



Licensing Act 1872

1872 CHAPTER 94

Repeated Convictions

30 Forfeiture of license on repeated convictions.

If any licensed person on whose license two convictions for offences committed by him against this Act have been recorded is convicted of any offence which is directed by this Act to be recorded on his license, the following consequences shall ensue ; that is to say,

- (1) The license of such licensed person shall be forfeited, and he shall be disqualified for a term of five years from the date of such third conviction from holding any license; and
- (2) The premises in respect of which his license was granted shall, unless the court having cognizance of the case in its discretion thinks fit otherwise to order, be disqualified from receiving any license for a term of two years from the date of such third conviction:

Provided that nothing in this section contained shall prevent the infliction by the court of any pecuniary penalty or any term of imprisonment to which such licensed person would otherwise be liable, or shall preclude the court from exercising any power given by any other section of this Act of disqualifying such licensed person or such premises for a longer period than the term mentioned in this section.

31 Disqualification of premises.

The following additional provisions shall be enacted with respect only to convictions of persons who may hereafter become licensed in respect of premises, and shall not apply to a conviction of any person licensed for any premises at the passing of this Act so long as he is licensed in respect of the same premises; viz.,

1. The second and every subsequent conviction recorded on the license of any one such person shall also be recorded in the register of licenses against the premises:
2. When four convictions (whether of the same or of different licensed persons) have within five years been so recorded against premises, those premises shall during one year be disqualified for the purposes of this Act:

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

3. If the licenses of two such persons licensed in respect of the same premises are forfeited within any period of two years, the premises shall be disqualified for one year from the date of the last forfeiture :

Provided that where any premises are disqualified under this section notice of such disqualification shall be served upon the owner of the premises in like manner as an order of disqualification is required to be served under this Act, and the regulations for the protection of the owner of premises in case of an order of disqualification shall, so far as the same are applicable, extend to the case of disqualification under this section.

32 Conviction after five years not to increase penalty.

A conviction for any offence under this Act shall not after five years from the date of such conviction be receivable in evidence against any person for the purpose of subjecting him to an increased penalty or to any forfeiture.

33 Omission to record conviction on license.

Where a conviction for an offence is by this Act directed to be recorded on the license of any person, the fact of no such record having been made shall not, if such conviction be otherwise proved to the satisfaction of the court having cognizance of any case under this Act, exempt such person or the premises occupied by him from any penalty to which such person or premises would have been subject if such record had been duly made. And on such proof being given the omitted conviction may be recorded accordingly, and shall be deemed to have been duly recorded in accordance with this Act.

34 Penalty for defacing record of conviction on license.

If any person defaces or obliterates, or attempts to deface or obliterate, any record of a conviction on his license, he shall be liable to a penalty not exceeding five pounds.