



Licensing Act 1872

1872 CHAPTER 94

Definitions

74 Interpretation of terms, &c.

In this Act, if not inconsistent with the context, the following expressions have the meanings herein-after respectively assigned to them; that is to say,

" Intoxicating Liquor Licensing Act, 1828, " means the Act of the ninth year of the reign of King George the Fourth, chapter sixty-one, intituled " An Act to regulate granting " of licenses to keepers of inns, alehouses, and victualling " houses in England," and includes the Acts amending the same:

" Wine and Beerhouse Acts " means the Wine and Beerhouse Act, 1869, and the Wine and Beerhouse Act Amendment Act, 1870:

" Intoxicating Liquors Licensing Acts " means the Intoxicating Liquor Licensing Act, 1828, and the Wine and Beerhouse Acts:

" Intoxicating liquor " means spirits, wine, beer, porter, cider, perry, and sweets, and any fermented, distilled, or spirituous liquor which cannot, according to any law for the time being in force, be legally sold without a license from the Commissioners of Inland Revenue:

" License " means a license for the sale of intoxicating liquors granted by justices in pursuance of the Intoxicating Liquor Licensing Act, 1828, including a certificate of justices granted under the Wine and Beerhouse Acts, and including a license for the sale of sweets which is hereby authorised to be granted in the same manner as if sweets were wine, and including a license for the retail of spirits granted to a wholesale spirit dealer by the justices in pursuance of this Act:

" A new license " means a license granted at a general annual licensing meeting in respect of premises not theretofore licensed for the sale of intoxicating liquors:

" The renewal of a license " means a license granted at a general annual licensing meeting by way of renewal:

" The transfer of a license " means a transfer made in special sessions in exercise of the power granted to justices by the fourth section of the said Act

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of the ninth year of the reign of King George the Fourth, chapter sixty-one, intituled " An Act to regulate granting of licenses to keepers of inns, alehouses, and victualling houses in England:

" Licensed person " means a person holding a license as defined by this Act:

" Licensed premises " means premises in respect of which a license as defined by this Act has been granted and is in force:

" Unlicensed premises " means premises in respect of which a license as defined by this Act has not been granted or is not in force :

" Owner of licensed premises " means the person for the time being entitled to receive, either on his own account or as mortgagee or other incumbrancer in possession, the rackrent of such premises:

" Licensing district " means the area for which a general annual licensing meeting is held in pursuance of the Intoxicating Liquor Licensing Act, 1828 :

" Licensing justices " means the justices having jurisdiction in respect of the grant of new licenses in a licensing district under the last-mentioned Act as amended by this Act:

" Licensing officer " means any officer appointed by the Commissioners of Inland Revenue to issue or superintend the issue of licenses under this Act in any place:

" Sale by retail " in respect of any intoxicating liquor means the sale of that liquor in such quantities as is declared to be sale by retail by any Acts relating to the sale of intoxicating liquors:

" County " does not include a county of a city or a county of a town, but means any county, riding, parts, division or liberty of a county having a separate commission of the peace and a separate court of quarter sessions :

" Borough " means a county of a city, county of a town, city, municipal borough, cinque port and its liberties, town corporate or other place in which a general annual licensing meeting is held in pursuance of the Intoxicating Liquors (Licensing) Act, 1828, exclusive of a petty sessional division of a county:

Where a liberty of a county, as defined by this Act, is not divided into petty sessional divisions, such liberty shall, so far as respects the provisions of this Act with respect to the grant of new licenses, stand in the same position as if it were a petty sessional division of the county in which it is geographically situate or with which it has the longest common boundary:

" Clerk of the licensing justices " means, where the licensing district is a county or a petty sessional division of a county, the clerk of the petty sessions for such division ; and where the licensing district is a county of a city, county of town, city, municipal borough, town corporate, or other place not a . county or a petty sessional division of a county, means the clerk to the justices of such county of a city, county of a town, city, borough, town corporate, or place, or other person performing analogous duties to such clerk ; and where there are more persons than one in any county, petty sessional division, or other place filling the office of clerk of the licensing justices as herein-before defined, the licensing justices shall determine by which of such persons the register of licenses shall be kept:

" Town " means any parliamentary or municipal borough, Improvement Act district, local government district, or other place having a known legal boundary, and wherever two or more of the above-mentioned places occupy portions of the same area, "town" shall be taken to mean such one of such places as is the largest in area; and any premises situate in more than one town shall,

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for the purposes of this Act, be deemed to be in such one of the towns as is the largest in area :

" Local government district " means any area subject to the jurisdiction of a local board constituted in pursuance of the Local Government Act, 1858 ;

" Improvement Act district " means any area for the time being subject to the jurisdiction of any commissioners, trustees, or other persons intrusted by any Local Act, not being a Turnpike Act or Highway Act, with powers of improving, cleansing, or paving any part of such district :

" Court of summary jurisdiction " means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled " An Act to facilitate " the performance of the duties of justices of the peace out " of sessions within England and Wales with respect to " summary convictions and orders," in this Act referred to as " The Summary Jurisdiction Act, 1848," and any Acts amending the same :

" Quarter sessions " includes general sessions:

" Police district " means,—

1. The city of London and the liberties thereof;
2. The Metropolitan Police District;
3. Any county, riding, part, division, or liberty of a county, borough, city, town, place, or union, or combination of places maintaining a separate police force ; and all the police under one chief constable shall be deemed to constitute one force for the purposes of this definition :

" Police authority " means,—

1. In the city of London and the liberties thereof, the commissioner of city police;
2. In the Metropolitan Police District, the commissioner of police of the metropolis ;
3. Elsewhere, the chief constable, or head constable, or other officer, by whatever name called, having the chief command of the police in the police district in reference to which such expression occurs : Any act or thing by this Act authorised to be done by the police authority may be done by any person authorised by him in that behalf :

" Secretary of State " means one of Her Majesty's Principal Secretaries of State.