Licensing Act 1872

1872 CHAPTER 94

Closing of Premises

24 Times of closing.

Subject as herein-after mentioned all premises on which intoxicating liquors are sold or exposed for sale by retail shall be closed as follows; that is to say,

(1) If such premises are situated within the city of London or the liberties thereof, or any parish or place subject to the jurisdiction of the Metropolitan Board of Works, or within the four mile radius from Charing Cross, on Sunday, Christmas Day, and Good Friday during the whole day before one of the clock in the afternoon, and between the hours of three and six of the clock in the afternoon, and after the hour of eleven of the clock at night; and on all other days before five of the clock on the following morning :

(2) If situated beyond the city of London and the liberties thereof, and the parishes or places subject to the jurisdiction of the Metropolitan Board of Works, or beyond the four mile radius from Charing Cross, on Sunday, Christmas Day, and Good Friday during the whole day before the hour of half-past twelve (or, if the licensing justices direct, one) in the afternoon, and between the hours of half-past two (or, if one be the hour of opening, then three) and six in the afternoon, and after the hour of ten (or, if the licensing justices direct, any hour not earlier than nine and not later than eleven) at night, and on all other days before the hour of six (or, if the licensing justices direct, any hour not earlier than five and not later than seven) in the morning, and after the hour of eleven (or, if the licensing justices direct, any hour not earlier than ten and not later than twelve) at night.

Any person who sells or exposes for sale, or opens or keeps open any premises for the sale of intoxicating liquors during the time that such premises are directed to be closed by or in pursuance of this section, or during such time 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.

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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.

An order for the alteration of the closing hours in pursuance of subsection two of this section may be made by the licensing justices at any general annual licensing meeting, or any adjournment thereof, held in pursuance of the Act of the ninth year of George the Fourth, chapter sixty-one; and also in Middlesex or Surrey at any time before the next general annual licensing meeting at any special sessions summoned for the purpose; provided that, twenty-one days at the least before any such meeting or adjournment, notice be given, in the same manner as is prescribed by the last-mentioned Act for the holding of such meeting or adjournment, that the alteration of the closing hours will then be considered : Provided that no order allowing licensed premises to remain open after the hour of ten at night on Sunday, Christmas Day, or Good Friday, or after the hour of eleven at night on other days, shall, as to such allowance, apply to premises in respect of which a certificate is in force under " The Wine and Beerhouse Acts, 1869 and 1870."

Provided further, that premises in respect of which such certificate is in force, if situated in a town containing less than two thousand five hundred inhabitants, and beyond the city of London and the liberties thereof and the parishes or places subject to the jurisdiction of the Metropolitan Board of Works or beyond the four mile radius from Charing Cross, shall not on any day be open after the hour of ten at night.

Any order made by the licensing justices for the alteration of closing hours shall not come into operation until the expiration of one month after the date, thereof, and in the meantime shall be advertised in such manner as the licensing justices shall direct.

25 Penalty on person found on premises during closing hours.

If, during any period during which any premises are required under the provisions of this Act to be closed any person is found on such premises, he shall, unless he satisfies the court that he was an inmate, servant, or a lodger on such premises, or a bona fide traveller, or that otherwise his presence on such premises was not in contravention of the provisions of this Act with respect to the closing of licensed premises, be liable to a penalty not exceeding forty shillings.

Any constable may demand the name and address of any person found on any premises during the period during which they are required by the provisions of this Act to be closed, and if he has reasonable ground to suppose that the name or address given is false, may require evidence of the correctness of such name and address, and may, if such person fail upon such demand to give his name or address, or such evidence, apprehend him without warrant, and carry him, as soon as practicable, before a justice of the

Any person required by a constable under this section to give his name and address who fails to give the same, or gives a false name or address, or gives false evidence with respect to such name and address, shall be liable to a penalty not exceeding five pounds.

Every person who by falsely representing himself to be a traveller or a lodger buys or obtains or attempts to buy or obtain at any premises any intoxicating liquor during the period during which such premises are closed in pursuance of this Act shall be liable to a penalty not exceeding five pounds.

26 Exemption from closing by order of local authority in respect of certain trades.

The local authority of any licensing district, upon the production of such evidence as such authority may deem sufficient to show that it is necessary or desirable so to do for the accommodation of any considerable number of persons attending any public market, or following any lawful trade or calling, or attending any theatre, may grant, if such authority think fit, to any licensed victualler or licensed keeper of a refreshment house, in respect of premises in the immediate neighbourhood of such market, or of the place where the persons follow such lawful trade or calling, or of any such theatre, an order exempting such person from the provisions of this Act with respect to the closing of his premises on such days and during such time, except between the hours of one and two of the clock in the morning, as may be specified in such order.

The holder of an order under this section shall not be liable to any penalty for not closing his premises on such days and during such time as may be specified in such order; but he shall not be exempt from any other penalty under this or any other Act, or

A notice in such form as may be prescribed by the local authority, stating the days and hours during which the premises are permitted to be open under such order of exemption shall be affixed and kept affixed in a conspicuous position outside the premises ; and if the holder of the order of exemption make default in affixing or in keeping affixed such notice in manner aforesaid, during any part of the time for which his exemption is granted, he shall be liable to pay a penalty not exceeding fire pounds.

Every person who keeps affixed to his premises any such notice when he does not hold an order under this section, shall be liable to a penalty not exceeding ten pounds.

Any such local authority as aforesaid may at any time, if it seem fit to them, withdraw an order under this section, or alter the same by way of extension or restriction, as such authority may deem necessary or expedient, so however as not to render any person liable to any penalty for anything done under such order before the holder was informed of such withdrawal or alteration.

The following persons and bodies of persons shall be deemed to be local authorities of licensing districts for the purposes of this Act; that is to say,

(1) In the metropolitan police district, the commissioner of police for the metropolis, subject to the approbation of one of Her Majesty's Principal Secretaries of State :

(2) In the city of London and the liberties thereof, so far as they are not included in the metropolitan police district, the commissioner of city police, subject to the approbation of the Lord Mayor of the said city :

(3) In any other place, two justices of the peace in petty sessions assembled.

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27 Intoxicating liquors not to be drunk at refreshment house during the hours when the house would he closed if it were an inn.

No intoxicating liquor shall he consumed upon premises licensed as a refreshment house hut not for the sale of any intoxicating liquor during the hours during which the same premises would, if they were the licensed premises of licensed victuallers, be closed by law for the sale and consumption of intoxicating liquor.

If any person licensed to keep such refreshment house allows any intoxicating liquor to be consumed on the premises in contravention of this section, he shall be liable for the first offence to a penalty not exceeding ten pounds, and for any subsequent offence to a penalty not exceeding twenty pounds.

28 Amendment of law as to refreshment houses.

Every refreshment house in respect of which a license is granted for the sale therein by retail of foreign wine, upon which license an abatement of duty has been allowed under section nine of the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-one, intituled " An Act to amend the laws relating to the Inland Revenue," shall be closed every night at ten of the clock, and where other licensed premises in the same place are required by or in pursuance of this Act to close at nine o'clock at night, at nine of the clock ; and if any person keeping any such refreshment house as is mentioned in this section sells or exposes for sale in such refreshment house, or opens or keeps open any such refreshment house for the sale of intoxicating liquors during the time that such house is directed to be closed by this section, or during such time as aforesaid allows any intoxicating liquor to be consumed on such premises, he 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.

29 Local authority may grant occasional licenses exempting from provisions relating to closing during certain hours.

If any licensed victualler or keeper of a refreshment house in which intoxicating liquors are sold applies to the local authority of a licensing district for a license exempting him from the provisions of this Act relating to closing of premises on any special occasion or occasions, it shall be lawful for such local authority, if in his discretion he thinks fit so to do, to grant to the applicant an occasional license exempting him from the provisions of this Act relating to closing of premises during certain hours, and on the special occasion or occasions to be specified in the license; and no licensed victualler or keeper of a refreshment house to whom an occasional license has been granted under this section shall be subject to any penalty for the contravention of the provisions of this Act relating to the closing of premises during the time to which his occasional license extends, but he shall not be exempted by such occasional license from any penalty to which he may be subject by any other provision of this or any other Act of Parliament.