



Licensing Act 1964 (repealed)

1964 CHAPTER 26

PART I

THE GENERAL LICENSING SYSTEM

Old on-licences

12 **Restricted power of licensing justices to refuse renewal or transfer of old on-licences.**

(1) In this Act—

“old on-licence” means a justices’ on-licence, other than one for the sale of wine alone . . . ^{F1}, granted by way of renewal from time to time of a licence in force on 15th August 1904, or of a licence that before that day had been provisionally granted and confirmed under section 22 of the ^{M1}Licensing Act 1874 where the grant and confirmation have been subsequently declared final, except that it does not include a licence varied under section 37 of this Act or granted by way of renewal from time to time of a licence so varied; and

“old beerhouse licence” means an old on-licence for the sale of beer or cider, with or without wine, granted by way of renewal from time to time of a licence for premises for which a corresponding excise licence was in force on 1st May 1869;

no account being taken of any transfer nor, except for the purpose of determining whether a licence is an old beerhouse licence, of any removal.

(2) Subject to any disqualification of the applicant or of the premises to which the application relates, licensing justices shall not refuse an application for the renewal of an old on-licence except on one or more of the following grounds, that is to say—

- (a) in the case of an old beerhouse licence, those specified in subsection (3) of this section;
- (b) in the case of any other old on-licence, those specified in subsection (4) of this section;

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and, in either case, the ground that there has been entered in the register of licences a conviction of bribery or treating made in pursuance of [^{F2}section 168(7) of the Representation of the ^{M2}People Act 1983].

- (3) The renewal of an old beerhouse licence may be refused on the ground—
- (a) that the applicant has failed to produce satisfactory evidence of good character; or
 - (b) that the house or shop to which the application relates, or any adjacent house or shop owned or occupied by him, is of a disorderly character, or frequented by thieves, prostitutes or persons of bad character; or
 - (c) that a licence previously held by the applicant for the sale of wine, spirits, beer or cider has been forfeited for his misconduct, or that he has previously been adjudged for his misconduct disqualified for receiving such a licence or for selling wine, spirits, beer or cider.
- (4) The renewal of an old on-licence other than an old beerhouse licence may be refused on the ground—
- (a) that the applicant is not a fit and proper person to hold the licence; or
 - (b) that the licensed premises have been ill-conducted or are structurally deficient or structurally unsuitable,
- and for the purposes of paragraph (b) of this subsection, premises shall be deemed to have been ill-conducted if, among other things, the holder of the licence has persistently and unreasonably refused to supply suitable refreshment, other than intoxicating liquor, at a reasonable price, or has failed to fulfil any reasonable undertaking given to the justices on the grant of the licence.
- (5) Where an application is made for the renewal of an old on-licence and the licensing justices ask the applicant to give an undertaking, they shall adjourn the hearing of the application and cause notice of the undertaking for which they ask to be served on the registered owner of the premises and shall give him an opportunity of being heard.
- (6) Licensing justices refusing to renew an old on-licence shall specify to the applicant in writing the grounds of their refusal.
- (7) Subsections (2) to (6) of this section shall apply to the transfer of an old on-licence as they apply to the renewal of such a licence, except that the transfer of an old beerhouse licence may also be refused on the ground that the applicant is not a fit and proper person to hold the licence.

Textual Amendments

F1 Words repealed by [Finance Act 1967 \(c. 54, SIF 63:2\)](#), [Sch. 16 Pt. I](#)

F2 Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), [Sch. 8 para. 7](#)

Marginal Citations

M1 [1874 c. 49.](#)

M2 [1983 c. 2 \(42\).](#)

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Textual Amendments

F3 Ss. 13, 14, 15(4), 16–18 repealed with saving by [Licensing \(Alcohol Education and Research\) Act 1981 \(c. 28, SIF 68A:1\)](#), s. 11, **Sch. 2 Pt. I**

15 Special removals of old on-licences.

- (1) Where application is made for the special removal of an old on-licence from any premises in a licensing district to premises in the same district on the ground—
- (a) that the premises for which the licence was granted are or are about to be pulled down or occupied under any Act for the improvement of highways, or for any other public purpose; or
 - (b) that the premises for which the licence was granted have been rendered unfit for use for the business carried on there under the licence by fire, tempest or other unforeseen and unavoidable calamity;
- the provisions of sections 12 . . . ^{F4} of this Act shall apply as they apply to a renewal, subject to the restrictions on removals imposed by Parts VI and VII of this Act and subject to subsections (3) and (4) of this section.
- (2) A removal to which those provisions apply as aforesaid is in this Act referred to as a special removal.
- (3) In the application of those provisions to the special removal of a licence section 12 of this Act shall have effect as if the words “that the premises to be licensed” were inserted in subsection (4)(b) before the words “are structurally deficient or structurally unsuitable”.
- (4) . . . ^{F5}
- (5) Notwithstanding anything in section 6 of this Act, no provisional grant shall be made of a special removal.
- (6) Section 8(4) of this Act shall apply in relation to applications for special removals as it applies in relation to applications for transfers.

Textual Amendments

F4 Words repealed with saving by [Licensing \(Alcohol Education and Research\) Act 1981 \(c. 28, SIF 68A:1\)](#), s. 11, **Sch. 2 Pt. I**

F5 Ss. 13, 14, 15(4), 16–18 repealed with saving by [Licensing \(Alcohol Education and Research\) Act 1981 \(c. 28, SIF 68A:1\)](#), s. 11, **Sch. 2 Pt. I**

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18.

Textual Amendments

F6 Ss. 13, 14, 15(4), 16–18 repealed with saving by [Licensing \(Alcohol Education and Research\) Act 1981 \(c. 28, SIF 68A:1\)](#), s. 11, **Sch. 2 Pt. I**

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