



Licensing Act 1902

1902 CHAPTER 28

PART I

AMENDMENT OF LAW AS TO DRUNKENNESS

5 Protection for wife or husband of habitual drunkard

- (1) Where the husband of a married woman is a habitual drunkard, as defined by section three of the Habitual Drunkards Act, 1879, the married woman shall be entitled to apply for an order under the Summary Jurisdiction (Married "Women) Act, 1895, and that Act shall apply accordingly.
- (2) Where the wife of a married man is a habitual drunkard as defined by section three of the Habitual Drunkards Act, 1879, the married man shall be entitled to apply to a court of summary jurisdiction for an order under this subsection, and on any such application the court may make one or more orders containing all or any of the following particulars :—
 - (a) A provision that the applicant be no longer bound to cohabit with his wife (which provision while in force shall have the effect in all respects of a decree of judicial separation on the ground of cruelty) ;
 - (b) A provision for the legal custody of any children of the marriage;
 - (c) A provision that the applicant shall pay to his wife personally, or for her use to any officer of the court or other person on her behalf, such weekly sum not exceeding two pounds as the court, having regard to the means both of the applicant and his wife, consider reasonable ;
 - (d) A provision for payment by the applicant or his wife, or both of them, of the costs of the court, and such reasonable costs of the parties or either of them as the court may think fit.

Subject to the foregoing provisions, the Summary Jurisdiction (Married Women) Act, 1895, shall apply to an application and order under this subsection in like manner as it applies to an application and order under that Act, except that for references to a married woman and her husband shall be substituted references to a married man and his wife.

Status: This is the original version (as it was originally enacted).

Provided that instead of making an order in pursuance of paragraph (a) of this subsection the court may, with the consent of the wife, order her to be committed to and detained in any retreat licensed under the Inebriates Acts, 1879 to 1900, the licensee of which is willing to receive her ; and such order shall have effect as if she had been admitted to the retreat under section ten of the Habitual Drunkards Act, 1879, as amended by any subsequent enactment, and the court may order an officer of the court or a constable to remove her to the retreat accordingly.