



# Licensing Act 1964

## 1964 CHAPTER 26

### PART XIII

#### MISCELLANEOUS

#### **180 Consent to grant of occasional licence**

- (1) The appropriate consent for the purposes of section 151 of the Customs and Excise Act 1952 (which provides for the grant of occasional licences to holders of retailer's on-licences who have obtained the appropriate consent) is a consent granted by justices of the peace under this section.
- (2) Subject to the following provisions of this section, the justices shall not hear an application for consent unless satisfied that the applicant has served on the chief officer of police at least twenty-four hours' notice of his intention to apply for the consent, stating the name and address of the applicant, the place and occasion for which the occasional licence is required, the period for which he requires it to be in force, and the hours to be specified in the consent.
- (3) Subject to subsection (4) of this section, the justices may, if they see fit, grant their consent without a hearing if written application for the grant is made by lodging two copies of the application with the clerk to the justices not less than one month before the day or earliest day for which application is made, and the application gives the particulars required for a notice under subsection (2) of this section.
- (4) Where written application is made in accordance with subsection (3) of this section—
  - (a) the clerk on receipt of the application shall serve notice of it on the chief officer of police by sending him a copy of the application ; and
  - (b) if, not later than seven days after the day he sends it, written notice of objection is given by or on behalf of the chief officer to the clerk by lodging two copies with him, the application shall not be granted without a hearing, unless the objection is afterwards withdrawn by a further notice given in the same way ; and
  - (c) the clerk, on receipt of any such notice of objection or notice withdrawing objection, shall send a copy to the applicant.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Where written application is made in accordance with subsection (3) of this section but the application is not granted without a hearing, the application may be heard without the applicant having served notice on the chief officer of police under subsection (2) of this section.
- (6) Justices shall not grant consent under this section to an applicant who holds a retailer's on-licence in pursuance only of a residential licence; and, if he holds it in pursuance only of a restaurant licence or residential and restaurant licence, they shall not grant the consent unless satisfied that the sale of intoxicating liquor under the authority of the occasional licence is to be ancillary to the provision of substantial refreshment.
- (7) The power of justices of the peace to grant consent under this section shall be exercisable by justices acting for the petty sessions area in which the place to which the application relates is situated, and by the number of justices and in the place required by the Magistrates' Courts Act 1952 for the hearing of a complaint.

#### **181 Grant of retailer's off-licence to holder of dealer's licence**

- (1) Notwithstanding anything in this Act or section 150(1) of the Customs and Excise Act 1952, the holder of a dealer's licence under section 146 of that Act in respect of spirits or of wine may be granted a retailer's off-licence in respect of the same liquor and the same premises without a justices' licence, if the premises are exclusively used for the sale of intoxicating liquor and mineral waters or other non-intoxicating drinks, and have no internal communication with the premises of any person who is carrying on any other trade or business.
- (2) A retailer's off-licence granted in pursuance of this section shall not authorise a sale by retail except—
  - (a) to a person holding an excise licence for the sale of intoxicating liquor; or
  - (b) to a mess or registered club ; or
  - (c) for delivery outside Great Britain ; or
  - (d) to a person engaged, at the premises in question or elsewhere, in any business carried on by the holder of the licence.

#### **182 Relaxation, with respect to licensed premises, of law relating to music and dancing licences and billiards**

- (1) No statutory regulations for music and dancing shall apply to licensed premises so as to require any licence for the provision in the premises of public entertainment by the reproduction of wireless (including television) broadcasts, or of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound, or by not more than two performers, or sometimes in one of those ways and sometimes in the other.
- (2) Notwithstanding anything in section 13 of the Gaming Act 1845, in any licensed premises (within the meaning of this Act), including premises for which a billiard licence is also required under that Act, play on a public billiard table, bagatelle board or instrument used in any game of the like kind, may be allowed on Sundays, Christmas Day and Good Friday, and on any day appointed for public fast or thanksgiving at the same times as it may be allowed on other days.

### **183 Name of holder of licence, etc., to be affixed to licensed premises**

- (1) Subject to section 55(5) of this Act, the holder of a justices' licence, other than a residential licence, shall keep painted on or affixed to the licensed premises in a conspicuous place, and in such form and manner as the licensing justices may direct, his name, and after the name the word " licensed " followed by words sufficient to express the business for which the licence is granted, and in particular—
  - (a) words expressing whether the licence is an on-licence or an off-licence;
  - (b) if the licence is a six-day licence or an early-closing licence, words indicating that the licence is such.
- (2) In the case of a restaurant licence or a residential and restaurant licence the nature of the business for which the licence is granted is sufficiently indicated for the purposes of subsection (1) of this section, so far as relates to the restrictions imposed by the conditions as to the sale and supply of intoxicating liquor, if the words express that the holder of the licence is licensed to sell for consumption on the premises with meals.
- (3) A person shall not have on his premises words or letters importing that he is authorised, as the holder of a licence, to sell any intoxicating liquor that he is not authorised to sell.
- (4) If any person contravenes this section he shall be liable, on a first conviction to a fine not exceeding ten pounds, and on a subsequent conviction to a fine not exceeding twenty pounds.

### **184 Communication between licensed premises and places of public resort**

- (1) If any person makes or uses, or allows to be made or used, any internal communication between licensed premises and any premises, other than licensed premises, used for public resort, or as a refreshment house, he shall be guilty of an offence, and shall be guilty of a further offence for every day on which the communication remains open.
- (2) A person guilty of an offence under this section shall be liable to a fine not exceeding ten pounds and, if he is the holder of a justices' licence, he shall on conviction forfeit the licence.

### **185 Licence or exemption order to be produced on demand**

If the holder of a justices' licence, a canteen licence or a general or special order of exemption, on being ordered by a justice of the peace, constable or officer of Customs and Excise to produce it for examination, fails to do so within a reasonable time he shall be liable to a fine not exceeding ten pounds.

### **186 Right of constables to enter premises**

- (1) A constable may at any time enter licensed premises, a licensed canteen or premises for which or any part of which a special hours certificate is in force under section 78 of this Act, for the purpose of preventing or detecting the commission of any offence against this Act, other than an offence under section 155 or section 157 thereof.
- (2) If any person, himself or by any person in his employ or acting with his consent, fails to admit a constable who demands entry to premises in pursuance of this section he shall be liable, on a first conviction to a fine not exceeding five pounds, and on a subsequent conviction to a fine not exceeding ten pounds.

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*Status: This is the original version (as it was originally enacted).*

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### **187 Search warrant**

- (1) If a justice of the peace is satisfied by information on oath that there is reasonable ground for believing that any intoxicating liquor is sold by retail or exposed or kept for sale by retail at any place in the county or borough for which he is justice, being a place where that liquor may not lawfully be sold by retail, he may issue a search warrant under his hand to a constable authorising him at any time or times within one month from the date of the warrant to enter that place, which shall be named in the warrant, by force if need be, and search the place for intoxicating liquor and seize and remove any intoxicating liquor that the constable has reasonable grounds for supposing to be in the place for the purpose of unlawful sale there or elsewhere, and the vessels containing the liquor.
- (2) If the owner or occupier of the place from which any intoxicating liquor has been removed under the preceding subsection is convicted of selling by retail, or of exposing for sale by retail, any intoxicating liquor that he is not authorised to sell by retail, or is convicted of having in his possession intoxicating liquor that he is not authorised to sell, any intoxicating liquor so removed, and the vessels containing it, shall be forfeited.
- (3) Where a constable seizes any intoxicating liquor in pursuance of a warrant issued under this section, any person found in the place shall, unless he proves that he is there for a lawful purpose, be liable to a fine not exceeding forty shillings.
- (4) Where a constable seizes any liquor as aforesaid, and any person so found, on being asked by a constable for his name and address—
  - (a) refuses to give them, or
  - (b) gives a false name or address, or
  - (c) gives a name or address that the constable has reasonable grounds for thinking to be false, and refuses to answer satisfactorily any questions put by the constable to ascertain the correctness of the name or address given,he shall be liable to a fine not exceeding five pounds.
- (5) A constable may arrest without warrant any person whom he suspects of having committed an offence under subsection (4) of this section.

### **188 Closing of licensed premises in case of riot**

- (1) Where a riot or tumult happens or is expected to happen in any county or borough, any two justices of the peace for the county or borough may order every holder of a justices' licence for premises in or near the place where the riot or tumult happens or is expected to happen to close his premises for such time as the justices may order.
- (2) If any person keeps premises open for the sale of intoxicating liquor during the time that justices have ordered them to be closed under this section he shall be liable to a fine not exceeding fifty pounds.
- (3) Any person acting by the order of a justice of the peace may use such force as may be necessary for the purpose of closing premises ordered to be closed under this section.

### **189 Temporary licence pending appeal against conviction**

Where on conviction of an offence a justices' licence or a canteen licence is forfeited, either by the court or by virtue of the conviction, and the person convicted appeals

against the conviction, the convicting court may, on such conditions as it thinks just, grant a temporary licence to be in force until the appeal is determined or ceases to be prosecuted.

**190 Magistrates' courts, etc. not to sit in licensed premises**

- (1) Licensed premises shall not be used as a petty-sessional court house or an occasional court house.
- (2) No licensing sessions shall be held in licensed premises.
- (3) A coroner's inquest shall not be held in licensed premises or in a room in a building part of which is licensed premises, if any other suitable place is provided.

**191 Procedure for amending certain rules of clubs established before 3rd August 1961**

- (1) Subject to subsection (2) of this section, where in the case of a club established before 3rd August 1961 there is no power, except with the agreement of all the members, to amend the rules of the club with respect to any matter mentioned in subsection (3) of this section, a resolution passed at a general meeting of the club by a majority of not less than two-thirds of the votes cast and (if the members have unequal voting rights) not less than two-thirds of the members voting shall be as effective to amend the rules with respect to that matter as if unanimously agreed to by all the members.
- (2) A resolution shall not have effect under this section unless—
  - (a) notice of the intention to propose a resolution for the purpose under this section was given to all members entitled to receive notice of the meeting, and the length of notice given was not less than twenty-one days nor less than that required for summoning the meeting; and
  - (b) the amendments are designed to adapt the rules to the provisions of Parts II and III of this Act in a manner and for a purpose specified in the resolution (whether by facilitating an application for a registration certificate or justices' on-licence for any club premises, or by altering or facilitating the alteration of the permitted hours in any club premises, or otherwise).
- (3) The matters with respect to which the rules of a club may be amended under this section are the sale or supply of intoxicating liquor in club premises (including the permitted hours), the purchase of intoxicating liquor for the club, the admission of persons to membership of the club or to any of the privileges of membership, the constitution of any committee entrusted with the management of the whole or any part of the affairs of the club, general meetings of the club, and any provision made by the rules as to the application otherwise than for the benefit of the club as a whole of any money or property of the club or gain arising from the carrying on of the club.