



Late Night Refreshment Houses Act 1969

CHAPTER 53

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ELIZABETH II



1969 CHAPTER 53

An Act to consolidate certain enactments relating to refreshment houses within the meaning of the Refreshment Houses Act 1860, with corrections and improvements made under the Consolidation of Enactments (Procedure) Act 1949. [22nd October 1969]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. For the purposes of this Act, a "late night refreshment house" is a house, room, shop or building kept open for public refreshment, resort and entertainment at any time between the hours of 10 o'clock at night and 5 o'clock of the following morning, other than a house, room, shop or building which is licensed for the sale of beer, cider, wine or spirits.

Meaning of "late night refreshment house".

2.—(1) A person who keeps a late night refreshment house shall take out annually a licence to do so, granted by the licensing authority under this Act.

Requirement of licence to keep late night refreshment house.

(2) The licensing authorities under this Act are county and county borough councils and, in the case of Greater London, the councils of London boroughs and the Common Council of City of London; and in the following provisions of this Act—

- (a) "licence" means a licence under this Act to keep a late night refreshment house; and
- (b) "licensed" and "licensee" shall be construed accordingly.

(3) It is an offence for a person to keep a late night refreshment house without having a licence in force under this Act.

Annual duty on licence, and power to vary.

1964 c. 26.

3.—(1) Subject to the provisions of this Act, on every licence under this Act there shall be charged a duty of one guinea payable to the licensing authority; and a licence shall be granted by the licensing authority on payment of the duty (except where there is for the time being in force in relation to the person or premises concerned a disqualification order under section 100 of the Licensing Act 1964 or section 11(4) of this Act).

(2) Subsection (1) of this section may be amended by an order made by the Secretary of State so as to vary the sum specified thereby or so as to provide that the sum payable thereunder shall cease to be so payable; and an order under this section may be revoked or varied by a subsequent order thereunder.

(3) The power of the Secretary of State to make orders under this section shall be exercisable by statutory instrument, and any statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Reduced duty on beginner's part-year licence.

4. Where a licence is granted on or after 1st July in any year—

- (a) to a person who has not within two years immediately preceding held a licence; or
- (b) in respect of premises in respect of which the person to whom the licence is granted has not within the said period held a licence,

the licensing authority may grant the licence on payment of a proportion of the full duty, the proportion being as follows—

- (i) if the licence is taken out in July, August or September, three-quarters;
- (ii) if it is taken out in October, November or December, one-half; and
- (iii) if it is taken out in January, February or March, one-quarter.

Date of licence and period of validity.

5.—(1) A licence granted between 31st March and 1st May in any year shall have effect from 1st April in that year; and a licence granted at any other time shall have effect from the date of the grant.

(2) Every licence, whenever granted, shall have effect until the end of 31st March next following the date of the grant and shall be renewable annually on payment of the duty chargeable, if any.

(3) On the death of a person licensed under this Act to keep a late night refreshment house the licensing authority may, by endorsement or otherwise, authorise his personal representative or his widow or child, if possessed of and occupying the premises

to which the licence relates, to continue to keep the refreshment house until the end of the following 31st March, without taking out a fresh licence or paying any additional duty ; and a person so authorised shall then be deemed to be the holder of the licence.

6.—(1) There shall be kept by every licensing authority a list or register of licences granted by them for late night refreshment houses in their area, showing in respect of each licence the name and place of abode of the licensee and the name and description of the premises which are the subject of the licence. Local register of licences.

(2) The authority shall, whenever required, give to the clerk to the justices for their area or any part of it a copy of or extract from the list or register.

(3) The licensee of a late night refreshment house shall, on any change of address which affects the list or register kept by a licensing authority under this section, notify the authority in writing of the new address to be entered in the list or register as his place of abode ; and he shall be guilty of an offence if he fails to do so within two weeks after the change of address.

7.—(1) A licensing authority, if satisfied that it is desirable to do so in order to avoid unreasonable disturbance to residents of the neighbourhood, may on the grant or renewal of a licence for a late night refreshment house impose a condition prohibiting the opening or keeping open of the refreshment house for public refreshment, resort or entertainment at any time between such time (not earlier than 11 o'clock at night) as may be specified in the condition and 5 o'clock in the morning. Power of licensing authority to impose conditions as to opening after 11 p.m.

(2) In the event of a contravention of a condition imposed by the licensing authority under this section, the licensee of the refreshment house shall be guilty of an offence.

(3) A person aggrieved by a condition imposed under this section on the grant or renewal of a licence may appeal to a magistrates' court ; and—

(a) the court may on the appeal give such directions as it thinks proper with respect to the condition subject to which the licence is to be granted or renewed (including a direction that no condition is to be imposed) ; and

(b) a party to an appeal under this subsection may appeal from the decision of the magistrates' court to a court of quarter sessions.

8.—(1) Where this subsection applies to a late night refreshment house, it shall not be lawful to make any charge for or in connection with the entertainment of persons in the refreshment house during the hours of late opening, whether for the supply of food or drink, for admission, for service of any description or Conditions of licence as to charges and touting.

for any other matter, except any reasonable charge for the use of cloakroom or toilet facilities, unless—

- (a) a tariff of charges made in the refreshment house is during those hours kept displayed in such position and in such manner that it can be conveniently read by persons frequenting the refreshment house and, if so required by subsection (4) of this section, can be so read by any such person before entering; and
- (b) the charge is specified for the matter in question in the tariff or is less than a charge so specified.

(2) Where this subsection applies to a late night refreshment house it shall not be lawful to seek to obtain custom for the refreshment house by means of personal solicitation outside or in the vicinity of the refreshment house.

(3) Subsection (1) or (2) above, or both, shall apply to a late night refreshment house if, but only if, the licensing authority have made that a condition of the grant or renewal of a licence for the refreshment house, and have not revoked the condition; and a licensing authority may impose such a condition in any case where it appears to them desirable in order to ensure that persons frequenting the refreshment house are not misled as to the nature or cost of the entertainment provided.

(4) Where subsection (1) applies, the tariff of charges must be able to be read before entering by any person frequenting the refreshment house, if it is so stated by the condition applying the subsection, and on any renewal of the licence the condition may be varied so as to include or omit any such statement.

(5) In the event of a contravention of subsection (1) or (2) of this section the keeper of the refreshment house and any person responsible for the contravention (other than a person who did not know of the condition applying the subsection) shall be guilty of an offence; and where a person is charged with such an offence, it shall be for him to show that he did not know of the condition.

(6) In this section “the hours of late opening” means any period between the hours of 10 o’clock at night and 5 o’clock on the following morning during which the refreshment house is open.

9.—(1) If the licensee of a late night refreshment house knowingly permits unlawful gaming therein or knowingly permits prostitutes, thieves, or drunken and disorderly persons to assemble at, or continue in or upon, his premises, he shall be guilty of an offence.

(2) In subsection (1) of this section the reference to unlawful gaming is to the playing of any game in such circumstances that

Illegal and disorderly conduct.

an offence is committed under Part II of the Betting, Gaming 1963 c. 2. and Lotteries Act 1963.

(3) As from the date on which there comes into force so much of section 53 of, and Part I of Schedule 11 to, the Gaming Act 1968 c. 65. 1968 as amends section 40 of the Betting, Gaming and Lotteries Act 1963, subsection (2) of this section shall have effect as if for the reference to Part II of the said Act of 1963 there were substituted a reference to the said Act of 1968.

(4) If a person who is drunk, riotous, quarrelsome or disorderly in a late night refreshment house licensed under this Act refuses or neglects to leave it on being requested to do so by the manager or occupier, or his agent or servant, or by any constable, he shall be guilty of an offence.

10.—(1) A constable may, at any time when he thinks fit, enter a late night refreshment house licensed under this Act and go upon any premises belonging thereto ; and the licensee or any other person being his employee or acting by his direction shall be guilty of an offence if he fails or refuses to admit a constable demanding admittance under this subsection. Power of constable to enter and keep order.

(2) Every constable is hereby authorised and required, on the demand of the manager or occupier of a late night refreshment house licensed under this Act, or of any servant or agent of the manager or occupier, to assist in expelling from the refreshment house drunken, riotous, quarrelsome and disorderly persons.

11.—(1) A person guilty of an offence under section 2(3), 7(2), 8(5), 9(1) or 10(1) of this Act shall be liable on summary conviction to a fine of not more than £200 or to imprisonment for a term of not more than three months, or both. Punishment of offences.

(2) A person guilty of an offence under section 6(3) of this Act shall be liable on summary conviction to a fine of not more than £20.

(3) A person guilty of an offence under section 9(4) of this Act shall be liable on summary conviction to a fine of not more than £5.

(4) On a person's conviction in relation to any premises of any of the following offences, that is to say—

(a) an offence under section 2(3), 7(2), 8(5), 9(1) or 10(1) of this Act ;

(b) an offence under section 160 of the Licensing Act 1964 1964 c. 26 (sale of intoxicating liquor without licence) committed by the keeper of a late night refreshment house ; or

- (c) an offence under section 84(2) of that Act (supply or consumption of intoxicating liquor at parties organised for gain) committed by the keeper of a late night refreshment house in connection with parties at the refreshment house,

the court by or before which he is convicted may make a disqualification order, and sections 100(2) and 101 of the Licensing Act 1964 shall apply to a disqualification order under this subsection as they apply to a disqualification order under section 100 of that Act.

1964 c. 26.

Power to apply provisions of Customs and Excise Act 1952.

1952 c. 44.
1949 c. 47.

12. Section 313(3) of the Customs and Excise Act 1952 (under which the Treasury may by order apply provisions of that Act to the duties transferred to county and county borough councils by section 15 of the Finance Act 1949), and any order made before the commencement of this Act under that subsection, shall continue to have effect in relation to the duties chargeable on licences under this Act and to councils levying those duties and to the officers of such councils, subject in the case of any order so made to its being varied or revoked under section 313(4) of the said Act of 1952.

Transitional provisions and saving.

13.—(1) Any licence granted or renewed, or condition imposed, or other thing done, under an enactment repealed by this Act shall have effect as if granted, renewed, imposed or done under the corresponding enactment in this Act.

(2) Any enactment or other document referring—

(a) to an enactment repealed by this Act ; or

(b) to a refreshment house within the meaning of the Refreshment Houses Act 1860 or a licence for such a refreshment house, or to a person keeping or being licensed to keep such a refreshment house,

1860 c. 27.

shall, so far as such a construction is necessary for preserving the effect of the document, be construed as referring to the corresponding enactment in this Act or to a late night refreshment house within the meaning of this Act, or to a licence under this Act for such a refreshment house, or to a person keeping or being licensed to keep such a refreshment house, as the case may be.

(3) Without prejudice to subsection (2) of this section, in subsection (2)(a) of section 100 of the Licensing Act 1964 (disqualification orders) for the words “ the Refreshment Houses Act 1860 ” there shall be substituted the words “ the Late Night Refreshment Houses Act 1969 ”.

(4) The mention of particular matters in this section shall not be taken to affect the general application of section 38 of the Interpretation Act 1889 with regard to the effect of repeals.

1889 c. 63.

(5) A power under any enactment to amend or repeal an enactment repealed by this Act shall include power to amend or repeal the corresponding provision of this Act.

14. The enactments specified in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule. Repeals.

15.—(1) This Act may be cited as the Late Night Refreshment Houses Act 1969. Citation,
commencement
and extent.

(2) This Act shall come into force on 1st January 1970.

(3) Nothing in this Act extends to Scotland or Northern Ireland.

Section 14.

SCHEDULE

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
23 & 24 Vict. c. 27.	The Refreshment Houses Act 1860.	Sections 1, 2, 6, 9 to 12, 16, 18, 32 and 41.
24 Vict. c. 91.	The Revenue (No. 2) Act 1861.	Sections 8 and 9.
27 & 28 Vict. c. 18.	The Revenue (No. 1) Act 1864.	Section 5.
12, 13 & 14 Geo. 6. c. 47.	The Finance Act 1949.	In section 15, paragraph (d) of subsection (1), subsection (4), and, in subsection (9) the words "and references to licences to keep refreshment houses shall not apply".
15 & 16 Geo. 6 and 1 Eliz. 2. c. 44.	The Customs and Excise Act 1952.	In section 237(2), the words "the Refreshment Houses Act 1860 or".
10 & 11 Eliz. 2. c. 52.	The Penalties for Drunkenness Act 1962.	In section 1(2)(a), the words "section forty-one of the Refreshment Houses Act 1860".
1963 c. 2.	The Betting, Gaming and Lotteries Act 1963.	In section 40, the words "section 32 of the Refreshment Houses Act 1860".
1964 c. 88.	The Refreshment Houses Act 1964.	The whole Act, except so much of the Schedule as provides a new subsection (1) for section 100 of the Licensing Act 1964.
1966 c. 42.	The Local Government Act 1966.	In Part II of Schedule 3, the entry (numbered 2) relating to the Revenue (No. 2) Act 1861.
1967 c. 38.	The Refreshment Houses Act 1967.	The whole Act.

PRINTED IN ENGLAND BY C. H. BAYLIS

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

CH. 53 *Late Night Refreshment Houses Act 1969*

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

1s. 9d. [9p] net

(384739)

SBN 10 545369 2