



# Licensing Act 1964

## 1964 CHAPTER 26

### PART XIV

#### SUPPLEMENTAL

#### **193 Disqualification of justices**

- (1) No justice shall act for any purpose under this Act in any county, county borough or borough having a separate commission of the peace, or be capable of being appointed or being a member of any committee therein for any such purpose, who is, or is in partnership with, a brewer, distiller, maker of malt for sale or retailer of malt or of any intoxicating liquor, in that county or borough.
- (2) No justice who holds any share or stock in a company which is such a brewer, distiller, maker of malt or retailer as aforesaid in any county, county borough or borough having a separate commission of the peace shall be capable of being appointed or being a member of a licensing committee or compensation authority in that county or for that borough unless before his appointment as a member thereof he has disclosed to the justices appointing him the fact that he holds the share or stock; but where a member of any such committee or authority is disqualified for being a member thereof by acquiring any such share or stock he may be re-appointed if before his re-appointment he has disclosed to the justices re-appointing him the fact that he has acquired the share or stock.
- (3) A person who is the beneficial owner of any such share or stock as aforesaid held by him (whether his beneficial ownership extends to the whole holding or to a part of it or an interest in it only) shall not be appointed or re-appointed a member of any such committee or authority as aforesaid unless the justices appointing or re-appointing him are satisfied that the extent to which the company in question carries on or is interested in the business of brewing, distilling, making of malt for sale or retailing of malt or of any intoxicating liquor is so small in comparison with its whole business that the fact that the said person is interested in the company affords no reasonable ground for suggesting that he is not a proper person to be a member of the committee or authority.

---

*Status: This is the original version (as it was originally enacted).*

---

- (4) Subject to subsection (5) of this section, no justice shall act for any purpose under this Act in a case that concerns any premises in the profits of which he is interested, or of which he is wholly or partly the owner, lessee, or occupier, or for the owner, lessee, or occupier of which he is manager or agent; but a justice shall not be disqualified under this provision by reason of his having vested in him a legal interest only, and not a beneficial interest, in the premises concerned or the profits of them.
- (5) A justice having an interest in the profits of any premises shall not be thereby disqualified under subsection (4) of this section or otherwise from acting under this Act, if he would not fall to be treated as having such an interest but for the fact that he has a beneficial interest in shares of a company or other body having an interest in those profits, and if his beneficial interest in the shares of the company or body does not extend to shares of a total nominal value greater than twenty-five pounds, or to more than one-hundredth in nominal value of its issued share capital or of any class of its issued share capital.

In this subsection "share" includes stock, and "share capital" shall be construed accordingly.

- (6) No act done by any justice disqualified by this section shall be invalid by reason only of that disqualification, and no act done by any justice who by virtue of this section has ceased to be a member of any licensing committee or compensation authority shall be invalid by reason only of the cessation of membership.
- (7) If any justice, knowing that the circumstances are such that under this Act he is disqualified for acting for any of the purposes of this Act, acts as a justice for that purpose he shall be liable to a penalty not exceeding one hundred pounds, to be recovered by action in the High Court; but a justice proceeded against for more than one contravention of this section committed before the institution of the proceedings shall not be liable in respect of all such contraventions to an aggregate penalty exceeding one hundred pounds.
- (8) No objection shall be allowed to any justices' licence on the ground that it was granted by justices not qualified to grant it.