



# Licensing Act 1872

## 1872 CHAPTER 94

*Application of certain of the preceding Provisions of this Act to Ireland*

**76 Mode of reference to particular provisions of Act.**

A reference to the words forming a heading to any of the provisions of this Act shall be deemed to be a reference to all the provisions under such heading, unless otherwise specially provided.

**77 Application to Ireland of certain provisions of the Act, with modifications.**

The preceding provisions of this Act with respect to—

1. Illicit sales ;
2. Offences against public order ;
3. Adulteration;
4. Repeated convictions;
5. Entry on premises ;
6. Six day licenses ;
7. Legal proceedings ;
8. Miscellaneous ; and
9. Saving clauses,

shall extend to Ireland, with the modifications following :—

" Intoxicating liquor " shall mean spirits, wine, beer, porter, cyder, perry, and sweets, and any fermented, distilled, or spirituous liquor which cannot, according to any law for the time being in force, be legally sold without a license from the Commissioners of Inland Revenue:

" License " shall mean a certificate of justices under the provisions of the Act passed in the session of Parliament held in the third and fourth years of the reign of His late Majesty King "William the Fourth, chapter sixty-eight, or of the Act passed in the session of Parliament held in the seventeenth and eighteenth years of the reign of Her present Majesty, chapter eighty-nine, and any Act amending the same, and shall include a certificate under " The Beerhouses (Ireland) Act,

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1864," as amended by "The Beerhouses (Ireland) Act, 1864, Amendment Act, 1871," and any Act amending the same :

" Intoxicating Liquor Licensing Acts " shall include the Acts authorising the grant of a license as defined by this section, and of an excise license as hereinafter in this Act defined, and any Act or Acts amending the same :

" Licensing justices " shall mean the justices or authority having jurisdiction in respect of the grant of a license as defined by this section:

" Licensed person " shall mean a person holding a license as defined in this section, which license is in force:

" Premises " shall include house or place as defined by section twelve of the Act passed in the session of Parliament held in the seventeenth and eighteenth years of the reign of Her present Majesty, chapter eighty-nine :

" Licensed premises " shall mean premises in respect of which a license as defined by this section has been granted and is in force:

" Unlicensed premises " shall mean premises in respect of which a license as defined by this section has not been granted or is not in force:

" Sale by retail " in respect of any intoxicating liquor means the sale of that liquor in such quantity as is declared to be sale by retail by any Acts relating to the sale of intoxicating liquors:

" Owner of licensed premises " shall mean the person for the time being entitled to receive on his own account, either as mortgagee or other incumbrancer, in possession of the rackrent of such premises :

" Order in Council " or " Order of Her Majesty in Council " shall mean any order made by the Lord Lieutenant of Ireland or the lords justices or other chief governor or governors of Ireland for the time being, by and with the advice of Her Majesty's Privy Council in Ireland:

The powers which may be exercised by Her Majesty may be exercised as to Ireland by the Lord Lieutenant or the lords justices or other chief governor or governors of Ireland for the time being :

The term " Dublin Gazette " shall be substituted for the term " London Gazette " :

The term " county " shall extend to and include county of a city, county of a town, county of a town and city, city, and county :

The term " register of licenses, " except in the police district of Dublin metropolis, shall mean the list or register directed to be kept by section eleven of the Act passed in the session of Parliament held in the third and fourth years of the reign of His late Majesty King "William the Fourth, chapter sixty-eight ; and in the police district of Dublin metropolis a list or register to be formed by such person as may be directed by the chief magistrate of the said district in like manner in every respect, and containing the like particulars in relation to the said district and the persons licensed therein, as the list or register directed to be kept elsewhere by the said section of the said Act; and all the provisions of the said section shall, so far as the same are applicable, apply to such list or register within the said district, and the same shall be kept at the head police office of such district:

The term " clerk to the licensing justices " in relation to the police district of Dublin metropolis shall mean the person who keeps the register of licenses in such district, and elsewhere in any county or borough shall mean the clerk of the peace for such county or borough :

The term " police authority " shall mean,—

In the police district of Dublin metropolis either of the commissioners of police for the said district, and

Elsewhere in Ireland, in any other police district, the sub-inspector of the Royal Irish Constabulary :

The term " superintendent of police " shall mean,—

In the police district of Dublin metropolis any superintendent, inspector, acting inspector, or sergeant of Dublin metropolitan police, and

Elsewhere in Ireland, in any other police district, any sub-inspector or head constable of the Royal Irish Constabulary :

The term " constable "—

In the police district of Dublin metropolis shall mean constable of the Dublin metropolitan police, and

Elsewhere in Ireland, any constable or sub-constable of the Royal Irish Constabulary:

The term " special session " shall mean " petty sessions :"

The term " Summary Jurisdiction Act, 1848, " shall mean, as regards the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, and elsewhere in Ireland the Act passed in the session holden in the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, chapter ninety-three, intituled " An Act " to consolidate and amend the Acts regulating the proceedings " of petty sessions, and the duties of justices of the peace " out of quarter sessions, in Ireland," and any Acts amending the same:

The term " court of summary jurisdiction " shall mean any justice or justices of the peace or other magistrate to whom jurisdiction is given by the Summary Jurisdiction Act, 1848 ; and when hearing and determining any information or complaint under this Act, the said court shall be constituted in manner prescribed by the said first-mentioned Act:

The expression " court of quarter sessions for the county or place in which the cause of appeal has arisen " shall mean the court of quarter sessions of the division of the county or the court of the recorder of the borough (if there be a recorder in such borough) in which the cause of appeal has arisen, and if the cause of appeal has arisen within the police district of Dublin metropolis the court of the recorder of the city of Dublin :

The term " one of Her Majesty's Superior Courts at Dublin " shall be substituted for the term " one of Her Majesty's Superior Courts at Westminster. "

Provided always, that a license, as defined by this section, shall not be required for the sale of intoxicating liquor by retail in pursuance of a retail license granted by the Commissioners of Inland Revenue, in any case which, previous to the passing of this Act, such first-mentioned license was not required.

## **78 Closing of premises at certain hours on Sunday, Christmas Day, Good Friday, &c.**

Notwithstanding the provisions of section forty-three of the Act passed in the session of Parliament held in the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and seven, it shall not be lawful for any person to sell or expose for sale, or to open or to keep open any premises for the sale of, intoxicating liquors on Sunday, Christmas Day, Good Friday, or any day appointed for a public fast or thanksgiving after nine o'clock at night within any city or town

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the population of which according to the last parliamentary census shall exceed five thousand, nor elsewhere after seven o'clock at night on such days, and on other days after ten o'clock at

The provisions of all Acts relating to the sale of intoxicating liquors by retail, authorising or forbidding the doing of any act, matter, or thing at any times during which the sale of intoxicating liquors is by the said Acts prohibited, shall be construed as if the times during which the sale of intoxicating liquors is prohibited by this section were substituted respectively in the said Acts for the times therein mentioned.

Any person who sells or exposes for sale, or opens or keeps open any premises for the sale of, intoxicating liquors at any other times than those limited for such purpose by section forty-three of the Act passed in the session of Parliament held in the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and seven, as the same is amended by this section, or during such times as aforesaid allows any intoxicating liquors to be consumed on such premises, shall for the first offence be liable to a penalty not exceeding ten pounds, and for any subsequent offence to a penalty not exceeding twenty pounds.

Any conviction for an offence against this section shall be recorded on the license of the person convicted, unless the convicting magistrate or justices shall otherwise direct.

None of the provisions contained in this section shall preclude a person licensed to sell any intoxicating liquor to be consumed on the premises from selling such liquor to bona fide travellers or to persons lodging in his house.

Nothing in this section contained shall preclude the sale at any time at a railway station of intoxicating liquors to persons arriving at or departing from such station by railroad.

**79 Recovery and application of penalties.**

All penalties and forfeitures in respect of offences under the preceding provisions of this Act, as applied to Ireland, shall be in substitution for and not in addition to penalties and forfeitures (other than penalties recoverable by or on behalf of the Commissioners of Inland Revenue, or any laws relating to the Excise) incurred in respect of like offences under any other Act or Acts, and all penalties recovered under the said provisions of this Act shall be applied in manner directed by " The Fines Act (Ireland), 1851, " and any Act amending the same.

**80 Repeal of section 4 of 34 & 35 Vict. c. 38.**

Section four of "The Intoxicating Liquors (Licenses suspension Act, 1871," shall be and the same is hereby repealed.

**81 Interpretation of "spirit grocer," "excise license," &c, as applying to Ireland.**

The following provisions shall apply to Ireland only :

The term " spirit grocer " in the following provisions of this Act means any person dealing in or selling tea, cocoa-nuts, chocolate, or pepper, and having an excise license to sell spirits by retail in any quantity not exceeding two quarts at any one time to be consumed elsewhere than on the premises where sold, under the provisions of the Act passed in the session of Parliament held in the eighth and ninth years of the reign of Her present Majesty, chapter sixty-four,

which license is in the following provisions referred to as an "excise license," and, save as aforesaid, terms used in the following provisions of this Act shall have the same meanings respectively as they have in the preceding provisions of this Act as applied to Ireland.

**82 No renewal of license to be granted to spirit grocers without certificate of justices.**

It shall not be lawful for any officer of excise in Ireland to grant a new excise license to any person who at any time during the then next preceding two years has been a spirit grocer, or who during such period as aforesaid has held a certificate under "The Beerhouses (Ireland) Act, 1864," or "The Beerhouses (Ireland) Act (1864) Amendment Act, 1871," or to grant to any spirit grocer upon the expiration of his excise license a renewal of such excise license, unless such person or spirit grocer produces a certificate signed by two or more justices of the peace presiding at the petty sessions of the district in which such person or spirit grocer resides, or if in the Dublin metropolitan police district by a divisional justice of the district in which such person or spirit grocer resides, to the good character of such person, and to the peaceable and orderly manner in which his business was conducted during the year next preceding the expiration of his former excise license or certificate, or, in case of a renewal, during the past year.

All applications for such certificates shall be made in the manner and subject to the like conditions as to appeals against the same and otherwise (so far as the same are applicable) as are prescribed by "The Beerhouses (Ireland) Act, 1864," in relation to applications for certificates under the said Act.

**83 Penalty on spirit grocer if liquor drunk on or near to the premises.**

If any purchaser of any intoxicating liquor from a spirit grocer drinks such liquor on the premises where the same is sold, or on any highway adjoining or near such premises, such spirit grocer shall, if it shall appear that such drinking was with his privity or consent, be subject to the following penalties; (that is to say,)

For the first offence he shall be liable to a penalty not exceeding ten pounds:

For the second and any subsequent offence he shall be liable to a penalty not exceeding twenty pounds :

For the purposes of this section the expression "premises where the same is sold" shall include any premises adjoining or near the premises where the liquor is sold, if belonging to such spirit grocer, or under his control, or used by his permission.

Any conviction for an offence under this section shall be recorded on the excise license of the spirit grocer convicted.

**84 Penalty on evasion of law as to drinking on premises of spirit grocer.**

If any spirit grocer himself takes or carries, or employs or suffers any other person to take or carry, any intoxicating liquor out of or from the premises of such spirit grocer for the purpose of being sold on his account, or for his benefit or profit, and of being drunk or consumed in any other house, or in any tent, shed, or other building of any kind whatever, belonging to such spirit grocer, or hired, used, or occupied by him, or on or in any place, whether enclosed or not, and whether or not a public thoroughfare, such intoxicating liquor shall be deemed to have been consumed by the purchasers

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thereof on the premises of such spirit grocer, with his privity and consent; and such spirit grocer shall be punished accordingly in manner provided by the next preceding section.

Any conviction for an offence under this Section shall be recorded on the excise license of the spirit grocer convicted.

In any proceeding under this section it shall not be necessary to prove that the premises or place or places to which such liquor is taken to be drunk belonged to, or were hired, used, or occupied by, such spirit grocer, if proof be given to the satisfaction of the court hearing the case that such liquor was taken to be consumed thereon or therein with intent to evade the conditions of his excise license.

**85 Penalty on internal communication between premises of spirit grocer and house of public resort.**

Every person who makes or uses, or allows to be made or used, any internal communication between the premises of any spirit grocer and any other premises which are used for public entertainment or resort, or as a refreshment house, shall be liable to a penalty not exceeding ten pounds for every day during which such communication remains open.

In addition to any penalty imposed by this section, any person convicted of an offence under this section shall, if he be the holder of an excise license, forfeit such license.

**86 Limitation of hours during which spirit grocers may sell intoxicating liquors.**

No spirit grocer shall have or keep his premises open, nor shall he sell any intoxicating liquor in any such premises at any other times than those limited for the sale of intoxicating liquors by retail to be drunk or consumed on the premises by section forty-three of the Act passed in the session of Parliament held in the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and seven, as the same is amended by this Act, and any spirit grocer acting in contravention of the provisions of this section shall be liable to all and the same penalties and consequences to which under the preceding provisions of this Act any person who sells or exposes for sale, or opens or keeps open any premises for the sale of intoxicating liquors at any other time than those limited by the said section forty-three of the said Act, as the same is amended by this Act, is liable.

**87 Justices and constables may enter premises of spirit grocer during prohibited hours.**

It shall be lawful for any justice of the peace, or any superintendent of police, or any constable duly authorised for such purpose by any such justice or superintendent within the limits of his jurisdiction, to enter into any premises kept by a spirit grocer for selling intoxicating liquors, at any time or hour during which the sale of such liquors by such spirit grocer is prohibited by this Act, and to remove from and put out of such premises any person who shall be so found within such prohibited hours in such house or place (not being a lodger in or an inmate of such premises), and who shall appear to be or to have recently been drinking, tipping, or gaming therein; and if any such person shall not, when thereto required by such justice of the peace, superintendent of police, or constable, remove from and quit such premises, or shall forcibly resist such justice, superintendent, or constable, or shall be found drunk therein, it shall and may

hep lawful for any superintendent of police or for any constable to apprehend and take into custody any such person so offending, and to carry and convey, or cause to be carried and conveyed, every and any such person so apprehended before any justice of the peace within whose jurisdiction such premises shall be situate, to be dealt with according to law; and every such person who shall so neglect or refuse to remove from or quit such premises, or shall so forcibly resist such justice, superintendent, or constable, being duly convicted of such offence, shall thereupon for every such offence forfeit any sum not exceeding twenty shillings nor less than five shillings ; and if any offender so convicted shall not forthwith pay the sum so forfeited, such offender shall be imprisoned for any time not exceeding one week.

**88 Provisions as to repeated convictions to apply to spirit grocers, &c.**

The preceding provisions of this Act relating to repeated convictions, except so much thereof as relate to the disqualification of premises, shall apply to spirit grocers, and for the purpose of such application the terms " spirit grocer" and " excise license" shall respectively be therein substituted for the terms licensed person and license.

**89 Application of provisions as to legal proceedings, penalties, &c.**

The preceding provisions of this Act relating to legal proceedings as the same are applied to Ireland, and to the application of penalties in Ireland, shall apply to all legal proceedings in respect of any of the special provisions of this Act relating to Ireland, and to the application of all penalties recovered in pursuance thereof.

**90 No license to be granted to disqualified persons or for disqualified premises.**

In Ireland no license or excise license, as respectively defined in the preceding provisions of this Act in relation to Ireland, shall be granted under the Intoxicating Liquor Licensing Acts to any person or in respect of any premises declared by or in pursuance of any of the Intoxicating Liquor Licensing Acts or this Act to be disqualified persons or disqualified premises during the continuance of such disqualification. Any license or excise license held by any person so disqualified or attached to premises so disqualified shall be void.