



Offices, Shops and Railway Premises Act 1963

1963 CHAPTER 41

Offences, Penalties and legal Proceedings

63 Offences.

- (1) In the event of a contravention, in relation to any premises to which this Act applies, of any such provisions of this Act as are mentioned in subsection (2) of this section or of regulations made under any such provisions, then—
- (a) except in a case falling within either of the two following paragraphs, the occupier of the premises shall be guilty of an offence;
 - (b) in a case where the contravention is one for which, by or by virtue of this Act, some other person or persons is or are made responsible as well as the occupier of the premises, that other person or those other persons and the occupier shall each be guilty of an offence;
 - (c) in a case where the contravention is one for which, by or by virtue of this Act, some other person or persons is or are made responsible instead of the occupier of the premises, that other person or each of those other persons shall be guilty of an offence.
- (2) The provisions of this Act referred to in the foregoing subsection are sections 4, 5, 6(1) to (5), 7 to 12, 13(1), 14 to 19, 23, 24, . . . ^{F1}, 46(9) and 48(1) and (2).
- [^{F2}(3) A person who contravenes a provision of regulations under section 20 or 50 of this Act shall be guilty of an offence.]

Textual Amendments

- F1** Words repealed, except in relation to offences committed before 1.1.1977 by [S.I. 1976/2005](#), [Sch.](#)
- F2** [S. 63\(3\)](#) added by [S.I. 1974/1943](#), [Sch. 2](#), para. 11

*Status: Point in time view as at 01/02/1991.**Changes to legislation: There are currently no known outstanding effects for the Offices, Shops and Railway Premises Act 1963, Cross Heading: Offences, Penalties and legal Proceedings. (See end of Document for details)*

64 F3

Textual Amendments

F3 S. 64 repealed, except in relation to offences under sections 28 to 38, 42(16) and 43(14) committed before 1.1.1977 by S.I. 1976/2005, **Sch.**

65, 66. F4

Textual Amendments

F4 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

67 **Defence available to persons charged with offences.**

It shall be a defence for a person charged with a contravention of a provision of this Act or of regulations thereunder to prove that he used all due diligence to secure compliance with that provision.

68 F5

Textual Amendments

F5 Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5)(6)(8), 81, Sch. 1 repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

69 **Removal or defacement of documents posted in pursuance of Act or regulations under it.**

If, without reasonable excuse, a person removes, . . . ^{F6} a notice or other document which is for the time being posted or displayed in any premises in pursuance of a provision of this Act or of regulations thereunder, he shall be guilty of an offence and liable [^{F7}on summary conviction] to a fine not exceeding [^{F8}level 1 on the standard scale].

Textual Amendments

F6 Words repealed by **Criminal Damage Act 1971 (c. 48), s. 11(8), Sch. Pt. II**

F7 Words inserted by S.I. 1974/1943, **Sch. 2, para. 2**

F8 Words substituted by virtue of (E.W.) **Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46** and (S.) **Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G**

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- 70**
- (1) **F9**
- (2) **F10**

Textual Amendments

- F9** Ss. 53, 55, 70(1) repealed by S.I. 1974/1943, reg. 4, **Sch. 1** and S.I. 1976/2005, **Sch.**
- F10** Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5) (6)(8), 81, **Sch. 1** repealed by S.I. 1974/1943, reg. 4, **Sch. 1**

- 71**
- (1) **F11**
- (2) **F12**

Textual Amendments

- F11** Ss. 3(3), 4(3), 6(5), 7(2), 8(2), 9(3)(4), 10(3)(4), 12(3), 20–22, 23(2), 25, 26, 27(3), 42(8)–(10), 43(6)–(8), 45, 46(12)(14), 49(2), 50, 54, 56–58, 61, 62, 65, 66, 68, 70(2)–(4), 71(1), 74(2)–(4), 75(2), 80(5) (6)(8), 81, **Sch. 1** repealed by S.I. 1974/1943, reg. 4, **Sch. 1**
- F12** 28–41, 42(11)(12)(14)–(16), 43(9)(10)(12)–(14), 60(1), 71(2), 76(1)(2), 83(3) repealed by S.I. 1976/2005, **Sch.**

72 Appeal from orders made on complaint.

A person aggrieved by an order made by a magistrates' court on determining a complaint under this Act may appeal therefrom to [^{F13}the Crown Court].

Textual Amendments

- F13** Words substituted by virtue of [Courts Act 1971 \(c. 23\)](#), s. 56(2), **Sch. 9 Pt. I**

73 Power of county court and sheriff to modify agreements and apportion expenses.

- (1) A person who, by reason of the terms of an agreement or lease relating to any premises, is prevented from therein carrying out or doing any structural or other alterations or other thing whose carrying out or doing is requisite in order to secure compliance with a provision of this Act or of regulations thereunder which is, or will become, applicable to the premises, . . . ^{F14} may apply to the county court within whose jurisdiction the premises are situate, and the court may make such an order setting aside or modifying any terms of the agreement or lease as the court considers just and equitable in the circumstances of the case.
- (2) Where the carrying out or doing in any premises of any structural or other alterations or other thing whose carrying out or doing is requisite as mentioned in the foregoing subsection involves a person having an interest in the premises in expense or in increased expense, and he alleges that the whole or part of the expense or, as the case may be, the increase ought to be borne by some other person having an interest in the premises, the first-mentioned person may apply to the county court within whose

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jurisdiction the premises are situate, and the court, having regard to the terms of any agreement or lease relating to the premises, may by order give such directions with respect to the persons by whom the expense or increase is to be borne, and in what proportions it is to be borne by them and, if need be, for modification of the terms of any such agreement or lease so far as concerns rent payable in respect of the premises as the court considers just and equitable in the circumstances of the case.

- (3) In the application of this section to Scotland, for references to a county court there shall be substituted references to the sheriff.

Textual Amendments

F14 Words repealed by [S.I. 1976/2005, Sch.](#)

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