



Licensing Act 1964 (repealed)

1964 CHAPTER 26

PART XIII

MISCELLANEOUS

VALID FROM 01/12/2001

[^{F1} Closure of certain licensed premises due to disorder or disturbance.]

Textual Amendments

F1 Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17; S.I. 2001/3736, art. 2

179A [^{F2} Closure order]

- (1) A senior police officer may make a closure order in relation to relevant licensed premises if he reasonably believes that—
- (a) there is likely to be disorder on, or in the vicinity of and related to, the premises and the closure of the premises is necessary in the interests of public safety;
 - (b) there is disorder on, or in the vicinity of and related to, the premises and the closure of the premises is necessary in the interests of public safety; or
 - (c) a disturbance is being caused to the public by excessive noise emitted from the premises and the closure of the premises is necessary to prevent the disturbance.
- (2) In this section and sections 179B to 179K of this Act—
- “closure order” means an order requiring relevant licensed premises to be closed for a period not exceeding twenty-four hours beginning with the coming into force of the order; and

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“relevant licensed premises” means licensed premises other than premises for which a justices’ off-licence only or an occasional licence is in force and other than premises in respect of which a notice under section 199(c) of this Act is in force.

- (3) In determining whether to make a closure order the senior police officer shall consider, in particular, any conduct of the holder of the justices’ licence for the premises or the manager of the premises in relation to the disorder or disturbance.
- (4) A closure order shall—
 - (a) specify the premises which are to be closed;
 - (b) specify the period for which the premises are to be closed;
 - (c) specify the grounds for the making of the order; and
 - (d) state the effect of sections 179B to 179E of this Act.
- (5) A closure order shall come into force as soon as notice of the order is given by a constable to—
 - (a) the holder of the justices’ licence for the premises; or
 - (b) a manager of the premises.
- (6) A person who, without reasonable excuse, permits relevant licensed premises to be open in contravention of a closure order or any extension of it shall be guilty of an offence and shall be liable to a fine not exceeding £20,000 or to imprisonment for a term not exceeding three months or to both.

Textual Amendments

F2 Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17; S.I. 2001/3736, art. 2

^{F3}179B Consideration of closure order by certain justices

- (1) The responsible senior police officer shall, as soon as reasonably practicable after the coming into force of a closure order, apply to relevant justices for them to consider under this section the order and any extension of it.
- (2) The relevant justices shall, as soon as reasonably practicable, consider whether to exercise their powers under subsection (3) of this section in relation to the order and any extension of it.
- (3) The relevant justices may—
 - (a) revoke the order and any extension of it if the order or extension is still in force;
 - (b) order the relevant licensed premises to remain, or to be, closed until the matter is dealt with by an order of licensing justices at the next licensing sessions;
 - (c) make any other order as they think fit in relation to the premises.
- (4) In determining whether the premises will be, or will remain, closed the relevant justices shall, in particular, consider whether—
 - (a) in the case of an order made by virtue of section 179A(1)(a) or (b) of this Act, closure is necessary in the interests of public safety because of disorder

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- or likely disorder on the premises or in the vicinity of, and related to, the premises;
- (b) in the case of an order made by virtue of section 179A(1)(c) of this Act, closure is necessary to ensure that no disturbance is, or is likely to be, caused to the public by excessive noise emitted from the premises.
- (5) A person who, without reasonable excuse, permits relevant licensed premises to be open in contravention of an order made under subsection (3)(b) of this section shall be guilty of an offence and shall be liable to a fine not exceeding £20,000 or to imprisonment for a term not exceeding three months or to both.
- (6) A person who, without reasonable excuse, fails to comply with, or does an act in contravention of, an order made under subsection (3)(c) of this section shall be guilty of an offence and shall be liable to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.
- (7) In this section and sections 179C to 179K of this Act “relevant justices” means—
- (a) licensing justices for the licensing district in which the premises are situated; or
- (b) if no such justices are available within a reasonable time, justices of the peace acting for the petty sessions area in which the premises are situated.
- (8) In this section and sections 179C to 179K of this Act “the responsible senior police officer” means the senior police officer who made the closure order or, if another senior police officer is designated for this purpose by the chief officer of police for the police area in which the premises are situated, that other senior police officer.]

Textual Amendments

F3 Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17; S.I. 2001/3736, art. 2

[^{F4}179C Extensions of closure order

- (1) If, before the end of the period for which relevant licensed premises are to be closed under a closure order or any extension of it (“the closure period”), the responsible senior police officer reasonably believes that—
- (a) relevant justices will not have considered under section 179B of this Act the order and any extension of it by the end of the closure period; and
- (b) the conditions for an extension under this subsection are satisfied,
- he may extend the closure period for a further period, not exceeding twenty-four hours, beginning with the expiry of the previous closure period.
- (2) For the purposes of subsection (1) of this section the conditions for an extension under that subsection are that—
- (a) in the case of an order made by virtue of section 179A(1)(a) or (b) of this Act, closure is necessary in the interests of public safety because of disorder or likely disorder on the premises or in the vicinity of, and related to, the premises;
- (b) in the case of an order made by virtue of section 179A(1)(c) of this Act, closure is necessary to ensure that no disturbance is, or is likely to be, caused to the public by excessive noise emitted from the premises.

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- (3) An extension under subsection (1) of this section shall, subject to subsection (4) of this section, come into force as soon as notice of it has been given by a constable to—
- (a) the holder of the justices' licence for the premises; or
 - (b) a manager of the premises.
- (4) No such extension shall come into force unless the notice has been given before the end of the previous closure period.]

Textual Amendments

F4 Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17; S.I. 2001/3736, art. 2

[^{F5}179D Cancellation of closure order

- (1) At any time—
- (a) after a closure order has been made; but
 - (b) before the order and any extension of it has been considered by relevant justices under section 179B of this Act,
- the responsible senior police officer may cancel the order and any extension of it.
- (2) The responsible senior police officer shall cancel the closure order and any extension of it if he does not reasonably believe that—
- (a) in the case of an order made by virtue of section 179A(1)(a) or (b) of this Act, closure is necessary in the interests of public safety because of disorder or likely disorder on the relevant licensed premises or in the vicinity of, and related to, the premises;
 - (b) in the case of an order made by virtue of section 179A(1)(c) of this Act, closure is necessary to ensure that no disturbance is, or is likely to be, caused to the public by excessive noise emitted from the premises.
- (3) Where a closure order and any extension of it is cancelled under subsection (1) or (2) of this section, the responsible senior police officer shall ensure that notice of the cancellation is given to—
- (a) the holder of the justices' licence for the premises; or
 - (b) a manager of the premises.]

Textual Amendments

F5 Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17; S.I. 2001/3736, art. 2

[^{F6}179E Revocation of justices' licence etc. after closure order

- (1) Where a closure order has come into force in relation to relevant licensed premises, licensing justices for the licensing district in which the premises are situated shall of their own motion consider, at the next licensing sessions, whether to exercise their powers under subsection (2) of this section.
- (2) The licensing justices may—
- (a) revoke the justices' licence for the premises concerned; or

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- (b) attach to it such conditions as they think fit (whether in substitution for any conditions previously attached or otherwise);
but no payment may be required in pursuance of a condition attached under paragraph (b) of this subsection.
- (3) The power under subsection (2) of this section to revoke a justices' licence is exercisable on any ground on which licensing justices might refuse to renew a justices' licence or a justices' licence of that description.
- (4) Licensing justices may only exercise their powers under subsection (2) of this section if, at least seven days before the commencement of the licensing sessions concerned, notice of the proposed exercise of the powers has been given to the holder of the licence specifying in general terms—
- (a) the grounds on which it is proposed that the licence should be revoked; or
 - (b) (as the case may be) the conditions which are proposed to be attached to the licence and the reasons for them.
- (5) Where licensing justices have decided at the next licensing sessions whether to exercise their powers under subsection (2) of this section, they may also make such order as they think fit in relation to the closure order and any extension of it or any order under section 179B of this Act.
- (6) Where licensing justices have decided to revoke a justices' licence under subsection (2) of this section, the revocation shall, subject to subsection (7) of this section, not have effect—
- (a) until the expiry of the time given for appealing against the decision; or
 - (b) if the decision is appealed against, until the appeal is disposed of.
- (7) Where the premises to which the licence relates have been closed until the making of the decision to revoke the licence by virtue of an order under section 179B(3)(b) of this Act, the premises shall, subject to section 179G(5) of this Act, remain closed (but the licence otherwise in force)—
- (a) until the expiry of the time given for appealing against the decision to revoke; or
 - (b) if the decision is appealed against, until the appeal is disposed of.
- (8) A person who, without reasonable excuse, permits premises to be open in contravention of subsection (7) of this section shall be guilty of an offence and shall be liable to a fine not exceeding £20,000 or to imprisonment for a term not exceeding three months or to both.
- (9) Where licensing justices have decided to attach conditions to a licence under subsection (2) of this section, the licensing justices may, on such terms as they think fit, suspend the operation of those conditions in whole or in part pending the determination of any appeal against the decision to attach them or pending the consideration of the question of bringing such an appeal.]

Textual Amendments

F6 Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17; S.I. 2001/3736, art. 2

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[^{F7}179F Procedural requirements

- (1) Where an application under section 179B(1) of this Act is made to justices of the peace acting for the petty sessions area in which the premises concerned are situated, the responsible senior police officer shall give notice to the chief executive to the licensing justices for the licensing district in which the relevant licensed premises are situated—
 - (a) that a closure order has come into force;
 - (b) of the contents of the order and of any extension to the order; and
 - (c) of the application under section 179B(1) of this Act.
- (2) The powers conferred on licensing justices by section 179B of this Act may be exercised by a single justice and may be exercised otherwise than at licensing sessions.
- (3) The powers conferred on justices of the peace by section 179B of this Act shall be exercisable in the place required by the Magistrates' Courts Act 1980 (c. 43) for the hearing of a complaint and may be exercised by a single justice.
- (4) Evidence given for the purpose of proceedings under section 179B or 179E of this Act shall be given on oath.
- (5) The Secretary of State may make regulations about the procedure and practice to be followed on and in connection with proceedings before licensing justices under sections 179B and 179E of this Act.]

Textual Amendments

F7 Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17; S.I. 2001/3736, art. 2

[^{F8}179G Rights of appeal

- (1) Any person aggrieved by a decision of relevant justices under section 179B of this Act or of licensing justices under section 179E of this Act may appeal to the Crown Court against the decision.
- (2) An appeal under subsection (1) of this section shall be commenced by notice of appeal given by the appellant to the chief executive to the licensing justices or (as the case may be) to the justices' chief executive within 21 days after the decision appealed against.
- (3) On an appeal against a decision under section 179E of this Act by licensing justices not to revoke a justices' licence, the holder of the licence shall be respondent in addition to the licensing justices.
- (4) Where the holder of a justices' licence gives notice of appeal against a decision under section 179E of this Act by licensing justices to revoke the licence, the Crown Court may, on such conditions as it thinks fit, order that the licence shall continue in force until the determination of the appeal notwithstanding that the appeal is not determined until after the date when the licence would otherwise cease to have effect.
- (5) Where—
 - (a) the holder of a justices' licence gives notice of appeal against a decision under section 179E of this Act by licensing justices to revoke the licence; and

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(b) the premises are closed by virtue of section 179E(7) of this Act, the Crown Court may, on such conditions as it thinks fit, order that section 179E(7) of this Act shall not apply to the premises.

(6) Sections 21 and 22(3A) of this Act (appeals) do not apply to any decision of licensing justices which is subject to a right of appeal under subsection (1) of this section or to any appeal under subsection (1) of this section.

(7) Section 22(4), (6) and (7), section 23(3) and (4) and section 25(1) of this Act shall apply, with necessary modifications, to appeals under subsection (1) of this section against decisions of licensing justices as they apply to appeals under section 21 of this Act.

(8) Section 23(4) of this Act shall have effect, in its application by virtue of subsection (7) of this section, as if the reference to section 21(4) of this Act were a reference to subsection (4) of this section.]

Textual Amendments

F8 Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17; S.I. 2001/3736, art. 2

[^{F9}179H Enforcement

(1) This section applies where a closure order or an order under section 179B(3)(b) of this Act has been made in relation to relevant licensed premises.

(2) Any person who without reasonable excuse fails to leave the premises when asked to do so, for the purposes of ensuring compliance with the order concerned (or with any extension of a closure order or with section 179E(7) of this Act), by the holder of the justices' licence for the premises or any manager of the premises shall be guilty of an offence and liable to a fine not exceeding level 1 on the standard scale.

(3) A constable shall, on the request of the holder of the justices' licence or any manager of the premises or any agent or servant of either of them, help to remove from the premises any person who is required to leave the premises by virtue of subsection (2) of this section.

(4) A constable may use such reasonable force as may be required for the purpose of giving help under subsection (3) of this section.]

Textual Amendments

F9 Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17; S.I. 2001/3736, art. 2

[^{F10}179I Exemption from liability for certain damages

(1) A constable shall not be liable for relevant damages in respect of anything done or omitted to be done by him in the performance or purported performance of his functions in relation to a closure order or any extension of it.

(2) A chief officer of police shall not be liable for relevant damages in respect of anything done or omitted to be done by a constable under his direction or control in the

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performance or purported performance of the constable’s functions in relation to a closure order or any extension of it.

- (3) Neither subsection (1) of this section nor subsection (2) of this section applies—
- (a) if the act or omission is shown to have been in bad faith; or
 - (b) so as to prevent an award of damages made in respect of an act or omission on the ground that the act or omission was unlawful as a result of section 6(1) of the Human Rights Act 1998 (c. 42).
- (4) This section is without prejudice to any other exemption from liability for damages (whether at common law or otherwise).
- (5) In this section “relevant damages” means damages in proceedings for judicial review or for the tort of negligence or misfeasance in public office.]

Textual Amendments

F10 Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17; S.I. 2001/3736, art. 2

[^{F11}179J Offences by body corporate

- (1) Where an offence under section 179A(6) or 179B(5) or (6) or 179E(8) of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, he as well as the body corporate commits the offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) of this section applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.]

Textual Amendments

F11 Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17, S.I. 2001/3736, art. 2

[^{F12}179K Interpretation of sections 179A to 179K

- (1) In sections 179A to 179J of this Act and this section—
- “chief officer of police” has the meaning given by section 101(1) of the Police Act 1996 (c. 16);
 - “closure order” has the meaning given by section 179A(2) of this Act;
 - “manager” (except in section 179J(1) of this Act) means any person who works in relevant licensed premises in a capacity which gives him authority to close the premises;
 - “the next licensing sessions” means the first licensing sessions held not less than fourteen days after the day on which the closure order concerned was considered by relevant justices under section 179B of this Act;
 - “notice” means notice in writing;
 - “police area” means a police area provided for by section 1 of the Police Act 1996 (c. 16);

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“relevant justices” has the meaning given by section 179B(7) of this Act;
“relevant licensed premises” has the meaning given by section 179A(2) of this Act;
“the responsible senior police officer” has the meaning given by section 179B(8) of this Act; and
“senior police officer” means a police officer of or above the rank of inspector.

- (2) For the purposes of sections 179A to 179J of this Act, relevant licensed premises are open if any person other than the holder of the justices’ licence for the premises, a manager of the premises or any member of the family of either of them—
- (a) enters onto the premises; and
 - (b) purchases, or is supplied with, any item of food or drink or any item which is usually sold on the premises.]

Textual Amendments

F12 Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17; S.I. 2001/3736, art. 2

[^{F13} Other]

Textual Amendments

F13 Ss. 179A-179K and cross-headings inserted (1.12.2001) by 2001 c. 16, s. 17; S.I. 2001/3736, art. 2

180 Consent to grant of occasional licence.

- [^{F14}(1) Justices of the peace may, on the application of the holder of a justices’ on-licence, grant him a licence (in this Act referred to as an “occasional licence”) authorising the sale by him of any intoxicating liquor to which his justices’ on-licence extends at such place other than the premises in respect of which his justices’ on-licence was granted, during such period not exceeding three weeks at one time, and between such hours, as may be specified in the occasional licence, but an occasional licence shall not authorise the sale of intoxicating liquor thereunder—
- (a) in a [^{F15}district or part thereof] in Wales and Monmouthshire in which section 66(1) of this Act for the time being applies, on any Sunday; or
 - (b) on Christmas Day, Good Friday, or any day appointed for public fast or thanksgiving.]
- (2) Subject to the following provisions of this section, the justices shall not hear an application for [^{F16}an occasional licence] unless satisfied that the applicant has served on the chief officer of police at least twenty-four hours’ notice of his intention to apply for [^{F16}it], stating the name and address of the applicant, the place and occasion for which [^{F16}it] is required, the period for which he requires it to be in force, and the hours to be specified in [^{F16}it].
- (3) Subject to subsection (4) of this section, the justices may, if they see fit, grant [^{F17}an occasional licence] without a hearing if written application for the grant is made by lodging two copies of the application with the clerk to the justices not less than one

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month before the day or earliest day for which application is made, and the application gives the particulars required for a notice under subsection (2) of this section.

- (4) Where written application is made in accordance with subsection (3) of this section—
- (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 objection, shall send a copy to the applicant.
- (5) Where written application is made in accordance with subsection (3) of this section but the application is not granted without a hearing, the application may be heard without the applicant having served notice on the chief officer of police under subsection (2) of this section.
- (6) Justices shall not grant [^{F18}an occasional licence to an applicant who holds only a residential licence; and, if he holds only a restaurant licence or residential and restaurant licence, they shall not grant the occasional licence] unless satisfied that the sale of intoxicating liquor under the authority of the occasional licence is to be ancillary to the provision of substantial refreshment.
- (7) The power of justices of the peace to grant [^{F19}an occasional licence] shall be exercisable by justices acting for the petty sessions area in which the place to which the application relates is situated, and by the number of justices and in the place required by [^{F20}the ^{M1}Magistrates' Courts Act 1980] for the hearing of a complaint.
- [^{F21}(8) An occasional licence granted to the holder of a justices' on-licence in respect of any premises shall have effect as if granted to any person who is for the time being the holder of a justices' on-licence in respect of those premises and shall be of no effect at any time when no justices' licence is for the time being held in respect of those premises.]

Textual Amendments

- F14** S. 180(1) substituted by Finance Act 1967 (c. 54, SIF 68A:1), Sch. 7 para. 15(1)
- F15** Words substituted by Local Government Act 1972 (c. 70, SIF 81:1), Sch. 25 para. 5
- F16** Words substituted by Finance Act 1967 (c. 54, SIF 68A:1), Sch. 7 para. 15(2)
- F17** Words substituted by Finance Act 1967 (c. 54, SIF 68A:1), Sch. 7 para. 15(3)
- F18** Words substituted by Finance Act 1967 (c. 54, SIF 68A:1), Sch. 7 para. 15(4)
- F19** Words substituted by Finance Act 1967 (c. 54, SIF 68A:1), Sch. 7 para. 15(5)
- F20** Words substituted by virtue of Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 8 para. 5
- F21** S. 180(8) added by Finance Act 1967 (c. 54, SIF 68A:1), Sch. 7 para. 15(6)

Marginal Citations

- M1** 1980 c. 43 (82).

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Textual Amendments

F22 S. 181 repealed by [Licensing \(Retail Sales\) Act 1988 \(c. 25, SIF 68A:1\)](#), **ss. 2, 4(2)**

[^{F23} **181A Sales to or by persons under 18 of intoxicating liquor on wholesale premises.**

- (1) In any premises from which he deals wholesale the wholesaler or his servant shall not sell intoxicating liquor to a person under eighteen.
- (2) In any premises from which he deals wholesale the wholesaler shall not allow a person under eighteen to make any sale of intoxicating liquor unless the sale has been specifically approved by the wholesaler or by a person of or over the age of eighteen acting on his behalf.
- (3) A person under eighteen shall not in premises from which intoxicating liquor is dealt in wholesale buy or attempt to buy such liquor.
- (4) In proceedings for an offence under subsection (1) of this section—
 - (a) where the person charged is charged by reason of his own act, it shall be a defence for him to prove—
 - (i) that he exercised all due diligence to avoid the commission of an offence under that subsection; or
 - (ii) that he had no reason to suspect that the other person was under eighteen; and
 - (b) where the person charged is charged by reason of the act of some other person, it shall be a defence for him to prove that he exercised all due diligence to avoid the commission of an offence under that subsection.
- (5) A person guilty of an offence under subsection (1) or (3) of this section shall be liable to a fine not exceeding level 3 on the standard scale.
- (6) A person guilty of an offence under subsection (2) of this section shall be liable to a fine not exceeding level 1 on the standard scale.
- (7) In this section “wholesaler” and “wholesale” have the same meaning as in section 4 of the Alcoholic Liquor Duties Act 1979.]

Textual Amendments

F23 S. 181A inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), **s. 17**

182 Relaxation, with respect to licensed premises, of law relating to music and dancing licences and billiards.

- (1) No statutory regulations for music and dancing shall apply to licensed premises so as to require any licence for the provision in the premises of public entertainment by the reproduction of wireless (including television) broadcasts [^{F24}or of programmes included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service], or of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound, or by not more than two performers, or sometimes in one of those ways and sometimes in the other.

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(2) F25

Textual Amendments

- F24** Words inserted by virtue of [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\)](#), s. 57(1), **Sch. 5 para. 14** and [Broadcasting Act 1990 \(c.42, SIF 96\)](#), ss. 4(6), 87(6), 203(1), **Sch. 20 para. 7**
- F25** [S. 182\(2\)](#) repealed by [Billiards \(Abolition of Restrictions\) Act 1987 \(c. 19, SIF 12:1\)](#), s. 1, **Sch. 1**

183 Name of holder of licence, etc., to be affixed to licensed premises.

- (1) Subject to section 55(5) of this Act, the holder of a justices' licence, other than a residential licence, shall keep painted on or affixed to the licensed premises in a conspicuous place, and in such form and manner as the licensing justices may direct, his name, and after the name the word "licensed" followed by words sufficient to express the business for which the licence is granted, and in particular—
- words expressing whether the licence is an on-licence or an off-licence;
 - if the licence is a six-day licence or an early-closing licence, words indicating that the licence is such.
- (2) In the case of a restaurant licence or a residential and restaurant licence the nature of the business for which the licence is granted is sufficiently indicated for the purposes of subsection (1) of this section, so far as relates to the restrictions imposed by the conditions as to the sale and supply of intoxicating liquor, if the words express that the holder of the licence is licensed to sell for consumption on the premises with meals.
- (3) A person shall not have on his premises words or letters importing that he is authorised, as the holder of a licence, to sell any intoxicating liquor that he is not authorised to sell.
- (4) If any person contravenes this section he shall be liable, on a first conviction to a fine not exceeding [^{F26}£25], and on a subsequent conviction to a fine not exceeding [^{F26}£50].

Textual Amendments

- F26** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), s. **31(5)(6)(9)**

Modifications etc. (not altering text)

- C1** [S. 183\(4\): Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. **35** (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

184 Communication between licensed premises and places of public resort.

- (1) If any person makes or uses, or allows to be made or used, any internal communication between licensed premises and any premises, other than licensed premises, used for public resort, or as a refreshment house, he shall be guilty of an offence, and shall be guilty of a further offence for every day on which the communication remains open.
- (2) A person guilty of an offence under this section shall be liable to a fine not exceeding [^{F27}level 1 on the standard scale] and, if he is the holder of a justices' licence, he shall on conviction forfeit the licence.

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Textual Amendments

F27 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

185 Licence or exemption order to be produced on demand.

If the holder of a justices' licence, [^{F28}an occasional licence] a canteen licence [^{F29}, an order under section 87A of this Act] or a general or special order of exemption, on being ordered by a justice of the peace, [^{F30}or constable] to produce it for examination, fails to do so within a reasonable time he shall be liable to a fine not exceeding [^{F31}level 1 on the standard scale].

Textual Amendments

F28 Words added by [Finance Act 1967 \(c. 54, SIF 68A:1\)](#), **Sch. 7 para. 17(a)**

F29 Words inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 19, **Sch. 3 para. 18**

F30 Words substituted by [Finance Act 1967 \(c. 54, SIF 68A:1\)](#), **Sch. 7 para. 17(b)**

F31 Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), **s. 31(5)(6)(9)** and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**

186 Right of constables to enter premises.

[^{F32}(1) For the purpose of preventing or detecting the commission of any offence against this Act a constable may enter licensed premises, a licensed canteen or premises for which or any part of which a special hours certificate is in force under section 78 of this Act—

- (a) at any time within the hours specified in relation to the premises in subsection (1A) of this section, and
- (b) in the case of premises for which a justices' licence is in force or a licensed canteen, at any time outside those hours when he suspects, with reasonable cause, that such an offence is being or is about to be committed there.

(1A) The hours referred to in subsection (1)(a) of this section are—

- (a) in the case of licensed premises (other than premises which are licensed premises by virtue only of an occasional licence) or a licensed canteen, the permitted hours and the first half hour after the end of any period forming part of those hours;
- (b) in the case of premises for which an occasional licence is in force, the hours specified in the licence;
- (c) in the case of premises for which, or any part of which, a special hours certificate is in force under section 78 of this Act, the hours beginning at eleven o'clock in the evening and ending thirty minutes after the end of the permitted hours fixed by section 76 of this Act;

and, in relation to premises within more than one paragraph of this subsection, the hours referred to in subsection (1)(a) are the hours specified in any of the relevant paragraphs.]

- (2) If any person, himself or by any person in his employ or acting with his consent, fails to admit a constable who demands entry to premises in pursuance of this section he shall be liable, on a first conviction to a fine not exceeding [^{F33}level 1 on the standard scale],

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and on a subsequent conviction to a fine not exceeding [^{F33}level 1 on the standard scale].

Textual Amendments

- F32** S. 186(1)(1A) substituted for s. 186(1) by [Licensing \(Amendment\) Act 1977 \(c. 26, SIF 68A:1\), s. 1](#)
- F33** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\), s. 31\(5\)\(6\)\(9\)](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#)

187 Search warrant.

- (1) If a justice of the peace is satisfied by information on oath that there is reasonable ground for believing that any intoxicating liquor is sold by retail or exposed or kept for sale by retail at any place in the county or borough for which he is justice, being a place where that liquor may not lawfully be sold by retail, he may issue a search warrant under his hand to a constable authorising him at any time or times within one month from the date of the warrant to enter that place, which shall be named in the warrant, by force if need be, and search the place for intoxicating liquor and seize and remove any intoxicating liquor that the constable has reasonable grounds for supposing to be in the place for the purpose of unlawful sale there or elsewhere, and the vessels containing the liquor.
- (2) If the owner or occupier of the place from which any intoxicating liquor has been removed under the preceding subsection is convicted of selling by retail, or of exposing for sale by retail, any intoxicating liquor that he is not authorised to sell by retail, or is convicted of having in his possession intoxicating liquor that he is not authorised to sell, any intoxicating liquor so removed, and the vessels containing it, shall be forfeited.
- (3) Where a constable seizes any intoxicating liquor in pursuance of a warrant issued under this section, any person found in the place shall, unless he proves that he is there for a lawful purpose, be liable to a fine not exceeding [^{F34}level 1 on the standard scale].
- (4) Where a constable seizes any liquor as aforesaid, and any person so found, on being asked by a constable for his name and address—
 - (a) refuses to give them, or
 - (b) gives a false name or address, or
 - (c) gives a name or address that the constable has reasonable grounds for thinking to be false, and refuses to answer satisfactorily any questions put by the constable to ascertain the correctness of the name or address given,
 he shall be liable to a fine not exceeding [^{F34}level 1 on the standard scale].
- (5) ^{F35}

Textual Amendments

- F34** Words substituted by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\), s. 31\(5\)\(6\)\(9\)](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#)
- F35** S. 187(5) repealed by [Police and Criminal Evidence Act 1984 \(c. 66, SIF 95, 47\), s. 119, Sch. 7 Pt. I](#)

Modifications etc. (not altering text)

- C2** S. 187(1) amended (E.)(1.4.1996) by [S.I. 1996/674, reg. 2, Sch. Pt. II para. 5\(2\)\(m\)](#)

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S. 187(1) amended (W.)(1.4.1996) by S.I. 1996/675, art. 2, **Sch Pt. II**, para. 7(2)(m)

188 Closing of licensed premises in case of riot.

- (1) Where a riot or tumult happens or is expected to happen in any county or borough, any two justices of the peace for the county or borough may order every holder of a justices' licence for premises in or near the place where the riot or tumult happens or is expected to happen to close his premises for such time as the justices may order.
- (2) If any person keeps premises open for the sale of intoxicating liquor during the time that justices have ordered them to be closed under this section he shall be liable to a fine not exceeding [^{F36}level 3 on the standard scale].
- (3) Any person acting by the order of a justice of the peace may use such force as may be necessary for the purpose of closing premises ordered to be closed under this section.

Textual Amendments

F36 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46

189 Temporary licence pending appeal against conviction.

Where on conviction of an offence a justices' licence or a canteen licence is forfeited, either by the court or by virtue of the conviction, and the person convicted appeals against the conviction, the convicting court may, on such conditions as it thinks just, grant a temporary licence to be in force until the appeal is determined or ceases to be prosecuted.

190 Magistrates' courts, etc. not to sit in licensed premises.

- (1) Licensed premises shall not be used as a petty-sessional court house or an occasional court house.
- (2) No licensing sessions shall be held in licensed premises.
- (3) A coroner's inquest shall not be held in licensed premises or in a room in a building part of which is licensed premises, if any other suitable place is provided.

191 Procedure for amending certain rules of clubs established before 3rd August 1961.

- (1) Subject to subsection (2) of this section, where in the case of a club established before 3rd August 1961 there is no power, except with the agreement of all the members, to amend the rules of the club with respect to any matter mentioned in subsection (3) of this section, a resolution passed at a general meeting of the club by a majority of not less than two-thirds of the votes cast and (if the members have unequal voting rights) not less than two-thirds of the members voting shall be as effective to amend the rules with respect to that matter as if unanimously agreed to by all the members.
- (2) A resolution shall not have effect under this section unless—
 - (a) notice of the intention to propose a resolution for the purpose under this section was given to all members entitled to receive notice of the meeting, and

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the length of notice given was not less than twenty-one days nor less than that required for summoning the meeting; and

- (b) the amendments are designed to adapt the rules to the provisions of Parts II and III of this Act in a manner and for a purpose specified in the resolution (whether by facilitating an application for a registration certificate or justices' on-licence for any club premises, or by altering or facilitating the alteration of the permitted hours in any club premises, or otherwise).
- (3) The matters with respect to which the rules of a club may be amended under this section are the sale or supply of intoxicating liquor in club premises (including the permitted hours), the purchase of intoxicating liquor for the club, the admission of persons to membership of the club or to any of the privileges of membership, the constitution of any committee entrusted with the management of the whole or any part of the affairs of the club, general meetings of the club, and any provision made by the rules as to the application otherwise than for the benefit of the club as a whole of any money or property of the club or gain arising from the carrying on of the club.

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