



# Licensing Act 1964

## 1964 CHAPTER 26

### PART III

#### PERMITTED HOURS

##### *Extension of permitted hours in licensed premises and clubs*

#### **68 Extension of permitted hours in restaurants, etc.**

- (1) In any premises to which either of the following paragraphs applies there shall be added to the permitted hours (so far as not otherwise comprised in them) for the purpose and in the part of the premises mentioned in subsection (2) of this section—
  - (a) where this paragraph applies, the period (if any) between the first part of the general licensing hours and three in the afternoon ;
  - (b) where this paragraph applies, the hour following the general licensing hours; but for other purposes, or in other parts of the premises, the permitted hours shall be the same as if that paragraph did not apply to the premises.
- (2) The addition shall be for the purpose of the sale or supply to persons taking table meals in the premises, and the consumption, of intoxicating liquor which is supplied—
  - (a) in a part of the premises usually set apart for the service of such persons ; and
  - (b) for consumption by such a person in that part of the premises as an ancillary to his meal.
- (3) Either or both paragraphs of subsection (1) of this section may be applied, in accordance with section 69 of this Act, to licensed premises or to premises in respect of which a club is registered, if the licensing justices for the district in which the licensed premises are situated are satisfied or, in the case of premises in respect of which a club is registered, the magistrates' court is satisfied, that the premises are structurally adapted and bona fide used, or intended to be used for the purpose of habitually providing, for the accommodation of persons frequenting the premises, substantial refreshment to which the sale and supply of intoxicating liquor is ancillary.

## **69 Application of paragraph (a) or (b) of s. 68(1)**

- (1) Each paragraph of section 68(1) of this Act may be applied by the holder of the licence or, as the case may be, the secretary of the club, as from such day as he may fix by notice to the chief officer of police served not less than fourteen days before that day and, if so applied, shall continue to apply until its application is terminated under subsection (2) of this section or—
  - (a) in the case of licensed premises, the licensing justices cease to be satisfied as mentioned in subsection (3) of the said section 68 ;
  - (b) in the case of premises in respect of which a club is registered, the magistrates' court declares that it is no longer so satisfied.
- (2) The holder of the licence or, as the case may be, the secretary of the club may terminate the application of either or both of the said paragraphs on 4th April in any year by notice to the chief officer of police served not less than fourteen days before that day.

## **70 Extended hours in restaurants, etc. providing entertainment**

- (1) Subject to the provisions of this section, where any licensed premises or premises in respect of which a club is registered are structurally adapted and bona fide used, or intended to be used, for the purpose of habitually providing, for the accommodation of persons frequenting them, musical or other entertainment as well as substantial refreshment, and the sale and supply of intoxicating liquor is ancillary to that refreshment and entertainment, then if—
  - (a) paragraph (b) of section 68(1) of this Act applies to the premises, and
  - (b) an order under this section is in force with respect to them,
 the time added by the said section 68(1) to the permitted hours on weekdays on which the entertainment is provided and the purpose for which the time is added shall, in any part of the premises habitually set apart for the provision of the refreshment and entertainment, be as mentioned in subsection (2) of this section.
- (2) In any such part of the premises the time so added shall, except on Good Friday, Maundy Thursday or Easter Eve, extend until one o'clock in the morning following, but shall not be affected on Good Friday, and shall on Maundy Thursday and Easter Eve extend until midnight; and the purpose for which it is added shall be—
  - (a) the sale and supply, before the provision of the entertainment or the provision of substantial refreshment has ended, of intoxicating liquor for consumption in any such part of the premises ; and
  - (b) the consumption of intoxicating liquor so supplied ;
 but this section does not authorise any sale or supply to a person admitted to the premises either after midnight or less than half an hour before the entertainment is due to end, except in accordance with subsection (2) of section 68 of this Act.
- (3) Where in any premises or part of premises the time added to the permitted hours by section 68(1) of this Act is so added for the purpose mentioned in subsection (2) of this section, section 59 of this Act does not restrict the consumption in the premises or part, during the first half hour after the entertainment ends, of intoxicating liquor supplied before it ends.
- (4) In this section " entertainment" does not include any form of entertainment given otherwise than by persons actually present and performing; and, subject to the provisions of this Act, no premises or part shall be treated for the purposes of this section as used or intended to be used for the purpose of habitually providing

refreshment and entertainment or as habitually set apart for that purpose, unless it is used or intended to be used, or is set apart, for the purpose of providing them after, and for a substantial period preceding, the end of the general licensing hours on every weekday or on particular weekdays in every week, subject to any break for a period or periods not exceeding two weeks in any twelve successive months or on any special occasion or by reason of any emergency.

- (5) The power to make an order under this section shall be exercisable—
- (a) with respect to licensed premises, by licensing justices in accordance with section 71 of this Act; and
  - (b) with respect to premises in respect of which a club is registered, by the magistrates' court in accordance with section 72 of this Act.

## **71 Orders of licensing justices under s. 70**

- (1) Licensing justices may make an order under section 70 of this Act with respect to any premises on the application of a person applying for or holding a justices' licence for the premises.
- (2) Any such order shall lapse when the licence is superseded on renewal or transfer or otherwise ceases to be in force, but may be renewed or varied by a further such order.
- (3) Before making an application for an order under section 70 of this Act to be made otherwise than by way of renewal of a previous order (without variation), a person shall give notice of the application to the persons, in the manner and at the times required by Schedule 2 to this Act on an application for a new justices' licence for the premises; but if through inadvertence or misadventure he fails to do so paragraph 7 of that Schedule shall apply.
- (4) Where licensing justices make an order under section 70 of this Act with respect to any premises, the holder of the justices' licence for the premises shall within fourteen days give notice of the making of the order to the chief officer of police, and shall send with the notice a copy of the order; and if he fails to do so he shall be liable to a fine not exceeding ten pounds.

## **72 Orders of magistrates' court under s. 70**

- (1) The magistrates' court may make an order under section 70 of this Act with respect to any premises on the application of the club which is registered in respect of the premises.
- (2) Any such order shall lapse on the club's registration certificate ceasing to be in force or on the date from which the certificate is next renewed after the date of the order or, where that certificate has been renewed for a period exceeding a year, on such earlier date (if any) as may be specified in the order, but may be renewed or varied by a further such order.
- (3) Where the magistrates' court makes an order under section 70 of this Act with respect to any premises the secretary of the club which is registered in respect of the premises shall within fourteen days give written notice of the making of the order to the chief officer of police, and shall send with the notice a copy of the order; and if he fails to do so he shall be liable to a fine not exceeding ten pounds.

### **73 Supplementary provisions as to orders under s.70**

- (1) An order under section 70 of this Act shall not be made unless it is shown that the condition of subsection (1) of that section as to the use or intended use of the premises is satisfied in relation to the premises or part of the premises, to the periods, to the weekdays and to the times for which the order is to have effect, and that the premises or part of the premises is structurally adapted for the purpose; but in making an order by way of variation or renewal of a previous order licensing justices or the magistrates' court may assume, unless they see reason to the contrary, that the conditions for the making of the previous order were and still are satisfied.
- (2) Licensing justices or the magistrates' court may refuse to make an order under the said section 70, or may in such an order limit the operation of that section to a particular part of the premises or to particular periods of the year or to particular weekdays or to a time earlier than one o'clock in the morning (and may impose different limitations in relation to different parts of the premises, different periods or different weekdays), if it appears to them reasonable to do so having regard to all the circumstances and in particular to the comfort and convenience of the occupiers and inmates of premises in the neighbourhood.
- (3) Where the use of any premises or part of premises for the purpose specified in subsection (1) of section 70 of this Act is, or is intended to be, limited to a particular period or periods of the year, an order under that section may be made to have effect for the whole or part of the period or periods in question, but excluding any period of less than four weeks.
- (4) Licensing justices or, as the case may be, the magistrates' court shall revoke an order under section 70 of this Act if they are satisfied on an application made by or on behalf of the chief officer of police for the police area in which the premises are situated, either—
  - (a) that use has not been made for the purpose specified in subsection (1) of that section of the premises or part of the premises for which the order has effect; or
  - (b) that it is expedient to revoke the order either by reason of the occurrence of disorderly or indecent conduct in the premises or part, or by reason of the conduct of persons resorting to the premises and any annoyance resulting or likely to result from it to the occupiers or inmates of premises in the neighbourhood, or by reason of the premises having been in any way ill-conducted.

### **74 Exemption orders**

- (1) Subject to the following provisions of this section, justices of the peace may—
  - (a) on an application by the holder of a justices' on-licence for premises situated in the immediate neighbourhood of a public market or place where people follow a lawful trade or calling, or
  - (b) on an application by the secretary of a club registered in respect of any premises so situated,make an order (in this Act referred to as a general order of exemption) adding, either generally or for such days as may be specified in the order, such hours as may be so specified to the permitted hours in those premises.
- (2) Justices of the peace shall not make a general order of exemption unless satisfied, after hearing evidence, that it is desirable to do so for the accommodation of any

considerable number of persons attending the public market, or following the trade or calling.

- (3) Justices of the peace may revoke or vary a general order of exemption; but, unless it is proved that the holder of the justices' on-licence or, as the case may be, the secretary of the club had notice of the revocation or variation, a person shall not be guilty of an offence under section 59 of this Act in doing anything that would have been lawful had the revocation or variation not been made.
- (4) Justices of the peace may—
  - (a) on an application by the holder of a justices' on-licence for any premises, or
  - (b) on an application by the secretary of a club registered in respect of any premises,make an order (in this Act referred to as a special order of exemption) adding such hours as may be specified in the order to the permitted hours in those premises on such special occasion or occasions as may be so specified.
- (5) Any power conferred by this section to add to the permitted hours in any premises may be exercised in either or both of the following manners, that is to say, by adding to them any hour not comprised in them or by adding to them for all purposes any hour comprised in them for limited purposes by virtue of section 68 or section 70 of this Act.
- (6) In its application to premises in the City of London or the metropolitan police district this section shall have effect as if for references to justices of the peace there were substituted—
  - (a) if the premises are in the City of London, references to the Commissioner of Police for the City of London acting with the approval of the Lord Mayor;.
  - (b) if the premises are in the metropolitan police district, references to the Commissioner of Police for the Metropolis acting with the approval of the Secretary of State.

## **75 Procedural provisions as to exemption orders outside metropolitan area**

- (1) Any power of justices of the peace under section 74 of this Act shall be exercisable by justices acting for the petty sessions area in which the premises are situated, and by the number of justices, and in the place, required by the Magistrates' Courts Act 1952 for the hearing of a complaint.
- (2) Subject to subsection (3) of this section, the justices may, if they see fit, make a special order of exemption without a hearing, if written application for the order is made by lodging two copies of the application with the clerk to the justices not less than one month before the day or earliest day for which application is made.
- (3) Where such an application is made—
  - (a) the clerk on receipt of the application shall serve notice of it on the chief officer of police by sending him a copy of the application ; and
  - (b) if, not later than seven days after the day he sends it, written notice of objection is given by or on behalf of the chief officer to the clerk by lodging two copies with him, the application shall not be granted without a hearing, unless the objection is afterwards withdrawn by a further notice given in the same way; and
  - (c) the clerk, on receipt of any such notice of objection or notice withdrawing an objection, shall send a copy to the applicant.