



Licensing Act 1964

1964 CHAPTER 26

PART V

THE CARLISLE DISTRICT

102 Powers of Secretary of State in relation to Carlisle district

- (1) The following provisions of this section shall have effect with respect to the powers exercisable by the Secretary of State for the purposes of state management of the liquor trade in the district specified in Part I of Schedule 9 to this Act (in this Part of this Act referred to as " the Carlisle district ").
- (2) The Secretary of State may in the Carlisle district sell intoxicating liquor for consumption on or off the premises where it is sold, and may, subject to subsection (3) of this section, carry on any of the activities specified in Part II of Schedule 9 to this Act in accordance with the provisions of that Part; and the provisions of Part III of that Schedule shall apply to the carrying on by him of those activities.
- (3) Nothing in subsection (2) of this section or in Part II of Schedule 9 to this Act shall authorise the Secretary of State, at any premises where he carries on a business of selling intoxicating liquor for consumption off the premises only, to carry on any other business except the sale of mineral waters or other non-intoxicating drinks for consumption off the premises, or of tobacco or matches.
- (4) The local advisory committee appointed under any scheme for the Carlisle district having effect immediately before the commencement of this Act by virtue of section 76(3) of the Licensing Act 1953 shall assist the Secretary of State in the exercise of his functions relating to the district; and the provisions of the scheme having effect immediately before the commencement of this Act shall continue to have effect subject to any provision in the scheme for its variation or duration, and subject to any provision in the scheme for the making of a new scheme to take effect on the expiry of the previous scheme.
- (5) The Secretary of State shall cause such accounts to be kept in relation to the Carlisle district as the Treasury may direct and shall cause an annual report to be presented

Status: This is the original version (as it was originally enacted).

to Parliament about his procedure in connection with the management of the liquor trade in that district.

103 Restriction of sale and supply, otherwise than by Secretary of State, of intoxicating liquor in Carlisle district

- (1) Subject to the following provisions of this section, no person, other than a person acting on behalf of the Secretary of State, shall sell intoxicating liquor by retail in the Carlisle district or supply intoxicating liquor in any licensed premises in the district.
- (2) Subsection (1) of this section does not apply—
 - (a) to anything done in premises that were licensed premises when state management came into operation in the district and have continued to be licensed premises since that time;
 - (b) to anything done under the authority of a Part IV licence;
 - (c) to anything done under the written authority of the Secretary of State and in accordance with such terms and conditions as he may specify;
 - (d) to anything done in premises of a class specified by order of the Secretary of State ;

and does not restrict the supply of intoxicating liquor by or on behalf of a registered club.
- (3) If any person contravenes subsection (1) of this section he shall be liable to a fine not exceeding thirty pounds.

104 Acquisition of land

- (1) For the purposes of his functions under this Part of this Act, the Secretary of State may—
 - (a) by agreement purchase or take on lease any land whether in the Carlisle district or elsewhere ;
 - (b) subject to the provisions of the next following section, acquire by compulsory purchase any licensed premises in the Carlisle district and any land in 'that district required for the erection or extension of or otherwise for use in connection with, any premises in that district in which the sale of intoxicating liquor by retail is, or is to be, carried on on behalf of the Secretary of State.
- (2) Before acquiring any land in a new town, whether by agreement or compulsorily, the Secretary of State shall consult with the development corporation.
- (3) After the service of a notice to treat for the compulsory acquisition under this Part of this Act of licensed premises in the Carlisle district, no ordinary or special removal may be granted of the licence.
- (4) For the purposes of this section a licence shall be treated as being in force notwithstanding that it may be in suspense by virtue of section 132 of this Act; and references in this section to licensed premises shall be construed accordingly, and as including the site of licensed premises.
- (5) So much of section 2 of the Ordnance Board Transfer Act 1855 as provides that, where a Secretary of State ceases to hold office, the land mentioned in that section shall by virtue of that Act be transferred to and vested in his successor as therein provided shall

apply to the Secretary of State in relation to land vested in him for the purposes of his functions under this Part of this Act.

- (6) In this section " new town " means any area designated as the site of a proposed new town under section 1 of the New Towns Act 1946 by an order that has become operative, but does not include any such area after the development corporation established for the area has been dissolved.

105 Supplementary provisions as to compulsory purchase

- (1) The powers of compulsory purchase conferred on the Secretary of State by section 104 of this Act shall be exercisable in accordance with the provisions of the Acquisition of Land (Authorisation Procedure) Act 1946; and that Act shall apply accordingly in relation to the authorisation of a compulsory purchase under that section as it applies in relation to such an authorisation as is mentioned in section 1 of that Act.
- (2) The power of compulsory purchase conferred by section 104 of this Act shall not extend to the purchase of any interest in land which is an interest belonging to a development corporation; but nothing in this subsection or in section 2(2) or section 5 of the New Towns Act 1946 (which relate to the powers of a development corporation to dispose of land) shall be taken to limit the power of such a corporation, with any consent of the Minister requisite under the said section 5, to dispose under that section of any such interest on a purchase by agreement under paragraph (a) of section 104(1) of this Act or to limit the power of the Minister to give any such consent.
- (3) Subject to subsection (4) of this section, any officer of the Valuation Office of the Inland Revenue Department, or any other person if authorised by the Secretary of State, may at any reasonable time enter upon land for the purpose of surveying it in connection with any proposal for the compulsory purchase of the land, or any adjacent land, under section 104 of this Act.
- (4) A person proposing to exercise a power of entry conferred under this section—
- (a) shall, if required to do so, produce some duly authenticated document showing his authority ;
 - (b) shall not demand admission as of right to any land that is occupied unless twenty-four hours' notice of the intended entry has been given to the occupier.
- (5) Any person who wilfully obstructs a person acting in the exercise of a right of entry conferred under this section shall be liable, on a first conviction to a fine not exceeding five pounds, and on a subsequent conviction to a fine not exceeding twenty pounds.

106 Provision of alternative accommodation where licensed premises acquired

- (1) The Secretary of State shall so far as is practicable secure that a resident tenant or manager of licensed premises acquired by the Secretary of State under section 104 of this Act shall have the opportunity, if the business previously carried on in the premises is continued by the Secretary of State, of being employed in carrying it on on terms not less favourable than those appropriate to a manager employed in a business such as was carried on in the premises before their acquisition.
- (2) In this section the expression " resident tenant or manager ", in relation to premises acquired by the Secretary of State, means a person who immediately before the acquisition was residing in the premises and was either the holder or one of joint

holders of the justices' licence for the premises or was employed as manager of the premises by the holder of the licence.

107 Licences in suspense in Carlisle district

- (1) Where a justices' licence is in suspense under Part VIII or Part IX of this Act, and the premises for which it was last in force for all purposes are, or the site of those premises is, in the Carlisle district, then, subject to subsection (2) of this section, the Secretary of State on the application of the holder of the licence shall direct that as from the date of the direction, or such later date as may be agreed by the Secretary of State and the holder of the licence, the licence shall be extinguished.
- (2) A direction under the preceding subsection shall not be given where a justices' licence is in suspense under Part VIII of this Act, if—
 - (a) a notice to treat has been served for the compulsory acquisition under section 104 of this Act of any interest in the premises or site, or
 - (b) such an interest has been acquired under that section by agreement.
- (3) The Secretary of State shall pay to the holder of a licence extinguished under this section such compensation for the extinguishment as may be agreed or, in default of agreement, as the Lands Tribunal may determine.
- (4) For the purposes of any reference to the Lands Tribunal under subsection (3) of this section, section 4 of the Land Compensation Act 1961 (which relates to costs) shall have effect with the substitution for the references to the acquiring authority of references to the Secretary of State.
- (5) Compensation under this section shall be determined without regard to the fact that by reason of section 103 of this Act the revival or removal of the licence would or might be prevented.