—

Constables may enter on houses licensed to sell beer, &c. not to be consumed on the premises.

(1) Any house or shop in respect of which any person is licensed under any of the said recited Acts to sell by retail beer, cider, or wine not to be consumed on the premises;

(2) Any house or shop in which any person is authorized by virtue of an additional licence under the said recited Act of the twenty-sixth and twenty-seventh years of the reign of Her present Majesty to sell beer by retail;

(3) Any house or shop licensed for the sale of table beer under the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter twenty-one;

In the same manner as if such house or shop were licensed for the sale by retail of beer, cider, or wine to be consumed on the premises; and if any such licensed person, or any servant or other person in his employ or by his direction, refuse to admit or do not admit any constable or officer demanding admittance to such house or shop, such licensed person shall be liable to the same penalties recoverable or to be enforced in the same manner in all respects as if he were licensed in respect of such house or shop to sell by retail beer, cider, or wine to be consumed on the premises, and had refused admittance to such constable or officer.

**13.** In any legal proceeding under any of the said recited Acts it shall not be necessary in order to prove the sale of beer, cider, or wine in or upon any house or premises to prove the receipt or pay-

Proof of money passing not necessary to prove sale.

A.D. 1869.

ment of any money in respect of such sale, but proof that any beer, cider, or wine was drunk or consumed in or upon such house or premises by any person other than the keeper of such house or premises, or some servant or inmate residing therein, shall be prima facie evidence of the sale of such beer, cider, or wine in or upon such house or premises.

In cases of illegal sale on neighbouring premises evidence need not be given of ownership of such premises.

**14.** In any proceeding in relation to any forfeiture or penalty alleged to be incurred by any person licensed to sell by retail beer, cider, or wine, not to be consumed on the premises, for having, with intent to evade the provisions of any Act of Parliament, taken or authorized or suffered any person to take any beer, cider, or wine out of or from the house or premises of such licensed person for the purpose of being for his benefit or profit drunk or consumed in any other house, or in any tent, shed, or other building, premises, or place, it shall not be necessary to prove that such last-mentioned house, tent, shed, building, premises, or place belonged to such licensed person, or was hired, used, or occupied by him, if proof be given to the satisfaction of the justices having cognizance of the case that such beer, cider, or wine was drunk or consumed therein or thereupon with intent to evade the provisions of any such Act; and on such proof being given, such beer, cider, or wine shall be deemed to have been drunk or consumed on the premises of the said licensed person, and he shall be subject to the like penalties and forfeitures as if such beer, cider, or wine had been drunk or consumed in any house or on any premises licensed only for the sale thereof not to be consumed on the premises.

Penalty for selling beer or cider to be drunk at illegal times.

**15.** If any person suffer beer or cider to be drunk in his house at any time during which the house ought by law to be closed, he shall be liable, on summary conviction, to a penalty not exceeding forty shillings for each offence.

Persons present in houses open at illegal hours to be liable to penalties.

**16.** Where any person licensed under any of the said recited Acts to sell beer, cider, or wine by retail, or any person licensed under the said Act of the ninth year of the reign of King George the Fourth, is convicted of keeping his house open for the sale of or of selling beer, cider, wine, spirits, or any other exciseable liquor, or of suffering the same to be drunk in such house, at any time during which such house ought by law to be closed, any person (other than the servants or inmates of such house) present in such house at such time shall, unless he account for his presence to the satisfaction of the justices having cognizance of the case, be liable on summary conviction to a penalty not exceeding forty shillings for each offence.

**17.** In the following cases, that is to say,

(1.) Where any person is convicted of an offence against the tenor or conditions of a licence granted to him under any of the said recited Acts, or of an offence for which a penalty is imposed by any of the said recited Acts;

(2.) Where any person is convicted of an offence against the tenor of a licence granted to him under the said Act of the ninth year of the reign of King George the Fourth;

In order to constitute a second or third offence previous offence need not have been committed within a limited period.

if any previous conviction or convictions since the passing of this Act for any of the said offences be proved against him, the offence of which he is last convicted shall be deemed to be a second or third offence, as the case may be: Provided that the said previous conviction or convictions did take place within the five years next preceding.

**18.** All houses or shops licensed for the sale of table beer under the Act twenty-fourth and twenty-fifth years of Victoria, chapter twenty-one, and all premises on which any person is authorized by virtue of an additional licence granted under the said recited Act of the twenty-sixth and twenty-seventh years of the reign of Her present Majesty to sell beer by retail, and all persons holding such licences, shall be subject and liable to all and every the regulations, restrictions, inspections, and penalties as to times of opening and closing of houses, and conduct of persons conducting or carrying on the trade to which beerhouses, and persons licensed to keep the same, are subject and liable under the several statutes relating thereto.

As to management of houses licensed for sale of table beer.

**19.** Where, on the first of May one thousand eight hundred and sixty-nine, a licence under any of the said recited Acts is in force with respect to any house or shop for the sale by retail therein of beer, cider, or wine to be consumed on the premises, it shall not be lawful for the justices to refuse an application for a certificate for the sale of beer, cider, or wine to be consumed on the premises in respect of such house or shop, except upon one or more of the grounds upon which an application for a certificate under this Act in respect of a licence for the sale of beer, cider, or wine, not to be consumed on the premises, may be refused, in accordance with this Act: Provided that where a person licensed in respect of such house or shop to sell therein by retail beer, cider, or wine to be consumed on the premises is convicted, after the passing of this Act, of more than one offence against the tenor of his licence, or of more than one offence for which any penalty is imposed by any of the said recited Acts, the justices by whom such person is con-

Existing licences to be renewed, except in certain cases.

A.D. 1869.

victed may, if they think fit, order that the house or shop shall, for the purposes of this section, be thenceforth deemed to be a house or shop in respect of which no licence for the sale by retail of beer, cider, or wine was in force at the time of the passing of this Act: Provided always, that every holder of such licence shall, when required by any two justices, be bound to produce his licence under a penalty not exceeding ten pounds, to be levied in default of payment, on the order of such justices, by distraint upon his goods and chattels; and provided also, that no conviction under the powers and provisions of this Act shall be deemed to affect any licence in force as aforesaid, unless the justices by whom such conviction was adjudged shall have directed their clerk to record and the clerk shall have recorded on the licence the fact of that conviction.

Nothing to affect privileges and rights herein named.

**20.** Nothing in this Act contained shall be deemed to affect—

(1.) The privileges heretofore enjoyed by any university in England, or the chancellor, masters, and scholars of the same, or their successors:

(2.) The privileges heretofore enjoyed by the masters, wardens, freemen, and commonalty of the vintners of the city of London, except as to those freemen of the said vintners who have obtained their freedom by redemption only:

(3.) The privileges heretofore enjoyed by the mayor or burgesses of the city of St. Albans in the county of Hertford, or their successors:

(4.) The right of any person who is duly authorized by justices of the peace to keep a common inn, alehouse, or victualling house to take out any excise licence:

(5.) The grant of any occasional licence, or the power of any person duly authorized by the excise to sell beer, spirits, or wine at any fair or public races.

As to repeal of Acts set forth in second schedule.

**21.** The several parts of the Acts set forth in the second schedule hereto shall be repealed to the extent therein specified so far as relates to any licence under any of the said recited Acts granted after the passing of this Act within any place to which this Act applies: Provided that such repeal shall not affect—

(1.) Any liability incurred or thing duly done before the commencement of this Act:

(2.) Any penalty, forfeiture, or other punishment incurred in respect of any offence committed before the commencement of this Act:

(3.) Any legal proceeding or legal remedy for enforcing or recovering any such liability, thing, penalty, forfeiture, or punishment as aforesaid.

Act to be in force for two years.

**22.** This Act shall be in force for two years from the date of the passing thereof, and until the end of the then next session of Parliament.

## FIRST SCHEDULE.

*Form of Certificate.*

We, the justices assembled [*or* being the majority of the justices assembled] at the general annual licensing meeting [*or* an adjournment of the general annual licensing meeting, *or* at a special petty session] of Her Majesty's justices of the peace acting for the division [*or* liberty, &c., *as the case may be,*] of in the county of holden on the day of one thousand eight hundred and do hereby authorize the grant to *A.B.* of in the county of of a licence or licences, if more than one be authorized, to sell by retail [beer, cider, *or* wine to be consumed on *or* off the premises] at a house [*or* shop] situate [*describe situation and the particular Act or Acts under which the licence is to be taken out*].

Witness our hands, this day of

## SECOND SCHEDULE.

| Acts repealed. | Title of Act. | Extent of Repeal. |
|---|---|---|
| 11 Geo. 4. & 1 Will. 4. c. 64. | An Act to permit the general sale of beer and cider by retail in England. | So much of section two as requires the grant of an Excise licence under the provisions of the Act to be made within ten days after application has been made for the same. |
| 4 & 5 Will. 4. c. 85. | An Act to amend an Act passed in the first year of His present Majesty to permit the general sale of beer and cider by retail in England. | Sections two, three, eight, and nine. |
| 3 & 4 Vict. c. 61. | An Act to amend the Acts relating to the general sale of beer and cider in England. | Sections two, three; so much of section four as enacts that in any extra-parochial place or places where no rates are made or collected for the relief of the poor a person applying for a licence shall produce to and deposit and leave with the proper officer of excise granting such licence a certificate in writing, signed by two inhabitant householders of the township or place, certifying that the party applying is the real resident in and occupier of the dwelling-house sought to be licensed, and also certifying the true and real annual value of the same with the premises occupied therewith, according to the best of their judgment and belief; Sections five and six. |
| 23 Vict. c. 27. | An Act for granting to Her Majesty certain duties on wine licences and refreshment houses, and for regulating the licensing of refreshment houses and the granting of wine licences. | Sections thirteen, fourteen, and fifteen. |
| 24 & 25 Vict. c. 21. | An Act for granting to Her Majesty certain duties of excise and stamps. | So much of section three as renders it unnecessary that the person applying for a licence shall produce any certificate. |

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1869.