



Licensing Act 1964

1964 CHAPTER 26

PART X

SEAMEN'S CANTEENS

Canteen licences

148 Licences for seamen's canteens authorising the holding of retailer's on-licences

- (1) If a body approved by the Minister of Transport have provided or propose to provide a seamen's canteen the need for which has been certified by that Minister, after consultation with the Merchant Navy Welfare Board, the licensing justices may grant a licence under this Part of this Act (in this Act referred to as a " canteen licence ") authorising the person who is the manager of the canteen to hold a retailer's on-licence to sell intoxicating liquor in the canteen; and an excise licence may be granted to him accordingly notwithstanding that he does not hold a justices' licence.
- (2) In this Part of this Act, " canteen " includes a part of a hostel where food or drink is supplied, whether or not the food or drink is separately paid for.

149 Grant of canteen licences

- (1) The licensing justices shall not refuse to grant a canteen licence except under subsection (2) of this section or on one or more of the following grounds, that is to say—
 - (a) that the applicant is disqualified by this or any other Act for holding a justices' licence or is in other respects not a fit and proper person to hold a canteen licence ; or
 - (b) that the premises are not fit and convenient for the purposes of the canteen; or
 - (c) in a case where objection has been made to the situation of the canteen, on the ground specified in the objection ; or

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- (d) that the applicant or body providing the canteen has entered into an agreement limiting the sources from which the intoxicating liquor or the mineral waters to be sold in the canteen may be obtained,
but nothing in this subsection shall prevent the licensing justices from specifying in a canteen licence a kind of retailer's on-licence other than that requested by the applicant.
- (2) Before application is made for the grant of a canteen licence draft rules as to the persons entitled to use the canteen shall be prepared for submission with the application and the licensing justices shall refuse to grant the licence unless the body providing the canteen undertake to make rules for the canteen in the form of the draft, with the modifications, if any, required by the licensing justices, and not to vary those rules without their consent.
- (3) A canteen licence shall provide that at all times at which intoxicating liquor is sold food and beverages other than those of an intoxicating character shall also be provided for sale.
- (4) An applicant for the grant of a canteen licence shall give the notices and serve the documents required in that behalf by Schedule 12 to this Act.

150 Provisional canteen licences

- (1) In a case where it is proposed to construct or convert premises for a seamen's canteen, a canteen licence may be a provisional licence to be made final after the proposal has been carried out.
- (2) In the application of section 149 of this Act to a provisional canteen licence—
- (a) paragraph (a) of subsection (1) shall be omitted ; and
 - (b) the reference in paragraph (b) of that subsection to the premises shall be taken as a reference to those premises after the proposed construction or conversion has been carried out.
- (3) On an application by the holder of a provisional canteen licence, the licensing justices may consent to any modification of the plan served on the clerk to the licensing justices where, in their opinion, the premises, if completed in accordance with the modified plan, will be fit and convenient for the purposes of the canteen.
- (4) Licensing justices shall not refuse an application to make a provisional canteen licence final except on either or both of the following grounds, that is to say—
- (a) that the canteen has not been constructed or converted in accordance with the plan served on the clerk to the licensing justices or in accordance with that plan with modifications consented to under the preceding subsection ;
 - (b) that the person who is to hold the licence is disqualified by this or any other Act for holding a justices' licence or is in other respects not a fit and proper person to hold a canteen licence ;
- and until a provisional licence has been made final it shall not come into force.
- (5) An applicant for a provisional canteen licence to be made final shall give such notices as the licensing justices may require.

151 Renewal of canteen licences

- (1) A canteen licence shall, unless renewed under this section, expire on 4th April next after the date on which it comes into force.
- (2) If the Minister of Transport has, in the calendar year in which the licence would otherwise expire, certified that the canteen is still needed, the licensing justices may renew the licence for a further period of twelve months.
- (3) The power of licensing justices to renew a canteen licence shall be exercisable only at a general annual licensing meeting.
- (4) Licensing justices shall not refuse an application for the renewal of a canteen licence except under section 153(1) of this Act or on one or more of the following grounds, that is to say—
 - (a) that the manager is disqualified by this or any other Act for holding a justices' licence or is in other respects not a fit and proper person to hold a canteen licence ; or
 - (b) that the rules as to the persons entitled to use the canteen have not been observed or that the canteen has in other respects been improperly conducted; or
 - (c) that the manager or the body providing the canteen has entered into an agreement of the kind mentioned in paragraph (d) of section 149(1) of this Act.
- (5) If the applicant for the renewal of a canteen licence has given such notices as the licensing justices may require and so requests, the licensing justices may, at their discretion, in renewing the licence vary the kind of retailer's on-licence to be authorised by the licence so renewed.
- (6) A person intending to oppose an application for the renewal of a canteen licence shall, not later than five days before the hearing of the application, give notice in writing to the holder of the licence specifying the ground of his objection.

152 Transfer of canteen licences

- (1) A canteen licence shall not authorise the grant or transfer of a retailer's on-licence to a manager of the canteen who is not the person to whom the canteen licence was granted unless the canteen licence has been transferred to him ; but where the holder of a canteen licence has in pursuance of this Part of this Act been granted an excise licence and subsequently ceases to be the manager of the canteen, the person for the time being in charge of the canteen may, during the period of fourteen days from the date on which the holder of the licences ceased to be the manager, sell intoxicating liquor in the canteen as if those licences had been transferred to him.
- (2) A canteen licence may be transferred either by the licensing justices or by justices of the peace for the petty sessions area in which the canteen is situated.
- (3) A licence transferred under this section by justices of the peace shall become void at the expiry of three months from the date on which the transfer takes effect, unless—
 - (a) within that period the transfer has been confirmed by the licensing justices, or a further transfer has been made under this section ; or
 - (b) the transfer is to a person resuming the management of the canteen after an interval not exceeding four weeks.

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- (4) A transfer of a canteen licence and the confirmation of such a transfer shall not be refused except on the ground that the applicant is disqualified by this or any other Act for holding a justices' licence or is in other respects not a fit and proper person to hold a canteen licence.
- (5) An applicant for the transfer or confirmation of the transfer of a canteen licence shall give the notices required in that behalf by Schedule 12 to this Act.
- (6) The power of justices of the peace to transfer a canteen licence shall be exercisable by the number of justices, and in the place, required by the Magistrates' Courts Act 1952 for the hearing of a complaint.

153 Alterations to canteen premises

- (1) On renewing a canteen licence the licensing justices may by order, to be served on the holder, direct that, within a time fixed by the order, such structural alterations shall be made in the premises comprising the canteen as they think reasonably necessary to secure the proper conduct of the canteen; and if, when application for renewal of the licence is next made after the time fixed by the order has expired, it is not shown to the satisfaction of the licensing justices that the order has been complied with, the justices may refuse to renew the licence.
- (2) If an order under subsection (1) of this section is complied with, the licensing justices shall not make a further order within the five years following the first-mentioned order.
- (3) Section 20 of this Act shall apply in relation to premises for which a canteen licence is in force as it applies in relation to premises for which a justices' on-licence is in force.

154 Rights of appeal

- (1) Where licensing justices—
 - (a) refuse to grant, renew or transfer a canteen licence, or
 - (b) refuse to make a provisional canteen licence final or to give consent, on the application of the holder of such a licence, to a modification of the plan served on the clerk to the licensing justices, or
 - (c) on an application for the grant of a canteen licence do not authorise the kind of retailer's on-licence duly requested by the applicant, or
 - (d) on an application for the renewal of a canteen licence do not comply with the applicant's request duly made for a change in the kind of retailer's on-licence to be authorised, or
 - (e) require modifications in the rules proposed to be made as to the persons entitled to use the canteen, or withhold their consent to a variation of those rules, or
 - (f) make an order under section 153(1) of this Act, or
 - (g) refuse to give a consent required under section 20 of this Act as applied by section 153(3) of this Act,
 any person aggrieved may appeal to quarter sessions.
- (2) The quarter sessions having jurisdiction to hear an appeal under this section shall be those specified, in relation to appeals under subsection (1) of section 21 of this Act, by subsection (3) of that section; and that subsection shall have effect, in relation to appeals under this section, as if the references therein to paragraphs (d) and (e) of

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subsection (1) of that section were references to paragraphs (f) and (g) of subsection (1) of this section.

- (3) Sections 22 to 25 of this Act shall, with the necessary modifications, apply in relation to appeals under this section and, in the case of an appeal under paragraph (a), (c), (d) or (e) of subsection (1) of this section, subsections (3) and (5) of section 22 shall so apply as they apply in the case of a refusal to grant a licence.