



Licensing Act 1872

1872 CHAPTER 94

Amendment of Law as to Grant of Licenses

38 Licensing committee of justices in boroughs.

In boroughs in which at the commencement of the time appointed for the annual appointment of a licensing committee in this section mentioned there are ten justices acting in and for such borough or upwards, new licenses shall be granted by a committee, who shall for the purpose of such new licenses perform all the duties and be subject to the obligations of licensing justices.

In every such borough as aforesaid the justices acting in and for such borough shall annually in the fortnight preceding the commencement of the period during which the general annual licensing meeting for such borough may be held appoint from among themselves for the purposes of this Act a committee of not less than three nor more than seven in number, but no justice shall be appointed a member of such committee unless he is qualified to act under this Act.

Any vacancies arising in such committee (in this Act referred to as the borough licensing committee) from death, resignation, or other causes, may be from time to time filled up by the justices by whom the committee is appointed.

The quorum of a borough licensing committee shall be three members.

The members of the borough licensing committee retiring at the end of the year may be re-appointed; and if from any cause members have not been appointed in any year to succeed the retiring members, such retiring members may continue to act as the borough licensing committee until their successors are appointed.

The grant of a new license by a borough licensing committee shall not be valid unless it is confirmed by the whole body of borough justices, who would, if this Act had not passed, have been authorised to grant licenses, or by a majority of such body present at any meeting assembled for the purpose of confirming such licenses.

In boroughs in which there are not ten justices acting in and for such borough at such time as aforesaid, new licenses shall be granted by the qualified borough justices, but the grant of a new license by such justices shall not be valid unless it is confirmed

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by a joint committee appointed in respect of such borough in manner hereinafter mentioned:

A joint committee for any such borough as last aforesaid shall consist of three justices of the county in which such borough is situate and three justices of the borough, but no justice shall be appointed a member of such committee unless he is qualified to act under this Act. The three county justices on a joint committee shall be appointed by the county licensing committee. The same county justices may be appointed members of more than one joint committee under this section. The borough justices on a joint committee shall be appointed by the justices of the borough for which they act, or by the majority of such justices assembled at any meeting held for that purpose. Any casual vacancy arising in the joint committee from death, resignation, or other cause, may from time to time be filled up by the justices by whom the person creating such vacancy was appointed. The quorum of the joint committee shall be five members. The senior magistrate on the joint committee present at any meeting shall be its chairman ; and in the event of an equal division of the committee the chairman shall have a second vote:

Provided that so far as respects any new licenses to be granted in any borough at any general annual licensing meeting, or any adjournment thereof, held between the twentieth of August and the end of September in the year one thousand eight hundred and seventy-two, the following enactments shall take effect:

1. If no licensing committee has been appointed in the county in which a borough is situate for which a joint committee is required to be appointed by this Act, the county members of the joint committee shall be appointed by the justices in quarter sessions assembled, and in any such borough as last aforesaid any new license, if confirmed by the joint committee, shall be in force from the date of the confirmation thereof until the eleventh day of October one thousand eight hundred and seventy-three:
2. All notices and ministerial acts given or done in relation to the grant of such licenses shall be valid, notwithstanding such notices may be given or acts be done before the appointment of a borough licensing committee, and the borough justices may appoint a time at which the borough licensing committee will be prepared to grant new licenses.

No objection shall be made to any licenses granted or confirmed in pursuance of this section on the ground that the justices or committee of justices who granted or confirmed the same were not qualified to make such grant or confirmation.

From and after the passing of this Act, the justices of a county shall not for licensing purposes, save in so far as respects the power of appointing members of a joint committee, have any jurisdiction in a borough in which the borough justices have for such purposes concurrent jurisdiction.