INTOXICATING LIQUOR, ENGLAND

The Licensing Act, 1949 (Commencement) Order, 1951

1951 No. 1187 (C. 4)

Made - - - - *29th June,* 1951

In pursuance of the power conferred upon me by section seventeen of the Licensing Act, 1949(a), I hereby make the following Order:—

1. The provisions of Part II of the Licensing Act, 1949, except section fifteen thereof, shall come into operation on the first day of January, 1952.

2.—(1) As respects a licensing district not being a county borough the compensation authority for the purposes of the Licensing (Consolidation) Act, 1910(b), in office immediately before the coming into operation of the said provisions of Part II of the Licensing Act, 1949, shall continue, as if those provisions had not come into operation, to act as such until the coming into office of the county confirming and compensation committee appointed in accordance with rules made under subsection (7) of section eleven of the said Act of 1949.

(2) All property, rights and liabilities held, vested or incurred in or by the compensation authority for the purposes of the said Act of 1910 for any licensing district shall, on the coming into office of the confirming and compensation committee appointed for that district under the said Act of 1949, be transferred to that committee.

3. This Order may be cited as the Licensing Act, 1949 (Commencement) Order, 1951.

J. Chuter Ede,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
29th June, 1951.

The Isles of Scilly (Sale of Intoxicating Liquor) Order, 1951

1951 No. 808

Made - - - - *7th May,* 1951
Coming into Operation in accordance with Article 25 (1)

In pursuance of the powers conferred on me by section forty of the Licensing Act, 1949(a), I hereby make the following Order:—

Annual permits

1.—(1) Subject to the provisions of this Order, a person shall not sell nor expose for sale by retail in the Isles of Scilly any intoxicating liquor except

(a) 12, 13 & 14 Geo. 6. c. 59. (b) 10 Edw. 7 & 1 Geo. 5. c. 24.

as authorised by an annual permit granted by the Joint Police Committee nor except at the premises specified in the permit and in accordance with any conditions specified therein.

(2) Any such annual permit shall be one authorising the sale of intoxicating liquor at the premises specified therein—

(*a*) for consumption off those premises, or

(*b*) for consumption either on or off those premises.

(3) Any such annual permit shall have effect from the date stated therein until the thirty-first day of March next following.

Occasional permits

2.—(1) Notwithstanding anything in Article 1 of this Order, intoxicating liquor may be sold or exposed for sale by retail in accordance with the terms of an occasional permit granted by the Joint Police Committee in accordance with the provisions of this Article.

(2) A person who is the holder of an annual permit may be granted an occasional permit to sell and expose for sale by retail intoxicating liquor for a period and on premises specified in the said permit and in accordance with any conditions specified therein.

(3) Where a notice has been given under paragraph (1) of Article 7 of this Order, the person to whom it is proposed to transfer the annual permit may be granted an occasional permit to sell and expose for sale by retail intoxicating liquor until the Joint Police Committee give their decision on the application for the transfer, as though the annual permit had been transferred.

(4) Where an application for the renewal of an annual permit has been refused by the Joint Police Committee and an appeal against the refusal has been duly made, the applicant may be granted an occasional permit to sell and expose for sale intoxicating liquor until the determination of the appeal, as though the annual permit had been renewed.

Authorisation by court

3. Where an annual permit is forfeited on or in pursuance of a conviction for an offence, and an appeal is duly made against the conviction, the court by whom the conviction was made may, by Order, authorise the sale and exposure for sale of intoxicating liquor by retail during the pendency of the appeal upon such conditions as they think just, and, notwithstanding anything in Article 1 of this Order, intoxicating liquor may be sold and exposed for sale accordingly.

Penalty for unlawful sale of liquor

4. The provisions of subsections (2), (3), (4), (5), (6) and (7) of section sixty-five of the principal Act shall apply as though the sale or exposure for sale of intoxicating liquor, otherwise than as authorised by a permit, or as authorised by a court under Article 3 of this Order, were a contravention of that section.

Application for new annual permit

5.—(1) A person applying for a new annual permit shall, not less than twenty-one days before the application is made, give notice in writing of his intention to apply for the permit, to the clerk to the Joint Police Committee.

(2) The provisions of section fifteen of the principal Act, other than paragraphs (*a*) and (*c*) of subsection (1) thereof, shall apply to an application for a new annual permit as they apply to an application for a new justices' licence and as though the reference in subsection (2) to a notice given under that section included a reference to a notice given under paragraph (1) of this Article.

Application for renewal of annual permit

6.—(1) The provisions of subsections (2), (3), (4) and (6) of section sixteen of the principal Act shall apply to an application for the renewal of an annual permit as they apply to the application for the renewal of a justices' licence.

(2) For the purposes of this Order the renewal of an annual permit means the grant of an annual permit by way of renewal of a similar permit in respect of the same premises which is in force at the date of the application:

Provided that where such a permit is not in force at the date of the application, but was in force at some time within the period of twelve months preceding the application, the grant of a permit in pursuance of the application shall be treated as a renewal of that permit, if the Joint Police Committee are satisfied that the applicant had reasonable cause for not making the application while that permit was in force.

Application for transfer of annual permit

7.—(1) A person applying for the transfer of an annual permit, shall, not less than twenty-one days before the application is made, give notice in writing to the clerk to the Joint Police Committee of his intention to apply for the transfer of the permit.

(2) The following provisions of the principal Act, that is to say, subsection (2) of section twenty-three, other than paragraph (*c*) thereof, subsections (1) and (2) of section twenty-five, section twenty-eight and the Fourth Schedule to the said Act shall apply to an application for the transfer of an annual permit as they apply to an application for the transfer of a justices' licence, and a transfer may be authorised, in the case of the forfeiture of a permit or the personal disqualification of the holder of the permit, to the owner of the premises specified in the permit or any person applying on his behalf.

(3) For the purposes of this Order, the transfer of an annual permit is the grant of an annual permit to one person in substitution for another person who holds or has held a similar permit in respect of the same premises.

Appeal to quarter sessions

8.—(1) Any person who thinks himself aggrieved by the refusal of the Joint Police Committee to grant a renewal or transfer of an annual permit may appeal against that refusal to the court of quarter sessions for the county of Cornwall.

(2) The provisions of subsections (2) to (7) of section twenty-nine and of sections thirty, thirty-one and thirty-two of the principal Act shall apply to an appeal under paragraph (1) of this Article as they apply to an appeal under subsection (1) of the said section twenty-nine.

Provisional annual permits for new premises

9.—(1) Any person interested in any premises about to be constructed or in course of construction for the purpose of being used as a house for the sale of intoxicating liquor to be consumed on the premises may apply to

the Joint Police Committee for the provisional grant of an annual permit in respect of those premises, and, if the Joint Police Committee are satisfied—

(*a*) with the plans of the house submitted to them, and

(*b*) that if the house had been actually constructed in accordance with those plans, they would, on application have granted an annual permit in respect thereof,

they may make such a provisional grant.

(2) Such a provisional grant as aforesaid shall be of no validity until it has been declared final by an order of the Joint Police Committee made after such notice has been given as they may have required at the time of the provisional grant, and the grant shall be declared final if the Joint Police Committee are satisfied—

(*a*) that the house has been completed in accordance with such plans as aforesaid, and

(*b*) that no objection can be made to the character of the holder of the provisional annual permit.

(3) Such a provisional grant as aforesaid shall be subject to the same conditions as to the giving of notices and generally as to procedure as those to which the grant would be subject if it were not provisional:

Provided that where a notice is required to be affixed on the door of the premises, it may be put up in a conspicuous position on any part of the premises.

Disqualification of persons

10.—(1) An annual permit shall not be granted, whether as a new permit or by way of renewal or transfer, to any person who is a disqualified person for the purposes of this Order during the continuance of the disqualification, and an annual permit held by a person so disqualified shall be void.

(2) The provisions of section thirty-five of the principal Act as to persons disqualified for the purpose of that Act shall apply for the purposes of this Order.

Disqualification of members of Joint Police Committee and justices

11.—(1) No member of the Joint Police Committee and no justice shall act for any purpose under this Order who is, or who is in partnership with, a common brewer, distiller, maker of malt for sale, or retailer of malt or any intoxicating liquor in the Isles of Scilly or elsewhere in the county of Cornwall:

Provided that nothing in this Article shall prevent a justice adjudicating in the case of persons charged with offences under section twelve of the Licensing Act, 1872(**a**), or section two of the Licensing Act, 1902(**b**).

(2) No act done by any member of the Joint Police Committee disqualified by this Article shall be invalid by reason only of that disqualification.

Renewal of annual permit

12. A renewal of an annual permit may be made by an endorsement on the permit or by the issue of a copy of the old permit.

(**a**) 35 & 36 Vict. c. 94. (**b**) 2 Edw. 7. c. 28.

Authentication of and fees payable in respect of permits

13. The provisions of sections forty-three and forty-five of the principal Act shall apply to the authentication of permits and the fees payable in respect of permits as they apply in respect of the authentication of justices' licences and the fees payable in respect of justices' licences.

Forgery of permit

14. If any person forges or tenders, knowing the same to be forged, any permit, he shall be liable in respect of each offence to a fine not exceeding twenty pounds, or in the discretion of the court to imprisonment for any period not exceeding six months.

Clerk to Joint Police Committee not to act professionally in certain matters

15.—(1) A solicitor or other person being a clerk to the Joint Police Committee shall not by himself, his partner or clerk, as solicitor or agent for any person, conduct or act in any application for or in repect of a permit, or any other proceedings whatsoever under this Order or any of the provisions of the Licensing Acts, 1828 to 1906, or the Licensing Acts, 1910 to 1923, before the Joint Police Committee or before any justice acting for the Isles of Scilly, except so far as relates to the preparation of notices and forms.

(2) The provisions of subsection (2) of section forty-nine of the principal Act shall apply as though any action in contravention of this Article were an action in contravention of the said section.

Register of annual permits

16.—(1) The clerk to the Joint Police Committee shall keep a register to be called the register of annual permits containing the particulars of all annual permits granted, of the premises specified in those permits, the names of the owners of those premises and the names of the holders for the time being of the said annual permits.

(2) There shall also be entered in the register—

(*a*) any conviction of the holder of a permit for an offence committed by him as such (including any offence against the provisions of any Act for the time being in force relating to the adulteration of drink);

(*b*) all forfeitures of permits;

(*c*) all matters directed under any Act to be entered on the register of licences provided for in section fifty of the principal Act; and

(*d*) other matters relating to the permits on the register.

(3) Sections fifty-one, fifty-two and fifty-three of the principal Act shall apply in relation to annual permits, the register of annual permits and matters relating thereto as they apply in relation to justices' licences, the register of justices' licences and matters relating thereto.

Permitted hours

17.—(1) The hours during which intoxicating liquor may be sold or supplied in any premises in respect of which a permit has been granted, or an authorisation issued under Article 3 of this Order, or in any club premises, shall be—

(*a*) on weekdays, eight hours beginning not earlier than eleven in the morning and ending not later than ten at night, with a break of at least two hours after twelve noon; and

(*b*) on Sundays, Christmas Day and Good Friday, five hours of which not more than two shall be between twelve (noon) and three in the afternoon and not more than three between six and ten in the evening,

and the provisions of sections one and two and subsection (1) of section twelve of the Licensing Act, 1921(**a**), and the provisions of the Licensing (Permitted Hours) Act, 1934(**b**), shall not apply in the Isles of Scilly.

(2) Where the Joint Police Committee are satisfied that the special requirements of a parish render it desirable, they may by order provide that, as respects that parish, and for such period (not being less than eight consecutive weeks) as they think fit, sub-paragraph (*a*) of paragraph (1) of this Article shall have effect as though "eight and a half" were substituted for eight and "half-past ten at night" were substituted for "ten at night".

(3) Subject to the preceding provisions of this Article the permitted hours shall be such as may be fixed by order of the Joint Police Committee, and different hours may be fixed for different parishes and for different parts of the year:

Provided that in the case of a club, the permitted hours shall be fixed, subject to the preceding provisions of this Article, in accordance with the rules of the club.

(4) The provisions of subsections (1), (2) and (3) of section fifty-five and of section fifty-seven of the principal Act (which relate to variation of permitted hours) shall apply as though the Joint Police Committee were the local authority.

(5) The provisions of sections fifty-eight and fifty-nine of the principal Act (which relate to conditions as to closing) shall apply in relation to annual permits as they apply in relation to justices' licences.

Names of holder of permit, etc. to be affixed to premises

18. The provisions of section seventy-four of the principal Act shall apply in relation to the affixing of notices to premises specified in a permit as they apply in relation to the affixing of notices to licensed premises and as though for the word "licensed" in subsection (1) of the said section there were substituted the word "authorised".

Obligation to register clubs

19.—(1) The secretary of every club in the Isles of Scilly which occupies a house or part of a house which is habitually used for the purposes of a club and in which any intoxicating liquor is supplied to members or their guests, or any other premises which are habitually so used, and in which any intoxicating liquor is so supplied, shall cause the club to be registered in the manner provided by this Order.

(2) The registration of a club under this Order shall not constitute the premises of the club premises in respect of which a permit has been granted or authorise any sale of intoxicating liquor therein which would otherwise be illegal.

Mode of registration of clubs

20.—(1) The clerk to the Joint Police Committee shall keep a register of all such clubs as are referred to in Article 19 of this Order, which shall contain—

(*a*) the name and objects of the club;
(*b*) the address of the club;
(*c*) the name of the secretary;

(**a**) 11 & 12 Geo. 5. c. 42. (**b**) 24 & 25 Geo. 5. c. 26.

(*d*) the number of members, and
(*e*) the rules of the club relating to—
(i) the election of members and the admission of temporary and honorary members and of guests;
(ii) the terms of subscription and entrance fee, if any;
(iii) the cessation of membership;
(iv) the permitted hours and the hours of opening and closing; and
(v) the mode of altering the rules.

(2) The provisions of subsections (3), (4), (5) and (6) of section ninety-two of the principal Act (which relate to returns by secretaries of clubs) shall apply in relation to the registration of clubs under this Article by the clerk to the Joint Police Committee as they apply in relation to the registration of clubs under the principal Act by the clerk to the justices.

(3) In this Article the expression "secretary" includes any officer of the club or other person performing the duties of a secretary, and, in the case of a proprietory club where there is no secretary, the proprietor of the club.

Application of miscellaneous provisions of principal Act

21. In relation to the matters set out in the first column of the Schedule to this Order the provisions of the principal Act set out in the second column of the said Schedule shall apply in the Isles of Scilly as though any reference therein to the principal Act included a reference to this Order.

Exclusion, modification and adaptation of certain enactments

22.—(1) The principal Act shall have no application to the Isles of Scilly except in so far as particular provisions thereof are applied by this Order.

(2) Any enactment in the principal Act and any other enactment relating to the sale or supply of intoxicating liquor shall, in its application to the Isles of Scilly, be modified and adapted as follows, that is to say, in relation to the Isles of Scilly, except where the context otherwise requires—

(*a*) a reference to the general annual licensing meeting or transfer sessions shall be construed as a reference to a meeting of the Joint Police Committee held for the purposes of this Order;
(*b*) a reference to a justices' licence shall be construed as a reference to a permit and references to justices' on-licences and off-licences shall be construed as references to permits for the consumption of intoxicating liquor on or off the premises, as the case may be;
(*c*) a reference to permitted hours under the Licensing Act, 1921, shall be construed as a reference to permitted hours under Article 17 of this Order;
(*d*) a reference to the licensing district or the licensing district for which the licensing justices act, shall be construed as a reference to the Isles of Scilly;
(*e*) a reference to the licensing justices shall be construed as a reference to the Joint Police Committee;
(*f*) a reference to licensed premises shall be construed as a reference to premises in respect of which a permit has been granted;
(*g*) a reference to a club being registered, unregistered or requiring to be registered under the principal Act shall be construed as a reference to a club being registered, unregistered or requiring to be registered under Article 19 of this Order; and
(*h*) a reference to any Act or enactment shall be construed as a reference to that Act or enactment as applied, modified or adapted by this Order.

Interpretation

23.—(1) In this Order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"annual permit" means a permit granted in pursuance of Article 1 of this Order;

"intoxicating liquor" means any liquor which would have been intoxicating liquor within the meaning of the principal Act if this Order had not been made;

"Joint Police Committee" means the Joint Police Committee for the Isles of Scilly;

"new permit" means a permit granted otherwise than by way of renewal or transfer;

"occasional permit" means a permit granted in pursuance of Article 2 of this Order;

"permit" means an annual or an occasional permit;

"the principal Act" means the Licensing (Consolidation) Act, 1910(**a**);

"renewal" has the meaning assigned to that expression in Article 6 of this Order;

"sale by retail" means sale at any one time to one person of intoxicating liquor in the following quantities, namely:—

(*a*) in the case of spirits, wine or sweets, in any quantity not exceeding two gallons or not exceeding one dozen reputed quart bottles; and

(*b*) in the case of beer, cider or perry, in any quantity not exceeding four-and-a-half gallons or not exceeding two dozen reputed quart bottles,

but not any larger quantities, and for the purposes of this definition, the expressions "beer", "sweets" and "wine" have the meanings respectively assigned to them in section fifty-two of the Finance (1909-10) Act, 1910(**b**), and the expression "spirits" has the meaning assigned to it in section three of the Spirits Act, 1880(**c**);

"transfer" has the meaning assigned to it in Article 7 of this Order.

(2) Any reference in this Order to any enactment, including any enactment in the principal Act, shall be construed as a reference to that enactment as amended by any other enactment.

(3) The Interpretation Act, 1889(**d**), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Savings

24. Nothing contained in this Order shall prejudice or affect any rights, powers, authorities or privileges vested in or enjoyed by His Majesty, His Heirs or Successors in right of the Duchy of Cornwall or in or by the Duke of Cornwall for the time being.

Citation, commencement and extent

25.—(1) This Order may be cited as the Isles of Scilly (Sale of Intoxicating Liquor) Order, 1951, and shall come into operation on the first day of August, 1951, except that for the purposes of making an application for and the grant of a permit having effect for any period beginning on or after the said date, this Order shall come into operation forthwith.

(a) 10 Edw. 7. & 1 Geo. 5. c. 24.
(b) 10 Edw. 7. & 1 Geo. 5. c. 8.
(c) 43 & 44 Vict. c. 24.
(d) 52 & 53 Vict. c. 63.

(2) Save where the context otherwise requires this Order shall apply only as respects the Isles of Scilly.

J. Chuter Ede,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
7th May, 1951.

SCHEDULE Article 21.

MISCELLANEOUS PROVISIONS OF THE PRINCIPAL ACT APPLIED

Subject matter	Provision
Liability of the holder of a permit to penalty for allowing drinking in contravention of his permit.	Section 66.
Penalty for improper sale of liquor to children ..	Section 68.
Obligation to sell by standard measure	Section 69.
Consent of Joint Police Committee to certain structural alterations.	Section 71.
Powers of Joint Police Committee to require certain structural alterations.	Section 72.
Improper storing of liquor	Section 73.
Penalty for permitting drunkenness	Section 75.
Penalty for keeping a disorderly house	Section 76.
Penalty for permitting premises to be a brothel ..	Section 77.
Offences in relation to constables	Section 78.
Penalty for permitting gaming	Section 79.
Power to exclude drunkards from premises specified in a permit.	Section 80.
Entry of constables on premises specified in a permit	Section 81.
Search warrant for detection of liquor sold or kept contrary to law.	Section 82.
Sessions, etc., not to be held in premises specified in a permit.	Section 83.
Obligation of holder of permit to produce permit ..	Section 84.
Evidence of sale or consumption of intoxicating liquor.	Section 85.
Notice of conviction, etc., to be given to owners ..	Section 86.
Penalty for supplying or keeping liquor in unregistered club.	Section 93.
Supply of liquor in clubs for consumption off the premises.	Section 94.
Striking off club register	Section 95.
Search warrant to enter club	Section 96.
Penalty for false returns, etc., by club secretary ..	Section 97.
Summary prosecution for offences	Section 99.
Minimum penalties	Section 100.
Conviction after five years not to increase penalty	Section 101.
Conviction, etc., not to be quashed for want of form or removed by certiorari.	Section 102.
Application of forfeitures	Section 105.
Jurisdiction of Joint Police Committee and court of summary jurisdiction.	Subsections (1) and (3) of section 107.
Service of notices	Section 108 other than the proviso to subsection (1) thereof.
Exemptions and savings	Subsection (2) of section 111.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order applies only to the Isles of Scilly and substitutes for those provisions of the Licensing (Consolidation) Act, 1910, which prohibit the sale of intoxicating liquor except as authorised under that Act, and are applicable in England and Wales generally, a prohibition on the sale of intoxicating liquor except as authorised by permits granted by the Joint Police Committee for the Isles of Scilly. The Order also provides for the exercise by that Committee of the functions of licensing justices as to permitted hours, and makes certain ancillary provisions excluding, modifying or adapting various enactments relating to the sale and supply of intoxicating liquor: in particular, Article 8 provides for an appeal to the County of Cornwall Quarter Sessions from a refusal of the Joint Police Committee to renew a permit, and Articles 19 and 20 provide for the registration of clubs in which intoxicating liquor is supplied to members or their guests.

IRON AND STEEL

The Iron and Steel (Financial Years) Regulations, 1951

1951 No. 991

Made - - - -	*4th June*, 1951
Laid before Parliament	*5th June*, 1951
Coming into Operation	*7th June*, 1951

The Minister of Supply in pursuance of subsection (1) of section fifty-nine of the Iron and Steel Act, 1949(a), hereby makes the following Regulations:—

1. The day on which the financial year of the Iron and Steel Corporation of Great Britain shall end shall be the Thirtieth day of September.

2. These Regulations shall come into operation on the 7th day of June, nineteen hundred and fifty-one, and may be cited as the Iron and Steel (Financial Years) Regulations, 1951.

Dated this 4th day of June, 1951.

G. R. Strauss,
Minister of Supply.

(a) 12, 13 & 14 Geo. 6. c. 72.