CHAP. 29.

An Act to amend and continue "The Wine and Beerhouse Act, 1869."

[14th July 1870.]

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:

Short title.

1. This Act may be cited as "The Wine and Beerhouse Act Amendment Act, 1870."

Extent of Act.

2. This Act shall not extend to Scotland or Ireland.

Interpretation of terms.

3. In this Act the words "the principal Act" mean the Wine and Beerhouse Act, 1869, and the word "sweets" includes sweets, made wines, mead, and metheglin.

Amendment of provisions of principal Act as to grants, durations, and transmissions of certificates.

4. The provisions of the principal Act, with reference to the grant, duration, and transmission of certificates, shall be amended as follows; (that is to say,)

(1.) The seventh section of the principal Act shall be read as if for the words "constable " or peace officer acting within such parish, township, or place," there were substituted the words "the superintendent of police of the district," and the notice required by that section to be given to any overseer or constable may be served by a registered letter through the post:

(2.) Where a certificate is now required to be signed by a majority of justices, it shall be sufficient if, instead of such signature, the concurrence of such majority be signified by means of an impression from an official seal or stamp, in such form as the justices may direct, affixed in the presence of the justices in sessions assembled, and verified in the case of each certificate by the signature of their clerk. Any seal purporting to be so affixed and verified shall be received in evidence without further proof; and if any unauthorised person imitate or affix an impression of such seal on any certificate or imitation of a certificate, or knowingly use a certificate or imitation of a certificate falsely purporting to be sealed in pursuance of this section, he shall be guilty of forgery:

(3.) For every certificate granted by way of renewal under the principal Act or this Act, there shall be payable to the clerk of the justices the sum of four shillings for all matters to be done by such clerk, and one shilling for the constable or officer for service of notices; and if any clerk of justices demand or receive any greater or further fee or payment in respect of any such renewal, whether for himself or for any other officer or person, he shall, upon summary conviction, be liable to a penalty of five pounds:

(4.) It shall be in the discretion of the justices to whom an application for a transfer is made, either to allow or refuse the application, or to adjourn the consideration thereof:

(5.) The proviso of the fifth section of the principal Act and the ninth section of the principal Act shall be repealed, and, subject to the provisions of this section, all the provisions of the Act of the ninth year of George the Fourth, chapter sixty-one, and Acts amending the same, relating to the time for which justices' licences are to be in force, and relating to the fees payable for such licences, and relating to the transfer, removal, and transmission of such licences, and the grant of licences upon assignment, death, change of occupancy, or other contingency, and relating to copies of such licences, and relating to grants or transfers of such licences without the attendance of an applicant who is hindered by sickness, infirmity, or other reasonable cause, shall have effect with regard to certificates granted or to be granted under the principal Act and this Act.

Provision as to convictions against the principal Act and this Act.

5. The provisions of the seventeenth and nineteenth sections of the principal Act as to convictions shall extend to convictions for offences against the principal Act or this Act: Provided always, that the period of three years shall be substituted for the period of five years named in clause seventeen of the said Act.

Provision as to certain offences.

6. Where by the principal Act, or any other Act or Acts, a person licensed to retail beer, cider, or wine, not to be consumed on the premises, is subject to any penalty or forfeiture for taking, or for authorising or suffering to be taken, any beer, cider, or wine out of such premises for the purpose of being for his benefit or profit drunk or consumed on or in other premises or places with intent to evade the provisions of any Act, or the conditions of his licence, he shall be subject to the like penalties and forfeitures for taking, or authorising or suffering to be taken, any beer, cider, or wine out of his premises for the purpose of being for his benefit or profit drunk or consumed on or in any place, whether enclosed or not, and whether or not a public thoroughfare, with intent to evade the provisions of any such Act or the conditions of his licence.

The fifteenth section of the principal Act shall be read as if after the word "house" there were inserted the words "by any person other than a servant or inmate of such house."

The sixteenth section of the principal Act shall be read as if for the words "convicted "of keeping his house open," there were substituted the words "convicted of opening or "of keeping open his house."

Any constable or officer of police who finds any person present in a house licensed for the sale of any exciseable or distilled or fermented liquor at a time when such house is by law required to be closed, may demand the name and address of such person; and if any such person when so required refuse to give his name and address, or give a false name or address, he shall be liable on summary conviction to a penalty not exceeding forty shillings; and any person who when so required refuses or neglects to give his name or address, may be apprehended by such constable or officer, and detained until he can be carried before a justice of the peace.

Provision as to existing licences.

7. The nineteenth section of the principal Act shall extend to licences granted by way of renewal from time to time of licences in force on the first day of May one thousand eight hundred and sixty-nine, whether such licences continue to be held by the same person or have been or may be transferred to any other person or persons.

The second and third provisoes of the said nineteenth section of the principal Act shall be read as if production of the certificate and record of convictions on the certificate were therein referred to instead of production of the licence and record of convictions on the licence, and as if for the expressions "two justices" and "justices" respectively, there were substituted the words "justice or justices."

Where a conviction is recorded on a certificate, in pursuance of the principal Act as amended by this Act, the clerk to the convicting justices shall also make and keep a record of such conviction, and of the fact that it has been recorded on the certificate.

Where a conviction of any person has, before the passing of this Act, been recorded on a licence in pursuance of the principal Act, or on a certificate in pursuance of this Act, the justices to whom such person applies for a renewal of his certificate shall cause such conviction to be recorded on the renewed certificate.

Any record of a conviction upon a licence or certificate, and also any copy of a record of a conviction made or kept by a clerk to the convicting justices, if such copy purport to be signed by the clerk by whom the record was made or is kept, shall for all purposes be sufficient evidence of such conviction, and of the fact that it was recorded on the licence or certificate.

Regulation as to closing of houses, &c.

8. Where any person is required by law to close any house or place for the sale or consumption in any manner of any exciseable, distilled, or fermented liquor during any days or times, subject in case of default to any penalties, he shall, subject in case of default to the like penalties, close such house or place during the same days or times for the sale or consumption of all other liquors, and of all articles whatsoever, notwithstanding any Act, law, licence, or certificate under authority whereof he might otherwise keep open such house or place for the sale or consumption of any such other liquor or article.

Avoidance of licences upon

9. Where renewal of any certificate granted under the principal Act is refused, any licence held under authority thereof shall, if the person aggrieved do not give notice of

appeal with the requisite security in that behalf within the time limited for such notice, or if such notice having been given the appeal be not prosecuted or be dismissed, become void to all intents from the time of such failure to give notice of or to prosecute the appeal or of such dismissal, as the case may be: Provided that where the excise licence shall expire before the appeal has been heard and determined, the appellant shall be permitted to carry on and exercise the trade or business on such terms as the Commissioners of Inland Revenue shall direct until the appeal shall have been heard and determined or withdrawn, and no longer. refusal to renew certificate.

10. A certificate for an additional licence to the holder of a strong beer dealer's licence to retail beer under the provisions of the twenty-sixth and twenty-seventh of Her Majesty, chapter thirty-three, shall not after the passing of this Act, except by way of renewal from time to time of a certificate in force at the time of the passing of this Act, be granted unless upon the like proof of qualification according to rating as is required in the case of licences to retail beer for consumption on the premises under the provisions of the Acts recited in the principal Act for permitting the general sale of beer and cider by retail in England. As to beer dealer's additional retail licence.

11. Where any applicant for the grant or renewal of a certificate has, through inadvertence or misadventure, failed to comply with any of the preliminary requirements of the principal Act or this Act, or any Act incorporated therewith, the justices may, if they shall so think fit, and upon such terms as they think proper, postpone the consideration of the application to an adjourned meeting, and if at such adjourned meeting the justices shall be satisfied that such terms have been complied with, they may proceed to grant or withhold such certificate as if the preliminary requirements of the principal Act had been complied with. Power to justices to postpone applications for renewals.

12. Where any person holding a certificate under the principal Act is convicted of any offence against the said Act or this Act, or against any of the Acts recited or mentioned in the principal Act, or against the tenor or conditions of any licence held by him under a certificate granted in pursuance of the principal Act, it shall not be lawful for the justices before whom he is convicted to mitigate or reduce the penalty for such offence to a less sum than twenty shillings: Provided that nothing herein contained shall extend to authorise the mitigation or reduction of any penalty, whether of excise or police, to a less sum than the minimum to which the same may, under the provisions of any other Acts be mitigated or reduced. Limit of mitigation of penalties.

13. All the provisions of the Act of the eighteenth and nineteenth of Her Majesty, chapter one hundred and eighteen, for authorising the entry by constables into houses or places of public resort for the sale of fermented or distilled liquors, shall extend to authorise such entry on all days and at any time into any house or place in which any person sells exciseable liquors or sweets by retail under any licence in that behalf, whether the same are sold for consumption on the premises or otherwise. Houses licensed to retail sweets.

14. Every person convicted of felony shall for ever be disqualified from selling spirits by retail, and no licence to sell spirits by retail shall be granted to any person who shall have been so convicted as aforesaid; and if any person shall, after having been so convicted as aforesaid, take out or have any licence to sell spirits by retail, the same shall be void to all intents and purposes; and every person who, after being so convicted as aforesaid, shall sell any spirits by retail in any manner whatever shall incur the penalty for doing so without a licence. Persons convicted of felony disqualified from selling spirits by retail.

15. Where an information on oath is made before any justice of the peace that there is reasonable ground for believing that any fermented, distilled, or exciseable liquors or sweets are being unlawfully sold or kept for sale at any premises or place for the retail whereat of fermented, distilled, or exciseable liquors or sweets no licence is in force, such justice may in his discretion grant a warrant under his hand to any superintendent, inspector, sergeant, or other officer or officers of police, by virtue whereof it shall be lawful for the officer or officers named in the warrant at any time or times within one month Visitation of suspected houses.

from the date thereof to enter, and if need be by force, the premises or place named in the warrant, and every part thereof, and to search for and seize any fermented, distilled, or exciseable liquors or sweets there found which there is reasonable ground to suppose are in such premises or place for the purpose of unlawful sale at such or any other premises or place; and if any person, by himself or by any other person acting by or with his direction, permission, or consent, refuse or neglect to admit to any part of any such premises or place any officer or person demanding admittance in pursuance of the provisions of this section, he shall be liable upon summary conviction to a penalty not exceeding twenty pounds.

Any liquor seized in pursuance of the provisions of this section shall be sold in such manner as two justices in petty sessions may direct, and the proceeds shall be applied in the same manner as penalties summarily imposed by the same justices for sale without a licence might be applied.

Sect. 6. of 5 G. 4. c. 54., sect. 2. of 6 G. 4. c. 81., and sect. 6. of 13 & 14 Vict. c. 67., so far as relates to brewers' retail licences, repealed.

16. From the passing of this Act so much of the Acts of the fifth of George the Fourth, chapter fifty-four, sixth George the Fourth, chapter eighty-one, and thirteenth and fourteenth of Her Majesty, chapter sixty-seven, as authorises the grant to brewers of beer of brewers' licences to retail beer not to be consumed on the premises where sold, shall be repealed, and no such licence shall be granted after the passing of this Act, whether to a new applicant or by way of renewal: Provided that a person who at the passing of this Act holds any such licence shall continue to be subject to all the like regulations and conditions, so long as such licence remains in force, and shall be subject to the like penalties for breach of any such regulations and conditions committed while such licence remains in force as if this Act had not been passed.

Duration of the principal Act and of this Act.

17. The principal Act shall be continued and be in force, and this Act shall be in force for two years from the date of the passing of this Act, and until the end of the then next session of Parliament.

CHAP. 30.

An Act to abolish Attachment of Wages. [14th July 1870.]

WHEREAS by an Order in Council made on the eighteenth day of November one thousand eight hundred and sixty-seven, certain of the provisions of "The Common "Law Procedure Act, 1854," were extended and applied to all the Courts of Record established under the provisions of "The County Courts Act, 1846," and also to the City of London Courts of Record as constituted by "The County Courts Act, 1867:"

And whereas much inconvenience has arisen by the attachment of wages to satisfy judgments recovered in some of such first-mentioned Courts, and it is expedient to prevent the attachment of wages to satisfy judgments recovered in any Court of Record or inferior Court:

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:

No order of attachment of wages after passing of Act.

1. That after the passing of this Act no order for the attachment of the wages of any servant, labourer, or workman shall be made by the judge of any Court of Record or inferior Court.

Short title.

2. That this Act may be cited as "The Wages Attachment Abolition Act, 1870."
