



Licensing Act 1964

1964 CHAPTER 26

PART VIII

SUSPENSION OF LICENCES BY REASON OF WAR CIRCUMSTANCES

132 Suspension of licence where business discontinued owing to war circumstances

- (1) Where the Commissioners are satisfied, on application made to them for a certificate under this section, that a business for the purposes of which or in connection with which a justices' licence was granted has been temporarily discontinued by reason of war circumstances, they shall certify accordingly, and shall state in the certificate whether or not those circumstances include the destruction of the premises or serious damage to them.
- (2) As from the date of a certificate under this section, the justices' licence for the premises shall be in suspense by virtue of this section until it is again in force for all purposes by virtue of this Part of this Act or until it is extinguished either by virtue of this Part of this Act or of section 107 or section 124(2) of this Act.
- (3) While a justices' licence is in suspense by virtue of this section—
 - (a) it may be transferred or removed in accordance with the provisions in that behalf of Parts I and VII of this Act;
 - (b) it may be extinguished under section 107 or section 124(2) of this Act;but, except so far as is requisite for giving effect to those provisions and the other provisions of this Part of this Act, and except as provided by section 104(4) of this Act, it shall not be in force for any purpose.
- (4) Notwithstanding the grant of a certificate under this section, a licence shall not be in suspense by virtue of this section if an event has occurred before the grant which would have brought the suspension to an end.
- (5) For the purposes of this Part of this Act—
 - (a) " war circumstances " means circumstances directly or indirectly attributable to any war in which Her Majesty may be or has been engaged ;

Status: This is the original version (as it was originally enacted).

- (b) the destruction of the premises or serious damage to them, though not caused by enemy action or other causes arising from war, shall be deemed, in relation to a business carried on in those premises, to be war circumstances if the execution of works necessary to enable the business to be carried on is prevented by war circumstances;

and any reference in this Part of this Act to a licence in suspense is a reference to a licence in suspense by virtue of this section.

133 Restoration to full force of licence in suspense

- (1) Where the holder of a licence for the time being in suspense wishes to resume the business carried on in the premises for which the licence was granted, he may give notice in writing to that effect to the clerk to the licensing justices; and, subject to subsection (2) of this section, from the time of his giving the notice the licence shall be in force for all purposes.
- (2) Where the licence is an on-licence, and the certificate granted under section 132 of this Act states that the war circumstances include destruction of the premises or serious damage to them, then, unless plans of such works as are reasonably necessary to secure the proper conduct of the business have been submitted to the licensing justices and approved by them, and the licensing justices have signified their satisfaction that the works have been executed in accordance with those plans, a notice under subsection (1) of this section shall have no effect.
- (3) A licence in force for all purposes after being in suspense shall, unless previously forfeited or becoming void under this Act, be in force until 5th April next following the first day of the general annual licensing meeting after the time when it ceased to be in suspense.
- (4) Where a licence in suspense is removed the licence granted by way of removal shall not be in suspense and the provisions of this Act shall apply in relation to it as they apply in relation to a licence granted by way of removal of a licence in force.

134 Extinguishment of licence in suspense when suspension no longer justified

- (1) Where a licence is in suspense and the licensing justices are satisfied that there are no longer any war circumstances that justify its continuing to be in suspense, they may order it to be extinguished at the expiry of such period as may be specified in the order unless it is again in force for all purposes by virtue of section 133 of this Act before the expiry of that period.
- (2) If Her Majesty by Order in Council declares that there are in general no longer any war circumstances that justify justices' licences continuing to be in suspense, every licence in suspense at the date of the Order shall be extinguished at the expiry of such period as may be specified in the Order unless it is again in force for all purposes by virtue of section 133 of this Act before the expiry of that period.
- (3) Licensing justices may, on application made to them in that behalf, extend the period specified in an order under subsection (1) of this section, or, in relation to a particular licence, the period specified in an Order in Council under subsection (2) of this section.

135 Extinction of licence in suspense on grounds of conduct or fitness

- (1) Where at a general annual licensing meeting objection to the continuance of a licence that is for the time being in suspense is made on grounds relating to the conduct of the holder of the licence or his fitness to hold it, then if, had the licence been in force for all purposes, the licensing justices would have had jurisdiction to refuse its renewal on those grounds and would have done so had the licence holder applied for its renewal at that meeting, they may order the licence to be extinguished.
- (2) Notwithstanding the making of such an order, licensing justices may grant a transfer of the licence to which the order relates on an application made at the same general annual licensing meeting or at the first transfer sessions thereafter; and if a transfer of the licence is so granted the order for extinguishment shall not have effect.

136 Extinction of old on-licence in suspense on reference to compensation authority

- (1) Subject to section 125 of this Act, where licensing justices are of opinion, with reference to an old on-licence which is in suspense at the time of their general annual licensing meeting, that, if the licence had then been in force for all purposes and an application for its renewal had been made at that meeting, the question of renewal would have required consideration on grounds other than those on which they could have refused it, they shall refer to the compensation authority the question of the extinguishment of the licence together with their report thereon.
- (2) The compensation authority shall consider any report made to them under this section and may extinguish the licence to which any such report relates, but shall not to do so without giving an opportunity to be heard—
 - (a) to the persons interested in the licensed premises ; and
 - (b) unless it appears to the compensation authority unnecessary, to any other persons appearing to them to be interested, including the licensing justices.
- (3) On the extinguishment of an old on-licence under this section the like compensation shall be paid as would have been payable if the compensation authority had refused to renew the licence; and sections 14, 17(6) and 38 of this Act shall apply with the requisite modifications in relation to the extinguishment of old on-licences under this section as they apply in relation to the refusal of the renewal of such licences by the compensation authority.

137 Discontinuance of business taking place during proceedings for renewal

- (1) If the discontinuance of business occasioning the suspension of a licence by virtue of section 132 of this Act occurs on or after the first day of a general annual licensing meeting and before 5th April next following and—
 - (a) in proceedings taken in relation to any objection to the renewal of the licence made at that meeting on grounds relating to the conduct of the holder of the licence or his fitness to hold it, or
 - (b) in proceedings taken in relation to any reference to the compensation authority of the question of the renewal of the licence at that meeting,the renewal of the licence is refused, the licence shall be extinguished, but without prejudice to the payment of compensation under section 14 of this Act.

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

- (2) If a justices' licence subsisting by virtue of a provisional renewal pending a reference to the compensation authority becomes a licence in suspense it shall be extinguished upon a refusal of the renewal by the compensation authority.

138 Transfer of licence in suspense to owner of licensed premises

Licensing justices may grant a transfer of a justices' licence to the owner of the licensed premises or to a person applying on his behalf in the following cases, as well as in those mentioned in section 8 of this Act, that is to say.—

- (a) where the holder of the licence has wilfully omitted or neglected to take steps requisite for preventing its extinguishment under subsection (1) or subsection (2) of section 134 of this Act;
- (b) where an order has been made under section 135 of this Act in relation to the licence, or the renewal of the licence has been refused in such circumstances as are mentioned in section 137 of this Act on grounds relating to the conduct of the holder of the licence or his fitness to hold it;
- (c) where the licence has been forfeited, or the holder thereof disqualified, while the licence was in suspense, in circumstances in which a protection order could have been granted under section 10(3) of this Act if the business had not been discontinued ;
- (d) where the holder of the licence has, or his representatives have, given up occupation of the licensed premises whilst the licence was in suspense.

139 Appeals to quarter sessions

Sections 21 to 25 of this Act shall apply with the necessary modifications—

- (a) to a refusal of licensing justices to approve plans submitted to them for the purposes of subsection (2) of section 133 of this Act, or to signify their satisfaction under that subsection;
- (b) to the making of an order under section 134(1) of this Act;
- (c) to a refusal of licensing justices to grant an application under section 134(3) of this Act;
- (d) to the making of an order under section 135 of this Act.

140 Rules, etc.

The Secretary of State may make such rules, prescribe such forms and generally do such things as he thinks expedient for regulating the practice under this Part of this Act, including the service of documents.