

ELIZABETH II



Licensing (Occasional Permissions) Act 1983

1983 CHAPTER 24

An Act to empower licensing justices in England and Wales to grant to representatives of organisations not carried on for private gain occasional permissions authorising the sale of intoxicating liquor at functions connected with the activities of such organisations.

[9th May 1983]

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.—(1) Licensing justices may, if satisfied as to the matters mentioned in subsection (2) below, grant to an officer of an eligible organisation or of a branch of such an organisation a permission (referred to in this Act as an occasional permission) authorising him to sell intoxicating liquor during a period not exceeding twenty-four hours at a function held by the organisation or branch in connection with the organisation's activities. Grant of occasional permissions.

(2) The matters as to which the licensing justices must be satisfied are—

- (a) that the officer is a fit and proper person to sell intoxicating liquor and is resident in their licensing district;

- (b) that the place where the function is to be held will be a suitable place for intoxicating liquor to be sold and is situated in that district ; and
- (c) that the sale of intoxicating liquor at the function is not likely to result in disturbance or annoyance being caused to residents in the neighbourhood of that place, or in any disorderly conduct.

(3) An occasional permission shall be in writing and shall specify—

- (a) the place where intoxicating liquor may be sold by virtue of the permission ;
- (b) the kind or kinds of intoxicating liquor that may be sold there by virtue of the permission ; and
- (c) the hours between which such liquor may be so sold and the date (or dates) on which those hours fall ;

and the licensing justices may attach to the permission any condition that they think proper.

(4) Not more than four occasional permissions may be granted in a licensing district in any period of twelve months in respect of functions held by the same organisation or branch.

(5) An occasional permission shall not authorise the sale of intoxicating liquor on a Sunday in a district in Wales or Monmouthshire to which section 66(1) of the principal Act for the time being applies.

(6) In this section “eligible organisation” means any organisation not carried on for purposes of private gain ; and, except in the case of an organisation carrying on a commercial undertaking, a purpose which is calculated to benefit an organisation as a whole shall not be taken to be a purpose of private gain by reason only that action in fulfilment of the purpose would result in benefit to any person as an individual.

Applications
for occasional
permissions.

2.—(1) An application for an occasional permission shall be in writing and shall contain the following particulars—

- (a) the name and address of the applicant and the date and place of his birth ;
- (b) the name of the organisation in connection with whose activities the function in question is to be held, the purposes for which the organisation is carried on, and (where appropriate) the name of the branch holding the function ;
- (c) the nature of the applicant’s office in the organisation or branch holding the function ;

- (d) the date and nature of the function and the place where it is to be held ;
- (e) the kind or kinds of intoxicating liquor proposed to be sold at the function and the hours between which it is proposed that such liquor should be sold ;
- (f) details of any occasional permissions granted by the licensing justices in the twelve months preceding the date of the application in respect of functions held by the organisation or branch holding the function.

(2) An application for an occasional permission shall be made by serving two copies of the application on the clerk to the licensing justices not less than one month before the date of the function in respect of which the application is made.

(3) On receiving an application under subsection (2) above the clerk shall serve notice of the application on the chief officer of police by sending him a copy of it.

(4) An application for an occasional permission shall be heard by the licensing justices at the next licensing sessions following its receipt by the clerk or, where those sessions are to be held fifteen days or less after its receipt, at the licensing sessions next following those sessions.

(5) The clerk shall send to an applicant notice of the date, time and place of the licensing sessions at which his application is to be heard in accordance with subsection (4) above ; and the list kept for those sessions under paragraph 6 of Schedule 2 to the principal Act shall show the name and address of the applicant, the nature of the application and the place where the function in question is to be held.

(6) On the consideration of an application for an occasional permission the applicant shall, if so required by the licensing justices, attend in person, and licensing justices may postpone consideration of such an application until the applicant does attend.

(7) Subsections (1), (3) and (4) of section 97 of the Magistrates' Courts Act 1980 (summons to witness and warrant for his arrest) shall apply in relation to licensing justices and to an application for an occasional permission as if they were a magistrates' court for the petty sessions area constituting the licensing district and the application were a complaint.

3. The Schedule to this Act (which provides for offences in relation to occasional permissions and applications for such permissions, and in relation to the conduct of premises where the sale of intoxicating liquor is authorised by such permissions) shall have effect.

Interpretation and other supplementary provisions.

4.—(1) In this Act—

“occasional permission” means a permission granted under section 1 above ;

“organisation” includes any society, club, institution or association of persons ;

“the principal Act” means the Licensing Act 1964.

(2) The following provisions of the principal Act, namely—

(a) section 2 (licensing justices and districts) ;

(b) section 29 (fees) ;

(c) sections 192 and 193 (jurisdiction and disqualification of justices) ;

(d) section 197 (service of notices, etc.) ;

(e) section 201 (interpretation),

shall have effect as if the provisions of this Act were contained in that Act.

(3) In section 160 of the principal Act (selling liquor without a licence)—

(a) in subsection (1) there shall be inserted after the words “canteen licence”, in both places, the words “or occasional permission”, and after the words “that licence” the words “or permission” ; and

(b) after subsection (6) there shall be inserted—

“(7) In subsection (1) of this section “occasional permission” means a permission granted under the Licensing (Occasional Permissions) Act 1983.”

(4) In section 202 of that Act (application to Isles of Scilly), in subsection (1)(b), after the words “Part III of this Act” there shall be inserted the words “, under the Licensing (Occasional Permissions) Act 1983”.

Short title, commencement and extent.

5.—(1) This Act may be cited as the Licensing (Occasional Permissions) Act 1983.

(2) This Act shall come into force at the end of the period of three months beginning with the day on which it is passed.

(3) This Act shall extend to England and Wales only.

SCHEDULE

Section 3.

OFFENCES

Interpretation

1.—(1) In this Schedule “authorised premises”, in relation to an occasional permission, means any place where the sale of intoxicating liquor is for the time being authorised by the permission.

(2) Any reference in this Schedule to an agent of the holder of an occasional permission includes a reference to any person assisting the holder of the permission with the sale of intoxicating liquor in the authorised premises.

False statements in applications

2. Any person who in an application for an occasional permission knowingly or recklessly makes any statement which is false in a material respect shall be guilty of an offence.

Failure to comply with conditions or produce permission

3. Any holder of an occasional permission who—

(a) fails to comply with a condition attached to it under section 1(3) of this Act, or

(b) on being ordered by a constable to produce it for examination, fails to do so within a reasonable time,

shall be guilty of an offence.

Sale of liquor to persons under 18

4.—(1) In any authorised premises the holder of the occasional permission or any agent of his shall not—

(a) knowingly sell intoxicating liquor to a person under eighteen, or

(b) knowingly allow a person under eighteen to consume intoxicating liquor in a bar,

and in those premises the holder of the permission shall not knowingly allow any person to sell intoxicating liquor to a person under eighteen.

(2) A person under eighteen shall not in any authorised premises buy or attempt to buy intoxicating liquor, nor consume intoxicating liquor in a bar.

(3) No person shall buy or attempt to buy intoxicating liquor for consumption in a bar in any authorised premises by a person under eighteen.

(4) Sub-paragraphs (1) and (2) above do not prohibit the sale to or purchase by a person who has attained the age of sixteen of beer, porter, cider or perry for consumption at a meal in a part of the premises which is set apart for the service of meals and is not a bar.

(5) Any person who contravenes any provision of this paragraph shall be guilty of an offence.

(6) Where, as regards any authorised premises, the holder of the occasional permission is charged with an offence under sub-paragraph (1) above in a case in which it is proved or admitted that he did not personally have the knowledge required for the commission of the offence charged, he shall not be convicted of the offence on the basis of another's knowledge if he proves that he exercised all due diligence to avoid the commission of an offence under that sub-paragraph.

(7) References in sub-paragraphs (1) to (3) above to a bar do not include a bar at any time when it is—

(a) set apart for the service of table meals ; and

(b) not used for the sale or supply of intoxicating liquor otherwise than to persons having table meals there and for consumption by such persons as ancillary to their meals.

Sale or serving of liquor by persons under 18

5.—(1) Any holder of an occasional permission who allows any person under eighteen to sell or serve any intoxicating liquor in the authorised premises shall be guilty of an offence.

(2) Where in any proceedings under this paragraph it is alleged that a person was at any time under eighteen, and he appears to the court to have then been under that age, he shall be deemed for the purposes of the proceedings to have then been under that age unless the contrary is proved.

Holder of permission not to allow drunkenness etc.

6.—(1) The holder of an occasional permission shall not permit drunkenness or any violent, quarrelsome or riotous conduct to take place in the authorised premises.

(2) The holder of an occasional permission shall not sell intoxicating liquor to a drunken person.

(3) Any person who contravenes this paragraph shall be guilty of an offence.

(4) Where, as regards any authorised premises, the holder of the occasional permission is charged with permitting drunkenness contrary to sub-paragraph (1) above in a case in which it is proved that any person was drunk in the premises, the burden of proving that the holder of the permission and his agents took all reasonable steps for preventing drunkenness in the premises shall lie upon him.

Procuring drink for drunken person

7. Any person who—

(a) in any authorised premises procures or attempts to procure any intoxicating liquor for consumption by a drunken person, or

(b) aids a drunken person in obtaining or consuming intoxicating liquor in any authorised premises, shall be guilty of an offence.

Power to exclude drunkards etc. from authorised premises

8.—(1) Without prejudice to any other right to refuse a person admission to premises or to expel a person from premises, the holder of an occasional permission may refuse to admit to, or may expel from, the authorised premises any person who is drunken, violent, quarrelsome or disorderly or whose presence in the authorised premises would subject the holder of the permission to a penalty under this Schedule.

(2) Any person liable to be expelled from any authorised premises under this paragraph who, when requested by the holder of the occasional permission or any agent of his or any constable to leave the premises, fails to do so shall be guilty of an offence.

(3) Any constable shall, on the demand of the holder of an occasional permission or any agent of his, help to expel from the authorised premises any person liable to be expelled from them under this paragraph, and may use such force as may be required for the purpose.

Right of constables to enter premises

9.—(1) For the purpose of preventing or detecting the commission of any offence under this Schedule a constable may enter any authorised premises at any time during the hours specified in the occasional permission under section 1(3)(c) of this Act.

(2) Any person who, whether himself or by any person acting with his consent, fails to admit a constable who demands entry to premises in pursuance of this paragraph shall be guilty of an offence.

Penalties for offences

10. Any person guilty of an offence under this Schedule shall be liable on summary conviction—

- (a) in the case of an offence under paragraph 2, 3(a) or 4(2) or (3) above, to a fine not exceeding the third level on the standard scale (as defined by section 75 of the Criminal Justice Act 1982 c. 48);
- (b) in the case of an offence under paragraph 4(1), 5 or 6 above, to a fine not exceeding the second level on that scale; and
- (c) in the case of an offence under paragraph 3(b), 7, 8(2) or 9(2) above, to a fine not exceeding the first level on that scale.

Proof of sale or consumption of intoxicating liquor

11.—(1) Evidence that a transaction in the nature of a sale of intoxicating liquor took place shall, in any proceedings relating

to an offence under this Schedule, be evidence of the sale of the liquor without proof that money passed.

(2) Evidence that consumption of intoxicating liquor was about to take place shall in any such proceedings be evidence of the consumption of intoxicating liquor without proof of actual consumption.

(3) Evidence that any person, other than the holder of an occasional permission or any agent of his, consumed or intended to consume intoxicating liquor in the authorised premises shall be evidence that the liquor was sold by or on behalf of the holder of the permission to that person.

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