

SCHEDULES

SCHEDULE 5

Articles 23(4), 24(1), 90(1).

APPLICATIONS FOR THE TRANSFER OF LICENCES

PART I

TRANSFER OF LICENCES

1. A person who intends to make an application for the transfer of a licence shall—
 - (a) not more than 6 weeks nor less than 2 weeks before the time of the court sitting at which the application is to be made, cause notice of the application to be published at least once in 2 newspapers circulating in the vicinity of the premises for which the transfer is sought;
 - (b) not less than 3 weeks before that time, serve notice of the application upon the clerk of petty sessions and at the same time serve a copy of the notice upon—
 - (i) the sub-divisional commander of the police sub-division in which the premises are situated;
 - (ii) where the applicant resides in some other police sub-division, upon the sub-divisional commander of that sub-division;
 - (iii) the district council for the district in which the premises are situated.
2. The notices mentioned in paragraph 1, shall specify the kind of premises for which the transfer of the licence is sought and shall be in such form and contain such other information as may be prescribed by magistrates' courts rules.
3. A sub-divisional commander upon whom notice is required by paragraph 1 to be served, the district council mentioned in that paragraph or any person owning, or residing or carrying on business in, premises in the vicinity of the premises for which the transfer of the licence is sought shall be entitled to appear at the hearing of the application and to object to the transfer of the licence on either of the following grounds—
 - (a) that the applicant is not a fit person to hold a licence; or
 - (b) that—
 - (i) the business carried on in the premises under the licence, or
 - (ii) in the case of premises of a kind mentioned in Article 6(1)(c) to (g) other than an hotel in respect of which the note and record mentioned in Article 6(5)(a) have been made, the business to which the sale of intoxicating liquor under the licence is ancillary, has been discontinued.
4. A person intending to object under paragraph 3 shall, not less than 1 week before the time mentioned in paragraph 1(a),—
 - (a) serve upon the applicant notice of his intention to object, briefly stating his grounds for so doing;
 - (b) serve a copy of the notice upon the clerk of petty sessions.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

5.—(1) Before or at the hearing of the application for the transfer of a licence, the applicant shall deposit the licence with the clerk of petty sessions.

(2) Where the applicant has not possession of the licence and the court has reason to believe that the licence is in the possession of some other person the court may order that person to deposit it with the clerk within a period specified in the order and if he contravenes the order without reasonable excuse he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

PART II

TRANSFER OF LICENCES PROVISIONALLY GRANTED

6. Part I shall apply for the purposes of an application for the transfer of a licence provisionally granted subject to the following modifications—

- (a) where the application relates to a licence for premises about to be constructed or in the course of construction, for any reference to the vicinity, the police sub-division or the district in which the premises are situated there shall be substituted a reference to the vicinity, the police sub-division or the district in which the premises are to be situated;
- (b) paragraph 3(b) shall be omitted.