



Licensing Act 1902

1902 CHAPTER 28

PART II

AMENDMENT OF LICENSING LAW

10 Powers of justices as to retail off-licences

- (1) Notwithstanding anything contained in section seventy-three of the Licensing Act, 1872, a justices' licence shall be required in the case of every excise licence under which intoxicating liquor may be sold by retail to be consumed off the premises.

Provided that this subsection shall not apply to any excise licence taken out by a spirit dealer or wine dealer for premises which are exclusively used for the sale of intoxicating liquors, or of intoxicating liquors and mineral waters, or other non-intoxicating drinks, and which have no internal communication with the premises of any person who is carrying on any other trade or business.

- (2) Notwithstanding anything contained in section eight of the "Wine and Beerhouse Act, 1869, and in sections sixty-nine and seventy-four of the Licensing Act, 1872, the licensing justices shall be at liberty in their free and unqualified discretion, except as herein-after provided, either to refuse a licence for the sale of beer, wine, spirits, liqueurs, sweets, or cider, by retail, to be consumed off the premises, on any grounds appearing to them sufficient, or to grant a licence to such persons as they deem fit and proper.
- (3) Any application for the grant of a licence, to which this section applies, in respect of any premises on which the applicant was, at the commencement of this Act, authorised to sell beer, wine, spirits, liqueurs, sweets, or cider by retail to be consumed off the premises, shall be deemed to be an application for the renewal of a licence, and shall be subject to the provisions of the Licensing Acts relating to the renewal of licences.
- (4) Provided that where a licence for the sale of wine, spirits, liqueurs, sweets, or cider, not to be consumed on the premises, was in force on the twenty-fifth day of June nineteen hundred and two, an application for the renewal of such licence, or of any licence granted by way of renewal thereof from time to time, shall not be refused to

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the person who held such licence on the twenty-fifth day of June nineteen hundred and two, except on one or more of the grounds on which it might have been refused if this Act had not passed, or on the ground that the licensee has sold surreptitiously under such licence, or has assisted in concealing or misrepresenting the nature of goods sold under such licence, or has in any other way, in the opinion of the licensing justices, been guilty of misconduct in the management of his business under such licence.