



**Isle of Man**

*Ellan Vannin*

**AT 8 of 1995**

**LICENSING ACT 1995**





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## LICENSING ACT 1995

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**Isle of Man***Ellan Vannin*

## LICENSING ACT 1995

<i>Received Royal Assent:</i>	<i>11 July 1995</i>
<i>Passed:</i>	<i>12 July 1995</i>
<i>Commenced:</i>	<i>See endnotes</i>

**AN ACT** to re-enact with amendments the Licensing Acts; and for connected purposes.

### PART 1 – LICENSING COURTS

#### **1 The Licensing Court**

- (1) There is constituted a court called the Licensing Court (in this Act referred to as “the court”).
- (2) The court consists of the High Bailiff and 4 other justices.
- (3) Part 1 of Schedule 1 has effect with respect to the qualifications, election and tenure of office of members of the court.
- (4) The High Bailiff or, in his absence, a member of the court chosen by the members present shall preside at every sitting of the court.

#### **2 The Licensing Court of Appeal**

- (1) There is constituted a court called the Licensing Court of Appeal (in this Act referred to as “the appeal court”).
- (2) The appeal court consists of a chairman (who shall be a person of legal training), a vice-chairman and 3 other members, appointed in each case by the Clerk of the Rolls.
- (3) Part 2 of Schedule 1 has effect with respect to the qualifications and tenure of office of members of the appeal court.
- (4) The chairman or, in his absence, the vice-chairman of the appeal court shall preside at every sitting of the appeal court.

### 3 Courts: supplemental

- (1) The court and the appeal court are courts of justice and courts of record.
- (2) The court and the appeal court may act on their own knowledge of the wants or requirements of a locality or neighbourhood, or of visitors to the Island.
- (3) There shall be appointed a clerk to the court and a clerk to the appeal court.
- (4) No partner or employee of the clerk to the court or the appeal court shall act as advocate in any proceedings before either the court or the appeal court.
- (5) If any person contravenes subsection (4), he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

### 4 Sittings of the court

- (1) The court shall hold a sitting before the 31st March in every third year at such time and place as the High Bailiff may appoint —
  - (a) for the purpose of hearing applications for the grant of licences by way of renewal, and
  - (b) for such other purposes as the court thinks fit.

A sitting of the court under this subsection is in this Act referred to as a “triennial session”.

- (2) The court shall hold such other sittings, at such times and places, as the High Bailiff may appoint.
- (3) Any proceedings of the court may be adjourned to such subsequent sitting of the court (including a triennial session) as the court thinks fit.
- (4) Every application to the court, except an application which is required or permitted by rules to be heard or otherwise dealt with in private, shall be heard in public.
- (5) Notwithstanding subsection (1), where a triennial sitting of the court is due to be held before 31st March 2021, that sitting shall instead be held before 31st March 2022.<sup>1</sup>

### 5 Procedure

- (1) The Deemsters, after consultation with the High Bailiff and the chairman of the appeal court, may make rules prescribing the procedure of the court and the appeal court.
- (2) Rules may, as respects proceedings before the court —
  - (a) prescribe the notice to be given of the proceedings, and the evidence to be lodged as to compliance with the requirements of the rules as to notice;



- (b) prescribe the evidence to be lodged as to the character and suitability of any person to whom the proceedings relate (including evidence of any previous convictions of his);
  - (c) require to be lodged —
    - (i) plans of the premises to which the proceedings relate,
    - (ii) plans and specifications of any works carried out or to be carried out and affecting those premises;
    - (iii) any agreement relating to the supply of liquor to which any person to whom the proceedings relate, or any person interested in the premises to which the proceedings relate, is a party, or information relating to any such agreement;
    - (iv) the observations (if any) on the application or other matter to which the proceedings relate of any public authority specified in the rules;
  - (d) provide for the making of objections and representations with respect to an application or other matter;
  - (e) provide for the taking of evidence (including the summoning of witnesses) by the court;
  - (f) provide for the inspection of premises in the course of the proceedings, or as to the determination of an application or other matter without inspection;
  - (g) provide for the representation in the proceedings of a party which is a company by a director or other officer of the company, or by the manager of the business carried on or to be carried on on the premises to which the proceedings relate;
  - (h) require a specified person or persons to appear at the hearing of an application or other matter;
  - (i) provide in specified cases for the determination of an application or other matter without the appearance of the applicant;
  - (j) provide for the adjournment of the proceedings;
  - (k) provide for the manner in which proceedings may be withdrawn or abandoned.
- (3) Rules may, as respects appeals, make provision as to —
- (a) the manner in which, and the time within which, an appeal to the appeal court is to be lodged;
  - (b) the giving of notice of the appeal;
  - (c) the fixing of the time and place for the hearing of the appeal and the giving of notice of the hearing;
  - (d) the consideration of the evidence taken in the court, and the taking of further evidence (including the summoning of witnesses), by the appeal court;

- (e) the adjournment of the appeal;
  - (f) the manner in which the appeal may be withdrawn or abandoned.
- (4) Rules may make provision —
- (a) except where otherwise provided under paragraph (c), for the quorum of the court or the appeal court;
  - (b) for any decision of the court or the appeal court to be by a majority of the members of the court or the appeal court present and voting, and for the chairman to have a second or casting vote in case of an equality of votes;
  - (c) for the court or the appeal court to consist of the High Bailiff or the chairman of the appeal court, as the case may be, sitting alone when hearing an application or other matter of a kind specified in the rules;
  - (d) for the application to proceedings in the court, with or without modifications, of any provisions of the *Summary Jurisdiction Act 1989*.
- (5) Subject to rules and to any other provision of this Act, the court and the appeal court may determine their own procedure.

## PART 2 – LIQUOR LICENSING

### 6 Grant of licences

- (1) The court, on an application made for the purpose, may grant to a person a licence for the sale by retail of liquor in respect of premises or a passenger vessel specified in the licence.
- (2) A licence shall be one of the following —
- (a) an on-licence;
  - (b) an off-licence;
  - (c) a passenger vessel licence.
- (3) Subject to the following provisions of this Act —
- (a) an on-licence authorises the sale by retail of liquor on the premises specified in the licence, for consumption on or off the premises;
  - (b) an off-licence authorises the sale by retail of liquor on the premises specified in the licence, for consumption off the premises;
  - (c) a passenger vessel licence authorises the sale by retail of liquor on the passenger vessel specified in the licence, for consumption on the vessel, to any passenger on the vessel while it is plying from place to place, but not when in a harbour.

- (4) A licence granted by the court shall, on payment of the duty payable for it under Part 5, Division 4 (general fee power) of the *Interpretation Act 2015*, be issued under the hand of the High Bailiff.<sup>2</sup>
- (5) Subject to section 11, a licence comes into force on such date as may be specified in it.
- (6) Subject to any provision of this Act providing for its suspension or cancellation, a licence ceases to have effect —
  - (a) (except in the case of a licence granted under section 13, 14 or 15) on 31st March in each year in which a triennial session of the court is held;
  - (b) if the holder surrenders it in writing to the court.

## 7 Determination of application for licence

- (1) In determining an application for a licence the court shall consider —
  - (a) the fitness and character of the applicant (including any previous convictions, whether or not under the enactments relating to licensing);
  - (b) whether the requirements of this Act and of any relevant rules have been complied with;
  - (c) the requirements and the circumstances of the neighbourhood in which the premises in respect of which the application is made are situated;
  - (d) the requirements of visitors to the Island;
  - (e) the adequacy of any notice of the application given pursuant to such rules;
  - (f) such other matters as the court may think relevant to the application; and
  - (g) whether on the grant of the licence the sale, supply and consumption of liquor should be restricted to a part of the licensed premises.
- (2) In determining an application for a licence the court may, if it thinks it inexpedient to grant a licence of the kind applied for, grant to the applicant a licence of a different kind.
- (3) Where a company is the beneficial owner of an interest in premises by virtue of which it is entitled to possession of the premises, a licence shall not be granted in respect of the premises to any person other than to the company, unless the court for special reasons otherwise orders.
- (4) A passenger vessel licence may be granted to the master of the vessel or to some other person nominated by its owners.

## 8 Licences granted to companies

- (1) Subject to subsection (1A), a licence may not be granted to a company in respect of any premises unless a person nominated by the applicant, being an individual resident in the Island and either —
- (a) a director or other officer of the applicant; or
  - (b) the manager of the business carried on or to be carried on, on the premises,
- is approved by the court; and a person so approved is in this Act referred to as a “designated official”.<sup>3</sup>
- (1A) The court may, on the application of the Chief Constable, for good cause refuse to grant a licence to a company unless —
- (a) such number of qualifying persons as the court considers appropriate have been nominated by the applicant; and
  - (b) at least one of the nominated persons is a person mentioned in subsection (1); and
  - (c) the court has approved the nominated persons as designated officials under subsection (1).<sup>4</sup>
- (1B) In subsection (1A), a qualifying person is an individual —
- (a) mentioned in subsection (1); or
  - (b) who is an employee of the applicant.<sup>5</sup>
- (1C) In a case where there is more than one designated official, at least one of the officials shall be a person mentioned in subsection (1).<sup>6</sup>
- (1D) The court may, on the application of the Chief Constable or on its own motion, direct the Chief Constable to supply the court with a report as to the management of any premises in respect of which the licensee is a company and on receipt of such report the court may for good cause direct the licensee to nominate one or more individuals to be approved by the court as designated officials in addition to or in place of the existing designated official.<sup>7</sup>
- (1E) Where there is more than one designated official in respect of any premises the holder of the licence shall cause a record to be kept of the designated official that is in charge of the premises at any time.<sup>8</sup>
- (1F) Any record maintained in accordance with subsection (1E) shall be kept in the possession of the licensee for at least 3 years.<sup>9</sup>
- (1G) The court may direct the licensee to produce to it any record maintained under subsection (1E).<sup>10</sup>
- (1H) If the holder of the licence fails to comply with subsection (1E) or (1F), the holder of the licence shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5,000.<sup>11</sup>

- (2) The court may, on the application of the Chief Constable, for good cause withdraw its approval of a designated official.
- (3) If the court withdraws its approval of a designated official, or a designated official —
- (a) dies; or
  - (b) ceases to be resident in the Island; or
  - (c) ceases to be a director or other officer of the holder of the licence; or
  - (d) ceases to be the manager of the business carried on, on the premises,
- the holder of the licence shall —
- (i) notify the Chief Constable of the change in circumstances; and
  - (ii) apply to the court for the approval of another person, being such an individual as is mentioned in subsection (1), in place of that designated official.<sup>12</sup>
- (3A) Where the designated official referred to in subsection (3) was the only designated official in respect of particular premises, the holder of the licence shall nominate a person who will personally supervise the licensed premises pending the approval by the court of a replacement designated official and shall notify the Chief Constable accordingly.<sup>13</sup>
- (4) If —
- (a) the holder of the licence fails to comply with subsection (3) within the period of 2 weeks beginning with the event referred to in that subsection, or
  - (b) before the end of the relevant period the court refuses an application under subsection (3) without specifying a period within which a further application may be made,
- the licence is suspended and of no effect from the end of the relevant period until another designated official is approved by the court.
- In this subsection “the relevant period” means the period of 2 weeks referred to in paragraph (a) as extended (or further extended) by a period specified under paragraph (b).<sup>14</sup>
- (4A) The court may, on the application of the Chief Constable, for good cause order the holder of a licence to nominate such further persons (each such person being an individual as is mentioned in subsection (1)) as the court considers appropriate for approval by the court as designated officials.<sup>15</sup>
- (4B) If —

- (a) the holder of the licence fails to comply with subsection (4A) within the period of 2 weeks beginning with the order referred to in that subsection, or
- (b) before the end of the relevant period the court refuses an application under subsection (4A) without specifying a period within which a further application may be made,

the licence is suspended and of no effect from the end of the relevant period until such further designated officials are approved by the court.

In this subsection “the relevant period” means the period of 2 weeks referred to in paragraph (a) as extended (or further extended) by a period specified under paragraph (b).<sup>16</sup>

- (5) The name and address of each designated official shall be endorsed on the licence.<sup>17</sup>

## 9 Conditions and undertakings

- (1) The Department may by regulations prescribe conditions to which —
  - (a) every licence, or
  - (b) every licence of a class specified in the regulations, or
  - (c) every licence, or every licence of such a class, relating to premises of a description, or premises used for a purpose, which is so specified,is subject.
- (2) Regulations under subsection (1) —
  - (a) may provide that a licence shall be subject to a condition thereby prescribed only in so far as it is not inconsistent with a condition imposed by the court under subsection (3)(b) or (4);
  - (b) may prescribe conditions prohibiting or restricting the sale or supply of liquor to or for persons of any specified description;
  - (c) may prescribe conditions prohibiting or restricting the presence of persons below a specified age (not exceeding 18 years) on licensed premises of a specified description;
  - (d) may prescribe conditions subject to which liquor may be sold, supplied or consumed on prescribed days or during prescribed hours;
  - (e) may not prohibit the sale, supply or consumption of liquor on prescribed days or during prescribed hours; and
  - (f) may apply to licences granted before as well as after they are made.
- (3) A licence shall be granted subject to —
  - (a) such conditions as for the time being apply to that licence by virtue of regulations under subsection (1);

- (b) such other conditions as the court thinks fit; and
  - (c) any undertaking given by the applicant and accepted by the court.
- (3A) Regulations under subsection (1) and conditions and undertakings under subsection (3) or (4) may not restrict the hours during which liquor may be sold, supplied or consumed on licensed premises.<sup>18</sup>
- (4) In relation to any licence the court, of its own motion or on an application by any person, may by order do all or any of the following —
- (a) vary or remove any condition imposed under subsection (3)(b) or this subsection;
  - (b) waive, wholly or in part, any undertaking previously given and accepted; or
  - (c) impose a further condition or accept a further undertaking by the holder of the licence.<sup>19</sup>
- (5) Without prejudice to the generality of subsection (3)(b) or (4), a condition imposed by the court may, in respect of premises in relation to which a licence of any class is in force —
- (a) [Repealed]<sup>20</sup>
  - (b) prohibit the sale, supply or consumption on the premises of any class or description of liquor specified in the condition;
  - (c) prohibit or restrict the sale or supply of liquor to or for persons of any specified description;
  - (d) prohibit or restrict the presence on the premises, or in any specified room in the premises, of persons below a specified age (not exceeding 18 years);<sup>21</sup>
  - (e) in the case of an on-licence, prohibit the sale or supply of liquor for consumption off the premises;
  - (f) in the case of on-licensed premises, require such numbers of guards or doorkeepers (within the meaning of section 40) or both to be provided at the premises, at such times and on such days, as are specified in the condition.<sup>22</sup>
- (5A) When granting an on-licence the court shall consider whether it should impose a condition prohibiting or restricting the presence in any specified room in the premises of persons below the age of 16.<sup>23</sup>
- (5B) Nothing in any condition prohibiting or restricting the presence in any specified room in the premises of persons below a specified age applies to —
- (a) a child of the holder of the licence or of a designated official;<sup>24</sup>
  - (b) a person who resides in the licensed premises but is not employed there; or

- (c) a person who is [in] the room solely for the purpose of passing to or from some other part of the premises to or from which there is no other convenient means of access or egress.<sup>25</sup>
- (6) The following matters shall be endorsed on the licence —
  - (a) any conditions imposed under subsection (3)(b) or (4) to which the licence is subject;
  - (b) any undertaking given by the holder of the licence and accepted by the court; and
  - (c) any order under subsection (4).
- (7) If any condition to which a licence is subject is not complied with —
  - (a) the holder of the licence is guilty of an offence and liable on summary conviction to a fine not exceeding £2,500, and
  - (b) whether or not he is convicted of that offence, the court may by order cancel the licence or suspend it for such period, or until the happening of such event, as is specified in the order.
- (7A) If any person aged 18 or over (other than a person responsible under section 25 for the conduct of the premises) knowingly causes or permits a person under 18 to be present in licensed premises or in any room in licensed premises in contravention of a condition under subsection (5)(d) or (5A), he is guilty of an offence and liable on summary conviction to a fine not exceeding £500.<sup>26</sup>
- (8) If an undertaking accepted by the court is not complied with, the court may by order cancel the licence or suspend it for such period, or until the happening of such event, as is specified in the order.
- (9) Where a licence is suspended under subsection (7)(b) or (8), it is of no effect until the court certifies that the condition or undertaking in question has been complied with.

## 10 Transfer of licences

- (1) The court may, on an application for the purpose, order that a licence granted to a person in respect of any premises be transferred to another person.
- (2) The effect of an order under this section shall be endorsed on the licence.
- (3) Sections 7, 8 and 9 apply to an application under this section as they apply to an application for the grant of a licence.

## 11 Provisional grant of licence

- (1) This section applies to premises which are —



- (a) being or to be constructed for the purpose of being used as premises for the sale of liquor (whether for consumption on or off the premises); or
  - (b) being or to be altered for that purpose (whether or not they are already used for that purpose).
- (2) The court may, on an application by a person interested in premises to which this section applies, provisionally grant him a licence in respect of the premises if it is satisfied that the premises, if completed in accordance with plans deposited with and approved by the court, would be such that the court would have granted a licence for the premises.
- (3) A licence granted under this section —
  - (a) shall be suspended and of no effect until the court by order confirms it, on being satisfied that the premises have been completed in accordance with the plans approved under subsection (2) or (if a variation has been approved under subsection (7)) with the plans as varied;
  - (b) may include a condition that a licence in respect of other premises specified in the application is surrendered on or before the making of an order under paragraph (a);
  - (c) shall, unless previously confirmed, be cancelled (without any order of the court) on the expiration of the following period from the date on which it is granted —
    - (i) such period as may be specified in the licence, or
    - (ii) if no such period is specified, 3 years.
- (4) The court may, on the application of the holder of a licence granted under this section, by order extend the period specified in the licence under subsection (3)(c)(i) or the period specified in subsection (3)(c)(ii), as the case may be (or that period as extended by a previous order under this subsection).
- (5) The court may, without being satisfied as mentioned in subsection (2), grant a licence under this section on the deposit of —
  - (a) a plan sufficient to identify the site of the premises, and
  - (b) a description giving a general indication of their size and character (with particular reference to the sale of liquor),instead of plans of the premises.
- (6) Where a licence is granted under subsection (5) —
  - (a) it shall cease to have effect on the expiration of 12 months beginning with the date on which it is granted unless before that time —
    - (i) plans have been deposited with the court, and

- (ii) the court has approved the plans, being satisfied that the premises, if completed in accordance with the plans, would be such that the court would have granted a licence for them; and
  - (b) subsection (3)(c) applies with the substitution of the date of such approval for the date on which the licence is granted.
- (7) The court may, on the deposit of a variation of any plans previously approved under subsection (2) or (6)(a)(ii), approve the variation.
- (8) The effect of any order or approval under this section shall be endorsed on the licence.
- (9) Section 8 applies to a licence granted to a company under this section with the modification that the licence may be granted, but may not be confirmed, before a person has been approved under subsection (1) of that section.
- (10) In this section “plans” includes specifications.

## 12 Cancellation of licence

- (1) The court, on the application of the holder of a licence, may by order cancel the licence.
- (2) The court, of its own motion or on an application by any person, may by order cancel a licence in respect of any premises if –
- (a) the licence has been in force during the period of 12 months ending with the date on which notice is given under subsection (3), and
  - (b) the court is satisfied that the premises have not during that period been used for the sale or supply of liquor.
- (2A) The court, on an application by the Chief Constable, may by order cancel a licence if it is satisfied that, having regard to the fitness and character of the holder of the licence (including any convictions, whether or not under the enactments relating to licensing), he has ceased to be a suitable person to hold a licence.<sup>27</sup>
- (3) Before cancelling a licence under subsection (2) or (2A) the court shall, unless it determines that it is not practicable to do so, give the holder of the licence notice of the time and place at which he may appear before it and show cause why the licence should not be cancelled.<sup>28</sup>
- (4) In determining for the purpose of subsection (2)(a) whether premises have been used for the sale or supply of liquor, the court may disregard any irregular or occasional use of the premises for such sale or supply.
- (5) This section is without prejudice to any other power of the court to cancel or suspend a licence.

### 13 Temporary Licences

- (1) The court, on an application by any person interested in any licensed premises, may grant to a person specified in the application, in respect of the premises, a licence of the same class as the licence held in respect of the premises (“the main licence”) for a period expiring —
  - (a) on the making of an order under section 10 (transfer) in respect of the main licence, or
  - (b) at the end of 6 weeks beginning with the date of the grant of the licence under this subsection,whichever first occurs.
- (2) The court may, on an application by the holder of a licence (“the main licence”), grant him a licence of the same class as the main licence, permitting the sale and supply and (if appropriate) consumption of liquor on premises specified therein for such period as is so specified, for the purpose of enabling works of repair, alteration or reconstruction to be carried out at the premises in respect of which the main licence is in force.

### 14 Occasional licences

- (1) The court may, on the application of the holder of an on-licence, grant him a licence (an “occasional licence”) authorising the sale by him of liquor —
  - (a) at such place as is specified in the application, being a place other than the premises in respect of which the on-licence is granted;
  - (b) on such days (not exceeding 14 in all), and during such hours, as are so specified.
- (2) [Repealed]<sup>29</sup>
- (3) No appeal lies against a decision of the court under this section.
- (4) An occasional licence shall be granted subject to a condition requiring the person to whom it is granted to produce the licence to the police in such manner and within such time as are specified in the licence.
- (5) Sections 6(4), 7 and 9 apply to an occasional licence as they apply to a licence.

### 15 Charitable function licences

- (1) The court may, on an application by a person nominated in writing by a charitable organisation, grant him a licence (a “charitable function licence”) authorising the sale by him of wine at a charitable function at such place, on such day (other than Christmas Day or Good Friday) and between such hours as may be specified in the licence.<sup>30</sup>
- (2) No appeal lies against a decision of the court under this section.

- (3) Sections 6(4), 7 and 9 apply to a charitable function licence as they apply to a licence.
- (4) In this section —
- “charitable function” means a social or festive meeting the object of which is to raise money for a charitable organisation, and which appears to the court to be of a legitimate and proper kind;
- “charitable organisation” means —
- (a) an institution which is a registered charity within the meaning of the *Charities Registration Act 1989*; or
  - (b) a body of persons (corporate or unincorporate) whose objects are in the court’s opinion wholly or mainly charitable.

## PART 3 – CONDUCT OF LICENSED PREMISES

### *Permitted hours*

#### **16 Notification of opening hours**

- (1) The Department may by regulations require the holder of any on-licence to give notice in writing to the Chief Constable of the hours between which he intends to sell or supply liquor for consumption on the licensed premises.
- (2) Regulations under this section may provide for non-compliance with any provision of the regulations to be an offence punishable on summary conviction by a fine not exceeding £500.<sup>31</sup>

#### **17 to 21 [Repealed]<sup>32</sup>**

#### **22 Employment of minors etc**

- (1) If a person under 18 is employed in a room in on-licensed premises in respect of which a condition referred to in section 9(5)(d) or (5A) is in force at a time when the premises are open for the sale, supply or consumption of liquor, the holder of the licence is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.<sup>33</sup>
- (2) and (3) [Repealed]<sup>34</sup>
- (4) The Department of Education, Sport and Culture may prosecute for an offence under this section.<sup>35</sup>

**23 Sale to minors etc**

- (1) If the holder of a licence, or an employee or agent of the holder of a licence —
- (a) sells or delivers liquor to a person under 18;
  - (b) permits any other person to sell or deliver liquor to a person under 18;
  - (c) sells liquor for consumption on the licensed premises by a person under 18,
  - (d) permits any other person to sell liquor for consumption on the licensed premises by a person under 18;
  - (e) permits a person under 18 to consume liquor in the licensed premises;<sup>36</sup>

he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

- (2) If any person —
- (a) buys liquor for consumption in licensed premises by a person under 18, or<sup>37</sup>
  - (b) sends any person under 18 for the purpose of obtaining liquor to any place where liquor is sold or delivered in pursuance of a sale;

he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

- (3) If a person under 18 in any licensed premises —
- (a) buys or consumes liquor; or
  - (b) makes a false statement as to his age to the holder of the licence, or to any employee or agent of the holder,

he is guilty of an offence and liable on summary conviction to a fine not exceeding £500.

- (4) Subsection (1)(a) or (b) is not contravened by —
- (a) the sale or delivery of liquor to a person under 18 at his residence or place of work; or
  - (b) the delivery of liquor to a person under 18 who is a relative or employee of the holder of the licence and employed as a messenger to deliver liquor.
- (5) Subsection (1)(c), (d) or (e), (2)(a) or (3)(a) is not contravened by the consumption, or sale for consumption, of wine by a person aged 16 or over if —
- (a) he is accompanied by a person aged 18 or over, and
  - (b) each of those persons is consuming a substantial meal in the licensed premises.

- (5A) Subsection (1)(e) or (2)(a) is not contravened by the consumption, or sale for consumption, of liquor in a room in the licensed premises in respect of which a condition referred to in section 9(5)(d) or (5A) is in force.<sup>38</sup>
- (6) Subsection (2)(b) is not contravened by a person sending a person mentioned in subsection (4)(b) to licensed premises to obtain liquor.
- (7) The holder of a licence, or an employee or agent of the holder of a licence, may at any time require any person in the licensed premises to produce evidence in writing of his age.
- (8) The Department may by regulations –
- (a) specify any document or class of documents which may be produced for the purpose of subsection (7);
  - (b) prescribe the form, and the procedure for the issue by the Department or any other authority or person specified in the regulations, of documents which may be produced for that purpose.
- (9) If a person in licensed premises produces to the holder of a licence, or an employee or agent of his, as evidence of his own or another person's age a document, or a document of a class, specified or prescribed under subsection (8)(a) or (b) which –
- (a) falsely states his or that person's age, or
  - (b) relates to a person (whether real or fictitious) other than himself or that person,
- he is guilty of an offence and liable on summary conviction to a fine not exceeding £500.
- (10) In proceedings against the holder of a licence, or an employee or agent of his, for an offence under this section in relation to a person alleged to be under a certain age, it is a defence for him to prove that a document purporting to be a document, or a document of a class, specified or prescribed under subsection (8)(a) or (b) was produced as evidence of that person's age and appeared to show that he was of that age.

## 24 Provisions supplemental to ss 20-23

- (1) In proceedings against the holder of a licence, or an employee or agent of the holder of a licence, for an offence under section 22, it is a defence for him to prove that he took all reasonable precautions and exercised all due diligence to prevent the contravention in question.<sup>39</sup>
- (2) If in proceedings in a court for an offence under section 22 or 23 –
- (a) it is alleged that a person was at any time under a certain age, and
  - (b) it appears to the court that he was then under that age,

he shall be deemed for the purposes of the proceedings to have been then under that age unless the contrary is shown.<sup>40</sup>

- (3) In section 23 and this section —  
“licence” includes an occasional licence;  
“licensed premises” and “on-licensed premises” include premises in respect of which an occasional licence is in force.<sup>41</sup>

### *Absence of licensee*

## **25 Absence of licensee**

- (1) Unless such absence is unavoidable, if the responsible person without the permission of the court absents himself for a period of more than 14 days from the business of personally supervising on-licensed premises —
- (a) the holder of the licence is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000, and
  - (b) whether or not the holder of the licence is convicted of an offence under paragraph (a), the court may by order suspend the licence for such period, or until the happening of such event, as may be specified in the order.
- (2) The court shall not give permission under subsection (1) unless —
- (a) the holder of the licence —
    - (i) has notified the Chief Constable of the absence; and
    - (ii) has nominated a person who will personally supervise the licensed premises during the absence of the responsible person; and
  - (b) the court has approved that person for the purpose.<sup>42</sup>
- (3) During the absence of the responsible person, the person approved under subsection (2) is responsible for the conduct of the premises.
- (4) Where the court has power under subsection (1)(b) to suspend a licence, and has already suspended the licence under any provision of this Act at least twice in the previous 5 years, it may by order cancel the licence.
- (5) Before suspending or cancelling a licence under this section the court shall, unless it determines that it is not practicable to do so, give the holder of the licence an opportunity to make representations as to why the licence should not be suspended or cancelled, as the case may be.
- (6) In this section “the responsible person”, in relation to on-licensed premises, means
- (a) where the holder of the licence is an individual or individuals, the holder of the licence;

- (b) where the holder of the licence is a company, the designated official or, where there is more than one designated official, every such designated official.<sup>43</sup>

## **25 Responsibility for conduct of premises [For specified purpose only.]<sup>1</sup>**

- (1) In relation to any licensed premises, each of the following persons —
  - (a) where the holder of the licence is an individual or individuals, the holder of the licence;
  - (b) where the holder of the licence is a company, the designated official,
  - (c) where the person mentioned in paragraph (a) or (b) is absent from the premises, an individual approved for the purpose by the court, is personally responsible for the conduct of the premises.
- (2) If, at any time when the premises are open for the sale or supply of liquor, none of the persons mentioned in subsection (1) is present on the premises, then (unless such absence is unavoidable) —
  - (a) The holder of the licence is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000, and
  - (b) Whether or not the holder of the licence is convicted of an offence under paragraph (a), the court may by order suspend the licence for such period, or until the happening of such event, as may be specified in the order.
- (3) Where the court has power under subsection (2)(b) to suspend a licence, and has already suspended the licence under any provision of this Act at least twice in the previous 5 years, it may by order cancel the licence.
- (4) Before suspending or cancelling a licence under this section the court shall, unless it determines that it is not practicable to do so, give the holder of the licence an opportunity to make representations as to why the licence should not be suspended or cancelled, as the case may be.<sup>44</sup>

### **25A Passenger vessels**

- (1) In relation to any licensed premises which is a passenger vessel, each of the following persons —
  - (a) where the holder of the licence is an individual or individuals, the holder of the licence; or

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<sup>1</sup> For the purpose (only) of enabling applications to be made to the Licensing Court this version of section 25 (substituted by section 4(1) of the Licensing (Amendment) Act 2001 applies by virtue of SD 366/01 as last amended by SD761/06.



- (b) where the holder of the licence is a company, the designated official or, where there is more than one designated official, every such designated official,
- is personally responsible for the conduct of the licensed premises.
- (2) If, at any time when licensed premises comprising passenger vessels are open for the sale or supply of liquor, neither the holder of the licence nor any designated official is present on the licensed premises, then —
- (a) the holder of the licence is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000, and
- (b) whether or not the holder of the licence is convicted of an offence under paragraph (a), the court may by order suspend the licence for such period, or until the happening of such event, as may be specified in the order.
- (3) Where the court has power under subsection (2)(b) to suspend a licence, and has already suspended the licence under any provision of this Act at least twice in the previous 5 years, it may by order cancel the licence.

Before suspending or cancelling a licence under this section the court shall, unless it determines that it is not practicable to do so, give the holder of the licence an opportunity to make representations as to why the licence should not be suspended or cancelled, as the case may be.<sup>45</sup>

### *Supply of liquor*

## **26 Supply of excess quantity**

If the holder of a licence, or an employee or agent of the holder of a licence —

- (a) sells or supplies to any person in the licensed premises, or
- (b) permits any other person to sell or supply to any person in the licensed premises,

as the measure of liquor for which that person asks an amount exceeding that amount, he is guilty of an offence and liable on summary conviction to a fine not exceeding £500.

## **27 Sale on credit**

- (1) If the holder of a licence, or an employee or agent of the holder of a licence, in the licensed premises —
- (a) sells or supplies liquor to be consumed on the premises, or
- (b) permits any person to consume liquor,

which is not paid for before or at the time it is sold or supplied, he is guilty of an offence and liable on summary conviction to a fine not exceeding £500.

- (2) If any person in licensed premises consumes liquor which is not paid for before or at the time it is sold or supplied, he is guilty of an offence and liable on summary conviction to a fine not exceeding £500.
- (3) Subsections (1) and (2) are not contravened if the liquor —
  - (a) is sold or supplied for consumption at a meal supplied at the same time, is consumed with the meal, and is paid for together with the meal;
  - (b) is sold or supplied to a person who resides on the premises; or
  - (c) is paid for, at the time it is sold or supplied, by means of a credit card, charge card or similar payment card.<sup>46</sup>
- (4) No debt or demand arising from the sale of liquor in contravention of subsection (1) or (2) is recoverable.

### *Music and dancing*

## **28 Music and dancing**

- (1) If the court thinks fit, an on-licence may contain a provision authorising —
  - (a) music, or music of a description specified in the provision, to be played on the licensed premises or in any part of them; or
  - (b) dancing to take place on the premises or in any part of them,or both, at such times and subject to such conditions as may be specified in the provision.
- (2) The court, of its own motion or on an application by any person, may by order vary or revoke a provision referred to in subsection (1).
- (3) If any music is played, or dancing takes place, on any on-licensed premises otherwise than in accordance with an authorisation under this section, the holder of the licence is guilty of an offence and liable on summary conviction to a fine not exceeding £500.
- (4) Regulations under section 19 may make provision for enabling the court to extend the hours specified under subsection (1) in relation to any premises.<sup>47</sup>
- (5) Nothing in this section applies to music played by the reproduction of programmes included in a programme service (within the meaning of Part 1 of the *Broadcasting Act 1993*).
- (6) In any proceedings relating to the inclusion in a licence of a provision referred to in subsection (1), or the variation or revocation of such a provision, the court may request the Department of Environment, Food and Agriculture to arrange for an officer of that Department to make to the court a report, orally or in writing, with respect to —

- (a) levels of noise which are or may be emitted from the licensed premises, and
  - (b) measures to reduce such noise,
- and that Department shall comply with the request.<sup>48</sup>

*Alterations to premises*

**29 Communication between premises**

- (1) No internal communication shall be made or used without the permission of the court between on-licensed premises and any other premises (not being on-licensed premises) used for public resort or public refreshment.
- (2) Any person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding £500.

**30 Alterations to on-licensed premises**

- (1) No alteration shall be made to on-licensed premises without the permission of the court if the alteration —
  - (a) gives increased facilities for drinking; or
  - (b) conceals from observation any part of the premises used for drinking; or
  - (c) affects the communication between the part of the premises where liquor is sold and any other part of the premises or any street or other place to which the public has access.
- (2) Subsection (1) is not contravened by works required by an order of a court or an order made or notice served by a public authority pursuant to an enactment.
- (3) Any person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding £500.

**31 Alterations etc: supplemental**

- (1) If section 29(1) or 30(1) is contravened in relation to any licensed premises the court may by order —
  - (a) cancel the licence; or
  - (b) direct the holder of the licence that within a time fixed by the court the premises shall be restored to their original condition; or
  - (c) give a direction under paragraph (b) and suspend the licence until the direction has been complied with.
- (2) Where a licence is suspended under subsection (1)(c), it is of no effect until the court certifies either that the direction has been complied with or that such alternative works as the court may permit have been completed.

- (3) If a direction under subsection (1)(b) or (c) is not complied with, the court may by order cancel the licence.

*Display of notices*

**32 Display of notices**

- (1) The Department may by regulations make provision for the display of notices at licensed premises to indicate any of the following —
- (a) the name of the holder of the licence;
  - (b) the nature of the licence;
  - (c) any opening hours notified pursuant to regulations under section 16(1);<sup>49</sup>
  - (d) the normal opening hours during which liquor is sold or supplied;
  - (e) the charges made for liquor of different kinds, according to the measures by which they are sold;
  - (f) [Repealed]<sup>50</sup>
  - (g) the effect of any order in force under section 21;
  - (h) the effect of any authorisation under section 28 included in the licence;
  - (i) particulars of any conditions included in the licence.
- (2) Regulations under this section may provide that, if the requirements of the regulations are not complied with in relation to any licensed premises, the holder of the licence shall be guilty of an offence punishable on summary conviction by a fine not exceeding £200.
- (3) If a notice is displayed on any premises falsely stating or implying that a licence, or a licence of a particular kind, is in force in respect of the premises —
- (a) the occupier of the premises, and
  - (b) the person by whom the notice is displayed,
- are guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

*Prevention of drunkenness etc.*

**33 Drunkenness etc on premises**

- (1) Any person who is drunk on licensed premises is guilty of an offence and liable on summary conviction to a fine not exceeding £500.
- (2) Any person who on any licensed premises —
- (a) is guilty of disorderly behaviour,

- (b) uses indecent or obscene language, or
  - (c) behaves indecently to the annoyance of any person,
- is guilty of an offence and liable on summary conviction to custody for a term not exceeding 6 months or to a fine not exceeding £5,000, or to both.<sup>51</sup>
- (3) A person who appears to be guilty of an offence under subsection (2) may be arrested without warrant by any person.
  - (4) On the conviction of a person of an offence to which this subsection applies the court by which he is convicted may make either or both of the following orders –
    - (a) an order that he shall not purchase liquor from the holder of any licence for such period (not exceeding 5 years) from the date of the order as may be specified in the order;
    - (b) an order that he shall not enter any on-licensed premises (other than premises on which he resides) for such period (not exceeding 5 years) from the date of the order as may be specified in the order.<sup>52</sup>
  - (4A) Where the court makes an order under subsection (4)(a) against any person, it may also order that no holder of a licence shall supply liquor to him during the period specified under subsection (4)(a).<sup>53</sup>
  - (4B) Where the court makes an order under subsection (4)(a) or (b) against any person, it may also issue a warrant –
    - (a) authorising any person directed to do so by the Chief Constable to take a photograph of him and to distribute copies of the photograph to the holders of licences, and
    - (b) authorising any constable to arrest and detain him for that purpose.<sup>54</sup>
  - (4C) Subsection (4) applies to –
    - (a) an offence under subsections (1), (2) or (5) of this section or under section 75(1), (2)(a) or (b);<sup>55</sup>
    - (b) an offence under any of sections 18 to 60 of the *Criminal Code 1872* (homicide, assault etc.);<sup>56</sup>
    - (c) an offence under section 56 of the *Petty Sessions and Summary Jurisdiction Act 1927* (assault, provoking behaviour etc.) committed on any licensed premises;
    - (d) an offence under section 1 of the *Criminal Damage Act 1981* (criminal damage);
    - (e) an offence under Part I of the *Public Order Act 1998* committed on any licensed premises;<sup>57</sup>
    - (f) any other offence in which the consumption of alcohol was a significant factor leading to the offence, a constituent part of the

behaviour constituting the offence or an aggravating feature of the offence; and<sup>58</sup>

- (g) such other offences as the Department may by order prescribe.<sup>59</sup>
- (5) If a person against whom an order under subsection (4)(a) or (b) is in force contravenes the order, he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.<sup>60</sup>
- (6) If the holder of a licence knowingly contravenes an order under subsection (4A), he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.<sup>61</sup>
- (7) If the holder of a licence —
  - (a) gets drunk, or
  - (b) sells liquor to a drunken person, or
  - (c) permits drunkenness or any violent, quarrelsome or disorderly behaviour,on the licensed premises, he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.
- (8) If, in proceedings for an offence under subsection (7) of permitting drunkenness on licensed premises, it is proved that a person was drunk on the premises, the holder of the licence shall be convicted unless he shows that he and the persons employed by him took all reasonable steps for preventing drunkenness on the premises.

### **34 Procuring drink for drunken persons**

- (1) If any person in licensed premises procures liquor for consumption by a drunken person, he is guilty of an offence and liable on summary conviction to a fine not exceeding £500.
- (2) If any person aids a drunken person in obtaining or consuming liquor in licensed premises, he is guilty of an offence and liable on summary conviction to a fine not exceeding £500.

### **35 Expulsion of persons from licensed premises**

- (1) The responsible person, and any employee or agent of the responsible person, may, without giving any reason —
  - (a) refuse to admit any member of the public to licensed premises; or
  - (b) refuse to supply liquor to any person,if he considers it inadvisable to do so.
- (2) The responsible person, and any employee or agent of the responsible person, may, without giving any reason, order any person to leave licensed premises.

- (2A) The powers conferred by subsections (1) and (2) must not be exercised in a manner which contravenes the restrictions on discrimination contained in the *Equality Act 2017*.<sup>62</sup>
- (3) If any person fails or refuses to leave licensed premises on being ordered to do so by —
- (a) the responsible person,
  - (b) any employee or agent of the responsible person, or
  - (c) a police officer,
- he is guilty of an offence and liable on summary conviction to a fine not exceeding £500.
- (4) Without prejudice to any other right to exclude or expel a person from premises, the responsible person, and any employee or agent of the responsible person, may refuse to admit to, or expel from, the licensed premises any person—
- (a) who is drunk, violent, quarrelsome or disorderly, or
  - (b) whose presence on the premises would subject the holder of the licence to a penalty under this Act.
- (5) Any police officer shall, on the demand of the responsible person or any employee or agent of the responsible person, help to expel from the licensed premises —
- (a) any person failing or refusing to leave them when ordered to do so under subsection (3), or
  - (b) any person liable to be expelled from them under subsection (4).
- (6) Any person exercising any powers under subsection (4) or (5) may use such force as may be required for the purpose.
- (7) In this section “the responsible person”, in relation to licensed premises, means —
- (a) the holder of the licence;
  - (b) where the holder of the licence is a company, the designated official;
  - (c) a person responsible for the conduct of the premises under section 25(3).

#### *Other offences*

### **36 Prostitution etc**

- (1) If the holder of a licence permits the licensed premises to be the habitual resort or place of meeting of reputed prostitutes, whether or not the object of their so resorting or meeting is prostitution, he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

- (2) Subsection (1) is not contravened by the holder of a licence allowing any such person to remain in the licensed premises for the purpose of obtaining reasonable refreshment for such time as is necessary for the purpose.
- (3) If the holder of a licence is convicted of any offence under sections 28 to 31 of the *Sexual Offences Act 1992* (keeping brothel etc.), the court on an application by the Chief Constable shall by order cancel the licence.

### 37 Gaming

- (1) If the holder of a licence permits any gaming or unlawful game to be carried on in the licensed premises, he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.
- (2) Subsection (1) is not contravened by —
  - (a) a private lottery and confined to the persons mentioned in section 30(1)(d) of the *Gaming, Betting and Lotteries Act 1988*;
  - (b) a lottery which by virtue of section 31(1) or 35 of that Act is not unlawful;<sup>63</sup>
  - (c) a society lottery (within the meaning of that Act) which by virtue of section 32 or 34A of that Act is not unlawful;<sup>64</sup>
  - (ca) a lottery which by virtue of section 1 of the *National Lottery Act 1999* is not unlawful;<sup>65</sup>
  - (d) the playing of a controlled machine (within the meaning of the *Gaming (Amendment) Act 1984*);
  - (e) the playing of dominoes or cribbage on on-licensed premises, if the stake or the aggregate of stakes put up by each player does not exceed £1 in respect of each game.
- (3) The conviction of the holder of a licence of an offence under —
  - (a) section 5, 11 or 29 of the *Gaming, Betting and Lotteries Act 1988*, or
  - (b) section 2(4) of the *Gaming (Amendment) Act 1984*,relating to the licensed premises shall be treated for the purposes of this Act as a conviction of an offence under this Part.
- (4) The Department may by order substitute another amount for the amount specified in subsection (2)(e) (or the amount substituted therefor by a previous order under this subsection).

### 38 Misuse of drugs

- (1) If the holder of a licence is convicted of an offence under section 8 of the *Misuse of Drugs Act 1976* (occupier permitting certain activities on premises) in relation to the licensed premises, the court by which he is convicted may by order cancel the licence.



- (2) Before a court cancels a licence under this section, it shall, unless it determines that it is not practicable to do so, give the holder of the licence an opportunity to make representations as to why the licence should not be suspended or cancelled, as the case may be.
- (3) Where an order has been made under subsection (2) cancelling a licence, the court may order that no licence shall be granted in respect of the premises for such period (not exceeding 2 years) as the court may direct.
- (4) The conviction of a person of an offence under any of the following provisions of the *Misuse of Drugs Act 1976* —
  - (a) section 4(3) (supply of controlled drug),
  - (b) section 5(2) or (3) (possession of controlled drug), or
  - (c) section 8 (occupier permitting certain activities on premises),committed on or in relation to licensed premises shall be treated for the purposes of this Act as an offence under this Part.

### 39 Offences relating to constables etc

If the holder of a licence —

- (a) permits any constable to remain in the licensed premises when on duty or engaged to be on duty, except for the purpose of the execution of the constable's duty;
- (b) supplies any refreshment, whether by way of gift or sale, to any constable on duty except —
  - (i) by authority of his superior officer, or
  - (ii) when having a meal on licensed premises in a part of the premises set apart for the service of meals;
- (c) bribes a constable;
- (d) in the case of a licence in respect of a railway refreshment room, supplies any liquor to any person employed by a railway undertaking when on duty or engaged to be on duty;
- (e) in the case of a licence in respect of an airport refreshment room, supplies any liquor, whether by way of gift or sale, to any pilot or other person employed by an airline or airport undertaking when on duty or engaged to be on duty;

he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

### 40 Employment of security staff

- (1) The Department shall by regulations make provision for —
  - (a) the establishment and maintenance, by such person or authority as is specified in the regulations, of a register of persons who may be

- employed as a guard or doorkeeper on or with respect to any on-licensed premises;
- (b) the conditions for registration;
  - (c) applications for registration;
  - (d) the duration of registration;
  - (e) removal from the register;
  - (f) appeals against decisions relating to applications for registration and removal from the register;
  - (g) fees for applications for, and continuance of, registration;
  - (h) the admissibility of statements as to entries on the register.
- (2) Where any person who is not entered in the register is employed as a guard or doorkeeper on or with respect to any on-licensed premises, the holder of the licence is guilty of an offence and liable on summary conviction to a fine not exceeding £5,000.
- (3) In proceedings for an offence under subsection (2) it is a defence for the holder of the licence to show that he —
- (a) reasonably believed that the person was entered in the register, and
  - (b) had taken all reasonable steps to ascertain that he was so entered.
- (4) If any person —
- (a) makes a statement which is false in a material particular, or recklessly makes a statement which he knows to be false in a material particular, or withholds any material information, for the purpose of securing the making or retention of any entry on, or the removal of any entry from, the register; or
  - (b) falsely represents himself to be entered in the register;
- he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.
- (5) Regulations under section 9(1) and conditions and undertakings under section 9(3) or (4) may not make any provision which may be made by regulations under subsection (1).
- (6) In this section —
- “doorkeeper”, in relation to on-licensed premises, means any person whose duties are, or a substantial part of whose duties is, the control of admission to, or the removal of persons from, the premises;
- “guard”, in relation to on-licensed premises, means any person whose duties are, or a substantial part of whose duties is, the maintenance of order on the premises;
- “the register” means the register maintained pursuant to regulations under subsection (1).<sup>66</sup>

**41 Keeping unauthorised liquor**

- (1) If the holder of a licence without reasonable excuse has in his possession any kind of liquor which he is not authorised to sell, he is guilty of an offence and liable on summary conviction to a fine not exceeding £500.
- (2) The court by which a person is convicted of an offence under subsection (1) may order that the liquor be forfeited.

**42 Consumption on or near licensed premises**

- (1) If a person —
  - (a) buys liquor from the holder of a licence which does not authorise the sale of that liquor for consumption on the premises, and
  - (b) with the privity or consent of the holder, drinks the liquor —
    - (i) on the licensed premises, or
    - (ii) in premises adjoining the licensed premises and belonging to the holder or under his control or used by his permission, or
    - (iii) in a street adjoining or near to the licensed premises,

the holder of the licence is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

- (2) If the holder of an off-licence, with intent to evade the terms of the licence, takes, or permits any other person to take, any liquor from the licensed premises for the purpose of its being sold on the account of the holder or for his benefit or profit, he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.
- (3) If in proceedings for an offence under subsection (2), it is proved that liquor was taken for the purpose of its being drunk in any building or structure belonging to the holder or under his control or used by his permission, the holder of the licence shall be convicted unless he shows that he did not intend to evade the terms of the licence.

**43 Sale to owner of unlicensed premises**

- (1) If the holder of a licence —
  - (a) sells liquor to the owner or occupier of any unlicensed tourist premises at prices less than those at which he sells liquor of that kind to his ordinary customers, and
  - (b) does not, on the day of the sale, notify the Chief Constable in writing of the particulars of the sale,

he is guilty of an offence and liable on summary conviction to a fine not exceeding £500.

- (2) In this section —

“ordinary customers” does not include —

- (a) the owners or occupiers of licensed premises, or
- (b) registered clubs;

“unlicensed tourist premises” means any premises catering for tourists, other than licensed premises.

### *Miscellaneous*

#### **44 Inspection of premises**

- (1) Any member of the court may at any reasonable time enter and inspect —
  - (a) any licensed premises;
  - (b) any premises in respect of which an occasional licence is in force.
- (2) Any person who obstructs a member of the court in the exercise of any power under subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.
- (3) On the conviction of the holder of the licence, or a person acting on the instructions of the holder, of an offence under subsection (2), the court by which he is convicted may cancel the licence.

#### **45 Closure of premises in case of riot or violence**

- (1) If a riot or tumult happens or is expected to happen at any place, a justice, or a police officer of the rank of inspector or above, may in writing direct every holder of a licence for premises in or near that place to close his premises for such period as is specified in the direction.
- (2) If any violent behaviour happens on any on-licensed premises a justice, or a police officer of the rank of inspector or above, may in writing direct the holder of the licence to close the premises for such period as is specified in the direction.
- (3) The period specified in a direction under subsection (1) or (2) shall not exceed the following period after the giving of the direction —
  - (a) 60 hours at a time, in the case of a direction by a justice;
  - (b) 6 hours at a time, or 12 hours in the aggregate in any period of 3 days, in the case of a direction by a police officer.
- (4) Before giving a direction under subsection (1) or (2) the justice shall, unless he determines that it is not practicable to do so, give the holder of the licence an opportunity to make representations as to why the direction should not be given.
- (5) If any person knowingly keeps premises open for the sale of liquor during the time that they are directed to be closed under subsection (1) or (2), he

is guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.

- (6) Any person acting by the order of a justice, or of a police officer of the rank of inspector or above, as the case may be, may use such force as is necessary for the purpose of closing premises directed to be closed under subsection (1) or (2).<sup>67</sup>

## PART 4 – REGISTERED CLUBS

### 46 Registration of clubs

- (1) The Chief Registrar shall keep a register of clubs.<sup>68</sup>
- (2) The register shall at all reasonable times be open to inspection by any constable without payment, and by any other person on payment of such reasonable fee as the Chief Registrar may determine.<sup>69</sup>
- (3) A club shall be entered in the register on an order of the court (a “registration order”) made on the application of the secretary of the club.
- (4) The court may not make a registration order in relation to a club unless it is satisfied that –
- (a) it is established and conducted in good faith as a club and has not less than 25 members;
  - (b) liquor is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club; and
  - (c) the purchase for the club, and the supply by the club of liquor (so far as not managed by the club in general meeting or otherwise by the general body of members) is managed by a committee elected by the members; and
  - (d) no arrangements are made or intended to be made –
    - (i) for any person to receive at the expense of the club any commission, percentage or similar payment on or with reference to purchases of liquor by the club; or
    - (ii) for any person directly or indirectly to receive any pecuniary benefit from the supply of liquor by or on behalf of the club to members or guests, apart from any benefit accruing to the club as a whole, and apart also from any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the club.
- (5) The Chief Registrar shall, on the registration or renewal of registration of a club, issue a certificate of registration to the club.<sup>70</sup>

## 47 Club rules

- (1) Subject to subsection (2), the court may not make a registration order unless under the rules of the club persons may not be admitted to membership, or be admitted as candidates for membership to any of the privileges of membership, without an interval of at least 48 hours between their nomination or application and their admission.
- (2) Subject to subsection (3), the court may by order —
  - (a) modify subsection (1) in relation to a club, or
  - (b) exempt a club from the operation of subsection (1),  
with or without conditions.
- (3) The court may not make an order under subsection (2) unless it is satisfied either —
  - (a) that the provision of liquor to members or their guests is ancillary to a lawful sport or game; or
  - (b) that the rules of the club provide —
    - (i) that persons admitted to membership or to the privileges of membership without complying with subsection (1), must be persons precluded by distance or other circumstances from making full use of the facilities of the club, or members of another club or association with which the club has a special connection or relationship; and
    - (ii) that the membership of persons so admitted is limited to a period not exceeding 14 days and may not be renewed unless a period of 14 days or more has elapsed since the expiry of that period.
- (4) No amendment of the rules of a registered club has effect unless it is approved by the court; and the court shall not approve any amendment unless, under the rules as amended, the club satisfies the requirements of section 46(4).

## 48 Club premises

- (1) Subject to subsection (3), a club may not be registered except in respect of premises specified in the application for registration and in the registration order.
- (2) A club may be registered in respect of —
  - (a) premises regularly occupied or used by the club; or
  - (b) in respect of premises used for an event on one or more occasions specified in the register.
- (3) The court, on the application of the secretary of a club, may order that the club be registered in respect of premises in substitution for the premises in respect of which it is then registered.

- (4) The court may not make a registration order or an order under subsection (3) in respect of premises unless it is satisfied that they are suitable and convenient for the purpose, in view of their character and condition and the size and nature of the club.
- (5) The court may not make a registration order in respect of —
  - (a) premises in respect of which an order under section 50(2) is in force; or
  - (b) licensed premises.
- (6) If any alteration to club premises is carried out without the approval of the court, any member or officer of the club by whom or on whose order the alteration is carried out is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

#### **49 Duration of registration**

- (1) The registration of a club under this Part takes effect —
  - (a) in the case of an initial registration, on the date of the registration order;
  - (b) in the case of registration by way of renewal, on the expiry under subsection (2) of the previous registration.
- (2) The registration, unless previously cancelled, ceases to have effect on 31st March in the next year in which a triennial session of the court is held.<sup>71</sup>
- (3) Subsections (1) and (2) do not apply to a registration in respect of premises by virtue of section 48(2)(b).

#### **50 Cancellation of registration**

- (1) The court, on the application of the secretary of a club, may cancel the registration of the club.
- (2) The court, on the application of the Chief Constable, may by order cancel the registration of a club on one or more of the following grounds —
  - (a) that the club has ceased to exist;
  - (b) that any of the requirements of section 46(4) are not satisfied;
  - (c) that persons have been habitually admitted to membership of the club in contravention of the rules specified in section 47(1);
  - (d) that persons who are not members are habitually admitted to the club premises for the purpose of obtaining liquor;
  - (e) that the club premises have ceased to be suitable or convenient for the purpose;
  - (f) that alterations of the club premises have been carried out without the approval of the court;

- (g) that the club premises are kept or habitually used for an unlawful purpose;
  - (h) that there is frequent drunkenness on the club premises;
  - (i) [Repealed]<sup>72</sup>
  - (j) that illegal sales of liquor have taken place on the club premises; or
  - (k) that music has been habitually played, or dancing has taken place, on the club premises otherwise than in accordance with an authorisation under section 55.
- (3) Where the court makes an order under subsection (2), it may also order that, unless otherwise directed by the court, no club shall be registered in respect of the same premises for a specified period not exceeding —
- (a) one year, in the case of the first such order under subsection (2);
  - (b) 5 years, in the case of a second or subsequent order under subsection (2).

## **51 and 52 [Repealed]<sup>73</sup>**

### **53 Sale of liquor at private function**

- (1) The court may, on the application of the secretary of a registered club, by order authorise the sale or supply of liquor at the club premises to, and its consumption by, persons attending a private party, reception or other similar function organised by an individual named in the application (“the organiser”), on such day and during such hours as are so specified.
- (2) An order under this section shall be granted subject to —
- (a) the condition that, on the occasion of the function, no liquor shall be supplied to any person other than —
    - (i) the organiser, and
    - (ii) persons attending the function by the prior written invitation of the organiser;
  - (b) a condition requiring the secretary of the club to produce the order to the police in such manner and within such time as are specified in the order; and
  - (c) such other conditions as the court thinks fit.
- (3) The supply of liquor to members of the club and their guests in accordance with the rules of the club shall not be treated as a contravention of the condition referred to in subsection (2)(a).

### **54 Supply on credit**

- (1) If any person in the premises of a registered club —



- (a) supplies liquor, or permits liquor to be supplied, for consumption on the premises, or
  - (b) consumes liquor,
- which is not paid for before or at the time it is supplied, he is guilty of an offence and liable on summary conviction to a fine not exceeding £500.
- (2) Subsection (1) is not contravened if —
    - (a) the liquor is supplied for consumption at a meal supplied at the same time and is consumed with the meal, and
    - (b) the liquor is paid for together with the meal.
  - (3) No debt or demand arising from the supply of liquor in contravention of subsection (1) is recoverable.

## 55 Music and dancing

- (1) The court may, on making a registration order or subsequently, make an order authorising —
  - (a) music, or music of a description specified in the order, to be played on the club premises; or
  - (b) dancing to take place on the premises,or both, at such times and subject to such conditions as may be specified in the order.
- (2) The court, of its own motion or on an application by any person, may by order vary or revoke an order under subsection (1).
- (3) Any person who causes or permits any music to be played, or dancing to take place, on any club premises otherwise than in accordance with an order under this section is guilty of an offence and liable on summary conviction to a fine not exceeding £500.
- (4) Regulations under section 52 may make provision for enabling the court to extend the hours specified under subsection (1) in relation to any club premises.<sup>74</sup>
- (5) A statement of the effect of an order under this section shall be included in the registration certificate.
- (6) Nothing in this section applies to music played by the reproduction of programmes included in a programme service (within the meaning of Part 1 of the *Broadcasting Act 1993*).

## PART 4A – TEMPORARY EXTENSIONS OF LICENCES AND REGISTRATIONS<sup>75</sup>

### 55A Interpretation of this Part

In this Part —

“**publicly maintained highway**” means a highway that is maintained at public expense under the *Highways Act 1986*;

“**relevant portion**” means that part of a publicly maintained highway which —

- (a) is covered by a section 78 licence; and
- (b) would form the curtilage of the on-licensed or, as the case may be, club premises if that curtilage extended to include that part of the highway;

“**temporary extension period**” means the period beginning with the date this Part comes into operation and ending with 30 September 2020 or such later date as may be prescribed in regulations;

“**section 78 licence**” means a licence granted under section 78 of the *Highways Act 1986* (licences to provide refreshments, and to place kiosks and necessary furniture, on a public highway).<sup>76</sup>

### 55B On-license and registered club premises: treating provision

- (1) This Part applies where on-licensed or club premises do not include the relevant portion but abut or are situated within 50 metres of that portion.
- (2) On-licensed premises referred to in subsection (1) shall be treated as including the relevant portion and the on-licence in respect of those premises shall be deemed to have been granted subject to the conditions referred to in subsection (4).
- (3) Club premises referred to in subsection (1) shall be treated as including the relevant portion and the registration order in respect of the club shall be deemed to include the conditions referred to in subsection (4).
- (4) The conditions referred to in subsection (2) and (3) are that the holder of the on-licence or, as the case may be, the members of the registered club —
  - (a) must not permit dancing or singing to occur in the relevant portion that is treated as forming part of the on-licensed or, as the case may be, club premises; and
  - (b) must not permit music to be played or amplified in a way or at a volume that is likely to cause a nuisance to the occupants of premises in close proximity to the relevant portion.
- (5) The conditions of the section 78 licence covering the relevant portion continue to apply to that portion during the operation of this Part.<sup>77</sup>

**55C Duration**

- (1) At the end of the temporary extension period, the relevant portion is no longer treated as forming a part of the on-licensed or, as the case may be, club premises.
- (2) Subsection (3) applies where before the end of the temporary extension period –
  - (a) the licensee of the on-licensed premises applies to the court for an on-licence in respect of the relevant portion; and
  - (b) the court has not determined that application.
- (3) Where this subsection applies, the relevant portion shall continue to be treated as forming a part of the on-licensed premises until the court determines the application referred to in subsection (2) (whether before or after the end of the temporary extension period).
- (4) Subsection (5) applies where before the end of the temporary extension period –
  - (a) a registered club applies to the court for an order under section 48(3) (change of club premises) in respect of the relevant portion; and
  - (b) the court has not determined that application.
- (5) Where this subsection applies, the relevant portion shall continue to be treated as forming part of the club premises until the court determines the application referred to in subsection (4) (whether before or after the end of the temporary extension period).<sup>78</sup>

**55D Regulations**

The Department may, by regulations, specify that the temporary extension period is to end on a date later than the 30 September 2020.

Tynwald procedure – approval required.<sup>79</sup>

**PART 5 – GENERAL PROVISIONS***Appeals***56 Appeals**

- (1) Unless this Act expressly provides otherwise, the following persons may appeal to the appeal court against the decision of the court on an application for a licence, order, approval or permission under this Act (except an order mentioned in subsection (4)) –
  - (a) the applicant; and

- (b) any person who appeared before the court and objected to the application.
- (2) On determining such an appeal the appeal court may —
- (a) confirm the decision of the court, with or without modifications;
  - (b) reverse the decision of the court; or
  - (c) remit the application to the court for re-consideration.
- (3) Where the appeal court determines an appeal, it may make any order, impose any conditions, or accept any undertaking, which the court might make, impose or accept, and anything done by or in relation to the appeal court on granting an application shall have effect, and be treated for the purposes of enforcement, variation or cancellation, as if it had been done by or in relation to the court.
- (4) The following persons may appeal to the appeal court against the following decisions of the court —
- (a) against an order cancelling or suspending a licence, the holder of the licence or the owner of the licensed premises;
  - (b) against an order cancelling the registration of the club, any member or officer of the club;
  - (c) against an order disqualifying a person for holding or obtaining a licence, that person;
  - (d) against an order under section 38(3), 50(3) or 66(5), the owner of the premises;
  - (e) against the refusal of an order mentioned in paragraph (a), (b), (c) or (d), the Chief Constable or any person who applied for the order.
- (5) On determining such an appeal the appeal court may —
- (a) quash or make the order in question, as the case may be;
  - (b) remit the matter to the court for re-consideration; or
  - (c) dismiss the appeal;
- and where the appeal court quashes an order mentioned in subsection (4)(a) or (b), it shall quash any order mentioned in subsection (4)(d) which was made on the making of that order.
- (6) On determining an appeal the appeal court may make such order as to costs, and grant execution thereon, as it thinks fit.
- (7) Subject to subsection (8), the decision of the appeal court on such an appeal shall be final.
- (8) Section 109 (appeal by way of case stated) of the *Summary Jurisdiction Act 1989* applies to a decision of the appeal court as it applies to a decision of a court of summary jurisdiction.

*Control of supply of liquor***57 Selling liquor without licence**

- (1) If any person —
- (a) sells or exposes for sale by retail any liquor without holding a licence authorising him to sell that liquor; or
  - (b) being the holder of a licence, sells or exposes for sale by retail any liquor except at the place for which the licence authorises him to sell that liquor,
- he is guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.
- (2) Subsection (1) is not contravened by —
- (a) a sale authorised by a charitable function licence or an occasional licence;
  - (b) the sale by a registered medical practitioner or by a pharmacist of alcohol made up in medicine;
  - (c) the sale of liquor by wholesale;
  - (d) the sale of liquor, by or by the authority of any Department or Statutory Board operating a railway, on a railway passenger vehicle in the course of a journey on that railway; or
  - (e) the sale by auction of liquor by —
    - (i) the personal representatives of a deceased person, or the trustee in bankruptcy of a person or trustee under a deed of arrangement of a person, for the purpose of getting in and realising the estate of such a person;
    - (ii) a coroner in the execution of any process or order of a court; or
    - (iii) any householder of his private stock of liquor when bona fide removing from his residence or breaking up his establishment.
- (3) On the conviction of a person for an offence under subsection (1), the court by which he is convicted may order that all liquor found in his possession be forfeited.
- (4) On the second or subsequent conviction of a person for an offence under subsection (1), the court by which he is convicted —
- (a) if he is the holder of a licence, shall cancel the licence; and
  - (b) in any case may order him to be disqualified for holding a licence —
    - (i) on a second conviction, for a period not exceeding 5 years;

- (ii) on a third or subsequent conviction, for any period, or for life.
- (5) If the occupier of any premises permits a sale on the premises in contravention of subsection (1), he is guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.
- (6) In this section “pharmacist” has the same meaning as in the *Medicines Act 2003*.<sup>80</sup>

## 58 Consumption in breach of terms of licence

If any person consumes liquor on any licensed premises in breach of a condition imposed under section 9 restricting the persons by whom, or the circumstances in which, liquor may be consumed on the premises, he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

## 59 Delivery from vehicles

- (1) If a person delivers, or permits his employee or agent to deliver, from a vehicle or receptacle any liquor sold by him, he is guilty of an offence and liable on summary conviction to a fine not exceeding £500 unless —
  - (a) before the liquor was dispatched, the particulars specified in subsection (3) were entered in a day book kept on the premises from which it was dispatched; and
  - (b) the person delivering the liquor carries a delivery book or invoice in which those particulars were entered before it was dispatched.
- (2) If a person —
  - (a) carries in any vehicle or receptacle for the purpose of delivery any liquor sold by him, the particulars of which are not entered in a day book and delivery book or invoice as mentioned in subsection (1), or
  - (b) delivers any liquor sold by him at an address not so entered,or permits an employee or agent of his so to carry or deliver any liquor, he is guilty of an offence and liable on summary conviction to a fine not exceeding £500.
- (3) The particulars referred to in subsection (1)(a) and (b) are —
  - (a) the quantity, description and price of the liquor, and
  - (b) the name and address of the person to whom it is to be supplied.
- (4) Subsection (1) or (2) is not contravened by the delivery of liquor, or the carriage of liquor for delivery —
  - (a) to a trader for the purposes of his trade, or
  - (b) to a registered club for the purposes of the club.

**60 Supply of liquor by clubs**

- (1) If any person supplies, or authorises the supply of, liquor on behalf of a club —
  - (a) to any person other than a member, or
  - (b) anywhere other than at the club premises,he is guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.
- (2) Subsection (1) is not contravened by —
  - (a) the supply of liquor by or on behalf of an authorised mess;
  - (b) the supply of liquor by a member of a club to a guest; or
  - (c) the supply of liquor authorised by an order under section 53.

**61 [Repealed]<sup>81</sup>****62 Restrictive agreements**

- (1) Notwithstanding any agreement or arrangement to the contrary, the tenant of licensed premises may purchase beer from any person.
- (2) Any agreement or arrangement which restricts or controls a tenant of licensed premises in the purchase of beer is void.

*Enforcement***63 Offences: general**

- (1) Except where otherwise provided, no prosecution shall be brought for an offence under this Act except by a police officer or by or with the consent of the Attorney General.
- (2) Where 2 or more persons (whether or not partners) are the holder of a licence, each of them is liable in respect of an offence against this Act as if he alone had been the holder of the licence, and proceedings for such an offence may be brought against any one or more of those persons.
- (3) Where the holder of a licence is charged with an offence under this Act in respect of an act or omission by an employee or agent of his, it is a defence for him to show —
  - (a) that the offence was committed without his knowledge or consent; and
  - (b) that he took all reasonable precautions and used all due diligence to prevent the commission of the offence.
- (4) Subsection (3) does not apply to an offence under section 23 (sale to minors etc.).

- (5) For the purpose of any provision of this Act imposing a penalty, disqualification or cancellation for a second or subsequent offence, any conviction more than 5 years previously shall be disregarded.
- (6) Anything declared by a court under this Act to be forfeited shall be sold or otherwise disposed of as that court may direct, and the proceeds shall be applied as a fine imposed by a criminal court.
- (7) Where a court under this Act declares any liquor to be forfeited, the container holding the liquor is forfeited also.

#### **64 Offences by bodies corporate**

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

#### **65 Disqualification**

- (1) If a person who is or has been the holder of a licence has been convicted of any offence triable on information, the court may on the application of the Chief Constable make an order disqualifying him for holding or obtaining a licence for such period (not exceeding 2 years) as the court may direct.<sup>82</sup>
- (2) A licence is void if it is granted to a person while an order under this section is in force in relation to him.

#### **66 Suspension or cancellation of licence**

- (1) Without prejudice to any other power to suspend or cancel a licence under this Act, where any of the following —
  - (a) the holder of the licence,
  - (b) a designated official, or<sup>83</sup>
  - (c) an employee or agent of the holder or official,is convicted of any offence under Part 2 or 3, the court by which he is convicted may by order suspend the licence for such period (not exceeding 4 weeks) as is specified in the order.



- (2) The court may, on an application by the Chief Constable, may by order suspend a licence for such period (not exceeding 4 weeks) as may be specified in the order if it is satisfied that –
- (a) there is frequent drunkenness or frequent disorderly conduct on any licensed premises, or
  - (b) persons in a state of intoxication are frequently seen to leave the premises, or
  - (c) the premises are not so conducted as to avoid drunkenness or disorderly conduct by persons frequenting the premises; or
  - (d) the premises are frequently used for any of the activities specified in section 8 of the *Misuse of Drugs Act 1976* (liability of occupiers of premises for supply of drugs etc.)
- (2A) Where under subsection (1) or (2) a court may suspend a licence, it may instead order that, for such period (not exceeding 4 weeks) as is specified in the order, liquor may not be sold, supplied or consumed on the licensed premises except during such hours as are so specified.<sup>84</sup>
- (2B) Where an order under subsection (2A) is in force and the holder of a licence, except during the hours specified in the order, –
- (a) sells or supplies liquor to any person in the licensed premises, whether for consumption on or off the premises;
  - (b) permits any person to sell or supply liquor to any person in the premises, whether for consumption on or off the premises; or
  - (c) permits any person (other than a person residing on the premises) to consume liquor on the premises or to take liquor from the premises,
- he is guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.<sup>85</sup>
- (3) Where a court has power under this section to suspend a licence, and the licence has already been suspended under any provision of this Act at least twice in the previous 5 years, it may by order cancel the licence.
- (4) If in respect of any licensed premises any of the persons mentioned in subsection (1) has on 2 or more occasions been convicted of any offence under this Act (the offences having been committed on different days), the court may, on an application by the Chief Constable, by order cancel the licence.
- (5) Where an order has been made under subsection (3) or (4), the court may order that no licence shall be granted in respect of the premises for such period (not exceeding 2 years) as the court may direct.
- (6) Before a court suspends or cancels a licence under this section, it shall, unless it determines that it is not practicable to do so, give the holder of

the licence an opportunity to make representations as to why the licence should not be suspended or cancelled, as the case may be.

### **67 Suspension of cancellation etc pending appeal**

- (1) Where an order is made cancelling or suspending a licence, the court, or the court by which the order is made, on being notified by the holder of the licence that he intends to appeal against the order or the conviction by virtue of which the order was made, may order that the cancellation be suspended —
  - (a) until the appeal is determined or abandoned, or
  - (b) if no appeal is entered, until 14 days after the date of the order.
- (2) An order under subsection (1) may be made subject to such conditions as the court by which it is made thinks just.

### **68 Liability of persons other than licensee**

In any provision of this Act which imposes any criminal or other liability on the holder of a licence, or provides for any power to arise or anything to happen on the conviction of the holder of a licence, the reference to the holder includes a reference to a person who at the material time is or was —

- (a) the designated official, where the holder is a company; or
- (b) responsible under section 25(3) for the conduct of the licensed premises in the absence of the holder.

### **69 Entry of licensed premises etc**

- (1) A police officer may at any time enter premises to which this section applies for the purpose of preventing or detecting the commission of any offence under this Act.
- (2) Where a police officer demands entry to premises to which this section applies, any person who —
  - (a) fails or refuses to admit the officer, or
  - (b) permits any employee or agent of his to fail or refuse to admit the officer,is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.
- (3) This section applies to —
  - (a) licensed premises;
  - (b) premises in respect of which an occasional licence or a charitable function licence is in force; and
  - (c) any premises used for the purposes of a club (whether or not registered).

**70 Entry and search for illegal sales etc**

- (1) This section applies where a justice is satisfied by information on oath that there is reasonable ground for believing that —
- (a) any liquor is sold by retail, or exposed or kept for sale by retail at any place where it may not lawfully be sold by retail, or
  - (b) any premises are kept or habitually used for the holding of parties at which liquor is supplied or consumed in contravention of section 61(2).
- (2) Where this section applies, the justice may by a warrant under his hand authorise a police officer —
- (a) to enter that place (which shall be named in the warrant), by force if need be, and search the place for liquor; and
  - (b) to seize and remove any liquor that the officer has reasonable grounds for supposing to be there for the purpose of unlawful sale there or elsewhere, or of being supplied or consumed as mentioned in subsection (1)(b).
- (3) If the owner or occupier of the place from which any liquor has been removed under subsection (2)(b) is convicted of an offence under —
- (a) section 41 (keeping unauthorised liquor); or
  - (b) section 57(1) (unauthorised sale of liquor); or
  - (c) section 61(2) (offences relating to parties);
- the court by which he is convicted shall order that any liquor so removed be forfeited.
- (4) If any person is found in a place on an occasion on which a police officer seizes any liquor in pursuance of a warrant under this section, and on being asked by a police officer for his name and address —
- (a) fails or refuses to give them; or
  - (b) gives a false name or address; or
  - (c) having given a name or address that the officer has reasonable grounds for thinking to be false, refuses to answer satisfactorily any questions put to him by the officer to ascertain the correctness of the name or address given,
- he is guilty of an offence and liable on summary conviction to a fine not exceeding £500.
- (5) [Repealed]<sup>86</sup>

**71 Production of licence etc**

- (1) If the holder of a licence fails within a reasonable time to produce for examination the licence, or any order of the court relating to the licensed premises, on being ordered by a justice or a police officer to do so, he is

guilty of an offence and liable on summary conviction to a fine not exceeding £500.

- (2) If any officer of a registered club fails within a reasonable time to produce for examination the certificate of registration of the club, or any order of the court relating to the premises in respect of which the club is registered, on being ordered by a justice or a police officer to do so, he is guilty of an offence and liable on summary conviction to a fine not exceeding £500.
- (3) In this section “licence” includes an occasional licence and a charitable function licence.

## 72 Proof of sale, consumption etc

In any proceedings for an offence under this Act —

- (a) evidence that a transaction in the nature of a sale of liquor took place is evidence of the sale of the liquor without proof that money passed;
- (b) evidence that consumption of liquor was about to take place is evidence of the consumption of liquor without proof of actual consumption; and
- (c) evidence that any person (other than the occupier of licensed premises or a person employed in licensed premises) consumed or intended to consume liquor on the premises is evidence that the liquor was sold by or on behalf of the holder of the licence to that person.

### *Protection of minors*

## 73 Consumption of liquor by minors

- (1) If any person under 18 consumes liquor in a highway or other public place, he is guilty of an offence and liable on summary conviction to a fine not exceeding £500.
- (2) Subsection (1) is not contravened by the consumption of wine by a person aged 16 or over in licensed premises in the circumstances specified in section 23(5).
- (3) In proceedings against a person for an offence under subsection (1), it is a defence for the person to satisfy the court that the consumption of liquor by a person under 18 took place while under the supervision of —
  - (a) his parent or guardian; or
  - (b) a relative over 18 who was responsible for his supervision.<sup>87</sup>

**74 Seizure of liquor in possession of minors**

- (1) Where it appears to a police officer that a person apparently under 18 is without reasonable cause in possession of liquor in a highway or other public place, the officer may seize the liquor.
- (2) Any liquor seized under subsection (1) shall be either —
  - (a) delivered to a parent or guardian of the person in question, or to such other person aged 18 or over as appears to a police officer to be entitled thereto; or<sup>88</sup>
  - (b) disposed of in such manner as the officer considers appropriate.<sup>89</sup>

**74A Agents etc obtaining liquor for minors**

- (1) If any person —
  - (a) knowingly acts as an agent for a person under 18 in buying any liquor for consumption in a highway or other public place; or
  - (b) knowingly acts as an agent for a person under 18 in procuring the supply to that person of any liquor for consumption in a highway or other public place; or
  - (c) supplies liquor to a person under 18 for consumption in a highway or other public place,he is guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.
- (2) In proceedings against a person for an offence under subsection (1)(c), it is a defence for the person to satisfy the court that the supply of liquor was for consumption by a person under 18 while under the supervision of —
  - (a) his parent or guardian; or
  - (b) a relative over 18 who was responsible for his supervision.
- (3) Subsection (1) is not contravened by the purchase or supply of wine for consumption by a person aged 16 or over in licensed premises in the circumstances specified in section 23(5).<sup>90</sup>

*Public drunkenness***75 Public drunkenness**

- (1) If any person is drunk in a public place, he is guilty of an offence and liable on summary conviction to a fine not exceeding £500.
- (2) If any person in a public place —
  - (a) while drunk acts in an indecent or disorderly manner,
  - (b) is drunk and incapable of taking care of himself,

(c) is drunk while in charge of any horse or cattle or any carriage or cart (not being a motor vehicle or a pedal cycle), or

(d) is drunk while in charge of a child under the age of 10 years,

he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(3) A person who appears to be guilty of an offence under subsection (2) may be arrested without warrant by any person.

(4) Where a person —

(a) is charged with an offence under subsection (1) or (2)(a) or (b), and

(b) has been convicted of any such offence more than once in the previous 5 years,

the court before which he is charged may exercise the powers conferred by section 23 of the *Summary Jurisdiction Act 1989* (remand for medical reports), although the offence is not punishable with custody.

(5) to (7) [Repealed]<sup>91</sup>

(8) In this section —

“motor vehicle” has the same meaning as in the *Road Traffic Act 1985*;

“public place” includes any highway and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise.

### 75A Procuring drink for person subject to ban

(1) This section applies to a person against whom an order under section 33(4)(a) or 75(5)(a) is in force.

(2) If any person knowingly —

(a) acts as an agent for a person to whom this section applies in buying any liquor for consumption in a highway or other public place;

(b) acts as an agent for a person to whom this section applies in procuring the supply to that person of any liquor for consumption in a highway or other public place; or

(c) supplies liquor to a person to whom this section applies for consumption in a highway or other public place,

he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.<sup>92</sup>

### 76 Drinking in public places

(1) A person who consumes liquor in a public place after being warned by a police officer not to do so commits an offence and is liable on summary conviction to a fine not exceeding £500.

- (2) A police officer may not give a warning under subsection (1) unless it appears to the officer that the person concerned —
- (a) is acting in an indecent or disorderly manner;
  - (b) is using indecent or obscene language;
  - (c) is acting in a manner that has resulted, or is likely to result, in any member of the public being intimidated, harassed, alarmed or distressed;
  - (d) is acting in a manner that has resulted, or is likely to result, in any member of the public being disturbed in his or her peaceful enjoyment of the public place; or
  - (e) is acting in a manner that has caused, or is likely to cause, nuisance or annoyance to any member of the public.
- (3) A person against whom an order under section 33(4)(a) or 75(5)(a) (restriction on purchasing liquor from licence holder) is in force and who consumes liquor in a public place commits an offence and is liable on summary conviction to a fine not exceeding £500.
- (4) A person who —
- (a) is carrying in a public place an open bottle, flask, can, glass, cup or other vessel which contains or has contained liquor; and
  - (b) refuses to comply with a request by a police officer immediately to deposit the vessel in a receptacle for the deposit of litter or to deliver it to the officer,
- commits an offence and is liable on summary conviction to a fine not exceeding £500.
- (5) Where an offence under subsection (4) is committed, a police officer may seize the vessel and may dispose of it as the officer thinks fit.
- (6) Nothing in subsections (4) and (5) applies to —
- (a) a flask designed to hold no more than 0.2 litres of spirits and to be carried on the person; or
  - (b) a chalice or other vessel used in the course of a religious service.
- (7) A police officer may require a person who appears to be committing or to have committed an offence under subsection (1), (3) or (4) to leave the public place in question immediately, and, if the person fails to do so, the officer may arrest the person without warrant.
- (8) In this section, “public place” means —
- (a) any highway; and
  - (b) any place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of any express or implied permission,
- not being —

- (i) a place within the curtilage of any on-licensed premises or club premises; or
  - (ii) premises at which the sale of liquor is, or has within the previous 15 minutes, been authorised by virtue of an occasional licence.
- (9) The Department may by a direction in writing provide that subsection (1) shall not apply to a public place specified in the direction on such day, and for such period (not exceeding 12 hours), as may be so specified.<sup>93</sup>

*Miscellaneous and supplemental*

## **77 Temporary modification of Act**

The Department may by order provide that, during such period or periods (not exceeding 4 weeks in the aggregate) as are specified in the order, this Act shall have effect subject to such modifications as are so specified.

## **78 Service canteens**

- (1) Where the Department or the Secretary of State authorises a person in writing to hold a canteen for the supply of liquor to members of Her Majesty's naval, military or air forces, the High Bailiff shall grant to that person a licence under his hand permitting the sale, supply and consumption of liquor at the canteen —
- (a) for the period (if any) specified in the authorisation; and
  - (b) if no such period is specified, for a period of one year,
- subject to such conditions as are specified in the authorisation (which shall be endorsed on the licence).
- (2) If the person to whom a licence under this section is granted fails or refuses to comply with any condition subject to which it is granted, he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.
- (3) Nothing in this Act makes unlawful the sale, supply or consumption of liquor permitted by a licence under this section, in accordance with any conditions subject to which it is granted.
- (4) No fee or duty is payable on the grant of a licence under this section.

## **79 Liqueur confectionery**

- (1) Any person who knowingly sells liquor in confectionery to any person under 16 is guilty of an offence and liable on summary conviction to a fine not exceeding £500.
- (2) References in this Act (except in this section) to liquor do not include references to liquor in confectionery which —



- (a) does not contain liquor in a proportion of 0.2 litres of liquor (containing a quantity of ethyl alcohol amounting to 57 per cent. of the volume of the liquor inclusive of the alcohol contained in it as at 20OC.) per kilogram of confectionery; and
- (b) either consists of separate pieces weighing not more than 42.5 grams or is designed to be broken into such pieces for consumption.

## 80 Interpretation

(1) In this Act —

“**a designated official**”, in relation to licensed premises, means a person for the time being approved under section 8 in respect of the premises;<sup>94</sup>

“**the appeal court**” means the Licensing Court of Appeal;

“**authorised canteen**” means a canteen authorised as mentioned in section 78(1);

“**authorised mess**” means a mess, authorised by or on behalf of the Department or the Secretary of State, of members of Her Majesty’s naval, military or air forces;

“**bar**” [Repealed]<sup>95</sup>

“**business**”, in relation to a passenger vessel, means the sale by retail of liquor on the vessel, for consumption on the vessel, to any passenger on the vessel while it is plying from place to place, but not when in harbour;<sup>96</sup>

“**canteen licence**” means a licence granted under section 78;

“**charitable function licence**” means a licence granted under section 15;

“**cider**” includes perry;

“**club premises**”, in relation to a club, means the premises in respect of which the club is registered;

“**company**” includes any body corporate;

“**conditions**” includes restrictions;

“**the court**” means the Licensing Court;

“**the Department**” means the Department of Home Affairs;

“**employee**”, in relation to any person, includes an apprentice and any other person who works for that person (whether or not under a contract of employment, and whether or not he receives wages for his work);

“**justice**” means a justice of the peace;

“**licence**” means a licence granted under this Act, other than an occasional licence, a charitable function licence or a canteen licence;

“**licensed premises**” means premises or a passenger vessel in respect of which a licence is in force;

“**liquor**” has the meaning given by subsection (2);

“**passenger vessel**” means a vessel of any description which is employed for the carriage of passengers and plies from a harbour or harbours in the Island;

“**passenger vessel licence**” means a licence granted in respect of a passenger vessel;

“**occasional licence**” means a licence granted under section 14;

“**off-licence**” means a licence which is granted as an off-licence, and “**off-licensed premises**” means premises in respect of which an off-licence is in force;

“**on-licence**” means a licence granted as an on-licence, and “**on-licensed premises**” means premises in respect of which an on-licence is in force;

“**the ordinary permitted hours**” [Repealed]<sup>97</sup>

“**the permitted hours**” [Repealed]<sup>98</sup>

“**police officer**” means a member of the Isle of Man Constabulary and includes a special constable appointed under section 5(2) of the *Police Act 1993*;<sup>99</sup>

“**premises**” includes a passenger vessel;<sup>100</sup>

“**registered**”, in relation to a club, means entered in the register kept under section 46;

a person “**residing**” on any premises means —

- (a) a person who resides permanently on the premises; or
- (b) a person who lodged on the premises on the previous night or has bona fide engaged a room for the following night;

“**rules**” means rules under section 5;

“**sale by retail**” has the meaning given by subsection (3);

“**secretary**”, in relation to a club, includes any officer of the club or other person performing the duties of secretary;

“**substantial meal**” means luncheon, tea, dinner, supper or any similar meal;

“**table meal**” [Repealed]<sup>101</sup>

“**triennial session**” means a sitting of the court held under section 4(1);

“**wine**” means wine or made-wine as defined in the *Alcoholic Liquor Duties Act 1986*.

(2) Subject to section 79(2), in this Act “**liquor**” means spirits, wine, beer, cider and any other fermented, distilled or spirituous liquor, but does not include —

- (a) any liquor which is of a strength not exceeding 0.5 per cent. at the time of the sale or other conduct in question;
- (b) perfumes;

- (c) flavouring essences recognised by the Treasury as not being intended for consumption as or with dutiable alcoholic liquor;
  - (d) spirits, wine or made-wine so medicated as to be, in the opinion of the Treasury, intended for use as a medicine and not as a beverage.
- (3) In this Act “**sale by retail**”, in relation to any liquor, means the sale of any such liquor, or the supply of any such liquor (otherwise than on sale) in the course of a business, at any one time to any one person, except where the sale is —
- (a) to a trader for the purpose of his trade;
  - (b) to a registered club for the purposes of the club;
  - (c) to an authorised canteen or an authorised mess; or
  - (d) of not less than the following quantities —
    - (i) in the case of spirits or wine, 9 litres or one case;
    - (ii) in the case of beer or cider, 20 litres or 2 cases,
 and made from premises owned or occupied by the seller.<sup>102</sup>
- (4) For the avoidance of doubt, the giving of liquor as a prize in a lottery shall not be treated for the purposes of this Act as a sale by retail of the liquor, where by virtue of section 30(3), 31(1), 32(3) or 34A of the *Gaming, Betting and Lotteries Act 1988* the lottery is not unlawful.<sup>103</sup>
- (5) Expressions in subsections (2)(a) and (d) and (3)(d) have the same meanings as in the *Alcoholic Liquor Duties Act 1986*.
- (6) Anything which by this Act is required or permitted to be done by or to the Chief Constable may be done by or to a police officer of the rank of inspector or above appointed in writing for the purpose by the Chief Constable.

## 81 Orders and regulations

Orders and regulations made by a Department or Statutory Board under this Act (except an order under section 83(2)) shall not have effect unless they are approved by Tynwald.

## 82 Transitional provisions, amendments and repeals

- (1) The transitional provisions in Schedule 2 shall have effect.
- (2) Regulations, and an order under section 83(2), may contain such further transitional provisions as appear to the Department to be expedient to give effect to this Act.
- (3) The enactments specified in Schedule 3 are amended in accordance with that Schedule.
- (4) [Repealed]<sup>104</sup>

**83 Short title etc**

- (1) This Act may be cited as the Licensing Act 1995.
- (2) This Act shall come into operation on such day as the Department may by order appoint.<sup>105</sup>
- (3) This Act, and any functions or jurisdiction conferred by this Act, extend to the whole of the Island and all places within the seaward limits of the territorial sea of the Island.<sup>106</sup>

**SCHEDULE 1****LICENSING COURTS**

Sections 1 and 2

**PART 1 – THE LICENSING COURT***Disqualification*

1. (1) A justice is disqualified for being elected, or being, a member of the court if he is on the supplemental list.

(2) If a person knowingly acts as a member of the court while disqualified for being such a member, he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000; but anything done by the court is not invalidated by reason only of the disqualification.

*Election of members of court*

2. (1) Subject to the following provisions of this paragraph, the members of the court (other than the High Bailiff) shall be elected by the justices for the Island at a meeting to be held in January in every year.

(2) The meeting of justices shall be convened by the High Bailiff, who shall give to each justice not less than 14 days' notice of the time and place appointed for the meeting; but the proceedings of the meeting are not invalidated by reason of a failure to comply with this subsection.

(3) 12 justices constitute a quorum of a meeting of justices.

(4) The High Bailiff, or in his absence a justice elected by the justices present, shall preside at a meeting of justices; and the chairman, in the event of an equality of votes, has a second or casting vote.

(5) The meeting of justices may adjourn, and, subject to sub-paragraph (4), the proceedings of the meeting shall be conducted in such manner as the chairman thinks fit.

(6) The members of the court elected under sub-paragraph (1) take office on the 1st February following the meeting.

(7) A casual vacancy in the said members of the court shall be filled by a special meeting of justices convened and held in like manner as an ordinary meeting of justices under sub-paragraph (1).

(8) A certificate of the result of an election under this paragraph shall be signed by the chairman of the meeting of justices and recorded in the General Registry; and a certificate purporting to state such a result and to be so signed is, until the contrary is proved, evidence of the matter stated in it.

*Tenure of office*

3. A member of the court (other than the High Bailiff) goes out of office —
- (a) if he ceases to be a justice;
  - (b) if he is entered on the supplemental list;
  - (c) if he resigns by notice in writing to the High Bailiff;
  - (d) at the end of the month of January next following his election.

*Interpretation*

4. In this Part —
- “**justice**” does not include a Deemster, High Bailiff or Deputy High Bailiff;
- “**the supplemental list**” has the same meaning as in the *Justices Act 1983*.

**PART 2 – THE LICENSING COURT OF APPEAL***Disqualifications*

5. (1) A person is disqualified for being appointed, or being, a member of the appeal court —
- (a) if he is aged 70 years or more; or
  - (b) if he is a practising advocate; or
  - (c) if he is a member of the Council or the Keys.

(2) If a person knowingly acts as a member of the appeal court while disqualified for being such a member, he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000; but anything done by the appeal court is not invalidated by reason only of the disqualification.

*Tenure of office*

6. A member of the appeal court goes out of office —
- (a) if he becomes disqualified for being a member of the appeal court;
  - (b) if he becomes a member of the court;
  - (c) if he resigns by notice in writing to the Clerk of the Rolls;
  - (d) on any third anniversary of the commencement of this Act.

## SCHEDULE 2

### TRANSITIONAL PROVISIONS

#### Section 82(1)

#### *Licensing courts*

1 to 4. [Repealed]<sup>107</sup>

#### *Conditions of licences*

5. (1) Where a condition (including a condition imposed by any provision of the 1961 Act) was in force in relation to a licence immediately before commencement, that condition shall remain in force in relation to that licence, and to any licence granted by way of renewal thereof, notwithstanding that —

- (a) it could not have been imposed on the grant of a licence of the same description under this Act, or
- (b) it was imposed by, or by virtue of, a provision repealed by this Act (and not re-enacted).

(2) Sub-paragraph (1) is subject to regulations under section 9(1), and to any condition imposed by the court under section 9(3)(b) or (4); and the court may by order vary or remove any condition continued in force by that sub-paragraph.

#### *Provisional licences*

6. A provisional licence granted under section 95 of the 1961 Act which has not been declared final before commencement shall cease to have effect (unless confirmed under section 11(3)(a)) on the expiration of 3 years beginning with commencement, or such longer period as the court, on the application of the holder of the licence, may order.

7 to 11. [Repealed]<sup>108</sup>

#### *Interpretation*

12. In this Schedule —

“**the 1961 Act**” means the *Licensing Act 1961*;

“**commencement**” means the commencement of this Act.

## SCHEDULE 3

### AMENDMENT OF ENACTMENTS

#### Section 82(3)

[Sch 3 amended by SD439/04, and amends the following Acts —

Music and Dancing Act 1961 q.v.

Children and Young Persons Act 1966 q.v.

Weights and Measures Act 1971 (Part VI of Sch 4 as saved by Weights and Measures Act 1989)

Cinematograph Act 1977 q.v.

Justices Act 1983 q.v.

Road Traffic Act 1985 q.v.

Casino Act 1986 q.v.

Water Act 1991 q.v.]

## SCHEDULE 4<sup>109</sup>



## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

- 
- <sup>1</sup> Subs (5) inserted by Licensing (Amendment) Act 2020 s 3.
- <sup>2</sup> Subs (4) amended by Interpretation Act 2015 s 106.
- <sup>3</sup> Subs (1) substituted by Criminal Justice, Police and Courts Act 2007 s 7.
- <sup>4</sup> Subs (1A) inserted by Criminal Justice, Police and Courts Act 2007 s 7.
- <sup>5</sup> Subs (1B) inserted by Criminal Justice, Police and Courts Act 2007 s 7.
- <sup>6</sup> Subs (1C) inserted by Criminal Justice, Police and Courts Act 2007 s 7.
- <sup>7</sup> Subs (1D) inserted by Criminal Justice, Police and Courts Act 2007 s 7.
- <sup>8</sup> Subs (1E) inserted by Criminal Justice, Police and Courts Act 2007 s 7.
- <sup>9</sup> Subs (1F) inserted by Criminal Justice, Police and Courts Act 2007 s 7.
- <sup>10</sup> Subs (1G) inserted by Criminal Justice, Police and Courts Act 2007 s 7.
- <sup>11</sup> Subs (1H) inserted by Criminal Justice, Police and Courts Act 2007 s 7.
- <sup>12</sup> Subs (3) substituted by Criminal Justice, Police and Courts Act 2007 s 7.
- <sup>13</sup> Subs (3A) inserted by Criminal Justice, Police and Courts Act 2007 s 7.
- <sup>14</sup> Subs (4) substituted by Criminal Justice, Police and Courts Act 2007 s 7.
- <sup>15</sup> Subs (4A) inserted by Criminal Justice, Police and Courts Act 2007 s 7.
- <sup>16</sup> Subs (4B) inserted by Criminal Justice, Police and Courts Act 2007 s 7.
- <sup>17</sup> Subs (5) substituted by Criminal Justice, Police and Courts Act 2007 s 7.
- <sup>18</sup> Subs (3A) inserted by Licensing (Amendment) Act 2001 Sch 1.
- <sup>19</sup> Subs (4) substituted by Licensing (Amendment) Act 2001 Sch 1.
- <sup>20</sup> Para (a) repealed by Licensing (Amendment) Act 2001 Sch 1.
- <sup>21</sup> Para (d) amended by Licensing (Amendment) Act 2001 Sch 1.
- <sup>22</sup> Para (f) added by Licensing (Amendment) Act 2001 s 8.
- <sup>23</sup> Subs (5A) inserted by Licensing (Amendment) Act 2001 s 2.

- 
- <sup>24</sup> Para (a) amended by Criminal Justice, Police and Courts Act 2007 s 10.
- <sup>25</sup> Subs (5B) inserted by Licensing (Amendment) Act 2001 s 2.
- <sup>26</sup> Subs (7A) inserted by Licensing (Amendment) Act 2001 s 2.
- <sup>27</sup> Subs (2A) inserted by Licensing (Amendment) Act 2001 s 3.
- <sup>28</sup> Subs (3) amended by Licensing (Amendment) Act 2001 s 3.
- <sup>29</sup> Subs (2) repealed by Statute Law Revision Act 1997 s 4.
- <sup>30</sup> Subs (1) amended by Licensing (Amendment) Act 2001 Sch 2.
- <sup>31</sup> S 16 substituted by Licensing (Amendment) Act 2001 s 1.
- <sup>32</sup> Ss 17 to 21 repealed by Licensing (Amendment) Act 2001 Sch 2.
- <sup>33</sup> Subs (1) amended by Licensing (Amendment) Act 2001 Sch 1.
- <sup>34</sup> Subss (2) and (3) repealed by Licensing (Amendment) Act 2001 Sch 2.
- <sup>35</sup> Subs (4) amended by SD155/10 Sch 10 and by SD2017/0325.
- <sup>36</sup> Para (e) amended by Licensing (Amendment) Act 2001 Sch 2.
- <sup>37</sup> Para (a) amended by Licensing (Amendment) Act 2001 Sch 2.
- <sup>38</sup> Subs (5A) inserted by Licensing (Amendment) Act 2001 Sch 1.
- <sup>39</sup> Subs (1) amended by Licensing (Amendment) Act 2001 Sch 1.
- <sup>40</sup> Subs (2) amended by Licensing (Amendment) Act 2001 Sch 1.
- <sup>41</sup> Subs (3) substituted by Licensing (Amendment) Act 2001 Sch 1.
- <sup>42</sup> Subs (2) substituted by Criminal Justice, Police and Courts Act 2007 s 8.
- <sup>43</sup> Subs (6) substituted by Criminal Justice, Police and Courts Act 2007 s 8.
- <sup>44</sup> S 25 substituted by Licensing (Amendment) Act 2001 s 4 [see footnote].
- <sup>45</sup> S 25A inserted by Criminal Justice, Police and Courts Act 2007 s 9.
- <sup>46</sup> Subs (3) substituted by Licensing (Amendment) Act 2001 s 5.
- <sup>47</sup> Subs (4) amended by Licensing (Amendment) Act 2001 Sch 2.
- <sup>48</sup> Subs (6) added by Licensing (Amendment) Act 2001 s 6 and amended by SD155/10 Sch 3.
- <sup>49</sup> Para (c) substituted by Licensing (Amendment) Act 2001 s 1.
- <sup>50</sup> Para (f) repealed by Licensing (Amendment) Act 2001 Sch 2.
- <sup>51</sup> Subs (2) amended by Licensing (Amendment) Act 2001 s 7.
- <sup>52</sup> Subs (4) substituted by Licensing (Amendment) Act 2001 s 7.
- <sup>53</sup> Subs (4A) inserted by Licensing (Amendment) Act 2001 s 7.
- <sup>54</sup> Subs (4B) inserted by Licensing (Amendment) Act 2001 s 7.
- <sup>55</sup> Para (a) amended by Summary Jurisdiction and Miscellaneous Amendments Act 2013 s 12.
- <sup>56</sup> Para (b) amended by Summary Jurisdiction and Miscellaneous Amendments Act 2013 s 12.
- <sup>57</sup> Subs (4C) inserted by Licensing (Amendment) Act 2001 s 7.
- <sup>58</sup> Para (f) inserted by Summary Jurisdiction and Miscellaneous Amendments Act 2013 s 12.
- <sup>59</sup> Para (g) inserted by Summary Jurisdiction and Miscellaneous Amendments Act 2013 s 12.
- <sup>60</sup> Subs (5) substituted by Licensing (Amendment) Act 2001 s 7.
- <sup>61</sup> Subs (6) substituted by Licensing (Amendment) Act 2001 s 7.

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- <sup>62</sup> Subs (2A) inserted by Equality Act 2017 Sch 23.
- <sup>63</sup> Para (b) amended by Statute Law Revision Act 1997 Sch 1.
- <sup>64</sup> Para (c) substituted by Gaming, Betting and Lotteries (Amendment) Act 2001 s 8.
- <sup>65</sup> Para (ca) inserted by National Lottery Act 1999 s 3.
- <sup>66</sup> S 40 substituted by Licensing (Amendment) Act 2001 s 8.
- <sup>67</sup> S 45 substituted by Licensing (Amendment) Act 2001 s 9.
- <sup>68</sup> Subs (1) amended by Law Reform Act 1997 Sch 5.
- <sup>69</sup> Subs (2) amended by Law Reform Act 1997 Sch 5.
- <sup>70</sup> Subs (5) amended by Law Reform Act 1997 Sch 5.
- <sup>71</sup> Subs (2) substituted by Licensing (Amendment) Act 2001 s 13.
- <sup>72</sup> Para (i) repealed by Licensing (Amendment) Act 2001 Sch 2.
- <sup>73</sup> Ss 51 and 52 repealed by Licensing (Amendment) Act 2001 Sch 2.
- <sup>74</sup> Subs (4) amended by Licensing (Amendment) Act 2001 Sch 2.
- <sup>75</sup> Part 4A inserted by Licensing (Amendment) Act 2020 s 3.
- <sup>76</sup> S 55A inserted by Licensing (Amendment) Act 2020 s 3.
- <sup>77</sup> S 55B inserted by Licensing (Amendment) Act 2020 s 3.
- <sup>78</sup> S 55C inserted by Licensing (Amendment) Act 2020 s 3.
- <sup>79</sup> S 55D inserted by Licensing (Amendment) Act 2020 s 3.
- <sup>80</sup> Subs (6) amended by Medicines Act 2003 Sch 3.
- <sup>81</sup> S 61 repealed by Licensing (Amendment) Act 2001 Sch 2.
- <sup>82</sup> Subs (1) amended by Licensing (Amendment) Act 2001 Sch 2.
- <sup>83</sup> Para (b) amended by Criminal Justice, Police and Courts Act 2007 s 10.
- <sup>84</sup> Subs (2A) inserted by Licensing (Amendment) Act 2001 s 10.
- <sup>85</sup> Subs (2B) inserted by Licensing (Amendment) Act 2001 s 10.
- <sup>86</sup> Subs (5) repealed by Police Powers and Procedures Act 1998 Sch 5.
- <sup>87</sup> Subs (3) added by Children and Young Persons (Protection from Tobacco and Liquor) Act 1999 s 2.
- <sup>88</sup> Para (a) amended by Licensing (Amendment) Act 2013 s 3.
- <sup>89</sup> Para (b) substituted by Licensing (Amendment) Act 2013 s 3.
- <sup>90</sup> S 74A inserted by Children and Young Persons (Protection from Tobacco and Liquor) Act 1999 s 2.
- <sup>91</sup> Subsections (5) to (7) repealed by Summary Jurisdiction and Miscellaneous Amendments Act 2013 s 13.
- <sup>92</sup> S 75A inserted by Licensing (Amendment) Act 2001 s 14.
- <sup>93</sup> S 76 substituted by Licensing (Amendment) Act 2013 s 4.
- <sup>94</sup> Definition of “a designated official” substituted for the definition of “the designated official” by Criminal Justice, Police and Courts Act 2007 s 10.
- <sup>95</sup> Definition of “bar” repealed by Licensing (Amendment) Act 2001 Sch 2.
- <sup>96</sup> Definition of “business” inserted by Criminal Justice, Police and Courts Act 2007 s 9.
- <sup>97</sup> Definition of “the ordinary permitted hours” repealed by Licensing (Amendment) Act 2001 Sch 2.
- <sup>98</sup> Definition of “the permitted hours” repealed by Licensing (Amendment) Act 2001 Sch 2.

- <sup>99</sup> Definition of “police officer” substituted by Criminal Justice Act 2001 s 52.
- <sup>100</sup> Definition of “premises” inserted by Criminal Justice, Police and Courts Act 2007 s 9.
- <sup>101</sup> Definition of “table meal” repealed by Licensing (Amendment) Act 2001 Sch 2.
- <sup>102</sup> Subs (3) amended by Licensing (Amendment) Act 2001 s 16.
- <sup>103</sup> Subs (4) amended by Gaming, Betting and Lotteries (Amendment) Act 2001 s 8.
- <sup>104</sup> Subs (4) repealed by Licensing (Amendment) Act 2001 Sch 2.
- <sup>105</sup> ADO (s 51(3) 12/4/1996; (remainder, except s 22(2) and (3)) 24/5/1996 (SD196/96).
- <sup>106</sup> Subs (3) amended by Territorial Sea (Rights to Coal) Act 1996 s 3.
- <sup>107</sup> Paras 1 to 4 repealed by Licensing (Amendment) Act 2001 Sch 2.
- <sup>108</sup> Paras 7 to 11 repealed by Licensing (Amendment) Act 2001 Sch 2.
- <sup>109</sup> Sch 4 repealed by Licensing (Amendment) Act 2001 Sch 2.