



Application of Enactments Ordinance 1954 (FLK No.13 of 1954)

Application of Colony Laws Ordinance 1955 (DS No.1 of 1955)

Licensing Act 1902 c.28

UK Legis LINK as originally enacted	Licensing Act 1902 c.28
English commencement	1 January 1903
English status	Remains partly in force, has been amended
AEO Schedule No.	1
Date applied in SGSSI:	1 November 1954
Extent of Application	Sections 1 and 5

s1 Apprehension of person found drunk and incapable in public place.

If a person is found drunk in any highway or other public place, whether a building or not, or on any licensed premises, and appears to be incapable of taking care of himself, he may be apprehended and dealt with according to law.

s5 Protection for wife or husband of habitual drunkard

- (1) Where the husband of a married woman is a habitual drunkard, as defined by section three of the Habitual Drunkards Act, 1879, the married woman shall be entitled to apply for an order under the Summary Jurisdiction (Married Women) Act, 1895, and that Act shall apply accordingly
- (2) Where the wife of a married man is a habitual drunkard as defined by section three of the [42 & 43 Vict. c. 19.] Habitual Drunkards Act, 1879, the married man shall be entitled to apply to a court of summary jurisdiction for an order under this subsection, and on any such application the court may make one or more orders

containing all or any of the following particulars :—

- (a) A provision that the applicant be no longer bound to cohabit with his wife (which provision while in force shall have the effect in all respects of a decree of judicial separation on the ground of cruelty) ;
- (b) A provision for the legal custody of any children of the marriage;
- (c) A provision that the applicant shall pay to his wife personally, or for her use to any officer of the court or other person on her behalf, such weekly sum not exceeding two pounds as the court, having regard to the means both of the applicant and his wife, consider reasonable ;
- (d) A provision for payment by the applicant or his wife, or both of them, of the costs of the court, and such reasonable costs of the parties or either of them as the court may think fit.

Subject to the foregoing provisions, the [58 & 59 Vict. c. 39.] Summary Jurisdiction (Married Women) Act, 1895, shall apply to an application and order under this subsection in like manner as it applies to an application and order under that Act, except that for references to a married woman and her husband shall be substituted references to a married man and his wife.

Provided that instead of making an order in pursuance of paragraph (a) of this subsection the court may, with the consent of the wife, order her to be committed to and detained in any retreat licensed under the Inebriates Acts, 1879 to 1900, the licensee of which is willing to receive her; and such order shall have effect as if she had been admitted to the retreat under section ten of the Habitual Drunkards Act, 1879, as amended by any subsequent enactment, and the court may order an officer of the court or a constable to remove her to the retreat accordingly.

Notes:

1. Consider the effect of all of the Principal Adaptive Provisions when determining whether this Act and its replacement in England has implications for the current laws of South Georgia and the South Sandwich Islands
2. Section 1 is likely to remain good law in South Georgia and the South Sandwich Islands as it remains in effect in England & Wales. It was subject to a minor amendment by way of the Serious and Organised Crime and Police Act 2005.
3. Section 5 was repealed in England & Wales by the Matrimonial Proceedings (Magistrates' Courts) Act 1960. It is doubtful whether this provision has any practical effect in South Georgia and the South Sandwich Islands.

Disclaimers:

1. Nothing on this website should be taken as being a representation of what the Commissioner or Government of South Georgia and the South Sandwich Islands considers to be the laws of South Georgia and the South Sandwich Islands.
2. The Government cannot guarantee that links to any other website, including www.legislation.gov.uk will remain current, active
3. The only official publication of the laws of South Georgia and the South Sandwich Islands is made in the *Gazette*.

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