



# Licensing Act 1964

## 1964 CHAPTER 26

### PART I

#### THE GENERAL LICENSING SYSTEM

##### *Protection orders*

#### **10 Protection orders**

- (1) A person who proposes to apply for the transfer of a justices' licence for any premises may apply to justices of the peace acting for the petty sessions area in which the premises are for the grant of an authority, in this Act referred to as a " protection order ", to sell intoxicating liquor on the premises, and the justices may grant the protection order if they are satisfied that the applicant is a person to whom the licensing justices could grant a transfer of the licence.
- (2) The authority conferred by a protection order in respect of any premises shall be the same as that conferred by the justices' licence in force (or last in force) for those premises; and, while the order is in force, the enactments relating to the sale of intoxicating liquor and to licensed premises (other than those relating to the renewal or transfer of licences or to protection orders) shall apply to the person granted the order as if he were the holder of that licence and the holder also, until the expiration of the term for which it was granted, of any excise licence taken out for the premises before the making of the protection order.
- (3) Where—
  - (a) a justices' licence for any premises is forfeited for the first time by virtue of a second or subsequent conviction under section 160 of this Act or of a conviction under section 184 thereof, or
  - (b) a justices' licence for any premises is forfeited by order of a magistrates' court made on complaint under section 20(3) of this Act, or
  - (c) a justices' licence for any premises is forfeited by order of a court under section 169(8) of this Act, or

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*Status: This is the original version (as it was originally enacted).*

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- (d) a justices' licence for any premises is forfeited by virtue of a disqualification order made under section 100 of this Act, or
- (e) the holder of a justices' licence for any premises becomes disqualified for the first time for holding such a licence by reason of being convicted as mentioned in section 9(1) of this Act,

justices of the peace may grant a protection order to any owner of the premises or any other person authorised by an owner of the premises, notwithstanding the forfeiture or the previous licence holder's disqualification; but not more than one protection order may be granted under this subsection on any such forfeiture or disqualification.

- (4) A protection order shall remain in force until the conclusion of the second licensing sessions begun after the date of the order (and until any application made at the sessions for a transfer of the justices' licence has been disposed of) except that it shall cease to have effect before that time on the coming into force of a justices' licence granted by way of transfer or removal of the licence for the premises, or the coming into force of a further protection order for the premises.
- (5) Where the holder of a justices' licence dies, or is adjudged bankrupt, or a trustee is appointed in pursuance of a composition or scheme within the meaning of the Bankruptcy Act 1914 to administer the property or manage the business of the holder of a justices' licence, or a trustee is appointed under a deed of arrangement within the meaning of the Deeds of Arrangement Act 1914 for the benefit of the creditors of the holder of a justices' licence, the personal representatives or trustee shall be in the same position as regards carrying on business under the licence as a person to whom a protection order had been validly granted on the date of the death, adjudication in bankruptcy or appointment of a trustee as aforesaid.

## **11 Supplementary provisions relating to protection orders**

- (1) A protection order may be made for any premises so as to supersede a previous protection order (other than one made under section 10(3) of this Act), if the justices making the order are satisfied that the person granted the previous protection order consents to its being superseded, or that he no longer proposes to apply for a transfer of the licence or is not qualified to do so, or that he is for any reason unable to carry on business under the protection order.
- (2) Justices of the peace to whom application is made for a protection order may examine on oath the applicant or any person giving evidence before them.
- (3) Justices of the peace shall not grant a protection order unless the applicant has, not less than seven days before the application, given notice in writing to the chief officer of police, signed by the applicant or his authorised agent, and stating his name and address and his trade or calling during the six months preceding the giving of the notice ; or, in an urgent case, unless the applicant has given such notice to the police as the justices think reasonable.
- (4) Justices of the peace granting a protection order shall cause a memorandum of the order to be endorsed on the licence, or, where a copy of the licence is admissible in evidence, on a copy of the licence; and a majority of the justices shall sign the memorandum or the justices shall cause the clerk to the justices to seal or stamp it with the official seal or stamp of the magistrates' court of which he is clerk and to verify the seal or stamp by his signature.

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- (5) A memorandum purporting to be made under subsection (4) of this section shall be received in evidence.
- (6) Where a protection order has been granted to any person, the proper officer of Customs and Excise shall endorse a memorandum of the order on the excise licence.
- (7) The power of justices of the peace to grant protection orders shall be exercisable by the number of justices, and in the place, required by the Magistrates' Courts Act 1952 for the hearing of a complaint.