



SUPPLEMENT

TO

The London Gazette

Of FRIDAY, the 11th of JUNE, 1915.

Published by Authority.

The Gazette is registered at the General Post Office for transmission by Inland Post as a newspaper. The postage rate to places within the United Kingdom is one halfpenny for each copy. For places abroad the rate is a halfpenny for every 2 ounces, except in the case of Canada, to which the Canadian Magazine Postage rate applies.

SATURDAY, 12 JUNE, 1915.

At the Court at Buckingham Palace, the 10th day of June, 1915.

PRESENT,

The KING's Most Excellent Majesty in Council.

WHEREAS by the Defence of the Realm Consolidation Act, 1914, His Majesty in Council has power during the continuance of the present war to issue regulations for securing the public safety and the defence of the Realm:

And whereas by the Defence of the Realm (Amendment) (No. 3) Act, 1915, His Majesty in Council has power to issue regulations under the first-mentioned Act, to take effect in any area to which they are applied under the said Amendment Act, for the purposes of the control by the State of the sale and supply of intoxicating liquor within the area:

And whereas for the purpose of increasing directly or indirectly the efficiency of labour in such areas, and preventing the efficiency of labour in such areas from being impaired by drunkenness, alcoholism, or excess, it is expedient to make such regulations as are hereinafter contained:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that in every area to which these Regulations are applied by an Order in Council made under the Defence of the Realm (Amendment) (No. 3) Act, 1915, the following provisions shall have effect:—

Constitution of Board.

1. The prescribed Government authority shall be a Board to be called the Central Control Board (Liquor Traffic) (hereinafter referred to as "the Board"), consisting of a chairman and such persons as the Minister of Munitions may from time to time appoint.

The quorum of the Board shall be such as the Board may determine, and the Board may regulate their own procedure, and no act or proceeding of the Board shall be questioned on account of any vacancy in the Board.

The Board may sue and be sued, and shall have an official seal which shall be officially and judicially noticed, and such seal shall be authenticated by any two members of the Board or the Secretary to the Board.

The Board may appoint a Secretary and such officers, inspectors and servants for the purpose of these Regulations as the Board, subject to

the approval of the Treasury as to number, may determine.

Every document purporting to be an order or other instrument issued by the Board and to be sealed with the seal of the Board authenticated in manner provided by these Regulations, or to be signed by the Secretary to the Board or any person authorised by the Board to act on behalf of the Secretary, shall be received in evidence, and be deemed to be such an order or instrument without further proof unless the contrary is shown.

Any property acquired by the Board shall be vested in such two or more members of the Board as the Board may appoint to act as trustees on their behalf for the purpose, and upon the death, resignation, or removal of a trustee the property vested in that trustee shall, without conveyance or assignment, and whether the property is real or personal, vest in the succeeding trustees either solely or together with any surviving or continuing trustees, and, until the appointment of succeeding trustees, shall so vest in the surviving or succeeding trustee only; and in all legal proceedings whatsoever concerning any property vested in the trustees the property may be stated to be the property of the trustees in their proper names as trustees for the Board without further description.

Powers of Board to control Sale of Liquor.

2. For the purposes of the control of the sale and supply of intoxicating liquor in any area, the Board may by order—

(a) direct that any licensed premises or club in the area in which intoxicating liquor is sold by retail or supplied shall be closed either for all purposes or for the purpose of such sale or supply;

(b) regulate the hours during which any such premises or clubs are to be or may be kept open distinguishing, where it is so determined, the hours during which the premises are to be or may be kept open for such sale or supply as aforesaid, and the hours during which they are to be or may be kept open for other purposes, and any such order shall have effect notwithstanding anything in the law relating to licensing or the sale of intoxicating liquor;

(c) prohibit the sale by retail or supply of any specified class or description of intoxicating liquor in any licensed premises or club in the area;

(d) provide that the sale by retail or supply of intoxicating liquor in any licensed premises or club in the area shall be subject to such conditions or restrictions as may be imposed by the order;

(e) regulate the introduction of intoxicating liquor into the area and the transport of intoxicating liquor within the area;

(f) require the business carried on in any licensed premises in the area to be carried on subject to the supervision of the Board; and any such order may include such incidental and supplemental provisions as appear to the Board necessary for the purpose of giving full effect to the order, and may be made applicable to all licensed premises and clubs within the area or any specified class or description of such premises and clubs, or to any particular premises or club.

If any person contravenes the provisions of any such order, or any conditions or restrictions imposed thereby, he shall be guilty of a summary offence against the Defence of the Realm (Consolidation) Regulations, 1914.

Power for Board to prohibit Sale of Liquor except by themselves.

3. The Board may by order prohibit the sale by retail, or the supply in clubs or licensed premises, of intoxicating liquor within the area, or any part thereof specified in the order, by any person other than the Board, and if any person contravenes or fails to comply with the order he shall, without prejudice to any other penalty, be guilty of a summary offence against the Defence of the Realm (Consolidation) Regulations, 1914:

Provided that the order may except from the provisions thereof any specified class or classes of premises or clubs.

Power to prohibit Treating.

4. The Board may by order make such provisions as they think necessary for the prevention of the practice of treating within the area, and if any person contravenes the provisions of any such order he shall be guilty of a summary offence against the Defence of the Realm (Consolidation) Regulations, 1914.

Power to establish Refreshment Rooms.

5. The Board may either themselves or through any agents establish and maintain in the area, or provide for the establishment and maintenance in the area of, refreshment rooms for the sale or supply of refreshments (including, if thought fit, the sale or supply of intoxicating liquor) to the general public, or to any particular class of persons, or to persons employed in any particular industry in the area.

Power to acquire premises.

6. Where the Board consider that it is necessary or expedient for the purpose of giving proper effect to the control of the liquor supply in the area, they may acquire compulsorily or by agreement, either for the period during which these Regulations take effect or permanently, any licensed or other premises in the area, or any interest in any such premises:

Provided that the Board may, in lieu of acquiring any interest in such premises, take possession of the premises and any plant used for the purposes of the business carried on therein for all or any part of the period during which these Regulations take effect, and use them for the sale or supply of intoxicating liquor or for the purpose of any of the other powers and duties of the Board.

Procedure for Compulsory Acquisition.

7. Where the Board determine to acquire compulsorily any premises or any interest therein, they shall serve on the occupier of the premises and, if any person other than the occupier will be affected by the acquisition of the interest proposed to be acquired, also on any person who appears to the Board to be so affected, notice of their intention to acquire the premises, or such interest therein as may be specified in the notice, and where such a

notice is served, the fee simple in possession of the premises or such interest in the premises as aforesaid shall, at the expiration of ten days from the service of the notice on the occupier, by virtue of these Regulations vest in the trustees for the Board, subject to or freed from any mortgages, rights, and interests affecting the same as the Board may by order direct.

On any premises or any interest therein becoming so vested in the trustees for the Board the trustees may—

(a) if the title to the premises is registered under the Land Registry Act, 1862, or the Land Transfer Acts, 1875 and 1897, enter a caveat or caution to prevent their estate or interest from being impaired by any act of the registered proprietor; and

(b) if the premises are situate in an area where registration of title is compulsory lodge a caution against registration of the premises; and

(c) if the premises are within the jurisdiction of the Acts relating to registration of assurances in Middlesex and Yorkshire register in Middlesex a memorial of the notice, and in Yorkshire an affidavit of vesting against the name of every person whose estate or interest is affected, and in Middlesex any such notice shall be deemed a conveyance.

A copy of the minutes of the Board to the effect that a notice has been served in accordance with this regulation, certified by the Secretary to the Board, or by any person authorised by the Board to act on behalf of the Secretary, to be a true copy, shall be evidence that the premises or interest therein mentioned in the minutes have become vested in the trustees for the Board.

Power to acquire Businesses.

8. Where the Board consider that it is necessary or expedient for the purpose of giving proper effect to the control of the liquor traffic in the area they may, by the like procedure, acquire any business (including stock in trade) carried on in any premises within the area, whether or not they take possession of or acquire the premises in which such business is carried on, or any interest in the premises.

Immunity from Licensing Law.

9. The Board may, without any licence (whether justices' or excise, and whether for the sale of intoxicating liquor or otherwise), carry on in any premises occupied by them any business involving the sale or supply of intoxicating liquor, refreshments, or tobacco, and for that purpose shall not be subject to any of the provisions of the law relating to licensing, or to any restrictions imposed by law on persons carrying on such business.

Any person appointed by the Board to conduct any business on their behalf shall have, to such extent as they may be conferred by the Board, the same powers as the Board of carrying on business without a licence, but all such persons shall in all other respects, except in such cases and to such extent as the Board may otherwise order, be subject to the statutory provisions affecting the holders of licences, and the occupiers of premises licensed, for any such

business as aforesaid, in like manner as if they were the holders of the appropriate licences, and to any restrictions imposed by law on persons carrying on any such business as aforesaid.

Provision of Entertainment and Recreation.

10. The Board shall have power, on any premises in which business is carried on by them or on their behalf, to provide or authorise the provision of such entertainment or recreation for persons frequenting the premises as the Board think fit, and where such provision is made or such authority is given no licence shall be necessary, and no restrictions imposed by law on the provision of the entertainment or recreation in question shall apply, except to such extent, if any, as the Board may direct.

Provision of Postal and Banking Facilities.

11. Arrangements may be made by the Board with the Postmaster-General and any other person for affording postal and banking facilities on or near premises in which business is carried on by or on behalf of the Board to persons frequenting such premises.

Provision as to Dilution of Spirits.

12. Where, by any conditions or restrictions imposed by the Board on the sale of spirits, the sale of any spirit is prohibited unless the strength of the spirit is reduced to a number of degrees under proof which falls between such maximum and minimum limits as may be specified, or where by any order of the Board the sale of spirit so reduced is permitted, section six of the Sale of Food and Drugs Act, 1879, shall within the area have effect, as respects that spirit, as if the maximum number of degrees under proof so specified were substituted for the number mentioned in that section.

Suspension of Covenants, &c.

13. All obligations under covenant, contract, or otherwise, to which the holder of a licence or the occupier of licensed premises is subject, and which the provisions of these Regulations or any action of the Board taken thereunder make it impossible for him to fulfil, or which are inconsistent with any conditions or restrictions imposed by the Board, shall be suspended so long as such impossibility or such conditions or restrictions continue, and shall not be binding during that period.

Suspension of Licences.

14. Where by virtue of any action taken by the Board under these Regulations the holder of any licence is temporarily prevented from carrying on his business as the holder of such licence, the licence shall be suspended, and the holder thereof shall be entitled to such repayment or remission of excise duty as he would have been entitled to had the licence been permanently discontinued, and at the expiration of the period during which the disability continues the licence, if a justices' licence, shall revive and have effect as if it had been granted for the then current licensing year, and a person who was the holder of an excise licence which has been suspended shall be entitled to take out an excise licence on payment of such an amount in respect of excise duty as would

have been payable by him had he commenced to carry on business at the expiration of that period:

Provided that if during the period for which any licence is so suspended a contingency occurs upon which a transfer of the licence might have been granted but for the suspension, a transfer may be granted either—

(a) at the time at which, and to a person to whom, a transfer might have been granted had the licence not been suspended; or

(b) after the expiration of the period to any person to whom a transfer might have been granted had the contingency occurred immediately after the expiration of the period.

Where a licence for the sale of intoxicating liquor is so suspended, the holder of the licence may, during the period of suspension, without further licence continue to carry on in the premises in respect of which the suspended licence was granted any business, other than the sale of intoxicating liquor, which had the suspended licence not been suspended he would have been entitled to carry on by virtue of that licence, but the premises shall be deemed to be duly licensed for the carrying on of such other business.

Power to grant Excise Licence on Authority of Certificate from Board.

15. An excise licence may, notwithstanding anything in the law relating to licensing, be granted as respects any premises in the area on the authority of a certificate from the Board, and any excise licence so granted shall be valid in all respects, and, subject to the provisions of these Regulations, the law relating to the holders of justices' licences shall apply to the holders of such certificates as if such a certificate was a justices' licence.

No such conditions need be attached to the grant of any such certificate as must be attached to the grant of a new justices' on-licence.

Delegation of Powers by Resolution.

16. Any powers conferred on the Board by these Regulations may, if the Board by resolution so determine, be exercised on behalf of the Board by any persons whom the Board may appoint for the purpose.

Supplemental Powers.

17. In addition to the powers expressly conferred on them by these Regulations, the Board shall have such supplemental and incidental powers as may be necessary for carrying into effect the purposes of these Regulations.

Powers of Inspectors.

18. Any inspector or other person authorised by the Board shall have power to enter, if need be by force, and inspect any licensed premises within the area and any club or other premises within the area where he has reason to believe that intoxicating liquor is sold by retail or supplied, to demand the production of and to inspect and take copies of or extracts from any books or documents relating to the business carried on therein, and to take samples of any intoxicating liquor found therein.

Prohibition on obstructing Inspectors, &c.

19. If any person obstructs or impedes any inspector or other person acting under the instructions or authority of the Board, or refuses to answer any question reasonably put to him by any such inspector or person, or makes or causes to be made any false statement to any such inspector or person, or refuses to produce any document in his possession which he is required by any such inspector or person to produce, he shall be guilty of a summary offence against the Defence of the Realm (Consolidation) Regulations, 1914.

Attempts to Commit Offences.

20. If any person attempts to contravene, or induces or attempts to induce any other person to contravene, any provision of these Regulations or any order made thereunder, or any conditions or restrictions imposed by the Board, he shall be guilty of a summary offence against the Defence of the Realm (Consolidation) Regulations, 1914.

Penalties.

21. A person guilty of a summary offence against the Defence of the Realm (Consolidation) Regulations, 1914, is liable to be sentenced to imprisonment with or without hard labour, for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine, and if the court so orders, to forfeit the goods in respect of which the offence is committed.

Exemption from Penalties under Licensing Law.

22. No person shall be liable to any penalty under the law relating to licensing or the sale of intoxicating liquor in respect of any action taken by him if such action is taken in pursuance of any order made or instructions given by the Board.

Notice to be given to the Commissioners of Customs and Excise.

23. The Board before acquiring any licensed premises or club or an interest therein, or taking possession of any licensed premises or club, shall give notice of their intention to the Commissioners of Customs and Excise, and where the Board carry on, or appoint or authorise any person to carry on, any business involving the sale or supply of intoxicating liquor they shall furnish to the Commissioners of Customs and Excise particulars as to the nature of the business to be carried on by him, and as to any person so appointed or authorised, and any other particulars required by the Commissioners.

Enforcement by Police.

24. It shall be the duty of the police to enforce these Regulations, and any orders of the Board made thereunder.

Application to Scotland.

25. These Regulations shall apply to Scotland subject to the following modifications:—

References to real or personal property shall be construed as references to heritable and moveable property respectively: "in-

“toxicating liquor” shall mean “exciseable liquor”: “fee simple in possession” shall mean “estate of the proprietor or lessor”: “mortgage” shall mean “heritable security”: and a reference to a justices’ licence shall be construed as a reference to a certificate as defined in Part VII of the Licensing (Scotland) Act, 1903.

In any case where under these Regulations the Board acquire or determine to acquire compulsorily any premises or any interest therein, a person transacting on the faith of any register of sasines with the proprietor or lessor of such premises or with any other person whose title is recorded in such register shall (notwithstanding anything in these Regulations contained) not be affected by any notice served by the Board or any vesting following thereon unless a certified copy of such notice has been recorded in the register of inhibitions prior to the completion of such transaction.

For the purpose of enabling the trustees for the Board to complete a title if thought fit to any heritable property or estate compulsorily acquired by the Board and vested in the trustees by virtue of these Regulations, by expeding a notarial instrument or otherwise, these Regulations shall be deemed to be and (without prejudice to any other method of completion of title) may be used as a general disposition or assignation of such property or estate in favour of the trustees.

Application to Ireland.

26. In the application of these Regulations to Ireland, the expression “excise licence” includes any licence for the sale of intoxicating liquor granted by an officer of excise, and the expression “justices’ licence” includes any certificate of a recorder, justice, or justices required for the grant of an excise licence.

Definitions.

27. For the purposes of these Regulations—

The expression “sale by retail” means sale other than sale to a trader for the purposes of his trade.

The expression “supply” in relation to intoxicating liquor means supply otherwise than by way of sale.

The expression “licensed premises” includes any premises or place where the sale of intoxicating liquor is carried on under a licence.

Short Title.

28. The Regulations may be cited as the Defence of the Realm (Liquor Control) Regulations, 1915.

Almeric FitzRoy.

At the Court at *Buckingham Palace*, the 10th day of *June*, 1915.

PRESENT,

The KING’s Most Excellent Majesty in Council.

WHEREAS by an Order in Council dated the twenty-eighth day of November, nineteen hundred and fourteen, His Majesty

was pleased to make regulations (called the Defence of the Realm (Consolidation) Regulations, 1914), under the Defence of the Realm Consolidation Act, 1914, for securing the public safety and the defence of the Realm:

And whereas the said Act has been amended by the Defence of the Realm (Amendment) Act, 1915, and the Defence of the Realm (Amendment) No. 2 Act, 1915:

And whereas the said regulations have been amended by Orders in Council, dated the twenty-third day of March, the thirteenth day of April, the twenty-ninth day of April, and the second day of June, nineteen hundred and fifteen:

And whereas it is expedient further to amend the said regulations in manner herein-after appearing:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that the following amendments be made in the said regulations:—

1. After Regulation 6 the following regulation shall be inserted:—

“6A. The power of the Secretary of State under section one hundred and fifty of the Factory and Workshop Act, 1901, by order, to the extent and during the period named by him, to exempt from that Act in case of any public emergency any factory or workshop belonging to the Crown or any factory or workshop in respect of work which is being done on behalf of the Crown, shall extend to any factory or workshop in which the Secretary of State is satisfied that by reason of the loss of men through enlistment or transference to Government service, or of other circumstances arising out of the present war, exemption is necessary to secure the carrying on of work which is required in the national interest.”

2. For Regulations 11 and 12 the following regulations shall be substituted, without prejudice however to any order made or proceedings commenced under the regulations so superseded, and any such order until revoked shall continue in force and have effect as if made under the regulations hereby substituted therefor:—

“11. The Secretary of State or any person authorised by him may by order direct that all lights, or lights of any specified class or description, shall be extinguished or obscured in such manner, between such hours, within such area, and during such period, as may be specified in the order, and if any light is not extinguished or obscured as required by the order, any person having control of the light for the time being, and the occupier or other person having control or management of or being in charge of any premises or any vehicle in or on which the light is displayed, shall be guilty of a summary offence against these regulations, and any person authorised by the Secretary of State in that behalf, or any police constable, or, if no police constable is available, any soldier or sailor on sentry patrol or other similar duty, may extinguish or obscure any light which is not extinguished or obscured in accordance with the order, and for that purpose may

enter any premises or stop and seize any vehicle or do any other act that may be necessary.

"Any such order as aforesaid may provide that vehicles or vehicles of any specified class or description shall, when travelling within the area specified in the order during the period to which the order applies, carry such lamps as may be specified in the order properly trimmed, lighted, and attached, and any police constable may stop and seize any vehicle which does not carry lamps in accordance with the order, and the person in charge or having control of the vehicle shall be guilty of a summary offence against these regulations.

"The powers conferred by this regulation shall be in addition to and not in derogation of the powers conferred on the competent naval or military authority by regulation 12, and the competent naval or military authority may, notwithstanding anything in an order under this regulation, on any occasion that he considers it necessary for any naval or military purpose require any lights to be lighted or kept lighted, or require lights on any vehicle to be extinguished.

"In the application of this regulation to Scotland, references to the Secretary for Scotland shall be substituted for references to the Secretary of State.

"12. The competent naval or military authority may by order direct that all lights or lights of any specified class or description shall be extinguished or obscured in such manner, between such hours, within such area, and during such period, as may be specified in the order, and, if any light is not extinguished or obscured as required by the order, any person having control of the light for the time being, and the occupier or other person having control or management of or being in charge of any premises or any vehicle in or on which such light is displayed, shall be guilty of an offence against these regulations, and any person authorised by the competent naval or military authority in that behalf, or any police constable, or any soldier or sailor on sentry patrol or other similar duty, may extinguish or obscure any light which is not extinguished or obscured in accordance with the order, and for that purpose may enter any premises or stop and seize any vehicle or do any other act that may be necessary.

"12A. No lamp shall without lawful authority be carried on any vehicle (other than a locomotive or carriage on a railway) which displays any coloured light except such coloured lights as may be required by any law or regulation for the time being in force.

"No lamp shall without lawful authority be carried on any such vehicle unless it is so constructed, fitted, and attached—

"(a) as not to be capable of movement independent of the movement of the vehicle; and

"(b) as not to throw light in any direction other than that in which the vehicle is proceeding or is intended to proceed, except in the case of lamps required by any

law or regulation for the time being in force to throw its light in some other direction.

"Where any lamp is carried in any vehicle in contravention of this regulation the person in charge or having control of the vehicle shall be guilty of an offence against these regulations:

"Provided that nothing in this regulation shall be construed as affecting the red and green side panels with which lamps used on vehicles are usually fitted."

3. After Regulation 14A the following regulation shall be inserted:—

"14B. Where on the recommendation of a competent naval or military authority or of one of the advisory committees hereinafter mentioned it appears to the Secretary of State that for securing the public safety or the defence of the Realm it is expedient in view of the hostile origin or associations of any person that he shall be subjected to such obligations and restrictions as are hereinafter mentioned, the Secretary of State may by order require that person forthwith, or from time to time, either to remain in, or to proceed to and reside in, such place as may be specified in the order, and to comply with such directions as to reporting to the police, restriction of movement, and otherwise as may be specified in the order, or to be interned in such place as may be specified in the order:

"Provided that any such order shall, in the case of any person who is not a subject of a state at war with His Majesty, include express provision for the due consideration by one of such advisory committees of any representations he may make against the order.

"If any person in respect of whom any order is made under this regulation fails to comply with any of the provisions of the order he shall be guilty of an offence against these regulations.

"The advisory committees for the purposes of this regulation shall be such advisory committees as are appointed for the purpose of advising the Secretary of State with respect to the internment and deportation of aliens, each of such committees being presided over by a person who holds or has held high judicial office.

"In the application of this regulation to Scotland, references to the Secretary for Scotland shall be substituted for references to the Secretary of State."

"Nothing in this regulation shall be construed to restrict or prejudice the application and effect of Regulation 14, or any power of internment of aliens who are subjects of any state at war with His Majesty."

4. In Regulation 18 for the words "any other information intended to be communicated to the enemy or" there shall be substituted the words "any information."

5. After Regulation 22 the following regulation shall be inserted:—

"22A. If any person, without lawful authority or excuse, uses or has in his possession or under his control any cipher, code, or other means adapted for secretly

communicating naval or military information, he shall be guilty of an offence against these regulations, unless he proves that the cipher, code, or other means of secret communication is intended and used solely for commercial or other legitimate purposes.

"Any person who has in his possession or under his control any cipher, code, or other means of secret communication shall, if required by the competent naval or military authority, or any person authorised by him, or by any police constable, supply the key or other means for deciphering it, and if he fails to do so shall be guilty of an offence against these regulations."

6. The powers of searching premises, and other incidental powers conferred by Regulation 51 on competent naval or military authorities and persons authorised by them, may be exercised by a police constable, and consequently in that regulation, after the words "any person duly authorised by him," there shall be inserted the words "or any police constable."

7. At the end of the first paragraph of Regulation 56A the following proviso shall be added:—

"Provided that a sentence of death shall not be imposed unless the jury find that the

offence was committed with the intention of assisting the enemy."

8. At the end of Regulation 58 the following paragraph shall be inserted:—

"In addition and without prejudice to any powers which a court may possess to order the exclusion of the public from any proceedings, if, in the course of proceedings before a court of summary jurisdiction against any person for an offence against these regulations or the proceedings on appeal, application is made by the prosecution, in the public interest, that all or any portion of the public shall be excluded during any part of the hearing, the court may make an order to that effect, but the passing of sentence shall in any case take place in public."

9. After Regulation 58A the following regulation shall be inserted:—

"58a. Where under these regulations any act if done without lawful authority or without lawful authority or excuse is an offence against these regulations, the burden of proving that the act was done with lawful authority or with lawful authority or excuse shall rest on the person accused."

Almeric FitzRoy.

