

## ELIZABETH II



## 1964 CHAPTER 88

An Act for the better regulation of refreshment houses within the meaning of the Refreshment Houses Act 1860. [31st July 1964]

**B**E 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:—

1.—(1) Where this subsection applies to a refreshment house, it shall not be lawful to make any charge for or in connection with the entertainment of persons in the refreshment house during the hours of late opening, whether for the supply of food or drink, for admission, for service of any description or for any other matter, except any reasonable charge for the use of cloak-room or toilet facilities, unless—

Charges in, and touting for, refreshment houses.

- (a) a tariff of charges made in the refreshment house is during those hours kept displayed in such positions and in such manner that it can conveniently be read by persons frequenting the refreshment house (and, if so required by subsection (4) below, can be so read by any such person before entering); and
- (b) the charge is specified for the matter in question in the tariff or is less than a charge so specified.

(2) Where this subsection applies to a refreshment house, it shall not be lawful to seek to obtain custom for the refreshment house by means of personal solicitation outside and in the vicinity of the refreshment house.

(3) Subsection (1) or (2) above, or both, shall apply to a refreshment house if, but only if, the licensing authority have

(before or after the commencement of this Act) made that a condition of the grant or renewal of a licence for the refreshment house, and have not revoked the condition; and a licensing authority may impose such a condition in any case where it appears to them desirable in order to ensure that persons frequenting the refreshment house are not misled as to the nature or cost of the entertainment provided.

(4) Where subsection (1) applies, the tariff of charges must be able to be read before entering by any person frequenting the refreshment house if it is so stated by the condition applying the subsection, and on any renewal of the licence the condition may be varied so as to include or omit any such statement.

(5) In the event of any contravention of subsection (1) or (2) above the keeper of the refreshment house and any person responsible for the contravention (other than a person who did not know of the condition applying the subsection) shall be guilty of an offence; and where a person is charged with such an offence, it shall be for him to show that he did not know of the condition.

(6) In this section "the hours of late opening" means any period between the hours of ten o'clock at night and five o'clock on the following morning during which the refreshment house is open.

Notice of  
change of  
address.

2. The holder of a licence in respect of a refreshment house, on any change of address which affects the list or register of licences kept by the licensing authority, shall notify the authority in writing of the new address to be entered in the list or register as his place of abode; and if he fails to do so within two weeks after the change of address, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

Penalties  
for offences.

23 & 24 Vict.  
c. 27.

3.—(1) A person guilty of an offence under section 1 of this Act, or of an offence committed after the commencement of this Act under section 9, 18 or 32 of the Refreshment Houses Act 1860 (failure to take out licence, refusing admission to police, and permitting unlawful gaming or assembly of prostitutes, thieves or drunken and disorderly persons) shall be liable on summary conviction to a fine not exceeding two hundred pounds, or to imprisonment for a term not exceeding three months, or to both.

(2) On a person's conviction in relation to any premises of any of the offences to which this subsection applies, that is to say,—

(a) offences under section 1 of this Act or under section 9, 18 or 32 of the Refreshment Houses Act 1860; and

- (b) offences under section 160 (sale of intoxicating liquor without licence) of the Licensing Act 1964 committed by the keeper of a refreshment house ; and
- (c) offences under section 84(2) (supply or consumption of intoxicating liquor at parties organised for gain) of the Licensing Act 1964 committed by the keeper of a refreshment house in connection with parties at the refreshment house ;

the court by or before which he is convicted may make a disqualification order, and section 100(2) and section 101 of the Licensing Act 1964 shall apply to a disqualification order under this subsection as they apply to a disqualification order under section 100 of that Act.

(3) In subsection (2)(b) and (c) above the references to section 160 and to section 84(2) of the Licensing Act 1964 shall include references to the corresponding provisions (repealed by that Act) of the Licensing Act 1953 ; and in the Refreshment Houses Act 1860 and the Licensing Act 1964 there shall be made the amendments provided for by the Schedule to this Act (being amendments consequential on the passing of this section).

4.—(1) This Act may be cited as the Refreshment Houses Act 1964, and this Act and the Refreshment Houses Act 1860 may be cited together as the Refreshment Houses Acts 1860 and 1964.

Citation,  
interpretation,  
extent and  
commence-  
ment.

(2) In this Act “refreshment house” has the same meaning as in the Refreshment Houses Act 1860, “licence” means a licence under that Act, and “licensing authority” shall be construed accordingly.

(3) Nothing in this Act extends to Scotland or to Northern Ireland.

(4) This Act shall come into force at the beginning of April 1965.

## SCHEDULE

CONSEQUENTIAL AMENDMENTS OF REFRESHMENT HOUSES  
ACT 1860 AND LICENSING ACT 1964

1. In the Refreshment Houses Act 1860 the words "shall be guilty of an offence" shall (except in relation to offences committed before the commencement of this Act) be substituted—

- (a) in section 9 for the words following the words "under the authority of this Act"; and
- (b) in section 18 for the words following the words "the person so licensed"; and
- (c) in section 32 for the words following the words "in or upon his premises".

2.—(1) In section 100 of the Licensing Act 1964, for subsection (1) there shall be substituted—

"(1) Where a person is convicted of an offence to which this section applies committed by him in respect of premises for which, at the time of the offence, he held a Part IV licence, the court by or before which he is convicted may make a disqualification order under this section.";

and there shall be omitted subsection (3) and in subsection (4) the words "Paragraph (b) of subsection (1) of".

(2) In the Licensing Act 1964 paragraph 1 of Schedule 13 and in paragraph 3 of Schedule 14 the words "and of sections 9, 18 and 32 of the Refreshment Houses Act 1860" are hereby repealed, except as respects offences committed before the commencement of this Act.

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